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HISTORY OF THE IMMIGRATION AND
NATURALIZATION SERVICE



A REPORT

PREPARED AT THE REQUEST OF

SENATOR EDWARD M. KENNEDY, *Chairman*

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

FOR THE USE OF

THE SELECT COMMISSION
ON IMMIGRATION AND REFUGEE POLICY

PREPARED BY THE

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IMMIGRATION SERVICE

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(II)

FOREWORD

This is the sixth special immigration study I have requested the Congressional Research Service to prepare in support of the work of the Select Commission on Immigration and Refugee Policy. Presented here is a history of the Immigration and Naturalization Service.

Because the administrative structure of the Immigration Service is a direct product of U.S. immigration goals and policies, it was felt that a history of that Service would illuminate how those goals and policies were implemented over the years. Our country has attempted to administer an immigration policy for less than 100 years—not even half the life of our Nation. Since then, our immigration service has grown in fits and starts, with frequent efforts to reorganize and strengthen its function.

Today we are at another juncture of change. But as the Select Commission and the Congress ponder recommendations on restructuring the Immigration and Naturalization Service, it is well to review where we have been on this issue before—because some of the questions and problems of the past are with us again.

The following report provides this historical perspective. Prepared by Sharon Masanz, Technical Information Specialist in the Education and Public Welfare Division of the Congressional Research Service, it will provide Commissioners, as well as the Congress and public at large, with a better understanding of the administrative and structural questions surrounding the Immigration and Naturalization Service.

EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary.



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LETTER OF SUBMITTAL

December 4, 1980

Honorable Edward M. Kennedy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

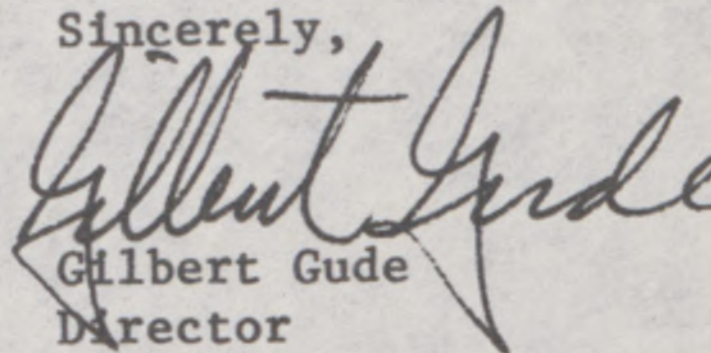
Dear Mr. Chairman:

I am pleased to submit a report on the history of the Immigration and Naturalization Service (INS) which was prepared at your request by the Congressional Research Service.

The report was written by Sharon D. Masanz, Technical Information Specialist, Education and Public Welfare Division, with the guidance of Joyce Vialet, Specialist in Social Legislation, Education and Public Welfare Division. The report presents the chronological development of INS within the context of U.S. immigration policy.

We hope that this report will serve the needs of the Committee on the Judiciary, as well as the needs of other committees and Members of Congress concerned with immigration.

Sincerely,


Gilbert Gude
Director

Enclosure

(V)

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TESTIMONY OF WITNESSES

HEARINGS OF THE

December 1950

and the
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20540

Mr. [Name]

I am pleased to submit a report on the history of the
and the [Organization] (H.R. 100) which was prepared at your request by the
Congressional Research Service.

The report was written by Sharon D. Thomas, Executive Director
of the [Organization], and under the direction of the [Organization]
to the [Organization] of the [Organization] and the [Organization].
The report covers the organizational development of the [Organization]
from its inception to the present.

The report also contains a list of the [Organization] and the [Organization]
and a list of the [Organization] and the [Organization].

Sharon D. Thomas
Executive Director
[Organization]

cc: [Name]

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SUMMARY

This paper describes the chronological development of the Immigration and Naturalization Service (INS) within the context of Federal immigration policy. INS is basically a product of U.S. immigration policy and the history of INS sheds considerable light on how that policy has been implemented over the past century.

Efforts to centralize Federal control of immigration began in 1864. After several trial ventures, the Bureau of Immigration was established in the Department of Treasury in 1891. It was created to ensure Federal, as opposed to State, control over immigration; and its original function was to provide for the exclusion of certain categories of undesirables (for example, lunatics, criminals, paupers, and so forth).

Changes in U.S. policy toward immigration between 1891 and 1980 resulted inevitably in changes in the responsibilities of the agency administering that policy. Moreover, the agency's responsibilities grew within the world context during this period: wars and other international conflicts spurred people to leave their homes and seek entry to the United States; modes of travel changed and improved drastically, so over time ports of entry were more likely to be international airports than shipping ports; and developments in communications technology made it possible for people all over the world to learn about opportunities in the United States.

The first major changes in Federal immigration policy occurred in the period just prior to and during World War I (1909-1917), when the volume of immigration to the United States was increasing. Congress passed legislation that further restricted immigration to the United States by adding additional exclusions. Legislation was also passed that strengthened the enforcement powers of the Bureau of Immigration and broadened its responsibilities. The Bureau was given discretionary power to admit certain excluded groups in meritorious cases; it was required to issue rules and regulations regarding the admission or return of aliens; and it was required to inspect alien seamen. In addition, the Bureau performed certain special activities during the war, including participating in a passport-permit system for aliens wishing to enter the United States, and providing for the entry of imported labor.

The second major changes in policy were expressed in the Quota Act of 1921 (42 Stat. 4) and the 1924 Immigration Act (43 Stat. 153) which were the first to limit the number of immigrants to the United States. These acts were intended to control the anticipated flood of immigrants to the United States from war-torn Europe following World War I, and to limit the entry of people of certain nationalities who, it was felt, would be difficult for the United States to assimilate. The 1924 act also established three categories of alien entrants: nonimmigrants, nonquota immigrants, and quota immigrants. These acts broadened INS's inspection responsibilities and made them more complex by

adding categories under which admissions were to be regulated. In addition, limiting the number of people allowed to immigrate to the United States resulted in an increase in the number of surreptitious entries, as measured by the number of deportations. The need to better guard the border was recognized by Congress in 1924 and funds for a border patrol to be established within INS were appropriated that year.

In the years prior to the U.S. entry into World War II, there was growing tension in the United States over the hostilities in other parts of the world. Policy changes during this period, culminating in the Alien Registration Act of 1940, reflected a concern about national security. In 1933, immigration and naturalization functions had been combined as the Immigration and Naturalization Service (INS) in the Department of Labor. In 1940, INS was transferred from the Department of Labor to the Department of Justice as a national security measure designed to provide more effective control over aliens. After the transfer to the Department of Justice, INS's personnel were greatly increased, from 4,000 in fiscal year 1940 to 8,500 by the end of fiscal year 1942. Additional divisions were established in the Service to accomplish its broadened duties, including a Special Inspections Division to investigate problems related to the registration of aliens under the 1940 act. During World War II, INS was responsible for the detention of alien enemies, travel control, imported labor, and processing the increased number of petitions for naturalization.

U.S. policy for admitting persons fleeing persecution was first expressed in the Displaced Persons Act of 1948, providing for the entry of 205,000 such persons. To effect the entries, up to 50 percent of the quotas of affected countries were to be utilized, using as many future year's quotas as necessary. INS was responsible for the initial processing and the adjustment of status processing of these people. Between 1948 and 1978, a series of special refugee laws were enacted whereby, according to INS statistics, a total of 1,324,699 refugees were admitted to the United States. In addition, in 1980, approximately 125,000 Cubans and 11,000 Haitians were granted a special Cuban/Haitian entrant status. For the most recent groups admitted—the Indochinese refugees and the Cuban/Haitian entrants—the Service was required to establish temporary processing centers to deal with the large numbers of people arriving within a relatively short period of time.

In 1952, again focusing on internal security, Congress enacted the Immigration and Nationality Act of 1952 (Public Law 82-414) which preserved the national origins plan and the quota system but created preference categories for skilled aliens and relatives. The act also made all races eligible for immigration and naturalization; strengthened internal security provisions; and enlarged the grounds for exclusion while providing greater procedural safeguards for aliens subject to deportation. Each of these changes affected the work performed by INS. The new admission requirements included the use of a visa system which applied to most immigrants, and INS was responsible with the Department of State for the allocation of visas within the new quota system and preference categories. The act also increased the investigative work of the Service in determining exclusion, deportation, and denaturalization cases. After the 1952 act, INS experienced an

increase in litigation, partly due to problems in interpreting the new law and partly, according to INS, due to a general pattern of increased resort to the courts.

In 1965, the Immigration and Nationality Act Amendments of 1965 (Public Law 89-236; 79 Stat. 911) were passed, repealing the national origins quota system and greatly altering the system of preferences used to ration the distribution of immigrant visas. In place of nationality and ethnic considerations, the 1965 act substituted a system based primarily on reunification of families and needed skills. In 1976, Public Law 94-571 extended a slightly modified version of the seven-category preference system to the Western Hemisphere, and the Refugee Act of 1980 (Public Law 96-212; 94 Stat. 102) eliminated refugees as a category of the preference system. The changes in the criteria for admission instituted by the 1965 law were followed by yearly increases in the number of immigrant alien entrants, all of who were processed by INS. In addition, illegal alien apprehensions increased greatly after 1966, and INS was increasingly involved in attempts to both stem the number of entries and apprehend those who had entered illegally.

INS's increased responsibilities had been accompanied by a lack of organizational stability. Originally located in the Department of Treasury, it was transferred to the Department of Commerce and Labor in 1903, to the Department of Labor in 1913, and finally to the Department of Justice in 1940. Each shift reflected a perceived change in the agency's focus as expressed in immigration law.

The Service was reorganized many times and naturalization functions were added to the Service in 1906, separated in 1913, and added again in 1933. As early as the 1930's, it was being suggested that the border patrol forces of INS should be consolidated with the Coast Guard in the Department of the Treasury. By the 1970's, both INS's internal operations, for example, management practices, and its external operations, for example, its problems in effectively enforcing immigration law, were being severely criticized. Both the Nixon and Carter administrations suggested reorganization plans that would have transferred some of INS's functions and personnel to the Department of Treasury, to be combined with the Customs Bureau. Although these plans were not implemented, discussions concerning INS's difficulties and responsibilities continue.

HISTORY OF THE IMMIGRATION AND NATURALIZATION SERVICE

I. DEVELOPMENT OF A FEDERAL ROLE IN IMMIGRATION *

CONSTITUTIONAL AUTHORITY

Federal authority to regulate immigration is based on national sovereignty rather than on a specific grant in the Constitution. The concept of national sovereignty as the basis of regulating immigration derives from the U.S. Supreme Court case *Ekie v. United States* (142 U.S. 651, 1892).

Prior to this Supreme Court decision, the Articles of Confederation, adopted in 1778, made the citizens of each State citizens of every other State. The Constitution, adopted in 1788, made only one direct reference to immigration, in article I, sec. 9, clause 1. This clause provided that a tax or duty not to exceed \$10 per person migrating could be imposed through 1808. This clause was later interpreted by the Supreme Court to mean that the power to regulate immigration was given to the States for a period of 10 years, an exception to the general power to regulate commerce expressly assigned to Congress (7 How. 283, 1849). Article I of the Constitution also referred briefly to naturalization by stating that, "the Congress shall have power * * * to establish a uniform rule of naturalization. * * *"

EARLY FEDERAL LEGISLATION (THROUGH 1863)

Prior to 1819 there was little significant Federal legislation relating to immigration. The Federal attitude toward immigration was initially one of general nonintervention, the effect being to leave the responsibility with the individual States. The primary exception to this trend was the Alien and Sedition Act of 1798 (1 Stat. 570), which enabled the President to order the departure from the United States of any alien he deemed dangerous to the United States. This act was generally considered a political maneuver because it was a means by which the Federal Party could establish itself in power by disorganizing the immigrant support of the opposition party. The act proved unpopular and passed from existence at the end of its 2-year term.

The primary naturalization law during these early years was enacted June 18, 1798 (1 Stat. 566). It required clerks of court to furnish information relative to each record of naturalization to the Secretary

* Material in this chapter is from three major sources: Smith, Darrell, and H. Guy Herring. *The Bureau of Immigration; Its History, Activities, and Organization*. Baltimore, The Johns Hopkins Press, 1924; U.S. Congress. Senate. Committee on the Judiciary. *The Immigration and Naturalization Systems of the United States*. Senate Report No. 1515, 81st Congress, 2d session, April 1950. Washington, U.S. Government Printing Office, 1950; and Winings, L. Paul. *Development of Immigration and Naturalization Law and Service History*, Washington, U.S. Department of Justice, 1966.

of the Department of State. It also required aliens residing in the United States at that time, as well as those arriving thereafter, to register; monthly reports of these registrations were to be submitted by the clerks of court to the Department of State. This act was in force only 4 years. This and the other early Federal naturalization laws were patterned to some extent on the naturalization laws of the States. These Federal laws established the general requirements for naturalization, including 5 years' residence in the United States; good moral character; attachment to the Constitution of the United States; a formal declaration of intention; and witnesses. After 1802, no Federal naturalization legislation of major consequence was enacted until 1906.

Between 1819 and 1860, most Federal legislation affecting immigration was aimed at improving the conditions of steerage passengers enroute to the United States. Thus, the legislation was an indirect means of assisting immigrants entering the country via passenger ships. One major piece of such steerage legislation was passed on March 2, 1819 (3 Stat. 488). In addition to improving conditions for passengers, this law required that annual reports specifying the age, sex, occupation, country of citizenship, and intended residence of ship passengers be made to Congress by the Secretary of State. These lists were to be prepared by the captains of all vessels coming from foreign places. Because most such passengers were immigrants, these lists were, in essence, the first immigration statistics. The practice of submitting these lists continued from 1820 to 1870.

INITIAL EFFORTS TO ESTABLISH FEDERAL CONTROL OF IMMIGRATION (1864-90)

In 1864, Congress passed the first law which attempted to provide for centralized control of immigration by a Federal agency (13 Stat. 385). This act was intended to encourage immigration. It provided for the appointment by the President of a Commissioner of Immigration, with a term of office of 4 years, under the direction of the Department of State. The act authorized the employment of three clerks by the Commissioner of Immigration and gave him the responsibility of supervising an immigration office to be established in New York City under a superintendent of immigration. The New York Office, which could employ one clerk, was to oversee transportation for immigrants to their final destination in the United States and protect them from imposition and fraud. A sum of \$25,000 was appropriated for this act; it was repealed 4 years later in 1868 (15 Stat. 56).

Between 1864 and 1882, there was little legislative action regarding immigration. In the early 1870's, however, feeling against the importation of contract labor was developing and the general wish for limiting the immigration of such labor was reflected in congressional debates and the President's message in 1872. Initial restrictions on immigration came in 1875 in the form of an act to prohibit the admission of convicts and prostitutes (18 Stat. 477).

Court decisions from 1849 forward had also been strengthening the Federal role in immigration, culminating in the March 20, 1876, decision by the Supreme Court that ruled the immigration laws of

New York, California, and Louisiana were unconstitutional (*Henderson v. Mayor of the City of New York*, 92 U.S. 259). This decision dealt the death blow to the efforts by States to regulate immigration and to exclude certain undesirable aliens. In this decision, the court recommended that "this subject has been confined to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters applicable to all ports and all vessels, a serious question which has long been a matter of contest and complaint may be effectively and satisfactorily settled." The decision left the States powerless to levy a tax on incoming aliens.

Congress, however, did not enact a law regulating immigration until August 3, 1882 (22 Stat. 214). This act, referred to as the first general immigration law, provided for a system of central control of immigration through the States under the general supervision of the Secretary of the Treasury. The Secretary of the Treasury appointed State officers, usually designated to him by the Governor of the State, who were responsible for the thorough examination of alien passengers on arrival in the United States. The legislation provided for the exclusion of immigrants who were convicted of political offenses, lunatics, idiots, and persons likely to become public charges; and authorized the creation of an immigrant fund from the duty or tax of 50 cents collected from each alien who entered via water borders, to be used to defray the expenses of these activities.

Congress soon passed legislation that provided for additional exclusions. In 1882, the first of the Chinese Exclusion Acts (22 Stat. 58) was passed, providing for the suspension of immigration of Chinese laborers to the United States for 10 years. The Alien Contract Labor Law (23 Stat. 332), effective February 26, 1885, was aimed at the practice of some employers of importing cheap labor. This law made it illegal, with some exceptions, to import aliens or assist in importation or migration of aliens under contracts made previously for the performance of labor or services of any kind in the United States. However, it also barred foreign-born Chinese from citizenship. The law was originally to be effective for 10 years, but was extended periodically. It was made permanent in 1904.

The Alien Contract Labor law did not provide for inspection, for administrative machinery to enforce the provisions, or for the deportation of the offending contract laborers. Responsibility for administering the act was not assigned to the Secretary of the Treasury until 1887 (24 Stat. 414). That law authorized the Secretary to use the local State boards or officers he had designated under the 1882 act to report violations by alien arrivals; however, enforcement mechanisms were still lacking.

In 1887 Congress addressed the problems the Secretary of Treasury faced in enforcing the 1885 immigration laws by passing legislation (24 Stat. 414) that gave him the same power to exclude and deport contract laborers that he had been given under the 1882 act over criminals, paupers, idiots, and lunatics. This act was amended in 1888 (25 Stat. 565), giving the Secretary of the Treasury power to return within the year any immigrant landing contrary to this law and author-

izing him to pay informers furnishing information on violations of the law. On April 19, 1890, the Federal Government assumed responsibility for immigration at the port of New York in lieu of New York authorities.

The Federal role in immigration had progressed at this point to that of general supervision by the Secretary of the Treasury of the enforcement of immigration laws; the actual enforcement was carried out at the State level. Federal legislation had not yet centralized the supervision of general immigration matters, Chinese exclusions, and contract labor procedures.

THE IMMIGRATION ACT OF 1891

During the 1880's, concern regarding the growing number of immigrants mounted. The statistics shown in table 1 illustrate the increase in the number of people immigrating in these early years.

TABLE 1.—*Total immigration to the United States*

1821-30	143, 439
1831-40	599, 125
1841-50	1, 653, 275
1851-60	2, 571, 036
1861-70	2, 377, 279
1871-80	2, 812, 191
1881-90	5, 246, 613

Source: U.S. Department of Labor. Bureau of Immigration. 1923 Annual Report, p. 124.

In July 1888 the House of Representatives passed a resolution authorizing the appointment of a select committee to investigate the immigration situation. This committee, known as the Ford committee after its chairman, found that thousands of alien paupers, insane persons, and idiots were landing in the United States annually, many of them assisted in immigrating by the officials of their country of origin. The committee also reported that the provisions of the 1882 law excluding convicts were being violated and that remedial legislation was necessary (see H. Rept. No. 3792, 50th Cong., 2d sess.).

In 1889 a joint Senate and House committee on immigration was established in Congress and authorized to investigate the laws on immigration. This joint committee issued various reports, the findings of which included: that large numbers of aliens were being landed every year in violation of the 1882 act; that the contract-labor law was generally being evaded; that agents were sent to Europe to arouse interest in America by circulating glowing descriptions of the wages paid; that steamship companies had large numbers of agents soliciting passengers in Europe; and that immigration through Canada was a problem. The joint committee found that the chief cause of the large number of immigrants landed in violation of the 1882 law was the divided authority provided for the execution of the immigration act. The report says that because the Secretary of the Treasury had to act through State boards and commissions, the operation of the law became cumbersome and uncertain, due to the lack of a single responsible head. This committee presented a bill addressed to the problems which became the immigration act of 1891 (26 Stat. 1084).

With the Immigration Act of 1891, the dual State-Federal administration of immigration matters ended. The act established complete and definite Federal control of immigration by providing for the establishment of an office of the Superintendent of Immigration who would have charge of all immigration matters except the Chinese Exclusion Act, under the supervision of the Secretary of the Treasury. All the duties previously deferred to the State commissions, boards, or officers were transferred to U.S. inspection officials. To assist in this work, the law authorized a chief clerk and two first-class clerks. The 1891 act also codified existing immigration laws; made more complete provisions for the inspection and deportation of immigrants; provided for regulation of overland immigration; and extended and strengthened exclusions, including persons suffering from loathsome or contagious diseases, polygamists, and persons assisted by others to come to the United States.

In response to this new law, the first Federal immigration organization was established. On July 12, 1891, the Bureau of Immigration began operations in the Department of the Treasury; 24 border inspection stations were established at ports of entry along the seaboard and along the Canadian and Mexican borders; and medical inspections were conducted by the Marine Hospital Service. It is from this early structure that the present Federal immigration organization has evolved.

II. ORGANIZATION AND GROWTH OF THE FEDERAL BUREAU OF IMMIGRATION

ADMINISTRATIVE CHANGES (1891-1902)

Between 1891 and 1902, various miscellaneous legislation was passed that gradually enlarged the duties of the Superintendent of Immigration. The Legislative, Executive, and Judicial Act of March 2, 1895 (28 Stat. 764) contained changes that were particularly significant for the Bureau, including the following: The title Superintendent of Immigration was changed to Commissioner General of Immigration and this official was charged with the administration of the contract-labor laws as well as with previously assigned duties; five additional employees (chief clerk, confidential clerk, statistician and stenographer with power to act as immigrant inspector, messenger, and assistant messenger) were authorized; and allowances were made for three employees to be detailed to Washington, D.C., as conditions demanded.

The Sundry Civil Act of June 6, 1900 (31 Stat. 588, 611) further enlarged the duties of the Commissioner-General and explicitly assigned to him the responsibility for administering the Chinese exclusion laws. This act also allowed the addition of a special inspector to the Washington, D.C., staff. On April 29, 1902, the Chinese exclusion laws were clarified and extended by 32 Stat. 176; this law charged the Secretary of the Treasury with the duty of prescribing regulations for such exclusion. Collectors of customs determined the admissibility of Chinese, subject to appeal to the Secretary.

During the late 1890's several changes were made in the administration of the Bureau in response to the various legislative mandates discussed above. In addition, in 1899 inspection of immigrants at foreign ports was initiated under the earlier authority of 27 Stat. 449. However, the inspectors did not have the power to prevent embarkation of passengers unless such passengers were suffering from a communicable disease. They simply noted infirmities for the benefit of the Immigration Bureau should the infirm immigrants later arrive in the United States. In order to prevent shipping companies from transporting diseased or weak immigrants, the inspectors would inform the shipping companies that such immigrants would probably be refused admission to the United States upon their arrival making the companies responsible for returning them to their embarkation point.

Despite the administrative changes authorized by Congress, the Commissioner-General referred in the annual reports submitted during this period to organizational and other problems the Bureau faced. These problems were attributed, in part, to the increasing restrictions being placed on immigration, while the means of enforcement lagged behind. Of particular concern to the Commissioner-General was the need for the authority to separate customs and immigration

functions; a means to disperse alien immigrants to areas of the country where they were needed; to secure a physical record of every alien admitted to the United States; and to collect better statistics on emigration from the United States. He was also concerned about the increasing number of immigrants crossing into the United States via the Canadian border.

ADDITIONAL RESPONSIBILITIES (1903-6)

Some of these concerns were addressed by the legislation passed in 1903 (32 Stat. 825) which established the Department of Commerce and Labor. Because the work of the Bureau of Immigration focused primarily on foreign contract labor and the enforcement of laws barring such labor, the Bureau was transferred to the newly created department. The administration and enforcement of immigration laws and the powers and duties of the Commissioner-General were also strengthened by this law. The Commissioner was made responsible for all laws relating to immigration; he was given the authority for the control, direction, and supervision of all immigration employees; he was given rulemaking power; and he was assigned responsibility for prescribing forms of bonds, reports, and other papers used in the functions of the Bureau. On July 1, 1903, the Bureau was set up in the new Department of Commerce and Labor.

By the end of fiscal year 1906 the Immigration Bureau had grown to include over 1,200 employees, who were spread across the United States. Of these 1,200, 25 employees were housed at national headquarters. These 25 were the Commissioner-General; the chief clerk and actuary; the chief of the correspondence division; the assistant chief; six clerks and stenographers; the chief of the Chinese record division and one assistant; the chief of the immigration record division and one assistant; the chief of the accounts division and four assistants; the chief of the statistical division and one assistant; the law officer; the confidential clerk to the Commissioner-General; two messengers and an assistant messenger.

Much of the work of the Bureau consisted of written communications, including "an enormous daily correspondence with its officers alone, to which there is added a correspondence of among equal proportions with other branches of the Government and with private parties."¹ This workload was apparently increasing, as the Commissioner-General pointed out in the 1906 Annual Report that "a conservative estimate is that the work accomplished during 1905 has been three times as great as that for 1903, the last year of the Bureau's connection with the Treasury Department."²

CONCERNS OF THE BUREAU (1903-6)

During the period 1903-1906 the Commissioner-General reiterated in the annual reports concerns in several areas. In 1903 he again pointed out the need for additional means of enforcing existing restrictions. He said that the Bureau needed a clearer definition of responsibilities; and that both immigration and naturalization criteria should

¹ U.S. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Commerce and Labor. Washington, Government Printing Office, 1906, p. 101.

² Ibid., p. 103.

be strengthened by including exclusions for moral perverts, those with any physical disabilities, and those over age 60 unless they had children in the United States able to provide for them. Other problems addressed during this period included the need for a better distribution of immigrants throughout the United States; the desirability of having a physical inspection of aliens abroad before they embarked for the United States; the fraud and carelessness occurring in the naturalizing of aliens; and the increasing difficulties regarding illegal Mexican border crossings.

Several of the problems were addressed at length: The Bureau was concerned about the lack of uniformity in naturalization processes used by various State courts. In addition, the Bureau had concluded that "naturalization frauds are perpetrated both by residents of this country and persons abroad to an extent that is appalling."³ The criticisms of the naturalization process included the lack of uniformity in the practices of naturalization courts, in the records maintained, in the types of naturalization forms used, in the nature of proof required, and in the care exercised by different court officials in assuring adherence to the requirements fixed by law. The growing demand by Americans that higher naturalization standards be imposed, partially because of the use of easy and accessible naturalization of large blocs of immigrants for political purposes just before election days, intensified concern about improving the process.⁴ It was suggested that many of the deficiencies in the naturalization process at this time were "attributable largely to the absence of any centralized Federal supervision."⁵

A second problem was the Commissioner-General's perception that the physical and mental quality of recent immigrants was deteriorating from that of former years, partly because steamship companies were encouraging people to immigrate. To alleviate this problem he suggested that exclusions be increased to include illiterates; those who were old and feeble and incapable of self-support; children under age 17 unaccompanied by a parent unless they were joining another relative; and those without sufficient money to support themselves in case of sickness or unemployment. He also suggested that stationing medical officers abroad to examine the aliens prior to their embarkation would reduce the numbers of defectives arriving in the United States.

A third problem occupying the Bureau was that of arranging for a better distribution of immigrants in the United States. Chart 1 shows the percent of total immigration to each State between 1892 and 1906. This chart illustrates the problem of distribution; the Bureau was concerned that the continued concentration of immigrants in such areas as New York and Pennsylvania was detrimental to the assimilation of the immigrants and exacerbated labor problems since the immigrants were not moving to areas where labor was needed. These included many Southern States which expressed their desire that immigrants come (see, for example, Arkansas, Mississippi, Alabama, North Carolina, and South Carolina).

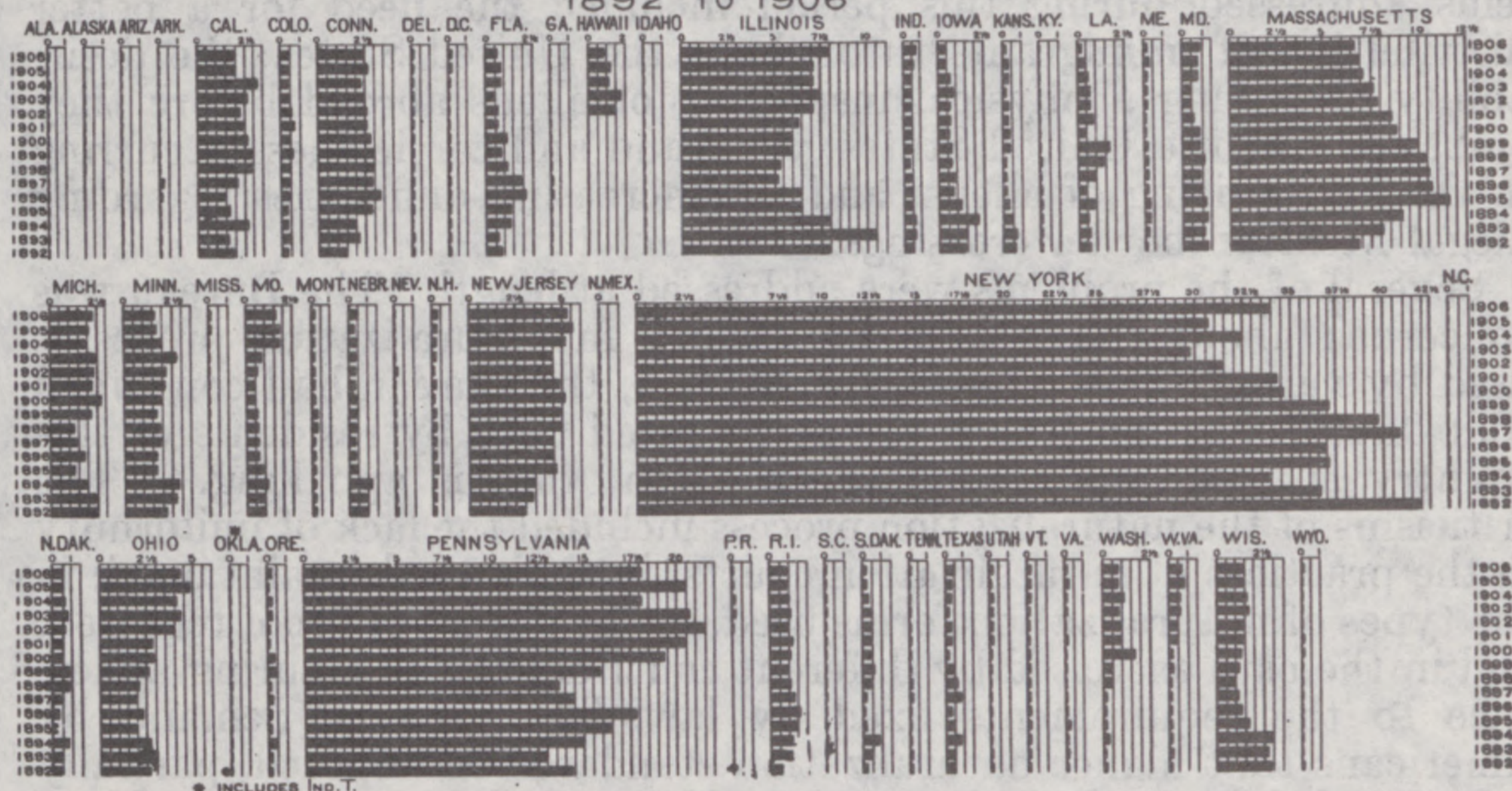
³ U.S. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Commerce and Labor. Washington, Government Printing Office, 1904, p. 105.

⁴ "Immigration Anniversary: 1891-1966," I and N Reporter, vol. 15, No. 1 (July 1966), p. 3.

⁵ Oliver, Perry M. and Waller, Charles E. "Budgetary and Fiscal Administration in the Immigration and Naturalization Service." Paper presented before the Round Table on Budget Planning, Society for Advancement of Management, Jan. 24, 1946, p. 4.

CHART 1

BUREAU OF IMMIGRATION AND NATURALIZATION

PER CENT OF TOTAL IMMIGRATION TO EACH STATE
1892 TO 1906

A final problem discussed at length during this period was the enforcement of both the immigration and Chinese exclusion laws on the Canadian and Mexican borders. The Bureau felt it could not adequately enforce the laws there because of the length of the border lines and the difficulty of providing sufficiently close patrol to prevent surreptitious entry. In 1904 the Commissioner-General assigned a small group of inspectors, never totaling more than 75 men, to patrol the Southern border on horseback. However, illegal entries continued despite this effort. By 1906 the Bureau felt adequate arrangements had been made with the transportation companies of Canada and that the laws were being more successfully enforced there, whereas the difficulties on the Mexican border were "constantly on the increase."

THE UNION OF IMMIGRATION AND NATURALIZATION FUNCTIONS
(1906-7)

In 1905 a Presidential Commission was appointed by Theodore Roosevelt to study the immigration problems in the United States. On the recommendation of the Commission, Congress passed in June 1906 legislation that brought together the immigration and naturalization functions under the Bureau of Immigration, which became the Bureau of Immigration and Naturalization (34 Stat. 596). Thus, for the first time, a central Federal agency existed for the supervision of the naturalization of aliens and the maintenance of naturalization records. The law also established fundamental procedural safeguards regarding naturalization. The power to grant or deny naturalization continued to be vested in the courts, but duplicates of every naturalization form were to be filed with the Bureau of Immigration and Naturalization. Uniform fees were fixed; clerks of court were required to account to the Bureau of Immigration and Naturalization for fees; standard naturalization forms were prescribed; and various other standards

were provided for. However, although the Bureau of Immigration and Naturalization was responsible for the central administration of the naturalization statutes, the field work relating to naturalization was done by representatives of the offices of the U.S. attorneys under the Department of Justice (DOJ).

In response to the legislation, the Naturalization Division was established on July 14, 1906. A chief, one clerk, and a messenger staffed the division initially, with additional personnel to be added as the requirements of the work necessitated. Preliminary work to be accomplished included writing regulations to make the law operative; and organizing an inspection and record system. The law also necessitated the appointment of additional immigrant inspectors and naturalization examiners.

After the Naturalization Division began operating, the bulk of its work consisted of receiving and preparing correspondence; organizing filing and accounting systems; establishing administrative procedures; and examining the duplicate declarations, petitions, and certificates transmitted to it by clerks of courts. The 1907 Annual Report notes that the procedures of the Naturalization Division constituted a "wide departure from the lax naturalization proceedings in operation heretofore."⁶ By June 30, 1907, the personnel of this division consisted of: a Division Chief; an Assistant Division Chief; 18 clerks; one copyist; one messenger; and one assistant messenger.

However, by 1907 the Immigration and Naturalization Bureau had begun chafing at the use of representatives of the U.S. attorneys for the naturalization field work. The Commissioner-General reported:

[the] experience of the division for the past 9 months has shown conclusively both as a measure of economy and of efficiency, that there should be appointed for service throughout the U.S. outside of Washington, a corps of examiners. Even if it were in agreement with the practice in the DOJ to engage in the work, through the various U.S. attorneys and their assistants, of collecting evidence in behalf of the Government for use in cases in which the latter is a party, which it is not, such a plan is both cumbrous and expensive. * * *⁷

The Commissioner-General further pointed out that with the volume and type of work required of the U.S. attorneys, they were unable to conduct thorough enough investigations of each case to obtain evidence for successful cross-examinations. He thus suggested that Congress authorize a corps of examiners "to investigate the statements made in the petitions, as well as to ascertain the competency and credibility of the witnesses."⁸ This problem, however, was not addressed by Congress until 2 years later.

⁶ U.S. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration. Washington, U.S. Government Printing Office, 1907, p. 114.

⁷ *Ibid.*, p. 123.

⁸ *Ibid.*, pp. 146-147.

were provided however, although the Bureau of Immigration and Naturalization is responsible for the control administration of the naturalization process, the bulk of the work for naturalization was done by special agents of the U.S. Effort under the Department of Justice (DOJ).

The work of the Bureau of Immigration and Naturalization was established in 1906, and a massive re-organization of the work was undertaken in 1940. The new organization included a major re-organization of the work of the Bureau of Immigration and Naturalization, and a major re-organization of the work of the Bureau of Customs and Border Protection.

After the merger, the Bureau of Immigration and Naturalization was organized to carry out the major functions of the Bureau, including the processing of immigrants, the control of the border, and the administration of the Bureau's affairs. The Bureau's work was divided into three major areas: the processing of immigrants, the control of the border, and the administration of the Bureau's affairs.

The Bureau of Immigration and Naturalization was re-organized in 1940, and the work of the Bureau was divided into three major areas: the processing of immigrants, the control of the border, and the administration of the Bureau's affairs. The Bureau's work was divided into three major areas: the processing of immigrants, the control of the border, and the administration of the Bureau's affairs.

The Bureau of Immigration and Naturalization was re-organized in 1940, and the work of the Bureau was divided into three major areas: the processing of immigrants, the control of the border, and the administration of the Bureau's affairs. The Bureau's work was divided into three major areas: the processing of immigrants, the control of the border, and the administration of the Bureau's affairs.

III. THE PREWAR PERIOD

THE GROWTH OF IMMIGRATION AND RESTRICTIONS IMPOSED

In the early 20th century, the volume of immigration continued to grow, partially because it was a period of worldwide economic distress. Table 2 shows the number of immigrants for each year for the period 1892 through 1907. This table demonstrates the significant increases after 1904.

TABLE 2.—*Immigrant aliens admitted to the United States, fiscal years 1892-1907*

1892	579, 663
1893	439, 730
1894	285, 631
1895	258, 536
1896	343, 267
1897	230, 832
1898	229, 299
1899	311, 715
1900	448, 572
1901	487, 918
1902	648, 743
1903	857, 046
1904	812, 870
1905	1, 026, 499
1906	1, 100, 735
1907	1, 285, 349

Source: Department of Commerce and Labor. Bureau of Immigration. Fiscal year 1907 Annual Report, p. 43.

Although the number of aliens refused admission in accordance with various restrictions had also increased, the restrictions were not adequate to offset the growth in numbers of people immigrating. Table 3 shows the number of aliens refused admission to the United States, by category of refusal from 1892-1907.

The growth in the number of immigrants resulted in demand for more restrictive legislation. Bills were introduced in the 58th and 59th Congresses to limit immigration, and President Theodore Roosevelt addressed the topic in his remarks to the 59th Congress. It was not until the 59th Congress, 2d session, however, that legislation was passed to further restrict immigration to the United States. This law (34 Stat. 898) increased exclusions by adding imbeciles, feeble-minded persons, persons with physical or mental defects which might affect their ability to earn a living, persons afflicted with tuberculosis, children not accompanied by their parents, persons who admitted commission of a crime involving moral turpitude, and women coming to the United States for immoral purposes.

TABLE 3.—Aliens refused admission at seaports and those returned after landing, fiscal years ended June 30, 1892–1907

Year.	Immigrants.	Debarred.												Returned in 1 year after landing.	Returned in 3 years after landing.		
		Idiots.	Insane persons.	Paupers, or likely to become public charges.	Loathsome or dangerous contagious diseases.	Convicts.	Polygamists.	Anarchists.	Prostitutes.	Persons who procure or attempt to bring in prostitutes.	Assisted immigrants.	Accompanying aliens.	Contract laborers.			Without passport.	Under provisions of Chinese-exclusion act.	Total debarred.
1892.....	579,663	4	17	1,002	80	26		80		23		932			2,164	637	
1893.....	439,730	3	8	431	81	12						518			1,053	577	
1894.....	285,631	4	5	802	15	8		2				553			1,389	417	
1895.....	258,536	6		1,714		4				1		694			2,419	177	
1896.....	343,267	1	10	2,010	2							776			2,799	238	
1897.....	230,832	1	6	1,277	1	1				3		328			1,617	263	
1898.....	229,299	1	12	2,261	258	2				79		417			3,030	199	
1899.....	311,715	1	19	2,599	348	8				82		741			3,798	263	
1900.....	448,572	1	32	2,974	393	4		7		2		833			4,246	356	
1901.....	487,918	6	16	2,798	309	7		3		50		327			3,516	363	
1902.....	648,743	7	27	3,944	709	9		3				275			4,974	465	
1903.....	857,046	1	23	5,812	1,773	51	1	13		9		1,086			8,769	547	
1904.....	812,870	16	33	4,798	1,560	35		9		3	38	1,501			7,994	300	479
1905.....	1,026,499	38	92	7,898	2,198	39	3	1	24	4	19	1,164		394	11,879	98	747
1906.....	1,100,735	92	139	7,069	2,273	205	5	1	30	2		180	2,314	122	12,432	61	615
1907.....	1,285,349	29	189	6,866	3,822	341	10		18	1		134	1,434	60	13,064	70	925

Source: Department of Commerce and Labor. Bureau of Immigration and Naturalization. 1907 Annual Report, p. 14.

CONCURRENT GROWTH IN ADMINISTRATIVE RESPONSIBILITIES OF THE IMMIGRATION AND NATURALIZATION BUREAU

The 1907 act also clarified some of the responsibilities of the Immigration and Naturalization Bureau, allowing the Commissioner-General to detail immigration officers and surgeons abroad, with the approval of the Secretary of Commerce and Labor; to prescribe the duties of the commissioners of immigration at the several ports, with the approval of the Secretary of Commerce and Labor; and to prescribe regulations for the inspection of aliens along the borders of Canada and Mexico, under the direction of the Secretary of Commerce and Labor. The act also facilitated enforcement of some of the provisions of the act by specifying additional fines.

A major expansion of the Immigration and Naturalization Bureau was authorized by this act which provided for a new Division of Information. This Division was to promote a "beneficial distribution among the States of aliens immigrating" to the United States, thus addressing one concern expressed by the Bureau. The Division was established on July 1, 1907, and began its work by attempting to determine where labor opportunities existed in the United States and then making a list of these opportunities available to immigrants who were applying for information to the inspector in charge in New York. Beneficial distribution was interpreted by the Bureau to mean that it would be of benefit to the alien, to the locality in which he locates, and that, incidentally, it would benefit the "congested localities (cities) to which the alien is induced not to go."⁹

⁹ U.S. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Commerce and Labor for the fiscal year ended June 30, 1911. Washington, Government Printing Office, 1912, p. 4.

CHANGES IN THE IMMIGRATION AND NATURALIZATION BUREAU
(1909-17)

Between 1909 and 1917 the Immigration and Naturalization Bureau underwent numerous changes, reflecting the changes in national immigration priorities and the changes in economic and social problems facing the Nation. Much legislation was passed during these years that affected immigration and resulted in adjustments within the Bureau.

As mentioned earlier, the Bureau had been greatly concerned about its lack of control over the field force under the U.S. attorneys in the DOJ. In 1909 legislation was passed that transferred the force to the Department of Commerce and Labor and placed it under the direction and control of that Department (35 Stat. 982). This act, then, put the personnel responsible for the field work of the Bureau of Immigration and Naturalization under that Bureau. Another law passed in 1909 abolished the immigrant fund, providing that such moneys would be deposited in the Treasury as revenue receipts and that specific annual appropriations would be made thereafter to defray the costs of regulating the immigration of aliens into the United States (35 Stat. 945).

In 1910 legislation to suppress white slave traffic was passed (36 Stat. 825) and, in addition to the other responsibilities, the Commissioner-General of Immigration was designated the authority of the U.S. Government to receive and centralize information concerning the procuring of alien women and girls with a view to their debauchery.

Thus, by fiscal year 1910 the Bureau supervised the service as a whole and was responsible for the enforcement of immigration, contract-labor, white-slave, and Chinese-exclusion laws. To address problems encountered in administering these diverse activities, the Bureau inaugurated a plan to improve the general administration of the immigration laws, by both changing the methods used by make them more consistent and by using stricter supervision, centralized in Washington. The Bureau's plans to improve the administration of the immigration laws involved consolidating the local administration of the immigration regulations and the Chinese exclusion laws. This was accomplished by dividing the country into 23 districts, each under an officer who supervised both general immigration and Chinese exclusion regulations. The functions of the Naturalization Division and the Information Division, meanwhile, were carried out relatively independently under the supervision of the chiefs of each division. Thus, a dichotomy existed between the immigration, naturalization, and information functions of the Bureau.

On March 4, 1913, an act was passed that abolished the Department of Commerce and Labor and created in lieu two departments—the Department of Commerce and the Department of Labor (37 Stat. 737). This act provided for the transfer of the Bureau of Immigration and Naturalization to the newly created Department of Labor and divided the Bureau into two sections: the Bureau of Immigration, with the Commissioner-General at its head; and the Bureau of Naturalization, headed by the Commissioner of Naturalization. Thus, the Immigration Bureau was relieved of all matters relating to naturalization. The Commissioner-General commented in the 1913

annual report that since the "bureau proper, at any rate, never took an active part in the enforcement of those laws, but left the conduct of the division almost entirely to the supervision of the chief thereof, * * * the provision of law constituting the division a separate bureau is welcomed as a wise adjustment of the public business." ¹⁰

CONCERNS OF THE BUREAU (1909-17)

By 1910 concern was beginning to be expressed by the Immigration and Naturalization Bureau regarding the origin of immigrants. The Commissioner-General reported that "thoughtful people are more and more feeling that the immigration problem, which has been growing in importance * * * take on additional seriousness from the fact that to many of the aliens entered in recent years belong to races differing radically from the Teutonic and Celtic stocks and that the overstraining of our powers of assimilation is a real menace." ¹¹ The Commissioner pointed out that attempting to absorb the increasing number of Iberic and Slavic people might produce very serious consequences. Moreover, he maintained that the influx of this group of people was to a large extent induced by "steerers, runners, subagents, and usurers, more or less directly connected with steamship lines, the great beneficiaries of large immigration. * * *" ¹² There were significant increases, particularly in immigrants from Italy, Austria-Hungary, and Russia from 1903 through 1910. The Bureau's concern regarding racial assimilation continued to be expressed in annual reports through 1916.

Other concerns of the Bureau were repeatedly mentioned in the annual reports through 1916 as well. These concerns included the continuing problem of distributing immigrants across the country, to end the congestion of aliens in urban areas. Despite the creation of the Division of Information to facilitate this process, the Bureau said more needed to be done to assure that the aliens would be moving to parts of the country where labor was needed. The Bureau stressed this concern because they said the distribution of aliens would also help in the process of racial assimilation which was another of their concerns at this time.

Of particular significance to the Bureau was the status of the money previously collected as head tax and placed in the immigrant fund. Since 1909 this money has been deposited in the Treasury as revenue receipts, while the Bureau operated under annual appropriations from Congress. In 1913 the Commissioner-General pointed out that while the tax "did not quite pay expenses in some of the early years of Federal control of immigration, the Immigration Service has always, on the average, been more than supported by the 'immigrant fund.'" ¹³ Between 1894 and 1913, \$8,281,409.67 of the money collected in head tax was over and above the amount expended by the Bureau (see table 4). In addition, according to the Commissioner-General, the Bureau had expended \$3 million for the enforcement of Chinese-exclusion laws which had not been contemplated when the immigrant

¹⁰ U.S. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor for the fiscal year ended June 30, 1913. Washington, Government Printing Office, 1914, p. 18-19.

¹¹ U.S. Bureau of Immigration. Annual Report of the Commissioner General of Immigration to the Secretary of Commerce and Labor [fiscal year 1910]. Washington, Government Printing Office, 1910, p. 116.

¹² Ibid.

¹³ U.S. Bureau of Immigration. Fiscal year 1913 Annual Report, p. 34.

fund was initially established. In pointing out that the immigrant fund had become a revenue-producing enterprise, the Bureau was justifying its case for requesting additional money from Congress. The Commissioner-General pointed out that the "lack of sufficient funds, men, and facilities to properly and humanely enforce the law" handicapped efforts of the Bureau.

TABLE 4.—*Statement of receipts and expenditures for the immigration service during the following fiscal years*

Fiscal year.	Rate.	Receipts.	Expenditures.	Deficiency.	Balance.
1894.....	\$1	\$225,328.26	\$258,788.18	\$33,459.92	.....
1895.....	1	315,113.16	278,060.96	.....	\$37,052.20
1896.....	1	451,503.68	290,424.65	.....	161,079.03
1897.....	1	317,170.31	359,327.83	42,157.52	.....
1898.....	1	326,644.47	275,809.32	.....	50,835.15
1899.....	1	421,457.64	288,002.26	.....	133,455.38
1900.....	1	576,688.50	1,103,867.25	527,178.75	.....
1901.....	1	619,463.60	905,487.05	286,023.45	.....
1902.....	1	806,399.67	1,023,941.69	217,542.02	.....
1903.....	1	1,416,515.14	826,314.66	.....	590,200.48
1904.....	2	1,599,472.25	1,296,808.85	.....	302,663.40
1905.....	2	2,082,873.50	1,508,901.13	.....	573,972.37
1906.....	2	2,290,901.56	1,571,280.01	.....	719,621.55
1907.....	2	2,782,103.68	1,645,373.21	.....	1,136,730.47
1908.....	4	3,442,330.57	2,657,779.86	.....	784,550.71
1909.....	4	3,300,068.52	3,237,669.08	.....	62,399.44
1910.....	4	4,227,285.43	2,759,671.08	.....	1,467,614.35
1911.....	4	3,759,174.97	2,841,330.31	.....	917,844.66
1912.....	4	3,457,010.91	2,927,009.99	.....	530,000.92
1913.....	4	4,818,505.28	12,898,754.06	.....	1,919,751.22
Total, 20 years.....		37,236,011.10	28,954,601.43	1,106,361.66	9,387,771.33
Net balance.....					8,281,409.67

¹ Estimated.

Source: Department of Commerce and Labor. Bureau of Immigration. Fiscal year 1913 Annual Report. p. 32.

The Commissioner-General felt the Bureau was especially entitled to additional funds in view of the fact that they were producing revenues (i.e., in the immigrant fund) in excess of their expenditures.

IV. THE WAR YEARS

THE IMMIGRATION ACT OF 1917

A joint Commission on Immigration, known as the Dillingham Commission after its Chairman, Senator William P. Dillingham, was created to study immigration problems under the authority of the 1907 act. In 1911 the Commission published its findings which totaled 42 volumes. The Commission recommended that: (1) the United States should carefully consider the appropriate process and desired results of assimilation; (2) immigration laws should be made applicable to alien seamen; (3) those unable to read or write a language should be excluded; and (4) limits should be placed on the number of persons of each race allowed to enter the United States each year, calculated on a percentage of the average of that race arriving during a previous given period of years.¹⁴ According to a subsequent Senate Report, these findings "paved the way for the Immigration Act of 1917."¹⁵

During World War I, opposition to immigration intensified, particularly immigration coming from the south and east of Europe. Reasons given for this opposition included the alleged illiteracy of people from those areas and the concern that they were of races that were more difficult for the United States to assimilate. This opposition coalesced in the Immigration Act of 1917 (39 Stat. 874) which codified all previous immigration provisions excluding aliens; repealed all inconsistent prior acts; and added to the inadmissible classes the following: illiterates; persons of constitutional psychopathic inferiority; men, as well as women, entering for immoral purposes; chronic alcoholics; stowaways; vagrants; persons who had had one previous attack of insanity; and persons coming from a designated barred zone comprising most of Asia and the Pacific Islands. Although parts of the 1917 act were controversial (and the act was passed only over the President's veto), the restrictions were, as previously, based on the quality or character of immigrants rather than on a specific numerical quota, except as noted above.

The 1917 act broadened the role of the Immigration Bureau and gave discretionary power to the Secretary of Labor to admit certain excluded groups in meritorious cases. The law required the Commissioner-General to issue rules and regulations regarding the admission or return of certain aliens and regarding medical exams. It also described in detail the powers and duties of the Commissioner-General and the commissioners of immigration as well as the method of appointment of various immigration officers; and established

¹⁴ U.S. Congress. Senate. Reports of the Immigration Commission. Abstracts of Reports. Senate Document No. 747, 61st Cong., 3d sess., December 1910. Washington, Government Printing Office, 1911, p. 45-48.

¹⁵ U.S. Congress. Senate. Committee on the Judiciary. The Immigration and Naturalization Systems of the United States S. Rept. 1515, 81st Cong., 2d sess., April 1950. Washington, U.S. Government Printing Office, 1950, p. 54.

boards of special inquiry at various ports to determine cases of exclusion and deportation.

Another provision of the 1917 act expanded the Immigration Bureau's responsibilities for the inspection of alien seamen. The act required that a list of alien employees on vessels be submitted to the Immigration Service; and that these employees be examined for disease and detained for treatment if necessary, the cost to be charged against the vessels that brought them to the United States. To accomplish this work, the Service appointed in 1918 a Special Representative for Seamen's Work.

ACTIVITIES OF THE BUREAU DURING WORLD WAR I

World War I halted most of the immigration to the United States from Europe. Immigration dropped steadily during 1915, 1916, 1917, and 1918, as shown in table 5. However, despite the drop in the numbers of people processed as part of the normal duties of the Immigration Bureau, the war brought different responsibilities. The Bureau's involvement in war activities is described below.

TABLE 5.—*Immigrant aliens admitted to the United States, fiscal years 1908-18*

Year ended June 30:

1908	782, 870
1909	751, 786
1910	1, 041, 570
1911	878, 587
1912	838, 172
1913	1, 197, 892
1914	1, 218, 480
1915	326, 700
1916	298, 826
1917	295, 403
1918	110, 618

Source: U.S. Department of Labor. Bureau of Immigration. Fiscal year 1918 Annual Report.

Passport-permit work

As protection from spies and enemy agents, it was decided early in the war that all persons entering the United States by either seaports or the Mexican border should be carefully scrutinized. This was accomplished through a system of passport-permits, first utilized after July 26, 1917, when the Secretaries of State and Labor issued a joint order requiring passports and detailed information from aliens who wished to enter the United States during the war. This was followed by the act of May 22, 1918 (40 Stat. 559), "to prevent in time of war departure from and entry into the United States contrary to the public safety," which was made effective by the President's proclamation of August 8, 1918. The President's proclamation was followed by an Executive order establishing regulations for the complete control of travel of aliens to and from the United States. The joint order was continued by these regulations.

The regulations were enforced abroad by diplomatic and consular officers and in the United States by Treasury Department Custom Officers, U.S. attorneys, and the Bureau of Immigration. Designated immigration officers, among others, represented the Department of

State as permit agents for the examination of aliens seeking to depart from the United States, and as control officers for incoming travel at all ports of entry and for outgoing travel on the land boundaries. The Bureau was granted an appropriation of \$500,000 from the President's fund for national security and defense to create a temporary organization of inspectors and clerical workers to accomplish these tasks. Although this work was discontinued in fiscal year 1919, the passport-permit system that had been established was described in the 1919 annual report as more complete and effective than any ever put into operation by the U.S. Government; the Commissioner-General suggested that such a system should be permanently adopted by the United States.

Importation of labor

By 1918 a labor shortage had developed in the United States and there was pressure from the public on Congress and the Immigration Bureau to use Mexican workers to fill this need. However, immigration laws and regulations were an obstacle to using these workers. The Immigration Bureau yielded to the pressures in 1917 by amending the immigration rules to temporarily suspend the literacy test, payment of head tax, and the contract-labor provisions for aliens wishing to enter the United States from Mexico for necessary war work, including agricultural employment, railroad labor, work on certain buildings under construction by the Government, and labor in the mines. The workers were admitted under the authority of the ninth proviso to section 3 of the Immigration Act of 1917. Authority for the admission of this class of aliens was terminated on March 2, 1921. Between 1917 and 1921 a total of 72,862 such workers were admitted to the United States.¹⁶

Other war work

The Bureau was also involved in determining the status under the immigration laws of enemy aliens remaining in the country and instituted deportation proceedings for those in violation of the law, under the authority of the act of October 16, 1918 (40 Stat. 1012).

BUREAU CONCERNS

At the end of fiscal year 1919, the Commissioner-General reported that

as immigration laws have been extended more and more into new fields and as their restrictive features have become more stringent, making it more difficult for the inadmissible classes to enter the United States, so there have been added greater responsibilities and a vast amount of labor not before usual in the bureau's administrative work. Thus, the bureau has made recommendations for additions to its legal staff and other subdivisions, which it considers absolutely necessary to meet the growing business and responsibilities that rest upon it. When it is considered that the bureau is practically an appellate tribunal * * * it can readily be seen that it is not unreasonable to request that it be supplied with officers learned in the law and with experts in immigration work to enable it to pass upon the difficult problems constantly arising.¹⁷

¹⁶ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1921]. Washington, Government Printing Office, 1921, p. 7.

¹⁷ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1919]. Washington, Government Printing Office, 1919, p. 68.

These concerns were reiterated in fiscal year 1920, when the increases in the work of the Service were detailed in the annual report. The work increases were due in part to the growth in the number of admissions over 1919, and to the services necessary to comply with the requirements of the seamen's provisions of the 1917 immigration law which "materially increased not only the work but the responsibilities of the Immigration Service."¹⁸ The Commissioner-General pointed out that there was a need not only for an increase in the number of personnel in the field from 1,700 to 2,500, but an increase in pay as well. Regarding this topic, the Commissioner suggested that a classification system for employees, including efficiency ratings, was necessary to better equip the Bureau. Other personnel matters included a request for law examiners to deal with Bureau work at headquarters that required knowledge of immigration laws and regulations as well as laws covering constitutional, international, and municipal questions; and transportation expenses for the transfer of employees which "other services" made allowance for.¹⁹

¹⁸ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1920]. Washington, Government Printing Office, 1920, p. 54.

¹⁹ *Ibid.*, p. 56.

V. POST-WORLD WAR I—DEVELOPMENT OF QUOTA SYSTEMS

PASSAGE OF THE 1921 QUOTA LAW

At the conclusion of World War I, there was concern that an uncontrolled flood of immigrants from the war-ravaged countries of Europe would descend upon the United States. This concern was summarized in the 1919 annual report as follows:

Economic pressure and political unrest and oppression are all potent promoters of emigration. The first, of course, accounts for the greater part of the enormous movement from Europe to the New World, but the effect of the German revolution of 1848, and other political disturbances, in this regard must not be overlooked, nor can we forget that oppression, as well as economic causes, was behind the great Jewish influx from Russia and Rumania. At the present time disturbed economic and political conditions both prevail in intensified form over a great part of Europe, instead of only locally as in the past.²⁰

At the end of fiscal year 1921 the Bureau pointed to the increasing number of arrivals (see table 6 below) as evidence that an unprecedented number of persons were seeking to enter the United States.

TABLE 6.—Immigrant aliens admitted to the United States, fiscal years 1919–21

Year ended June 30:	
1919.....	141, 132
1920.....	430, 001
1921.....	805, 228

Source: U.S. Department of Labor. Bureau of Immigration. Fiscal year 1921 Annual Report.

In addition to concern regarding the number of immigrants, attention continued to focus on the source of these immigrants. Concern was also beginning to focus on unemployment and housing problems in the United States that might be exacerbated by an influx of immigrants. Restrictive legislation was increasingly called for. During the 65th and 66th Congresses, several bills were introduced that prohibited immigration for various periods of time. As described later by the Commissioner-General, Congress came to recognize that "even the comprehensive immigration law of 1917, including the literacy test, would afford only a frail barrier against the promised rush from the war-stricken countries of Europe."²¹

It was not until 1921, however, that additional restrictive measures were approved by Congress in the form of a quota law (42 Stat. 5) which limited the number of persons of any nationality who could enter the United States to 3 percent of the number of foreign-born persons of that nationality who lived here in 1910. The law was in addition to existing immigration law and was a temporary measure, to expire on June 30, 1922. This quota limit law "marked the beginning of actual restriction or limitation of immigration to the U.S. from Europe, Africa, Australia, and a considerable part of Asia.* * *"²²

²⁰ U.S. Department of Labor. Fiscal year 1919 Annual Report, p. 45.

²¹ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1923]. Washington, Government Printing Office, 1923, p. 3.

²² U.S. Department of Labor. Fiscal year 1923 Annual Report, p. 2.

Under the quota law, the Secretaries of State, Commerce, and Labor were to determine the quotas for the countries concerned. The quotas were to be based on the number of persons from that country living in the United States in 1910, taking into account the countries that had been created and boundaries that had been changed since that time. Table 7 shows the quotas assigned. The Commissioner-General stated in the fiscal year 1922 annual report that "the difficulties attending this task will be appreciated when it is considered that among the countries and areas in Europe and Asiatic Turkey to which quotas were allotted only 8 had emerged from the war period with the same boundaries, while 9 had been newly created and the boundaries of 13 others changed."²³

TABLE 7.—Immigration of aliens into the United States under the per centum limit act of May 19, 1921, during the fiscal years 1921-22

Country or place of birth.	Total admissible during fiscal year 1921-22. ¹	Number admitted and charge to quota during the fiscal year 1921-22. ²	Per cent of quota admitted.
Albania.....	288	280	97
Austria.....	7,451	4,797	64.4
Belgium.....	1,563	1,581	101.2
Bulgaria.....	302	301	99.6
Czechoslovakia.....	14,282	14,248	99.8
Danzig.....	301	85	28.2
Denmark.....	5,694	3,284	57.6
Finland.....	3,921	3,038	77.5
Fiume.....	71	18	25.3
France.....	5,729	4,343	75.9
Germany.....	68,059	19,053	28
Greece.....	3,294	3,447	104.7
Hungary.....	5,638	6,035	107.2
Italy.....	42,057	42,149	100.2
Luxemburg.....	92	93	101.1
Netherlands.....	3,607	2,408	66.8
Norway.....	12,202	5,941	48.7
Poland (including eastern Galicia).....	25,827	26,129	101.1
Portugal (including Azores and Madeira Islands).....	2,520	2,486	98.6
Rumania.....	7,419	7,429	100.1
Russia (including Siberia).....	34,284	28,908	84.4
Spain.....	912	888	97.4
Sweden.....	20,042	8,766	43.8
Switzerland.....	3,752	3,723	99.2
United Kingdom.....	77,342	42,670	55.2
Yugoslavia.....	6,426	6,644	103.5
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Memel, Monaco, San Marino, and Iceland).....	86	144	167.4
Armenia.....	1,589	1,574	99
Palestine.....	56	214	382.1
Syria.....	906	1,008	111.2
Turkey (Europe and Asia, including Smyrna District).....	656	1,096	166.9
Other Asia (including Persia, Rhodes, Cyprus, and territory other than Siberia, which is not included in the Asiatic barred zone. Persons born in Siberia are included in the Russia quota).....	81	528	651.9
Africa.....	122	195	159.8
Australia.....	279	279	100
New Zealand.....	54	75	138.9
Atlantic islands (other than Azores, Madeira, and islands adjacent to the American continents).....	65	83	127.7
Pacific islands (other than New Zealand and islands adjacent to the American continents).....	26	13	50
Total.....	356,995	243,953	68.3

¹ The quotas here given differ in some instances from the figures as originally published, the differences being due to the inclusion of the foreign-born population of Alaska, Hawaii, and Porto Rico in a revision of the basic population.

² Subject to possible slight revision due to pending cases in which additional admissions chargeable to the quotas of the fiscal year 1921-22 may occur.

Source: U.S. Department of Labor. Fiscal year 1922 Annual Report, p. 5.

²³ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1922]. Washington, Government Printing Office, 1922, p. 7.

A joint resolution approved May 11, 1922, extended operation of the Quota Act to June 30, 1924; the joint resolution amended the law by imposing a fine on transportation companies for bringing aliens to the United States in violation of the act, an addition applauded by the Immigration Bureau which commented that "it is certain that a considerable part of the difficulties which have arisen during the past year would have been avoided had violations of the law resulted in monetary loss to the carriers concerned."²⁴ When the quota law was extended the quotas were somewhat revised. Table 8 gives the comparative figures.

TABLE 8.—Immigration quotas allotted to specified countries or regions of birth and the number of aliens admitted and charged against such quota allotments, fiscal years ended June 30, 1922 and 1923

Country or region of birth.	1923		1922		Per cent of quota admitted.	
	Quota.	Number admitted.	Quota.	Number admitted.	1923	1922
Albania.....	288	288	288	280	100.0	97.0
Armenia.....			1,589	1,574		99.0
Armenia (Russian).....	230	230			100.0	
Austria.....	7,451	7,358	7,451	4,797	98.8	64.4
Belgium.....	1,563	1,563	1,563	1,581	100.0	101.2
Bulgaria.....	302	295	302	301	97.7	99.6
Czechoslovakia.....	14,357	14,357	14,282	14,248	100.0	99.8
Danzig, Free City of.....	301	263	301	85	80.5	28.2
Denmark.....	5,619	5,226	5,694	3,284	93.0	57.6
Finland.....	3,921	3,921	3,921	3,038	100.0	77.5
Fiume, Free State of.....	71	67	71	18	94.4	25.3
France.....	5,729	5,034	5,729	4,343	87.9	75.9
Germany.....	67,607	49,258	68,059	19,053	73.0	28.0
Greece.....	3,294	3,294	3,294	3,447	100.0	104.7
Hungary.....	5,638	5,638	5,638	6,035	100.0	107.2
Iceland.....	75	59			78.6	
Italy.....	42,057	42,057	42,057	42,149	100.0	100.2
Luxemburg.....	92	92	92	93	100.0	101.1
Netherlands.....	3,607	3,607	3,607	2,408	100.0	66.8
Norway.....	12,202	12,202	12,202	5,941	100.0	48.7
Poland (including Eastern Galicia).....	31,146	29,730	25,827	26,129	95.5	101.1
Portugal (including Azores and Madeira Islands).....	2,465	2,465	2,520	2,486	100.0	98.6
Rumania.....	7,419	7,419	7,419	7,429	100	100.1
Russia (including Siberia).....	24,405	24,405	34,284	28,908	100	84.4
Esthonian region.....	1,348	241			17.9	
Latvian region.....	1,540	1,513			98.3	
Lithuanian and Memel regions.....	2,460	2,460			100	
Spain.....	912	912	912	888	100	97.4
Sweden.....	20,042	19,867	20,042	8,766	99.1	43.8
Switzerland.....	3,752	3,752	3,752	3,723	100	99.2
United Kingdom.....	77,342	77,342	77,342	42,670	100	55.2
Yugoslavia.....	6,426	6,426	6,426	6,644	100	103.5
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, and San Marino; and Memel and Iceland for 1922).....	86	86	86	144	100	167.4
Palestine.....	57	57	56	214	100	382.1
Syria.....	928	928	906	1,008	100	166.9
Turkey (European and Asiatic, including Smyrna region; and Turkish-Armenian region for 1923).....	2,388	2,388	656	1,096	100	111.2

Source: U.S. Department of Labor. Fiscal year 1923 Annual Report, p. 5.

BUREAU ORGANIZATION

In 1921 the Bureau was organized into three general areas: general administration; quasi-judicial agencies; and the field service. Administration included divisions covering central office administration,

²⁴ U.S. Department of Labor. Fiscal year 1922 Annual Report, p. 4.

as well as divisions that were responsible for the technical administration of the Bureau.

There were two quasi-judicial agencies: the Board of Special Inquiry, created to determine the status of immigrants detained under provisions of the law, with the power to determine whether an alien who had been held for further examination would be allowed to land or would be deported; and the Board of Review which studied all records on appeal from the excluding decisions of boards of special inquiry, and reviewed the transcripts of hearings accorded the aliens under warrants of arrest.

The Field Service performed the bulk of the work of the organization vis-a-vis individual immigrants, and dealt directly with entering aliens regarding their admission, exclusion, or expulsion. The Field Service was geographically divided into 35 districts covering the United States, Alaska, Hawaii, Puerto Rico, Canada, and a Chinese office in New York.²⁵ Of the 35 districts, 9 were under the supervision of a Commissioner of Immigration; 25 were under an Inspector-in-Charge; and 1 was under a supervisor. Table 9 shows the location of the district headquarters.

TABLE 9.—*Immigration Bureau district headquarters, fiscal year 1921*

District number:	Location
1	Montreal, Canada
2	Portland, Maine
3	Boston, Mass.
4	New York, N. Y.
5	Buffalo, N. Y.
6	Gloucester City, N. J.
7	Pittsburgh, Pa.
8	Baltimore, Md.
9	Norfolk, Va.
10	Jacksonville, Fla.
11	Detroit, Mich.
12	Cincinnati, Ohio
13	Atlanta, Ga.
14	Chicago, Ill.
15	St. Louis, Mo.
16	Memphis, Tenn.
17	New Orleans, La.
18	Winnipeg, Canada
19	Minneapolis, Minn.
20	Omaha, Neb.
21	Kansas City, Mo.
22	San Antonio, Tex.
23	Helena, Mont.
24	Denver, Colo.
25	El Paso, Tex.
26	Spokane, Wash.
27	Salt Lake City, Utah
28	Seattle, Wash.
29	Portland, Ore.
30	San Francisco, Calif.
31	Los Angeles, Calif.
32	Ketchikan, Alaska
33	San Juan, P. R.
34	Honolulu, T. H.
35	Galveston, Tex.

Source: U. S. Department of Labor. Fiscal year 1923 Annual Report, pp. 31-32.

²⁵ For more detailed information on the organization of the Bureau at that time, see Smith, Darrell, and H. Guy Herring. *The Bureau of Immigration; Its History, Activities, and Organization*. Baltimore, The Johns Hopkins Press, 1924, p. 112-117.

WORKLOAD

In fiscal year 1923 the Commissioner-General reported that the quota limit law had created new and difficult problems for the Service, and had also intensified existing problems—particularly that of preventing entry of illegal aliens. The Commissioner pointed out that under the new law, a full year's quota of any nationality could be admitted within the first 5 months of the year, even though it limited entries per month to 20 percent of the total number allowable. He pointed out that "fortunately for the Immigration Service applications for admission under some of the larger quotas were better distributed."²⁶

The number of immigrant aliens processed by the Immigration Bureau increased from 309,556 in fiscal year 1922 to 522,919 in fiscal year 1923. This increase was due primarily to increased entries from North America and Mexico, countries which were not under the scope of the quota limit act; some of the increase was also due to entry of natives of north and west European countries. This pattern was repeated in fiscal year 1924. Table 10 below shows the increase from North America and Mexico.

TABLE 10.—IMMIGRANT ALIENS ADMITTED TO THE UNITED STATES FROM NORTH AMERICA AND MEXICO, FISCAL YEARS 1912-24

	British North America	Mexico
Fiscal year:		
1912.....	55,990	23,238
1913.....	73,802	11,926
1914.....	86,139	14,614
1915.....	82,215	12,340
1916.....	101,551	18,425
1917.....	105,399	17,869
1918.....	32,452	18,524
1919.....	57,782	29,818
1920.....	90,025	52,361
1921.....	72,317	30,758
1922.....	46,810	19,551
1923.....	117,011	63,768
1924.....	200,690	89,336

Source: Fiscal years 1923 and 1924 annual reports of the Commissioner-General of Immigration.

Deportations and exclusions also rose after the passage of the quota act. Table 11 below shows the total number of exclusions from 1892 to 1924. Table 12 indicates what percentage of these exclusions were due to the per centum quota provisions for fiscal years 1923 and 1924.

²⁶ U.S. Department of Labor. Fiscal year 1923 Annual Report, p. 7.

TABLE 11.—Total debarred from entering, fiscal years 1892-1924

Year ended June 30:	Total debarred
1892	2, 164
1893	1, 053
1894	1, 389
1895	2, 419
1896	2, 799
1897	1, 617
1898	3, 030
1899	3, 798
1900	4, 246
1901	3, 516
1902	4, 974
1903	8, 769
1904	7, 994
1905	11, 879
1906	12, 432
1907	13, 064
1908	10, 902
1909	10, 411
1910	24, 270
1911	22, 349
1912	16, 057
1913	19, 938
1914	33, 041
1915	24, 111
1916	18, 867
1917	16, 028
1918	7, 297
1919	8, 626
1920	11, 795
1921	13, 779
1922	13, 731
1923	20, 619
1924	30, 284

Source: Fiscal year 1924 Annual Report of the Commissioner-General of Immigration, p. 128-129.

TABLE 12.—ALIENS DEBARRED

Fiscal year ended June 30:	Total debarred	Percent due to—	
		Percent limit law	Other causes
1923	20, 619	13.0	87.0
1924	30, 284	33.4	66.6

Source: Fiscal years 1923 and 1924 annual reports of the Commissioner-General of Immigration.

Table 13 shows the total number of aliens deported between 1892 and 1924.

TABLE 13.—*Aliens deported, fiscal years 1892-1924*

Year ended June 30—	Number deported	Year ended June 30—	Number deported	Year ended June 30—	Number deported	Year ended June 30—	Number deported
1892.....	637	1901.....	363	1910.....	2,695	1919.....	3,068
1893.....	577	1902.....	465	1911.....	2,788	1920.....	2,762
1894.....	417	1903.....	547	1912.....	2,456	1921.....	4,517
1895.....	177	1904.....	779	1913.....	3,461	1922.....	4,345
1896.....	238	1905.....	845	1914.....	4,610	1923.....	3,661
1897.....	263	1906.....	676	1915.....	2,564	1924.....	6,409
1898.....	199	1907.....	995	1916.....	2,781		
1899.....	263	1908.....	2,069	1917.....	1,853		
1900.....	356	1909.....	2,124	1918.....	1,569		

Source: Fiscal year 1924 Annual Report of the Commissioner General of Immigration, p. 12.

According to the Immigration Bureau, the increase in the various restrictions on alien entry into the United States was accompanied by an increase in the number of surreptitious entries and, eventually, in the establishment of a thriving smuggling industry. Entry across the Mexican border, which had "formerly been patronized almost exclusively by diseased or criminal aliens" seeking entry in violation of the laws, became, according to the Bureau, a place of entry for Europeans who could not gain admittance because of passport difficulties, illiteracy, or the quota law.²⁷ Moreover, there had been an increase in illegal Mexican immigration, according to the Immigration Bureau, primarily as a result of the illiteracy requirement enacted in the 1917 legislation. The 1922 Annual Report summarized the situation on the northern and southern borders:

From both our northern and southern land borders disconcerting reports of smuggling operations throughout the year have been received. No less disconcerting have been the reports from our Florida district of smuggling operations at points on the Atlantic and Gulf coasts of that State. Of course, smuggling across our land borders has not been confined to the year just passed . . . but the stringency of the existing passport regulations and of immigration laws has served to accentuate it . . . [Those] who have desired to evade the restrictions of the "quota" act have proceeded to both Canada and Mexico in large numbers, and it is these who have endeavored, and are endeavoring, to gain admission by stealth, usually with the aid of hired smugglers.²⁸

In addition, the problem of examining alien seamen arriving at U.S. ports became increasingly a burden to the Immigration Service. In fiscal year 1922, 21,219 vessels were boarded and 973,804 seamen examined. By fiscal year 1923, 26,818 vessels were boarded and 1,018,069 seamen were examined. Moreover, the number of seamen illegally entering the United States had increased drastically. Because seamen had a legal right to go ashore in any port, such desertions were difficult to prevent and had occurred to some extent ever since immigration laws began to regulate the unrestricted entry of aliens; however, under the quota law, the number of desertions increased drastically (see table 14).

The major difficulty faced by the Immigration Bureau in this regard was preventing the unlawful entry of aliens "in the guise of seamen," without interfering with the legal privileges of bona fide seamen.

²⁷ U.S. Department of Labor. Fiscal year 1923 Annual Report, p. 16.

²⁸ U.S. Department of Labor. Fiscal year 1922 Annual Report, p. 13.

TABLE 14

Fiscal year ending June 30:	Number deserting seamen reported
1911	6,594
1912	6,384
1913	9,136
1914	9,747
1915	6,458
1916	6,584
1917	8,572
1918	4,756
1919	3,388
1920	13,543
1921	21,839
1922	5,879
1923	23,194
1924	34,679

Source: Fiscal year 1924 Annual Report of the Commissioner-General of Immigration, p. 21.

THE 1924 IMMIGRATION ACT

An outgrowth of the 1921 quota act, the Immigration Act of 1924 (43 Stat. 153), addressed some of the problems faced by the Immigration Bureau. Under the 1924 act, the number of persons of each nationality who could be admitted to the United States annually was limited to 2 percent of the population of that nationality residing in the United States according to the 1920 census; not more than 10 percent of the annual quota could be admitted during any month except when the entire quota was less than 300 persons per year. The quota limitations applied to immigration from all countries except Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, and the independent countries of Central and South America. Table 15 shows the new quota limits, established in accordance with the 1924 act by the Secretaries of State, Commerce, and Labor. Table 16 is a comparison of the quotas established under the 1921 act and the 1924 act.

TABLE 15

Country or area of birth	Quota 1924-1925	Country or area of birth	Quota 1924-1925
*Afghanistan	100	*Muscat (Oman)	100
Albania	100	Nauru (proposed British mandate) (4)	100
Andorra	100	*Nepal	100
Arabian peninsula (1, 2)	100	Netherlands (1, 5, 6)	1,648
Armenia	124	New Zealand (including appertaining islands (3, 4)	100
Australia, including Papua, Tasmania, and all islands appertaining to Australia (3, 4)	121	Norway (5)	6,453
Austria	785	*New Guinea, and other Pacific Islands under proposed Australian mandate (4)	100
Belgium (5)	512	Palestine (with Trans-Jordan, proposed British mandate)	100
*Bhutan	100	Persia (1)	100
Bulgaria	100	Poland	5,982
Cameroon (proposed British mandate)	100	Portugal (1, 5)	503
Cameroon (French mandate)	100	Ruanda and Urundi (Belgium mandate)	100
*China	100	Rumania	603
Czechoslovakia	3,073	Russia, European and Asiatic (1)	2,248
Danzig, Free City of	228	Samoa, Western (4) (proposed mandate of New Zealand)	100
Denmark (5, 6)	2,789	San Marino	100
Egypt	100	*Siam	100
Estonia	124	South Africa, Union of (3)	100
Ethiopia (Abyssinia)	100	South West Africa (proposed mandate of Union of South Africa)	100
Finland	471	Spain (5)	131
France (1, 5, 6)	3,954	Sweden	9,561
Germany	51,227	Switzerland	2,081
Great Britain and Northern Ireland (1, 3, 5, 6)	34,007	Syria and The Lebanon (French mandate)	100
Greece	100	Tanganyika (proposed British mandate)	100
Hungary	473	Togoland (proposed British mandate)	100
Iceland	100	Togoland (French mandate)	100
*India (3)	100	Turkey	100
Iraq (Mesopotamia)	100	*Yap and other Pacific islands (under Japanese mandate) (4)	100
Irish Free State (3)	28,567	Yugoslavia	671
Italy, including Rhodes, Dodekanesia, and Castellorizzo (5)	3,845		
*Japan	100		
Latvia	142		
Liberia	100		
Liechtenstein	100		
Lithuania	344		
Luxemburg	100		
Monaco	100		
Morocco (French and Spanish Zones and Tangier)	100		

* For each of the countries indicated by an asterisk (*) is established a nominal quota according to the minimum fixed by law. These nominal quotas, as in the case of all quotas hereby established, are available only for persons born within the respective countries who are eligible to citizenship in the United States and admissible under the immigration laws of the United States.

Source: Fiscal year 1925 Annual Report of the Commissioner General of Immigration.

TABLE 16

Country or region of birth	Act of 1921	Act of 1924	Country or region of birth	Act of 1921	Act of 1924
Albania.....	288	100	Luxemburg.....	92	100
Armenia (Russian).....	230	124	Netherlands.....	3,607	1,648
Austria.....	7,342	785	Norway.....	12,202	6,453
Belgium.....	1,563	512	Poland.....	30,977	5,982
Bulgaria.....	302	100	Portugal.....	2,465	503
Czechoslovakia.....	14,357	3,073	Rumania.....	7,419	603
Danzig.....	301	228	Russia.....	24,405	2,248
Denmark.....	5,619	2,789	Spain.....	912	131
Esthonia.....	1,348	124	Sweden.....	20,042	9,561
Finland.....	3,921	471	Switzerland.....	3,752	2,081
France.....	5,729	3,954	Yugoslavia.....	6,426	671
Germany.....	67,607	51,227	Palestine.....	57	100
Great Britain, Ireland.....	77,342	34,007	Syria.....	882	100
Greece.....	3,063	100	Turkey.....	2,654	100
Hungary.....	5,747	473	Australia.....	279	121
Iceland.....	75	100	New Zealand and Pacific Islands.....	80	100
Irish Free State ¹		28,567	All others.....	492	3,100
Italy.....	42,057	3,845			
Latvia.....	1,540	142			
Lithuania.....	2,629	344			
			Total.....	357,803	164,667

¹ Included in Great Britain, Ireland, under act of 1921.

Source: Fiscal year 1924 Annual Report of the Commissioner General of Immigration, p. 27.

Other provisions of the 1924 act that were of particular significance for the Immigration Bureau included the following: The act authorized the examination of aliens regarding their admissibility to the United States prior to their embarkation, and the advance procurement of immigration visas by aliens seeking to enter the United States; and immigration officers were given the authority to order the detention of "pretending seamen on board vessels bringing them to a U.S. port and their deportation on the same vessel, the penalty for failure to so detain and deport being fixed at \$1,000 for each alien seamen".²⁹

Finally, the 1924 act designated three categories of aliens: non-immigrants (those who entered the country for temporary purposes only, except government officials, families, attendants, servants, and employees); nonquota immigrants (those who were not chargeable to quotas, for example, unmarried children under 18 years of age); and quota immigrants (those admitted within the 2 percent allotments of foreign born individuals of each nationality in the continental United States according to the 1890 census). The determination of eligibility for admission under these categories fell under the jurisdiction of the Immigration Bureau.

Congress addressed another concern of the Immigration Bureau, that of illegal border crossings, in 1924. Although the Service had maintained a small force of mounted guards on the Mexican border to deter alien smuggling, the growth of border running activities had led the Bureau to conclude that the Mexican border forces should be augmented and a similar force should be created for the Canadian border. In considering passage of the 1924 Immigration Act, Congress recognized the need for enforcement measures to accomplish the Immigration Service's duties regarding illegal entries. Thus, they

²⁹ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1924]. Washington, Government Printing Office, 1924. p. 22.

provided for a Border Patrol through an appropriations law (Act of May 28, 1924; 43 Stat. 240) which provided \$1 million for the Patrol; the Commissioner-General established this Patrol in June 1924.

The Bureau determined that although a force of at least 500 men was necessary to guard the borders, the appropriation available would cover no more than 450 employees. Nearly all of those appointed as employees for the Border Patrol were selected from the railway postal clerk register, as there was no existing civil service register for their positions.

BUREAU ACTIVITIES

Between 1924 and 1933, the Immigration Bureau's role changed in response to needs emerging from the institution of the new quota law. By the end of fiscal year 1932, the Commissioner General described the basic work of the Immigration Service as the exclusion and deportation of aliens. In fact, immigrant admissions in 1932 and 1933 had decreased greatly from previous numbers; and those for 1933, 23,068, were the lowest in the past 100 years. The following is a description of the areas of activity receiving the most emphasis from the Bureau during this period.

Illegal aliens

The Immigration Bureau had found that increasing numbers of aliens were attempting to enter the United States illegally. In response the Bureau expanded its work in two areas: increasing the number of deportation proceedings, and preventing illegal entry by aliens. Table 17 shows the rise in numbers of deportations from fiscal year 1918 through fiscal year 1933.

TABLE 17

Fiscal year ending :	Total aliens deported (under warrant proceedings)
1918.....	1, 569
1919.....	3, 068
1920.....	2, 762
1921.....	4, 517
1922.....	4, 345
1923.....	3, 661
1924.....	6, 409
1925.....	9, 495
1926.....	10, 904
1927.....	11, 662
1928.....	11, 625
1929.....	12, 908
1930.....	16, 631
1931.....	18, 142
1932.....	19, 426
1933.....	19, 865

Source: Annual Reports of the Commissioner-General of Immigration for years covered; Annual Reports of the Secretary of Labor for years covered.

The Border Patrol and the inspectors of alien seamen were considered responsible for preventing illegal entries into the country. In fiscal year 1926, the Border Patrol was reorganized to better handle the influx of people attempting to enter; and, yearly, the personnel and equipment budgets were increased. For example, the total per-

sonnel at the end of fiscal year 1924 was 450, whereas by the end of fiscal year 1930 this had increased to a total of 805. The Immigration Bureau accented the dangers of the Border Patrol's work in its annual reports and frequently spoke with pride regarding the type and dedication of the men working for the Border Patrol. Table 18 is a summary of apprehensions by the Border Patrol of aliens smuggled and smugglers of aliens between 1925 and 1933:

TABLE 18

	Aliens smuggled captured	Smugglers captured
1925.....	4,641	331
1926.....	3,382	331
1927.....	12,098	832
1928.....	18,000	330
1929.....	29,568	291
1930.....	20,815	269
1931.....	21,335	228
1932.....	21,579	149
1933.....	21,066	117

Source: Annual reports of the Secretary of Labor for years covered; annual reports of the Commissioner-General of Immigration for years covered.

Examinations abroad

In 1925 the examination abroad by American consuls of aliens wishing to immigrate was inaugurated; technical advisers from the Immigration Service provided assistance in immigration matters after fiscal year 1926. At the end of fiscal year 1927, 25 technical advisers from the Immigration Service had been assigned to various European cities.³⁰ At the same time, the Surgeon General of the Public Health Service detailed medical examiners to the consulates to advise upon mental and physical defects under immigration laws. This system of pre-embarkation examination of aliens greatly decreased the rejects at ports of entry in the United States, as demonstrated in table 19. In addition, the Commissioner-General pointed out that the use of this system was of "untold advantage in reducing the complaints which always attended the so-called 'visitor cases,' in that it has permitted the examination and release direct from the ship of aliens of the nonimmigrant classes. * * *"³¹

TABLE 19

Fiscal year ending:	Aliens debarred at port of arrival	Percent of all applicants debarred
1925.....	25,390	5.2
1926.....	20,550	4.0
1927.....	19,755	3.5
1928.....	18,839	3.6
1929.....	18,127	3.6
1930.....	8,233	1.8
1931.....	9,744	3.4
1932.....	7,064	3.9

Source: Annual reports of the Secretary of Labor for the years covered.

³⁰ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1927]. Washington, U.S. Government Printing Office, 1927, p. 9.

³¹ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1926], Washington, Government Printing Office, 1926, p. 4.

Other Bureau activities

Admissions were allowed under the 1924 act in several categories, as explained previously. The administration of these categories of admissions increased and altered the workload of the Immigration Bureau. Statistics for the period show the increase yearly in the number of nonquota and preference visas issued; the number of nonquota students admitted; reentry permits issued; and administrative fines levied. The fiscal year 1926 annual report points out that there had also been increases in the number of applications to import contract labor; a growing tendency to apply for permission to import unskilled labor; and inquiries from "all classes of residents" regarding immigration questions, from all points of view.³²

BUREAU CONCERNS

Yearly, the Bureau requested money for additional staff. As an indication of the gravity of the situation, the Commissioner-General stated in fiscal year 1928 that "we have simply got to have the men or else we cannot enforce the law."³³ In fiscal year 1929 he pointed out the pressing need for a larger bureau and field force if efficient administration of the laws was to be had. At the same time, the inadequacy of the salaries given immigration inspectors was a matter of concern. A New York Times editorial printed November 13, 1924, discusses the anomaly of steamship companies paying customs service employees overtime fees while immigration inspectors were not compensated by either the companies or the Government for overtime though they were often working long and arduous hours.

The Immigration Bureau had, in addition, several other major concerns at this time. These included the belief that naturalization requirements should be strengthened; that a system for keeping track of alien visitors to the United States should be established; that a registry of aliens should be instituted; and that the whole body of law dealing with immigration should be codified.

Other Bureau concerns related to: the desire that quotas be determined by the country of birth rather than by national origin; that quotas should be fixed for natives of countries of the Western Hemisphere so that the "stream of immigration of these peoples" could be checked; that there be various types of extensions of the nonquota status (that is, unmarried stepchildren, under 21 years of age, of American citizens should be added); that the exemption from the literacy requirements be broadened; that the grounds for exclusion and deportation be broadened to include those who showed an interest in an organization "that has for one of its objects the destruction of this Government by force;"³⁴ and that the Commissioner-General with the approval of DOL be authorized to declare a preference by occupation when issuing quota visas to aliens needed for our economic

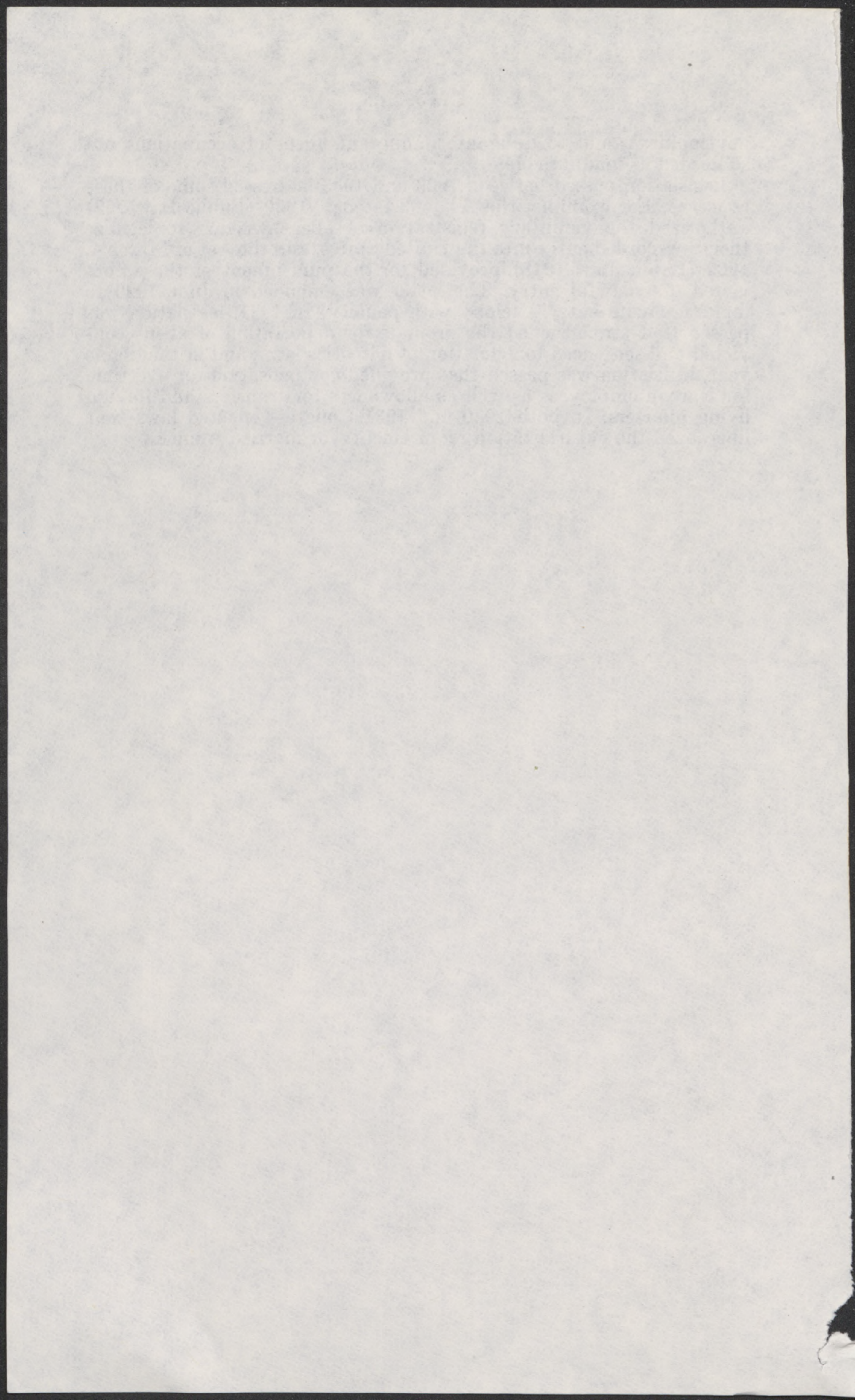
³² *Ibid.*, p. 11-12.

³³ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1928]. Washington, Government Printing Office, 1928, p. 3.

³⁴ U.S. Department of Labor. Bureau of Immigration. Annual Report of the Commissioner-General of Immigration to the Secretary of Labor [fiscal year 1930]. Washington, Government Printing Office, 1930, p. 45.

development, and to designate immigrant aliens of occupations not so needed as inadmissible.

Legislation passed between 1929 and 1933 addressed some of these concerns. For example, the Act of March 2, 1929 (Public Law 962) authorized the voluntary registration of aliens wishing to legalize their unrecorded entry into the United States, and the Act of March 4, 1929 (Public Law 1018) provided for the punishment of those convicted of unlawful entry. The latter was amended in June 1929 to make unlawful entry a felony with penalty. In 1931, legislation was passed that strengthened the grounds for deportation of aliens convicted and sentenced for violation of narcotics laws; and in that same year, legislation was passed that provided compensation for overtime for Bureau employees as well as allowances for transfers and foreign living quarters. In both 1930 and 1931 Congress enacted laws that liberalized the naturalization requirements for married women.



VI. THE YEARS PRIOR TO WORLD WAR II (1934-39)

ADMINISTRATIVE AND LEGISLATIVE CHANGES

The Bureau of Immigration and the Bureau of Naturalization were consolidated by Executive Order of June 10, 1933, to form the Immigration and Naturalization Service (INS), still within the Department of Labor. This action followed several years of concern by the Bureau of Immigration that naturalization standards should be tightened. Thus, after the consolidation, the Commissioner directed that a series of surveys of existing naturalization practices be made by the Central office. The survey results indicated that there was a lack of uniformity among judges and examiners acting in naturalization matters; that naturalization petitions were being denied for petty reasons in some cases, while they were being approved without adequate reasons in other cases; that petitions for citizenship were being dismissed solely because applicants failed to appear for the final hearing; that character investigations of applicants were inadequate; that naturalization tests were not uniform and many questions tested memorization skills rather than understanding and attitude toward government; and that there was no plan for systemically instructing Service personnel on immigration and naturalization laws and the administration of those laws. On the basis of these results, remedial procedures were instituted, including due process procedures to be used when dismissing petitions for naturalization and use of tests that stressed "knowledge, understanding, and acceptance of the principles of government."³⁵

When INS was created, the annual budget of the two previously existing services was reduced by about \$1,500,000, necessitating a reduction in the work force. The decisions regarding implementation of the reductions were made by boards composed of INS and U.S. Civil Service Commission representatives and members of the general public.

While the means of reducing the force were being determined, the Secretary of Labor appointed an Ellis Island Committee in fiscal year 1934 to examine immigration problems and solutions. This committee consisted of "men and women of acknowledged eminence in the community who would approach the problem from the standpoint of national welfare and without racial, religious, or political bias. The committee was assisted by a group of consultants from the welfare organizations, experts in immigration and naturalization, who have made service to the alien their life work."³⁶

According to the fiscal year 1934 INS Annual Report, the results of the committee's investigations, published in March 1934, were the basis of many administrative reforms effected and of recommenda-

³⁵ U.S. Department of Labor. 22nd Annual Report of the Secretary of Labor [fiscal year 1934]. Washington, Government Printing Office, 1935, p. 55.

³⁶ *Ibid.*, p. 49.

tions for legislation submitted to Congress. The administrative reforms suggested included: lengthening the initial time limit for visitors' permits to 1 year; eliminating certain formalities in the visa petition process; reducing the dollar amount in bonds required of foreign students; correcting some deportation procedures, including that of making arrests without warrants and utilization of jail detentions; extending the use of the voluntary departure system; and providing assistance for the repatriation of families of deportees.

The following is a summary of significant immigration-related legislation passed during this period. Between 1934 and 1939, several naturalization laws were passed, including some that were aimed at liberalizing the requirements for veterans of World War I and for American women who had lost their citizenship through marriage to aliens. In 1934, naturalization fees were reduced and a law was enacted that provided for the naturalization of children in certain circumstances when either the father or mother was a citizen at the time of birth or when either parent became naturalized. The law also placed alien husbands of citizen wives in the same position for naturalization as alien wives of citizen husbands. In 1934 Congress also enacted a law allowing natives and inhabitants of Puerto Rico born on or after April 11, 1899, U.S. citizenship, with certain exceptions.

In May 1937, Congress enacted legislation (Public Law 75-78) that allowed the Commissioner-General of Immigration to provide for the support, and removal to their native countries, of aliens in need of public aid. Aliens thus removed were ineligible for readmission.

Legislation passed in 1938 modified the effect absences would have on breaking the continuity of residence needed for naturalization in certain cases, "allowing the wives of officials of the U.S. Government, whose husbands' duties required the presence of the families abroad, to become naturalized without long delays and expense."³⁷

INS ACTIVITIES (1934-39)

Immigration activities

By 1938, INS identified as the primary responsibility of the Service, "to inspect and identify every man, woman, and child, whether citizen or alien, entering the United States at a legal port of entry, and to prevent any alien from entering this country at any point other than a legal port of entry."³⁸ This task was made more difficult because of changes in modes of travel and entry points. The 1938 Annual Report summarized the problem as follows:

Today there are 114 ports of entry on our land borders and 72 at seaports, whereas in 1907, the peak year of immigration in the old open days before the Quota Act, there were 49 land ports and 66 seaports. In that earlier epoch, entry ports were almost uniformly open for only 8 hours a day, while today our principal ports must be kept open 24 hours a day, requiring three shifts. In the old days inspectors habitually worked 7 days a week at border stations while today a 5½-day week is obligatory. In the peak year 1907 a great majority of the 1,438,469 aliens admitted came from Europe to the port of New York and were delivered direct to the immigration station at Ellis Island, where inspection 'in bulk' could be made at the convenience of the inspectors. Today, while a preponderance of water-borne immigration still comes to New York, all primary inspection takes

³⁷ U.S. Department of Labor. 26th Annual Report of the Secretary of Labor [fiscal year 1938]. Washington, Government Printing Office, 1938, p. 110.

³⁸ U.S. Department of Labor. Fiscal year 1938 Annual Report, p. 95.

place on board the vessel of entry, thus eliminating unnecessary detention of immigrants but adding greatly to the distributive problem of inspection. Formerly inspection of land entries was made almost entirely on railroad trains or at railroad stations, as highways crossing the borders were few and automobile travel negligible. At present the number of highway ports of entry is being constantly increased. The problem of entry by airplane has to be handled.³⁹

However, other aspects of the Services' work had been reduced. The number of immigrant aliens admitted, illegal entrants apprehended, deportations, and exclusions had decreased dramatically since the 1920's and early 1930's (see table 20). The INS reported that the reduction in immigration was in part due to economic conditions in the United States that offered little incentive for entry. The Service's adherence to the provisions of law denying admission to those who were likely to become public charges had also reduced immigration.

TABLE 20.—IMMIGRANT ALIENS ADMITTED, ILLEGAL ENTRIES APPREHENDED, DEPORTATIONS, AND EXCLUSIONS
FISCAL YEARS 1931-40

Fiscal year:	Immigrant aliens admitted	Illegal entrants apprehended	Deportations	Exclusions
1931.....	97,139	21,335	18,142	9,744
1932.....	35,576	21,579+ ¹ 1,156	19,426	7,064
1933.....	23,068	21,066	19,865	5,527
1934.....	29,470	10,319	8,879	5,384
1935.....	34,956	10,015+ ¹ 1,001	8,319	5,558
1936.....	36,329	11,740	9,195	7,000
1937.....	50,244	13,054	8,829	8,076
1938.....	67,895	12,851	9,275	8,066
1939.....	82,998	12,037	8,202	6,498
1940.....	70,756	10,492	6,954	5,300

¹ Aliens apprehended who were unlawfully in the U.S. (who had effected entry and were residing in the country).

Source: Immigration and Naturalization Service annual reports, fiscal years 1931-40.

Immigration, however, increased after the German annexation of Austria in March 1938. According to INS, this was due to the pressure imposed by some European governments to "drive into exile elements of their population uncongenial to the ruling group."⁴⁰ This increased the workload of the INS because inspectors checked "with particular care the travel documents of aliens whose departure from their home countries has been practically in the nature of an expulsion and whose likelihood of becoming public charges if admitted to the United States must be considered dispassionately, in spite of the tragic circumstances surrounding their plight."⁴¹

The reasons for the reductions in the apprehensions of illegal entrants, deportations, and exclusions were related to those which reduced immigration. For example, apprehensions of illegal entrants and deportations were affected by the factors that decreased the desirability of entering the United States. However, these activities were also affected by the Service's abandoning the practice of detaining suspects without a warrant of arrest; by the increasing number of countries refusing to accept deportees; and by aliens refusing to provide information establishing their citizenship so that a country to which they should be deported could be determined. The decrease in

³⁹ Ibid., p. 95-96.

⁴⁰ U.S. Department of Labor. 27th Annual Report of the Secretary of Labor [fiscal year 1939]. Washington, Government Printing Office, 1939, p. 90.

⁴¹ Ibid.

exclusions at the seaports of entry, particularly New York, was due to the use of the preexamination procedures instituted in 1925 at consulates abroad.

In contrast, the number of aliens seeking naturalization increased from 1933 through 1940 (see table 21). The Commissioner-General speculated in the 1935 Annual Report that there were economic causes for this increase. The report states: "Aliens are commonly barred from employment on public works, private employers in increasing numbers prefer hiring citizens, proposals are frequently advanced for excluding aliens from relief rolls, only citizens can qualify for old-age pensions and other benefits under social security laws."⁴²

TABLE 21.—DECLARATIONS OF INTENTION AND PETITIONS FOR NATURALIZATION FILED AND CERTIFICATES OF NATURALIZATION ISSUED, FISCAL YEARS 1907-38

	Declarations filed	Petitions filed	Certificates issued
1907 ¹	73,658	21,113	7,941
1908.....	137,571	44,032	25,975
1909.....	145,745	43,141	38,374
1910.....	169,348	55,750	49,448
1911.....	189,249	74,740	56,683
1912.....	171,133	95,661	70,310
1913.....	182,095	95,380	83,561
1914.....	214,014	124,475	104,145
1915.....	247,958	106,399	91,848
1916.....	209,204	108,767	87,831
1917.....	440,651	130,865	88,104
1918.....	342,283	169,507	151,449
1919.....	319,156	256,858	217,358
1920.....	299,076	218,732	177,683
1921.....	303,904	195,534	181,292
1922.....	273,511	162,638	170,447
1923.....	296,636	165,168	145,084
1924.....	424,540	177,117	150,510
1925.....	277,218	162,258	152,457
1926.....	277,539	172,232	146,331
1927.....	258,295	240,339	199,804
1928.....	254,588	240,321	233,155
1929.....	280,645	255,519	114,728
1930.....	62,138	113,151	169,377
1931.....	106,272	145,474	143,495
1932.....	101,345	131,062	136,600
1933.....	83,046	112,629	113,363
1934.....	108,079	117,125	113,669
1935.....	136,524	131,378	118,945
1936.....	148,118	167,127	141,265
1937.....	176,195	165,464	164,976
1938.....	150,673	175,413	162,078
1939.....	155,691	213,413	183,343
1940.....	203,536	278,028	235,260

¹ From Sept. 27, 1906, to June 30, 1907.

Source: Immigration and Naturalization Service annual reports, fiscal years 1937 and 1940.

NATURALIZATION ACTIVITIES (1934-39)

In response to reports of naturalization frauds, particularly in the New York office, the Central Office of INS began an investigation of naturalization frauds in 1933. A special unit organized in December 1933 to do the investigation was still in force at the end of fiscal year 1940. By the close of fiscal year 1938, 1,600 alleged entry by fraud cases had been investigated, with 424 arrests and 83 deportations. Thirty-four indictments had been obtained in fraudulent naturalization cases;

⁴² U.S. Department of Labor. 23rd Annual Report of the Secretary of Labor [fiscal year 1935]. Washington, Government Printing Office, 1936, p. 81.

200 cases had been prepared for cancellation of citizenship; and 29 cases had been prepared against INS employees involving criminal or administrative prosecution. According to the Commissioner-General, "much has been accomplished to detect and punish past frauds, break existing contacts between racketeers and venal employees, expel these latter from the Service, and discourage future conspiracies of like nature."⁴³

Another result of the investigation was the discovery that there was not administrative uniformity in the application of the naturalization laws and that "in the examination of candidates the views of individual examiners were substituted in many instances for the requirements of the law."⁴⁴ In January 1936 the INS Central office issued instructions to provide for a more uniform procedure in observing the requirements for citizenship prescribed by law. Examiners were also required to put candidates in touch with public school officials conducting citizenship classes and to make it clear that the statutory educational requirements were "not sufficient to enable them to derive the full benefits of American citizenship."

CONCERNS OF THE INS (1934-39)

One major concern of the Service during this period was the public outcry over the size of the alien population in the United States. The 1935 Annual Report refers to the average American who "retains a mental vision of a vast stream of immigration pouring into the United States."⁴⁵ The same report lists "fantastic exaggerations" that were widely circulated:

That the alien population of the United States is 20 million or according to some more conservative, but still inaccurate estimates, not less than 6 million.

That of these aliens from 3,500,000 to 10 million entered the United States illegally and are subject to deportation.

That 1 million alien seamen arrive annually in American ports, and that of these 250,000 to 500,000 desert their ships and enter the United States illegally.

That census figures show that 500,000 Mexicans entered the United States illegally between 1920 and 1930.⁴⁶

The Commissioner-General concluded this section of the report by stating that "the alien population of the United States today is only about 4,922,000."⁴⁷

In fiscal year 1939, the Annual Report addressed the same topic by displaying INS statistics that show a steady decrease in the alien population of the United States. By calculating the decrease in the alien population since the 1930 census, the report concluded that the estimated alien population on July 1, 1939, was 3,628,103.

In fiscal year 1940, the Annual Report again devoted much space to this topic, pointing out that the decrease in the number of entering aliens in various categories presented "clear evidence that sensational reports to the effect that floods of alien visitors are being admitted to this country on any sort of excuse are not based on cold facts nor on the accurate records of a responsible Government agency."⁴⁸ This

⁴³ U.S. Department of Labor. Fiscal year 1938 Annual Report, p. 82.

⁴⁴ U.S. Department of Labor. 24th Annual Report of the Secretary of Labor [fiscal year 1936], Washington, Government Printing Office, 1936, p. 91.

⁴⁵ U.S. Department of Labor. Fiscal year 1935 Annual Report, p. 78.

⁴⁶ Ibid.

⁴⁷ Ibid., p. 79.

⁴⁸ U.S. Department of Labor. 28th Annual Report of the Secretary of Labor [fiscal year 1940]. Washington, Government Printing Office, 1940, p. 103.

report went on to print statistics indicating that the professions, trades, and occupations reported by immigrants should not represent competition with American labor and business.

A second major concern at this time, a concern that recurs throughout the history of INS, was the problem of "inadequate" salaries for personnel. According to the 1935 Annual Report, this problem was particularly acute with regard to the Border Patrol because the patrol inspectors were classified at a level lower than INS believed appropriate, resulting in salaries that were "relatively low" in comparison to what law enforcement officers in other Federal agencies received.⁴⁹ The report points out that "in almost every district patrol inspectors have taken civil-service examinations for appointment to other law enforcement agencies. In one district the first 17 places, with one exception, on the eligible list of another agency are now held by immigration border patrol inspectors. Most of these men would prefer their present duties if salaries could be adjusted to conform with the scale established in other branches of the Federal service."⁵⁰

Although this problem was somewhat alleviated by the reclassification of the border patrol inspector positions in 1936, the 1938 and 1939 Annual Reports refer to understaffing and the necessity of detailing border patrol officers to act as immigrant inspectors because of the shortage of regular immigrant inspectors at ports of entry that could not be left unprotected. The problem was resolved when international tensions spurred Congress, out of concern about protecting the country's borders, to enact in June 1940 the Second Deficiency Appropriations Act, which made \$2 million available for additional equipment and personnel for the border patrol.

⁴⁹ U.S. Department of Labor. Fiscal year 1935 Annual Report. p. 97.

⁵⁰ Ibid.

VII. WORLD WAR II (1940-45)

CHANGES IN IMMIGRATION POLICY

In the early 1940's, there was growing tension in the United States over the hostilities occurring in other parts of the world. National security became an issue of concern and was reflected in legislation passed during this period.

On June 14, 1940, Congress approved the President's Reorganization Plan No. V, transferring INS from the DOL to the Department of Justice (DOJ) (54 Stat. 230). This transfer was a national security measure, designed to provide more effective control over aliens in light of international developments at that time. In terms of functions, the Services' emphasis had shifted from exclusion of aliens during the 1920's and 1930's to combatting alien criminal and subversive elements. The latter focus required close cooperation with the U.S. attorneys and the FBI.

The Alien Registration Act, approved by the President on June 28, 1940, reflected the growing U.S. uneasiness with the world situation. The act required all aliens in the United States to register and all aliens over the age of 14 to be fingerprinted. This was accomplished by instituting a system whereby the aliens reported to local post offices throughout the country. By the end of December 1940, nearly 5 million aliens had registered. By the end of fiscal year 1942, the registration and processing of records in the program was nearly complete.

Another piece of legislation passed during the early 1940's, the codification of naturalization laws, had been under study by a cabinet committee since 1933. The committee developed a draft code which was submitted to the President and transmitted by him to Congress in June 1938. The code was enacted into law October 14, 1940, as the Nationality Act. This act codified and revised the naturalization, citizenship, and expatriation laws, "changing in many respects the nationality system of this country which had required 150 years for its development."⁵¹ The code was intended to also "serve to strengthen our national defense."⁵² The act went into effect January 13, 1941, and necessitated rewriting the naturalization and nationality regulations and revising the forms used in naturalization proceedings.

On June 21, 1941, legislation was passed to extend the provisions of the Act of May 22, 1918, providing that during the existence of the present national emergency which was proclaimed by the President on May 22, 1941, or when the United States is at war, the President may, by proclamation, restrict the entry and departure of persons from the United States. Finally, in December 1943, legislation was passed making Chinese admissible to the United States (Public Law 199).

⁵¹ U.S. Department of Justice. Unpublished Report of Special Assistant to the Attorney General in Charge of the Immigration and Naturalization Service [fiscal year 1941], p. 20.

⁵² U.S. Department of Labor. Fiscal year 1940 Annual Report, p. 121.

INS ORGANIZATION CHANGES

The transfer to DOJ involved some organizational changes. Additional personnel were authorized by Congress in June 1940: the Border Patrol was doubled in size and 200 new Immigrant Inspectors, 150 Naturalization Examiners, 120 guards, and a larger clerical force were authorized. Administrative positions were created to supervise the increased personnel. At the time of the transfer to DOJ, INS personnel totalled approximately 4,000; during fiscal year 1941 this number increased to 6,885; and by the end of fiscal year 1942, there were 8,500 INS personnel. This increase in personnel was somewhat difficult to accomplish because of the loss of people drafted or enlisted in the Armed Forces. In addition, the Central Office of INS was transferred to Philadelphia in March 1942, necessitating the replacement of about 60 percent of the clerical force which chose not to relocate. After the transfer to DOJ, numerous promotions were also made within the Service and salaries were increased to more favorably compare with those offered by other Government agencies.

Other organizational changes effected at this time included the creation of additional divisions, including a Special Inspections Division which was created to investigate cases involving failure to register, failure to give notice of change of address, and of fraudulent registration under the Alien Registration Act of 1940. The scope of the division's activities eventually broadened to include possible violation of immigration and naturalization laws. The old Board of Review which had been empowered to make recommendations to the Secretary of Labor regarding the disposition of deportation cases was expanded to five members and renamed the Board of Immigration Appeals. Under the provisions of section 37(a) of the act approved June 28, 1940 (Public Law 670), the Attorney General vested in the Board of Immigration Appeals the authority to render final decisions in all cases involving the disposition of deportation proceedings after warrants of arrest were issued; in all cases involving the disposition of appeals from decisions of the boards of special inquiry; in all cases involving advance application for admission of aliens to the United States under the seventh or ninth provisos of section 3 of the Immigration Act of 1917, and in all cases involving the disposition of administrative penalties under the immigration laws.

ACTIVITIES OF THE INS DURING WORLD WAR II

The 1942 Annual Report defined the "normal primary functions" of the INS during this period as examining everyone seeking to enter the United States to determine their right to entry; preventing illegal entry of aliens; enforcing the departure of illegal aliens; locating and keeping track of all aliens in the United States; and examining all applicants for naturalization to determine whether they were qualified to become citizens. These functions were more difficult than usual, according to INS, because

Greater vigilance and increased personnel were required at ports of entry and along the borders and coasts, because of the greater incentive for dangerous aliens to attempt to gain entrance, either surreptitiously or with papers apparently proper on their face. Greater care was required as to all applicants for naturalization, lest aliens bent on activities harmful to the security of our country obtain

the protective cloak of American citizenship. At the same time the great increase in the volume of naturalization work, started the year before, continued unabated because of the requirements of Government employment and of defense industry, and the awakening of so many thousands of aliens to the blessings and advantages of United States citizenship.

At the same time the Service was called upon to furnish, in ever increasing numbers, information to other government agencies, particularly the Army and Navy. * * * At times requests for such information came to the Service and were complied with by full reports, to the extent of nearly 5,000 per week.⁵³

The war, the hazards of ocean travel, and travel restrictions imposed by neighboring countries reduced the volume of immigration (see table 22), but "the war-induced precautionary measures widened the scope of examinations and intensified investigative procedures."⁵⁴

TABLE 22.—Immigrant aliens admitted, fiscal year 1940 through fiscal year 1945

Fiscal year:	
1940	70, 756
1941	51, 776
1942	28, 781
1943	23, 725
1944	28, 551
1945	38, 119

Source: Immigration and Naturalization Service Annual Report, fiscal year 1945.

The following is a summary of major war-related efforts of the INS.

Detention of enemy aliens

In 1941 there were over 600,000 Italians, over 300,000 Germans, and about 90,000 Japanese registered under the Alien Registration Act. After December 7, 1941, under the existing laws and Presidential proclamation, they were all considered enemy aliens, subject to certain conditions of travel, conduct, and behavior. These aliens became subject to apprehension and internment, depending upon decisions made regarding their adherence to regulations, their past activities, and their potential danger to the national security. Several months later, Hungarians, Romanians, and Bulgarians were also classified as enemy aliens. INS was to hold all enemy aliens apprehended in custody until each case was determined. Civilian hearing boards under the supervision of the U.S. attorneys were set up to hear the evidence and recommend to the Attorney General (who made final rulings) whether each alien apprehended should be interned, paroled, or released. During February 1942 all German, Italian, and Japanese enemy aliens were required to apply for Certificates of Identity.

INS was responsible for the internment, parole, deportation, and repatriation of enemy aliens. Within a matter of days, temporary detention facilities had been established "in all the major centers of enemy alien population throughout the country."⁵⁵ By July 1, 1942, 7,469 enemy aliens had been apprehended, as follows: 4,092 Japanese; 2,384 Germans; 794 Italians; and 199 "others." By the

⁵³ U.S. Department of Justice. Annual Report of Lemuel B. Schofield, Special Assistant to the Attorney General in Charge of the Immigration and Naturalization Service [1942], [Washington, Government Printing Office, 1942], p. 2.

⁵⁴ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1943], [Philadelphia, 1943], p. 1.

⁵⁵ U.S. Department of Justice. Fiscal year 1942 Annual Report, p. 24.

end of fiscal year 1943, 9,220 enemy aliens were in the custody of the INS. These figures should not be confused with the number of aliens transferred to relocation centers operated by the Army and the War Relocation Authority during this period. During the same fiscal year, arrangements were made to establish family camp facilities at Crystal City, Tex., to alleviate problems that had arisen because of the separation of families. According to the INS Monthly Review, "except for the floodlighted 10-foot wire fence that surrounded the facility, the Crystal City Camp resembled any thriving and bustling southwestern town."⁵⁶ The "less dangerous" internees were allowed to work outside the camps for the U.S. Forest Service; on railroad and highways; and in agricultural pursuits.

At the close of fiscal year 1945, INS had 7,364 alien enemies in custody. The last internees were removed from the INS detention camps in November 1947. Repatriation and deportation were difficult to effect during the war years because of travel constraints.

Travel control

Entries to and departures from the United States were controlled, beginning early in the war. The controls included passports for citizens entering or leaving the United States at a port; and permits for aliens seeking to enter or leave the United States. At the beginning of fiscal year 1942, the system for issuing visas to aliens seeking entry from Europe was changed by referring final decisions on visa applications to the Secretary of State, who was advised by an interdepartmental committee.

The committee considered "every possible bit of information concerning the applicant, his sponsors, connections, and activities," to determine whether the alien was a possible danger to this country.⁵⁷ According to the 1942 Annual Report,

This Service performed its full share in this work, furnishing all information available in its files and records, and participating in the decision in every case. Many applications were denied and only those granted which were clear of doubt. The system, still in operation, has provided an immigration screen with a finer mesh than ever before in the history of America.⁵⁸

That same year, a plan was instituted whereby incoming passengers, including U.S. citizens, were investigated. The investigations included individual interrogations and checking of relatives, associates, and sponsors. Most of the wartime travel measures were moderated or withdrawn by the end of fiscal year 1945.

Imported labor

The war caused a manpower shortage in the United States due to the large number of men who entered the armed services. During fiscal year 1942 there was an increase in the number of applications to import alien labor, primarily from Mexico. The INS worked with other government agencies to establish a comprehensive program for importing alien labor, considering such questions as the need, working and living conditions, transportation, wages, duration of stay, location, and "proper assurances that the aliens would be returned to their native country after the emergency was over."⁵⁹

⁵⁶ Collaer, N. D. "The Crystal City Internment Camp," INS Monthly Review, vol. V, No. 6 (December 1947), p. 77.

⁵⁷ U.S. Department of Justice. Fiscal year 1942 Annual Report, p. 8.

⁵⁸ Ibid.

⁵⁹ U.S. Department of Justice. Fiscal year 1942 Annual Report, p. 7.

Under the ninth proviso of section 3 of the Immigration Act of 1917, the Commissioner could, with the approval of the Attorney General, issue rules and prescribe conditions for the admission and return of aliens applying for temporary admission who were otherwise inadmissible due to restrictions under the law such as the public charge provision or the bar against contract labor. Under this authority, an agreement between the State Department and the Mexican Government was reached on August 4, 1942, under which Mexican agricultural laborers could be brought to the United States. Special legislation providing for the importation of agricultural laborers was passed in April 1943 (Public Law 45). This law was extended through 1947.

Under the authority of the ninth proviso, an agreement was also entered into with Mexico in April 1943 regarding the recruitment of Mexicans for employment in the United States as nonagricultural workers. Special legislation allowing the War Manpower Commission to provide for the temporary migration of workers from countries in the Western Hemisphere pursuant to agreements with such countries for employment in industries and services essential to the war efforts was approved on February 14, 1944 (58 Stat. 17). Agreements were subsequently made for the importation of these laborers with British Honduras, Jamaica, Barbadoes, and the British West Indies.

Increase in naturalizations

In the 1943 Annual Report, the Commissioner pointed out that "one of the dominant factors in the year's work has been the acceleration of naturalization work."⁶⁰ This was due to several factors: the limitations and restrictions applied to noncitizens during time of war; employment requirements relative to citizenship; and the facilitation of naturalization procedures for members of the military.

At the beginning of fiscal year 1943, there were 210,000 applications to file petitions for naturalization pending. This accumulation resulted from past years when the Service had been unable to process petitions at the same rate they were being received. At the end of the fiscal year, about 120,000 applications were still pending.

In addition to the increased work due to increased numbers of naturalization applications filed, the Service also processed the applications for naturalization of enemy aliens by a special procedure meant to ensure "safeguards" for the country. At the beginning of fiscal year 1943, there were 100,000 petitions pending; at the end of the fiscal year, there were 147,914.

In fiscal year 1944, the Naturalization Service was reorganized along functional lines, delegating to the field offices "certain authorities and functions heretofore held as the prerogative of the Central Office."⁶¹ The number of naturalizations in fiscal year 1944, 441,979, was the highest since the statistical records of naturalization began in 1907. In contrast, declarations of intent to file petitions dropped to 42,368, the lowest on record (see table 23 for a comparison from 1940-1945). INS suggested these figures meant that the peak year for naturalizations would be fiscal year 1944 because the arrearages of past years had been eliminated and immigration to the United States had been low for a number of years.

⁶⁰ U.S. Department of Justice. Fiscal year 1943 Annual Report, p. 1.

⁶¹ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1944], [Philadelphia, 1944], p. 2.

By the end of fiscal year 1945, the workload in the naturalization area had dropped so much that the field offices were able "to do more intensive work on the naturalization cases that came to their attention."⁶²

TABLE 23.—DECLARATIONS FILED, PETITIONS FILED, AND ALIENS NATURALIZED, FISCAL YEARS 1940-45

	Declarations filed	Petitions filed	Aliens naturalized
Fiscal year:			
1940-----	203, 536	278, 028	235, 260
1941-----	224, 123	277, 807	277, 294
1942-----	221, 796	343, 487	270, 364
1943-----	115, 664	377, 125	318, 933
1944-----	42, 368	325, 717	441, 979
1945-----	31, 195	195, 917	231, 402

Source: Immigration and Naturalization Service annual report for years covered.

⁶² U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1945], [Philadelphia, 1945], p. 20.

VIII. POST WORLD WAR II (1946-52)

RECONVERSION TO PEACETIME ACTIVITIES

In fiscal years 1944 and 1945, INS began the process of converting back to peacetime activities. In fiscal year 1944, the Alien Registration and Special Inspections Divisions were eliminated. During the war, the Service had been unable to deport many aliens because of travel difficulties. This activity resumed beginning in May 1945. In fiscal year 1945, travel restrictions were relaxed; several detention facilities were closed; the naturalization of members of the Armed Forces decreased; and smuggling and illegal entries at the seaports and land borders increased.

According to the 1946 Annual Report "almost as soon as fighting stopped in Europe, members of the Service could see changes in work emphasis. Functions that stemmed from the war-departure control, alien enemy detention and parole, the seaman program, naturalization of members of the Armed Forces—all of these decreased in volume and some in importance."⁶³

The reconversion to peacetime activities also meant an almost immediate increase in immigration. From fiscal year 1944 to fiscal year 1945 immigration increased about 34 percent, although travel conditions were still hazardous. In fiscal year 1946, entry examinations of aliens and citizens totaled over 76 million; and the number of immigrant alien entries, 108,721, was the highest in 16 years. The specter of masses of people fleeing war-torn countries was again beginning to worry the American public and Congress.

The lessening of racial discrimination in immigration and naturalization laws, which began with the repeal of the Chinese Exclusion Laws in 1943, continued after World War II. These legislative changes contributed somewhat to the volume of immigration to the United States. In fiscal year 1947, Congress passed three acts that lessened the strict racial quota system: Public Law 483 authorized the admission of immigrants from the Philippine Islands and India on a quota basis; Public Law 713 granted nonquota status to Chinese wives of U.S. citizens; and Public Law 213 amended the "War Brides Act" by extending the benefits to spouses of racially ineligible races if they were married to U.S. citizens before or within 30 days after the passage of the act. Public Law 717, passed in 1950, further expanded the racial eligibility criteria by permitting the admission of racially inadmissible spouses and minor children of citizen members of the U.S. Armed Forces (Public Law 81-717). Finally, in July 1948, Public Law 863 amended the Immigration Act of 1917 by removing the racial bar to the suspension of deportation.

⁶³ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1946], [Philadelphia, 1946], p. 4.

ACTIVITIES OF THE INS

Illegal entries

In fiscal year 1946, there were more illegal entries recorded than at any previous time in the Service's history and "ridding the country of aliens illegally in the United States" was a major activity of the INS during the year.⁶⁴ In fiscal year 1947, the Commissioner reported that "a major concern of the Service was the troublesome one of aliens attempting to enter without benefit of law."⁶⁵

During the fiscal years 1950-51, the volume of illegal Mexican entries was so high that the Service began removing illegal entrants under voluntary departure procedures rather than through deportation, except for those of the criminal and immoral classes or those who had previously been granted four voluntary departures. In fiscal year 1952, the Service again began deporting Mexican illegal entrants, whenever funds and personnel permitted.

Table 24 shows the number of illegal aliens apprehended, the total number deported, the number of those deported to Mexico only, and the number departing voluntarily under proceedings for fiscal years 1946-52.

TABLE 24.—ILLEGAL ALIENS APPREHENDED, TOTAL ALIENS DEPORTED, ALIENS DEPORTED TO MEXICO ONLY, AND ALIENS DEPARTING VOLUNTARILY UNDER PROCEEDINGS, FISCAL YEARS 1946-52

Fiscal year:	Illegal aliens apprehended	Total aliens deported	Aliens deported to Mexico only	Aliens departing voluntarily under proceeding
1946.....	99,591	14,375	11,310	101,945
1947.....	193,657	18,663	15,547	195,880
1948.....	192,779	20,371	17,235	197,184
1949.....	288,253	20,040	16,903	276,297
1950.....	468,339	6,628	3,319	572,477
1951.....	509,040	13,544	8,928	673,169
1952.....	528,815	20,181	12,783	703,778

Source: Immigration and Naturalization Service annual reports, fiscal years 1946-52 and 1960.

In fiscal years 1947 and 1948, the Service estimated that the majority of apprehensions were of Mexicans coming to engage in agricultural labor. In fiscal year 1951, the Service estimated that 98 percent of the total apprehensions were Mexicans.

Displaced Persons Act of 1948

Between 1946 and June 25, 1948, about 40,000 displaced persons were admitted to the United States under the President's Directive of December 22, 1945. On June 25, 1948, Public Law 774 was enacted, authorizing the admission into the United States of a total of 205,000 displaced persons of Europe over the following 2 years (through June 1950) and providing for the adjustment of status of 150,000 displaced persons who had entered the United States prior to April 1, 1948. The law was later extended through June 1952. To effect the entries, up to 50 percent of the quotas of affected countries for such persons were to be used, for as many years into the future as was necessary.

⁶⁴ U.S. Department of Justice. Fiscal year 1946 Annual Report, p. 6.

⁶⁵ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1947], [Philadelphia, 1947], p. 4.

According to the January 1950 INS Monthly Review, the provision for using future quotas resulted in the quotas of many southern and eastern European countries being "mortgaged" far into the future. For example, Estonia had an annual quota of 116 and thus a quota of 58 could be mortgaged each year for displaced persons. As of October 31, 1949, 3,998 displaced persons had been admitted and charged to Estonia's quota. Thus, Estonia had mortgaged one-half of its quota for the next 67 years. Latvia had mortgaged half of its quota of 236 for the next 76 years; and one-half of Lithuania's annual quota of 386 had been mortgaged for the next 65 years.⁶⁶

INS' position on the effect of the entry of displaced persons was expressed in the January 1950 Monthly Review. They indicated that the immigration of displaced persons from southern and eastern European countries had

temporarily thrown off balance the National Origins Plan to admit immigrants into the United States in proportion to the composition of the total white population in this country of 1920. However, the board objectives of the National Origins Plan—the preservation of the original racial composition of the United States—will not in the end be distorted by the Displaced Persons Act. The mortgaging of 50 percent of future quotas will cut in half future immigration from many of the Southern and Eastern countries so that, spread over a period of years, immigration from these countries will be brought within the framework of the National Origins Plan.⁶⁷

Between June 25, 1948, and June 30, 1952, 393,542 immigrant aliens were admitted to the United States under the Displaced Persons Act of 1948, as amended, thus increasing the normal processing done by INS.

Internal Security Act of 1950

In the postwar years, concern regarding the "presence of aliens in the United States whose activities are or may be detrimental to the safety and security of this country" mounted.⁶⁸ This concern increased with the onset of the conflict in Korea and culminated in the Internal Security Act of 1950 (Public Law 81-831).

The purpose of the Internal Security Act was to protect the United States from un-American or subversive activities. According to Robert Divine,

Previously the primary motivation of the restrictionists had been racial and cultural nationalism—the desire to preserve the predominant cultural patterns and ethnic composition of the United States by limiting immigration. With the rise of totalitarian governments and the crisis of the second World War, a new stress on nationalism in its most fundamental meaning, the security of the nation, became evident. * * * The fear of Communistic infiltration, which played such a large role in mid 20th century American life, permeated discussions of immigration legislation and tended to replace the old fear of ethnic invasion as the dominating concern in immigration policy.⁶⁹

The act made membership in Communist or totalitarian organizations cause for exclusion, deportation, or denial of naturalization; it stiffened parole controls and required a yearly address report from resident aliens; and it made the ability to read, write, and speak

⁶⁶ Eckerson, Helen F., and Gertrude D. Krichesky. "A Quarter Century of Quota Restriction," INS Monthly Review, vol. vii, No. 7 (January 1950), pp. 85-98.

⁶⁷ Eckerson and Krichesky, p. 90.

⁶⁸ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1948], [Washington, 1948], p. 5.

⁶⁹ Divine, Robert A. American Immigration Policy, 1924-52. New Haven, Yale University Press, 1957, p. 163.

English prerequisites for naturalization. The increased grounds for exclusion, expulsion, denial of naturalization, and "denaturalization" created the need for many new investigations, according to the 1951 annual report. By fiscal year 1952, the annual report stated that the "investigative activities of the Service are of prime importance."⁷⁰ The most important area for investigative activities, according to the 1952 report, was the

expulsion of aliens and the denaturalization of persons illegally naturalized who are or have been connected with the world-wide Communist movement. In this connection the Congress * * * made findings based upon evidence adduced by various Congressional committees that the world Communist movement operates through affiliated constituent elements in the various countries of the world, and depends upon the travel of Communist members, representatives and agents from country to country for the furtherance of its purposes. Furthermore, the Congress found that Communist activity in the United States is inspired and controlled largely by foreign agents. Accordingly, severance of the foreign control of this Communist activity in the United States is, in large measure, an immigration problem.⁷¹

In fiscal year 1952, INS conducted thousands of investigations of possible subversive activities in cases involving exclusion, deportation, and denial or revocation of naturalization.

Naturalizations

In the years immediately following the war, naturalizations were low due to the decrease in immigration during the war years. However, in 1952, the number of naturalizations granted increased dramatically. This was due in part to the increase in immigration after the war, with a similar increase in naturalizations following several years later because of the residence requirements for naturalization. The increase in naturalizations was also partly due to the annual alien address report program which served to remind alines of their status; the requirement that employees be either citizens of the United States or have filed declarations of intent to become citizens in order to work for defense-related and other sensitive production; and the increase in world tensions.

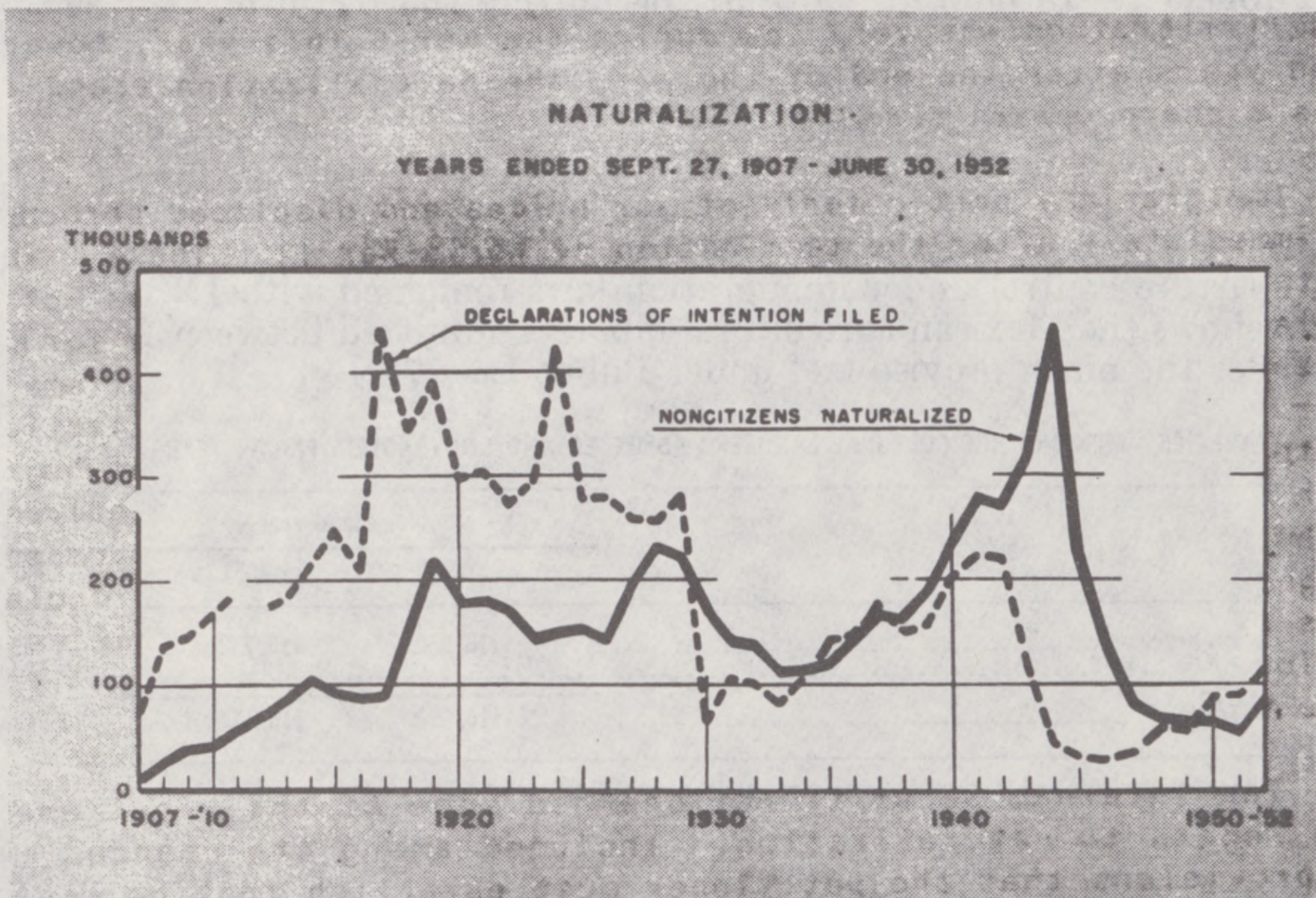
As pointed out earlier, the Internal Security Act changed some of the requirements for naturalization. These changes included a bar against naturalization of any person who had been a member of a totalitarian organization during the preceding 10 years; the additional requirements that citizens be able to read, write, and speak English; and the provision that naturalization would not be granted if there was an outstanding order of deportation against the individual. These changes increased the responsibilities of the Service because it became necessary to ascertain that candidates for naturalization met the new criteria specified in the law.

Chart 2 shows the pattern in declarations of intention filed and noncitizens naturalized from 1907-52.

⁷⁰ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1952], [Washington, 1952], p. 53.

⁷¹ Ibid.

CHART 2



Source: Immigration and Naturalization Service Annual Report, fiscal year 1952.

Imported labor

The importation of temporary alien labor continued after the war and INS continued its work with entry and departure controls for this labor. On December 28, 1945, Congress extended for 1 year the authority in title I, Public Law 229, for the importation and employment of alien agricultural workers (Public Law 269, 79th Congress) and at the close of fiscal year 1946, there were 43,088 Mexicans; 9,589 Jamaicans; 5,052 Bahamians; 2,187 Barbadians; 669 Newfoundland nationals; and 160 Hondurans agricultural laborers in the United States. During fiscal year 1947, the importation of agricultural laborers was continued through December 31, 1947, by Public Law 40. Between 1948 and 1951, importation of agricultural and other temporary workers was accomplished under the ninth proviso of section 3 of the Immigration Act of 1917.

The problem of migratory labor in agriculture was the subject of study by the President's Commission on Migratory Labor, created in June 1950. In its report to the President, the Commission recommended that foreign-labor importation should be accomplished under intergovernmental agreements and that the conditions and standards of work should be similar for all countries. The Commission also recommended that administration of a foreign labor recruiting program should be the responsibility of INS.

Congress, working independently from the Commission, passed Public Law 78 on July 12, 1951, permitting the recruitment of agricultural workers from Mexico, and the establishment of reception centers at or near points of entry. The transportation, means of subsistence, and other details with respect to Mexican laborers were conducted in accordance with the Migrant Labor Agreement with Mexico of 1951. Recruitment and management of the Mexican worker program was placed in the Department of Labor, while entry and departure control under immigration laws remained with INS. Table 25 shows the Mexican agricultural laborers admitted between 1950-52 under the ninth proviso and under Public Law 78.

TABLE 25.—MEXICAN AGRICULTURAL LABORERS ADMITTED AND CONTRACTED, FISCAL YEARS 1950-52

	Fiscal year—		
	1950	1951	1952
Under 9th proviso.....	116,052	115,742	4,467
Under Public Law 78.....			219,074
Total.....	116,052	115,742	223,541

Source: Immigration and Naturalization Service annual report, fiscal year 1952.

There were, in addition, approximately 20,000 alien laborers recruited by the War Manpower Commission for industrial employment under title II of Public Law 229 (58 Stat. 17) remaining in the United States at the beginning of fiscal year 1946. Under Public Law 124, 79th Congress, the U.S. Employment Service (which took over such activities after the War Manpower Commission was discontinued) allowed industrial employers to retain several thousand of these laborers until the end of fiscal year 1946. The Canadian woods labor program was still in effect at the close of fiscal year 1951. The INS continued to control the entry and departure of aliens in these programs.

INS CONCERNS (1946-52)

Personnel housing and equipment problems

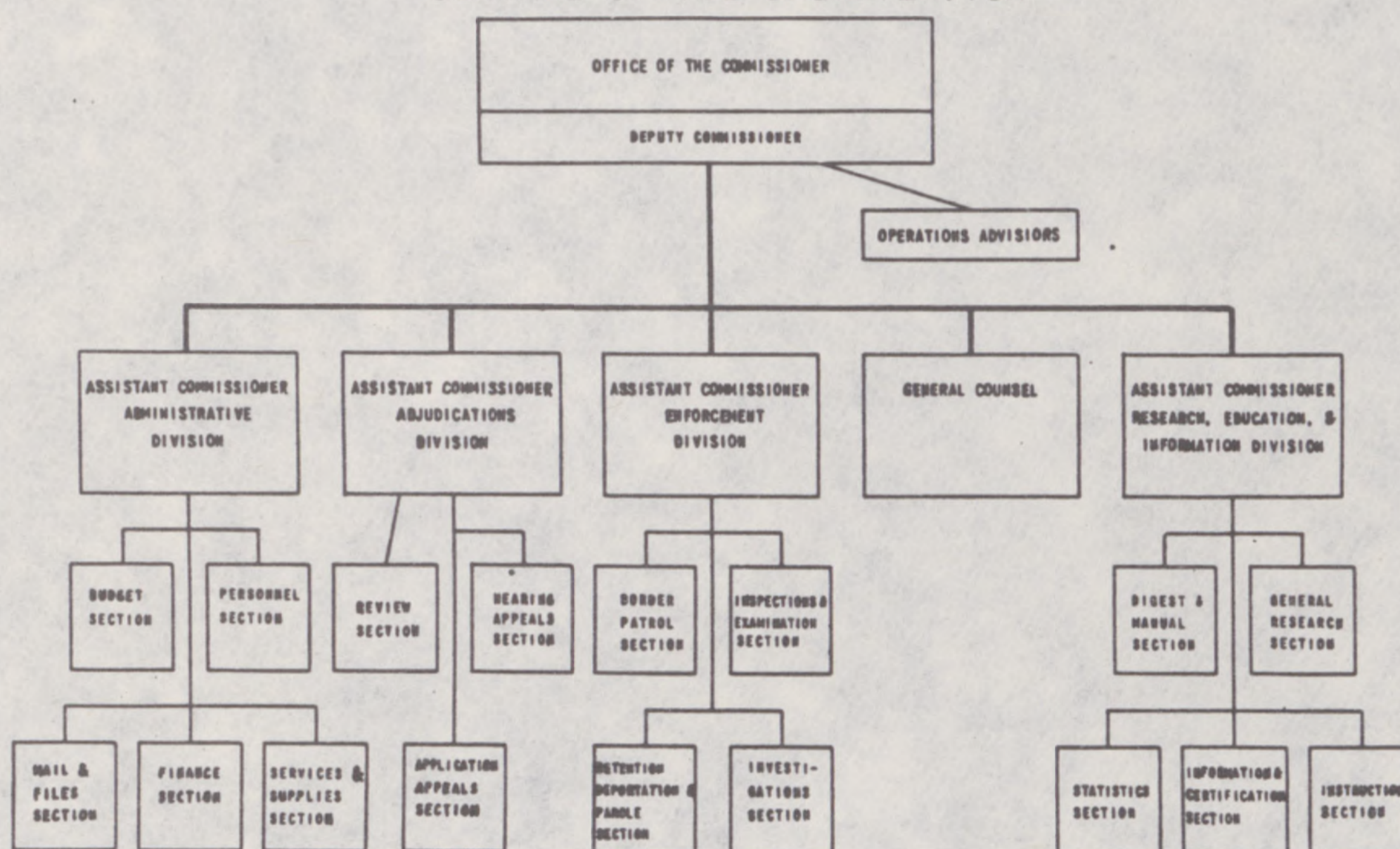
Between 1946 and 1952, the Service was beset by a variety of personnel, housing, and equipment problems. At the end of World War II, returning veterans reclaimed their positions with INS. This required a shifting of personnel as well as a determination of the appropriate classification of duties performed by the veterans prior to their entry into the Armed Forces, since most of their positions had been reclassified during the war. As a result of the number of returning veterans claiming positions with INS, some nonveteran personnel were separated from the Service. However, according to INS, there was a need for additional personnel to do the work and a continuing shortage of immigrant inspectors to meet the traveling public at ports of arrival. Although appropriations for fiscal year 1947 were higher than for fiscal year 1946, fewer employees could be retained, primarily because of the "higher salary rates covered by the Federal Employees Pay Act of 1946 and the added obligation for payment of extra Sunday and holiday compensation under the Act of March 2, 1931 (8 U.S.C. 190(a) and 190(b)."⁷²

⁷² U.S. Department of Justice. Fiscal year 1947 Annual Report, p. 46.

The need for additional personnel continued until the passage of the Internal Security Act. This act, which provided additional responsibilities for the Service, also provided for additional personnel. During fiscal year 1951, 2,533 personnel appointments were made in contrast to 875 in the preceding fiscal year. An organization chart from fiscal year 1951 is shown in chart 3. In the latter part of fiscal year 1952, the Central Office was reorganized and the Service planned a similar reorganization for the Field Service in fiscal year 1953.

CHART 4

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL OFFICE ORGANIZATION



December 1, 1950

APPROVED BY:

A. R. Mackay
Commissioner

Source: Immigration and Naturalization Service Annual Report, fiscal year 1951.

Also of concern to the Service was the lack of housing and equipment for its personnel. The 1948 Annual Report states that "hovels and shacks are the terms used by district directors in describing some of the buildings now in use as inspection stations."⁷³ This concern was reiterated through fiscal year 1952.

Other concerns

INS was also concerned about the "spreading encroachment of Mexican illegal entrants into rural and industrial areas of the United States."⁷⁴ The number of apprehensions of illegal aliens, according to INS, was increasing by the "tens and hundreds of thousands" and those entrants caused the number of deportation proceedings and voluntary departures to swell in volume, causing a heavy burden on Service personnel.⁷⁵

⁷³ U.S. Department of Justice. Fiscal year 1948 Annual Report, p. 9.

⁷⁴ U.S. Department of Justice. Fiscal year 1952 Annual Report, p. 40.

⁷⁵ Ibid., p. 34.

The Service had also become concerned about the following: (1) alien students who had entered the United States but had not enrolled in schools; (2) foreign nations that continued to refuse to issue travel documents allowing aliens deported from the United States entry to their country; and (3) the large number of stowaways which continued to be a problem for INS, resulting in the Service's requesting legislation that would allow suspected stowaways to be detained on board ship and deported without a hearing.

IX. THE EFFECT OF THE IMMIGRATION AND NATIONALITY ACT OF 1952 (PUBLIC LAW 82-414)

BACKGROUND ON THE ACT

In 1947, the Senate authorized a complete investigation of the immigration system by the Senate Committee on the Judiciary, including the history of U.S. immigration policy; the administration of immigration laws; the magnitude of violation or circumvention of immigration laws; the displaced persons situation; and the effect any change in immigration laws would have on the United States. The committee's 2½ years of investigation culminated in Senate Report 1515, entitled "The Immigration and Naturalization Systems of the United States," published in April 1950. This report became the basis for the Immigration and Nationality Act of 1952 (Public Law 82-414; 66 Stat. 163).

This act, also known as the McCarran-Walter Act after its sponsors was passed over President Truman's veto and became effective December 24, 1952. It generally preserved previous immigration policies, including the national-origins plan and the quota system, but preferences were created for skilled aliens and relatives; it incorporated court interpretations of immigration policies and made provision for safeguarding due process and fair administrative practices and procedures; it revised procedures for gaining and losing citizenship; it made all races eligible for immigration and naturalization; it strengthened internal security provisions; it enlarged the grounds for exclusion, but provided greater procedural safeguards for aliens subject to deportation; it emphasized reciprocity in such matters as fees, duration of validity of nonimmigrant visas, the number of entries permitted, and the waving of passport and visa requirements for nonimmigrants; it codified in one comprehensive statute for the first time all laws dealing with immigration and naturalization; and it provided for structural changes in the enforcement agencies to improve the efficiency of the administration of immigration and nationality laws.⁷⁶

There was considerable controversy over the act, particularly between the "restrictionists," who wanted the national-origins plan of immigration continued, and the "antirestrictionists," who wanted to abolish this system which they felt was unfair to nationalities of southern and eastern Europe. The spirit of compromise embodied in the essentially restrictionist legislation was described by John Higham as follows:

Part of the mystifying political genius of the 300 page law was that it offered something for every taste. It repealed the ban on contract labor, but added other qualitative exclusions. It relaxed slightly the ban on ex-Communists imposed in 1950, but expanded the government's deportation powers and intensified its

⁷⁶ Bennett, Marion T. "The Immigration and Nationality (McCarran-Walter) Act of 1952, as Amended to 1965," *The Annals of the American Academy of Political and Social Science*, September 1966, pp. 130-131.

surveillance of aliens. The law showed more sympathy for divided families than previous acts had done, but not as much as reformers wanted. It terminated Oriental exclusion by assigning token quotas to all Asian countries, but set up new racial restrictions by putting all immigrants of Oriental ancestry under those quotas. Above all, the McCarran-Walter Act retained the old principle of national-origins quotas for Europe, based on the census of 1920 and totaling 150,000. And that, to both supporters and opponents, was the crux of the matter.⁷⁷

INS ACTIVITIES UNDER THE 1952 ACT AND SUBSEQUENT LEGISLATION (1953-65)

According to the INS 1953 Annual Report,

While some sections of the new Act seemed to affect every phase of immigration and nationality work, in broad terms the duties and responsibilities were still the same. Oversimplified, responsibilities of the Service continue to be admitting eligible aliens, keeping out ineligible aliens, finding and getting rid of undesirable or illegally present aliens, fostering citizenship education, and presenting desirable aliens to the court for naturalization.⁷⁸

When the new act became effective the INS was faced with enforcing the "new and complex requirements for admission and the additional classifications of alien applicants."⁷⁹ The new requirements included: (1) filing of visa applications by most immigrants; (2) allocation of the visas within the new quota system and preference categories established by the law; (3) revision of the yearly reporting system for resident aliens in the United States to include aliens temporarily in the United States; (4) creation of a central index of the names of all aliens admitted to the United States for use by government security and enforcement agencies; (5) elimination of the need to submit declaration of intention for naturalization; (6) elimination of racial barriers to naturalization; and (7) additional grounds for exclusion and denaturalization.

Between 1952 and 1965 INS activities were altered to implement the new admission requirements specified in the legislation and to respond to other requirements of the legislation which increased naturalization and enforcement activity. The following is a description of major changes.

Visas

Because of the new requirement that, with some exceptions, quota and nonquota immigrants must obtain INS-approved visas, applications for visas increased; the allocation of visas became a time-consuming duty for INS. Moreover, these visas were allocated by categories under the new preference system, which required additional time for determination. As pointed out in the 1953 Annual Report, "the time element in getting visa petitions approved under the new Act also operated to keep the number of preference immigrants admitted low."⁸⁰ This trend continued through fiscal year 1964. Table 26 shows the preference categories designated by the new law.

⁷⁷ Higham, John. "American Immigration Policy in Historical Perspective," *Law and Contemporary Problems*, vol. 21, No. 2 (Spring 1956), p. 235.

⁷⁸ U.S. Department of Justice. *Annual Report of the Immigration and Naturalization Service* [fiscal year 1953], [Washington, 1953], p. 2.

⁷⁹ *Ibid.*, p. 11.

⁸⁰ U.S. Department of Justice. *Fiscal year 1953 Annual Report*, p. 19.

TABLE 26.—PREFERENCE CATEGORIES UNDER THE IMMIGRATION AND NATIONALITY ACT OF 1952, PUBLIC LAW 82-414

Class of admission	Percent allotted under the law
1st preference quota—Selected immigrants of special skill or ability.....	50 percent.
2d preference quota—Parents of U.S. citizens.....	30 percent.
3d preference quota—Spouses and children of resident aliens.....	20 percent.
4th preference quota—Brothers or sisters of U.S. citizens, children over 21 yr of age, or married, of U.S. citizens.	Quotas not used by 1st 3 groups (up to 25 percent).
Nonpreference quota.....	Quotas not used by any preference groups.

Note: Sec. 203(a), Immigration and Nationality Act of 1952 as enacted.

Alien address report system

The 1952 act required all aliens in the United States annually to report their current addresses to the INS. This was accomplished as a joint project with the Post Office Department. The address cards completed by aliens for this project were to provide INS with a census of aliens in the United States by geographic location and nationality; a current address file of all aliens in the United States; a security file whereby names and addresses of aliens could be furnished to security agencies on request; and a noncompliance list of aliens who failed to keep this provision of law and thereby became subject to fine, imprisonment, or deportation. As pointed out earlier, under the 1940 Alien Registration Act, approximately 5 million aliens registered in the United States. During fiscal year 1953, 2,536,550 aliens reported their addresses to INS. By the end of fiscal year 1965, this number had risen to 3,393,209.

Central index

Section 290 of the new Immigration and Nationality Act required INS to establish a central index of the names of all aliens admitted to the United States, for the use of U.S. security and enforcement agencies. By the end of fiscal year 1953, INS maintained that the index contained the records of all aliens admitted to the United States for permanent residence as well as arrival and departure records for aliens admitted to the United States temporarily as nonimmigrants. INS intended to later add records for approximately 400,000 alien crewmen.

Increased immigration inspections

Passage of the 1953 Refugee Relief Act and other refugee legislation passed during this period further altered INS activities because they stimulated increases in the overall volume of alien entries. Table 27 shows the number of aliens admitted annually from fiscal year 1948 through fiscal year 1965; table 28 shows the number of refugees admitted from June 30, 1946 through June 30, 1965.

Not only did the overall volume of alien entries increase but, after 1952, nonquota immigration began to greatly exceed quota immigration (see table 27). This occurred, according to Helen Eckerson, because of the interactions between the 1952 law and the later exemptions:

Congress in setting numerical ceilings for immigrants from most of the countries of the world also implemented certain policies or principles by exempting from such limitations natives of the independent countries of the Western Hemisphere,

the immediate families of American citizens, refugees, and other small groups. These exemptions have been somewhat like the tail wagging the dog, as far as preserving the national-origins intent is concerned.⁸¹

TABLE 27.—IMMIGRANTS ADMITTED, FISCAL YEARS 1946 THROUGH 1964

Fiscal year:	Immigrants ¹	
	Quota	Nonquota
1948.....	92,526	78,044
1949.....	113,046	75,271
1950.....	197,460	51,727
1951.....	156,547	49,170
1952.....	194,247	71,273
1953.....	84,175	86,259
1954.....	94,098	114,079
1955.....	82,232	155,558
1956.....	89,310	232,315
1957.....	97,178	229,689
1958.....	102,153	151,112
1959.....	97,657	163,029
1960.....	101,373	164,025
1961.....	96,104	175,240
1962.....	90,319	193,444
1963.....	103,036	203,224
1964.....	102,844	189,404
1965.....	99,381	197,316

¹ An immigrant is an alien admitted for permanent residence.

Sources: INS fiscal year 1952 annual report, table 3; INS fiscal year 1956 annual report, p. 32; INS fiscal year 1961 annual report, p. 19; INS fiscal year 1964 annual report, p. 22; INS fiscal year 1965 annual report, p. 25.

TABLE 28.—Refugees admitted to the United States, fiscal years 1946-65

	Number admitted
President's directive of December 22, 1945.....	40,324
Displaced Persons Act of 1948:	
Displaced persons admitted.....	352,260
Displaced persons adjusting under sec. 4.....	3,670
German ethnics.....	53,766
Refugee Relief Act of 1953 ¹	189,021
Act of July 29, 1953 (orphans).....	466
Act of Sept. 11, 1957 (secs. 4 and 15).....	29,455
Act of July 25, 1958 (Hungarian parolees).....	30,719
Act of Sept. 2, 1958 (Azores and Netherlands refugees).....	22,213
Act of Sept. 22, 1959 (sec. 6) (refugee relatives).....	1,820
Act of July 14, 1960 (refugee-escapees).....	10,503
Total	734,217

¹ Includes 6,130 Hungarian refugees.

Source: Fiscal year 1965 INS Annual Report, p. 30.

Enforcing the numerous, technical immigration restrictions relating to the growing volume of alien entrants became increasingly a problem for the INS. The investigative work of the Service increased after 1952, resulting in more apprehensions and voluntary departures. Table 29 shows the number of aliens apprehended, aliens deported, and aliens required to depart from fiscal year 1946 through fiscal year 1965. INS attributed much of the increase in illegal alien entries to Mexicans, despite the continuation of the agricultural labor pro-

⁸¹ Eckerson, Helen. "Immigration and National Origins," *The Annals of the American Academy of Political and Social Science*, September 1966, p. 10.

TABLE 29.—ALIENS APPREHENDED, DEPORTED, AND REQUIRED TO DEPART, FISCAL YEARS 1946-65

Fiscal year:	Aliens apprehended	Aliens deported ¹	Aliens required to depart
1946.....	99,591	14,371	101,945
1947.....	193,657	18,663	195,880
1948.....	192,779	20,371	197,184
1949.....	288,253	20,040	276,297
1950.....	468,339	6,628	572,477
1951.....	509,040	13,544	673,169
1952.....	528,815	20,181	703,778
1953.....	885,587	19,845	885,391
1954.....	1,089,583	26,951	1,074,277
1955.....	254,096	15,028	232,769
1956.....	87,696	7,297	80,891
1957.....	59,918	5,082	63,379
1958.....	53,474	7,142	60,600
1959.....	45,336	7,988	56,610
1960.....	170,684	6,829	52,796
1961.....	188,823	7,438	52,383
1962.....	192,758	7,637	54,164
1963.....	188,712	7,454	69,392
1964.....	186,597	8,746	73,042
1965.....	110,371	10,143	95,263

¹ Deportable aliens located—includes nonwillful crewman violators.

Source: Fiscal year INS Annual Report, p. 67.

gram which provided for legal entry of many Mexican laborers. Table 30 shows the foreign laborers admitted from fiscal year 1942 through fiscal year 1964.

TABLE 30.—Foreign workers admitted for temporary employment in U.S. agriculture, by year and nationality¹

Year	Total	Mexicans	British West Indians	Bahamians	Canadians	Others
1942 ²	4,203	4,203			(3)	
1943.....	65,624	52,098	8,828	4,698	(5)	
1944.....	84,419	62,170	16,574	3,048	1,414	4,113
1945.....	73,422	49,454	17,291	2,100	4,055	4,522
1946.....	51,347	32,043	11,081	2,690	5,533	
1947.....	30,775	19,632	1,017	2,705	7,421	
1948 ³	44,916	35,345	2,421	1,250	5,900	
1949.....	112,765	107,000	1,715	1,050	3,000	
1950.....	76,525	67,500	4,425	1,800	2,800	
1951.....	203,640	192,000	6,540	2,500	2,600	
1952.....	210,210	197,100	4,410	3,500	5,200	
1953.....	215,321	201,380	4,802	2,939	6,200	
1954.....	320,737	309,033	2,159	2,545	7,000	
1955.....	411,966	398,850	3,651	2,965	6,700	
1956.....	459,850	445,197	4,369	3,194	6,700	4,390
1957.....	452,205	436,049	5,707	2,464	7,300	4,685
1958.....	447,513	432,857	5,204	2,237	6,900	4,315
1959.....	455,420	437,643	6,622	2,150	8,600	4,405
1960.....	334,729	315,846	8,150	1,670	8,200	4,863
1961.....	310,375	291,420	8,875	1,440	8,600	4,40
1962.....	217,010	194,978	11,729	1,199	8,700	4,404
1963.....	209,218	186,865	11,856	1,074	8,500	4,923
1964.....	200,022	177,736	7,361	(7)	7,900	25

¹ This does not include small number of Basques and other workers.

² Data for 1942-47 were obtained from USDA reports.

³ Not available.

⁴ Newfoundlanders transported.

⁵ Data for 1948-61 were compiled by Bureau of Employment Security, U.S. Department of Labor.

⁶ Includes 390 Japanese in 1956; 652 Japanese and 33 Filipinos in 1957; 315 Japanese in 1958; 400 Japanese and 5 Filipinos in 1959; Japanese only in 1960 and 1961; 279 Japanese and 125 Filipinos in 1962; Japanese only in 1963-64.

⁷ Bahamians included with British West Indians.

Source: "The Migratory Farm Labor Problem in the United States," 87th Congress, 2d session, S. Rept. No. 1225, Washington, p. 10, 1962; and "Farm Labor Market Developments," Bureau of Employment Security, U.S. Department of Labor, January 1964 and January 1965. U.S. Department of Agriculture. Termination of the Bracero Program, Agricultural Economic Report No. 77, Washington, June 1965, p. 5.

The INS apprehension figures were greatly reduced after fiscal year 1954 when INS launched a campaign to stop illegal entries over the Mexican border. According to the 1955 Annual Report, this reduction was accomplished by reorganizing the Border Patrol as a relatively small, mobile force; and by centralizing the field operations in the four regional offices, so planning, coordination, direction, and supervision of the southern border was vested in one command rather than in three. A description of the Special Mobile Force Operation to reduce illegal entries by Mexicans is included in the 1955 Annual Report:

[it] began in California in the last few days of fiscal 1954, and after the backbone of the wetback invasion was broken in California, shifted to south Texas. Mobile task forces were assembled and set into action. Light planes were used in locating illegal aliens and directing ground teams in jeeps to effect apprehensions. Transport planes were used to airlift aliens to staging areas for prompt return to Mexico.

Uncounted thousands of aliens departed California of their own accord during the operation. When the operation shifted to Texas, 60,456 aliens returned to Mexico through ports of entry during the first 30 days to avoid arrest. Others simply fled across the Rio Grande River.

These activities were followed by mopping up operations in the interior and special mobile force units are continuing to discover illegal aliens who have eluded initial sweeps through such cities as Spokane, Chicago, Kansas City, and St. Louis, which removed 20,174 illegal Mexican aliens from industrial jobs.

The volume of apprehensions of Mexican nationals continued to decrease following the apprehension and expulsion of large numbers of wetbacks and the mass exodus of thousands of others who departed of their own accord. Nevertheless, vigorous efforts were continued to apprehend those who managed to escape detection and those who succeeded in their attempts to enter illegally or abandoned status after legal entry. By the end of June 1955, the rate of apprehensions had dropped to 11 percent of that of June 1954, and 59 percent of those apprehended were taken into custody within 48 hours after crossing the border.

The so-called "wetback" problem no longer exists. The decline in the number of "wetbacks" found in the United States, even after concentrated and vigorous enforcement efforts were pursued throughout the year, reveals that this is no longer, as in the past, a problem in border control. The border has been secured.⁸²

The 1952 provisions barring subversive aliens also caused INS to increase its investigative activity in that area. According to the fiscal year 1955 Annual Report, "top priority designation was given those whose presence constituted a risk to national security and maximum investigative efforts of the service were concentrated on such cases. Increased emphasis was given investigation of cases where even a trace of subversive activity, however remote, had occurred within the past 10 years. * * *"⁸³ At the close of fiscal year 1954, there were 22,504 subversive cases pending investigation; at the end of fiscal year 1955, there were 14,770 such cases pending. However, table 31 demonstrates that despite the number of investigations, the number of exclusions, deportations, and denaturalizations attributed to subversive or anarchistic activities was actually rather small.

⁸² U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1955], [Washington, 1955], pp. 14-15.

⁸³ U.S. Department of Justice. Fiscal year 1955 Annual Report, p. 15.

TABLE 31.—TOTAL EXCLUSIONS, DEPORTATIONS, AND DENATURALIZATIONS AND THE NUMBER DUE TO SUBVERSION/ANARCHISTIC ACTIVITIES, FISCAL YEARS 1951-65

Fiscal year:	Exclusions	Due to subver- sive/anarchis- tic activities	Deportations	Due to subver- sive/anarchis- tic activities	Denaturaliza- tions	Due to subver- sive/anarchis- tic activities
1951.....	3,784	29	13,544	18	403	-----
1952.....	2,944	9	20,181	31	279	-----
1953.....	3,637	48	19,845	37	335	6
1954.....	3,313	111	26,951	61	165	5
1955.....	2,667	89	15,028	30	197	12
1956.....	1,709	117	7,297	16	288	4
1957.....	907	302	5,082	12	269	3
1958.....	733	255	7,142	6	176	1
1959.....	480	102	7,988	7	154	-----
1960.....	411	36	6,829	12	124	-----
1961.....	743	21	7,438	4	44	-----
1962.....	388	13	7,637	2	26	-----
1963.....	309	11	7,454	4	7	-----
1964.....	421	16	8,746	-----	11	-----
1965.....	429	12	10,143	-----	2	-----

Source: Fiscal year 1955 INS Annual Report, p. 136; fiscal year 1964 INS Annual Report, p. 65, 73, and 109; fiscal year 1965 INS Annual Report, p. 69, 72, 113.

Naturalizations

In addition to the provisions regarding the revocation of naturalization and denaturalization of subversive aliens, the 1952 act contained two major changes in naturalization procedures: (1) the elimination of racial barriers for alien applicants; and (2) the elimination of declaration of intention as a prerequisite to naturalization. As a result of these new provisions, petitions for naturalization and the number of persons naturalized increased dramatically in fiscal year 1952 and remained at relatively high levels through fiscal year 1965 (see table 32 for the annual increases in petitions filed and naturalizations granted).

TABLE 32.—PETITIONS FOR NATURALIZATION FILED, PERSONS NATURALIZED, AND PETITIONS FOR NATURALIZATION DENIED, FISCAL YEARS 1946-65

Fiscal year:	Petitions filed	Persons naturalized	Petitions denied
1946.....	123,864	150,062	6,575
1947.....	88,802	93,904	3,953
1948.....	68,265	70,150	2,887
1949.....	71,044	66,594	2,271
1950.....	66,038	66,346	2,276
1951.....	61,634	54,716	2,395
1952.....	94,086	88,655	2,163
1953.....	98,128	92,051	2,300
1954.....	130,722	117,831	2,084
1955.....	213,508	209,526	4,571
1956.....	137,701	145,885	3,935
1957.....	140,547	138,043	2,948
1958.....	117,344	119,866	2,688
1959.....	109,270	103,931	2,208
1960.....	127,543	119,442	2,277
1961.....	138,718	132,450	3,175
1962.....	129,682	127,307	3,557
1963.....	121,170	124,178	2,436
1964.....	113,218	112,234	2,309
1965.....	106,813	104,299	2,059

Source: Fiscal year 1964 Annual Report, p. 92; fiscal year 1965 Annual Report, p. 95.

Other activities

Cuban refugees began to be paroled into the United States in 1961, under the parole provision, section 212(d)(5) of the Immigration and Nationality Act of 1952. During fiscal year 1961, INS inaugurated a secondary inspection program on a selective basis in Miami in order to identify Cubans who might be security risks to the United States entering under the guise of refugees. This program was later extended to Puerto Rico on a limited basis. The Caribbean Investigations and Coordination Program Index was created to aid in the screening of undesirable aliens. This index contained information on "subversives, suspected subversives, criminals, drug addicts and traffickers, and other Latin Americans."⁸⁴ This program was still in effect at the close of fiscal year 1965.

During the late 1950's and early 1960's, INS became increasingly concerned about alien racketeers, prostitutes, procurers, narcotics addicts, narcotics traffickers, and perpetrators of frauds against the Government. Thus, the Service launched an anti-crime program against alien or naturalized racketeers, and criminals engaged in syndicated crime and vice who "have become deeply imbedded in the roots of the country's growth and development."⁸⁵ During fiscal year 1965, 7,649 investigations of criminal, immoral, or narcotic cases were completed and 632 aliens were deported from the United States or required to depart.

During this period, INS continued programs to facilitate travel to the United States, including preinspections, dual inspections, and enroute inspections. Preinspection abroad was introduced in fiscal year 1954 to eliminate delays caused by inspection formalities upon arrival in the United States. Under this procedure, the admissibility of passengers was determined prior to their embarkation for the United States. In fiscal year 1962 INS began a system of dual inspection at land border ports, whereby the inspection for both Immigration and Customs was done by a single officer representing both Services. In fiscal year 1963, a single officer representing INS, the Bureau of Customs, the U.S. Public Health Service, and the Bureau of Plant Quarantine performed the combined screening for all four agencies at ports along the Mexican border. The fiscal year 1963 Annual Report pointed out that when feasible, this practice was also used at ports of preinspection abroad. Finally, inspection of ships' passengers was performed en route from two major seaports in the Far East and was also used on some railroad lines operating between Canada and the United States and on some vessels departing from South American ports destined for San Juan, Puerto Rico.

In fiscal year 1965, the Service studied the feasibility of expanding the use of nonresident border crossing cards for Mexican nationals in order to facilitate travel across the Mexican border. As proposed, the card was to be the only document required of Mexican nationals seeking to enter the United States as visitors. Use of this card began in fiscal year 1966.

⁸⁴ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1961]. Washington Government Printing Office, 1961, p. 7.

⁸⁵ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1965]. Washington, U.S. Government Printing Office, 1965, p. 11.

AREAS OF INS CONCERNS

Litigation

In the fiscal year 1954 Annual Report, INS stated that "statistics of deportations accomplished fail to tell the story of obstacles to be overcome—obstacles such as claims of physical persecution, administrative stays, court actions, difficulties in obtaining travel documents, applications for suspension of deportation. All of these are delaying actions that sometimes make the final effective act of the deportation process next to impossible."⁸⁶ According to INS, the increase in litigation was partly due to problems in interpreting the new law and partly due to a pattern of increased resort to the courts. According to Bennett, the "main single basis for litigation under the immigration laws continued to be persistent efforts of illegally resident aliens to defeat or delay their deportations. * * * Protracted litigation, leading all the way to the Supreme Court, and a multiplicity of suits arising from the same case but filed in different jurisdictions, often where court dockets were overburdened, nullified the expeditious administrative application of immigration restrictions in numerous cases. * * *"⁸⁷

The INS Commissioner continued to express concern regarding what he called the growing volume of nonmeritorious court actions that challenged the validity of INS deportation orders through fiscal year 1965. During the same time period, exclusion and expulsion hearings also increased. According to the 1963 INS Annual Report, section 4 of the Act of October 24, 1962 (Public Law 87-885) provided more lenient qualifications for suspension of deportation under section 244 of the 1952 act. This resulted in a growing number of cases being presented to Special Inquiry Officers for adjudication. Moreover, according to INS, the "unsettled issues of law and fact, arising from the new law, were frequent and, considering the paucity of case precedents, called for extended research, analysis and sifting of evidence, and an application of judicial acumen."⁸⁸

Concern regarding the effort involved in preparing cases also continued to be expressed through fiscal year 1965. INS pointed out that trial attorneys were obliged to represent the Government in formal exclusion and expulsion hearings before Special Inquiry Officers, serve as legal consultants to the field office staffs, and when requested, assist U.S. attorneys in civil and criminal cases arising out of the immigration and nationality laws. In the fiscal year 1963 Annual Report, several factors are suggested as means to reduce judicial challenges of INS orders, including "the further liberalization of the Immigration and Nationality Act which permits more discretion in the adjustment of cases; the improvement in the administrative process in the making of the original orders; and perhaps more care in determining those orders which will be defended in the courts, thus leaving less room for successful judicial attack."⁸⁹

⁸⁶ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1954], [Washington, 1954], p. 2.

⁸⁷ Bennett. American Immigration Policies, p. 220.

⁸⁸ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1964]. Washington, U.S. Government Printing Office, 1964, p. 12.

⁸⁹ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1963], [Washington, 1963], p. 13.

Personnel and administrative changes

In fiscal year 1955 INS underwent a Service-wide reorganization, the first major reorganization since the fiscal year 1952 reorganization of the Central office. Four regional offices were established and were given managerial responsibilities over field activities on January 3, 1955. This allowed top Central Office and field administrators to give closer attention to Service-wide program development and policy determinations. In addition, the field office boundaries were realigned and made coextensive with State lines, eliminating 22 smaller offices. Chart 4 demonstrates the changes in the field office boundaries. All field operations were decentralized to the four regional offices; cases that once were sent through the Central Office were now to be decided in the field.

In addition, a Field Inspection and Security Division was established early in calendar year 1955, consisting of an Inspection Branch and a Security Branch. Charts 5 and 6 illustrate the changes in the INS structure. In October 1955 (fiscal year 1956), an Intelligence Branch was added to the Field Inspection and Security Division to plan and supervise the production and dissemination of intelligence within the Service and to other interested government agencies.

The INS reorganization was accomplished while total personnel was reduced from 7,100 at the end of fiscal year 1954 to 6,637 at the end of fiscal year 1955. According to INS, the structural changes allowed work to be accomplished more efficiently by fewer personnel.

CHART 4

THE IMMIGRATION AND NATURALIZATION SERVICE

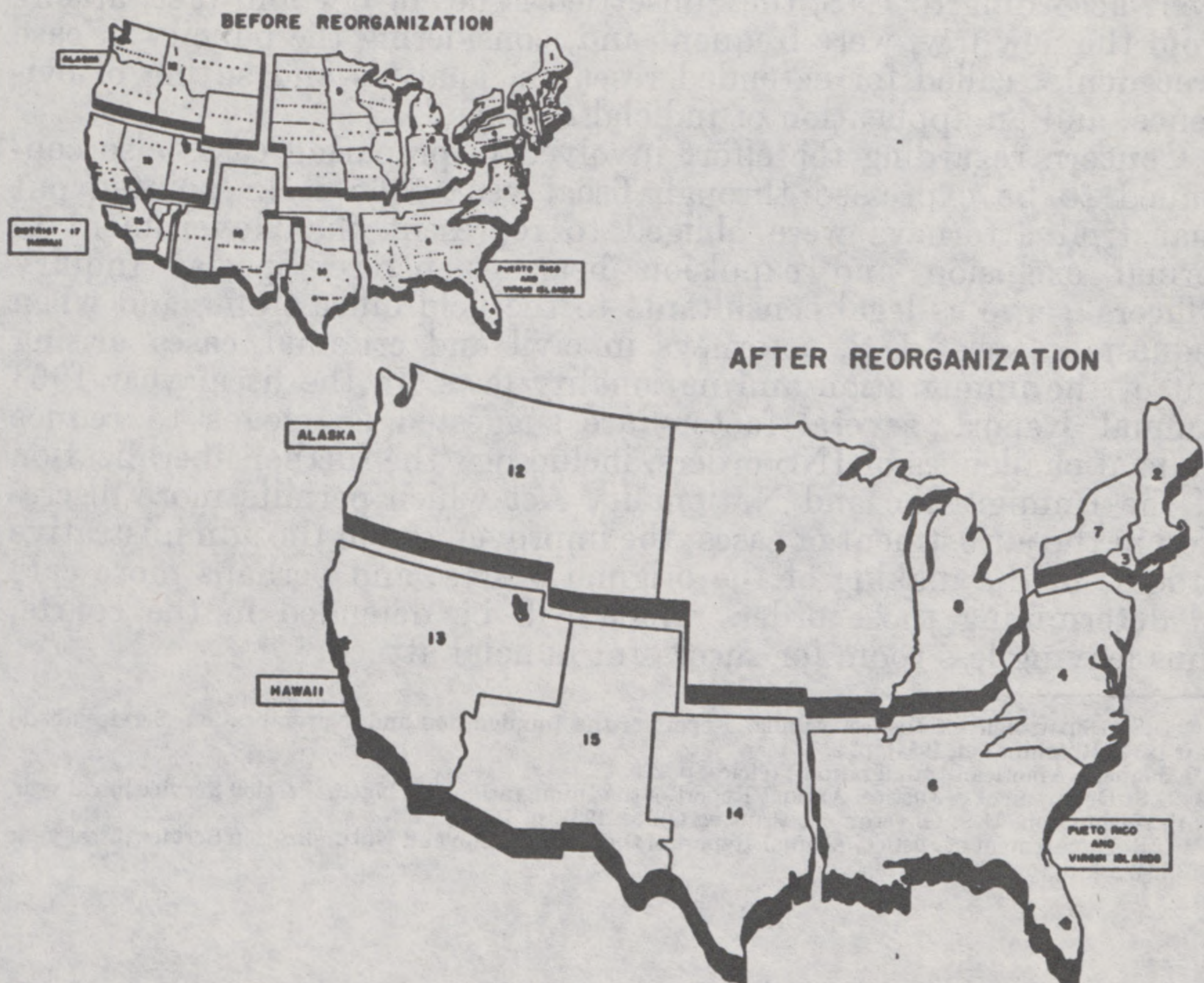
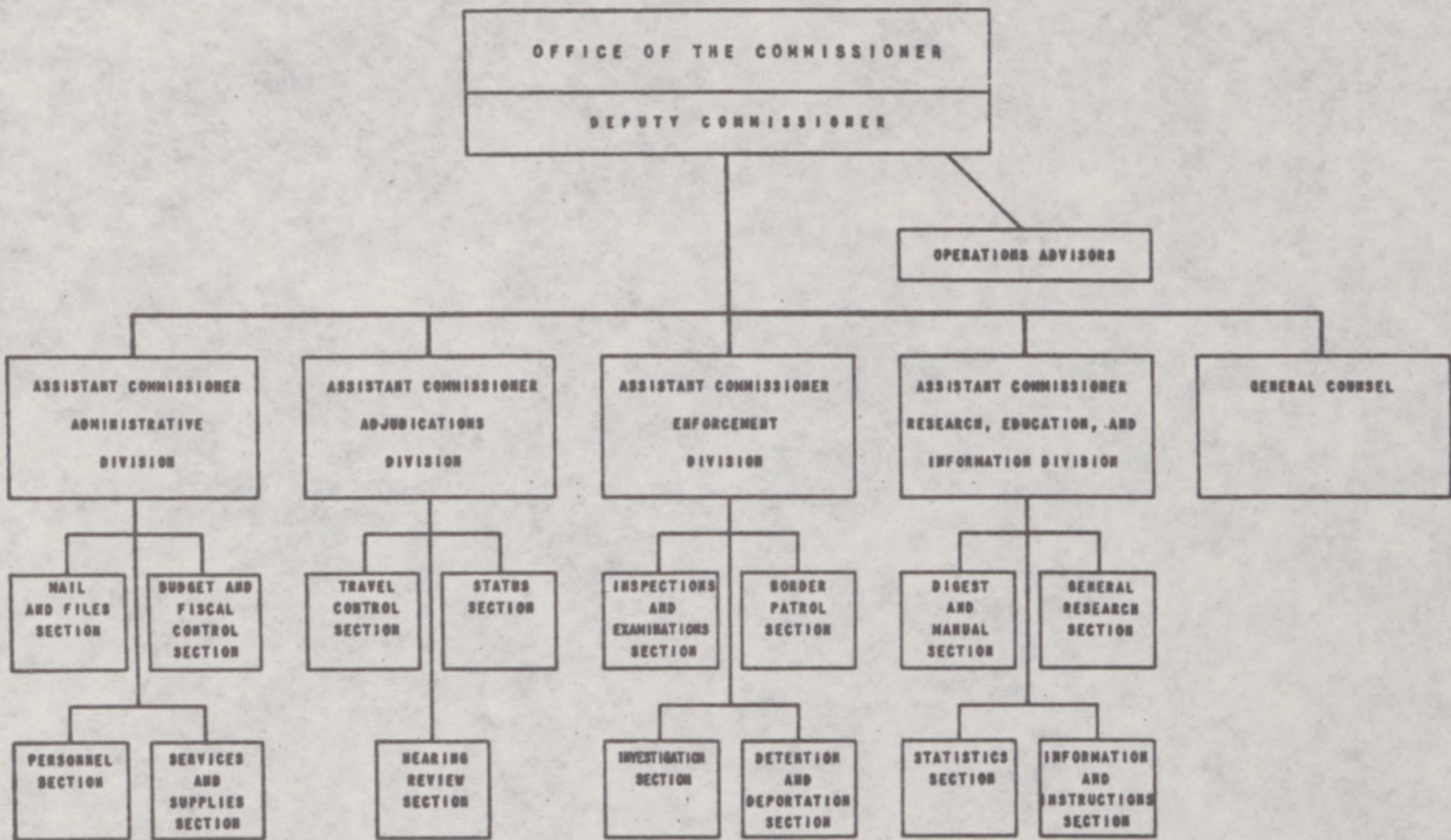


CHART 5

December 1, 1949
IMMIGRATION AND NATURALIZATION SERVICE

Central Office Organization

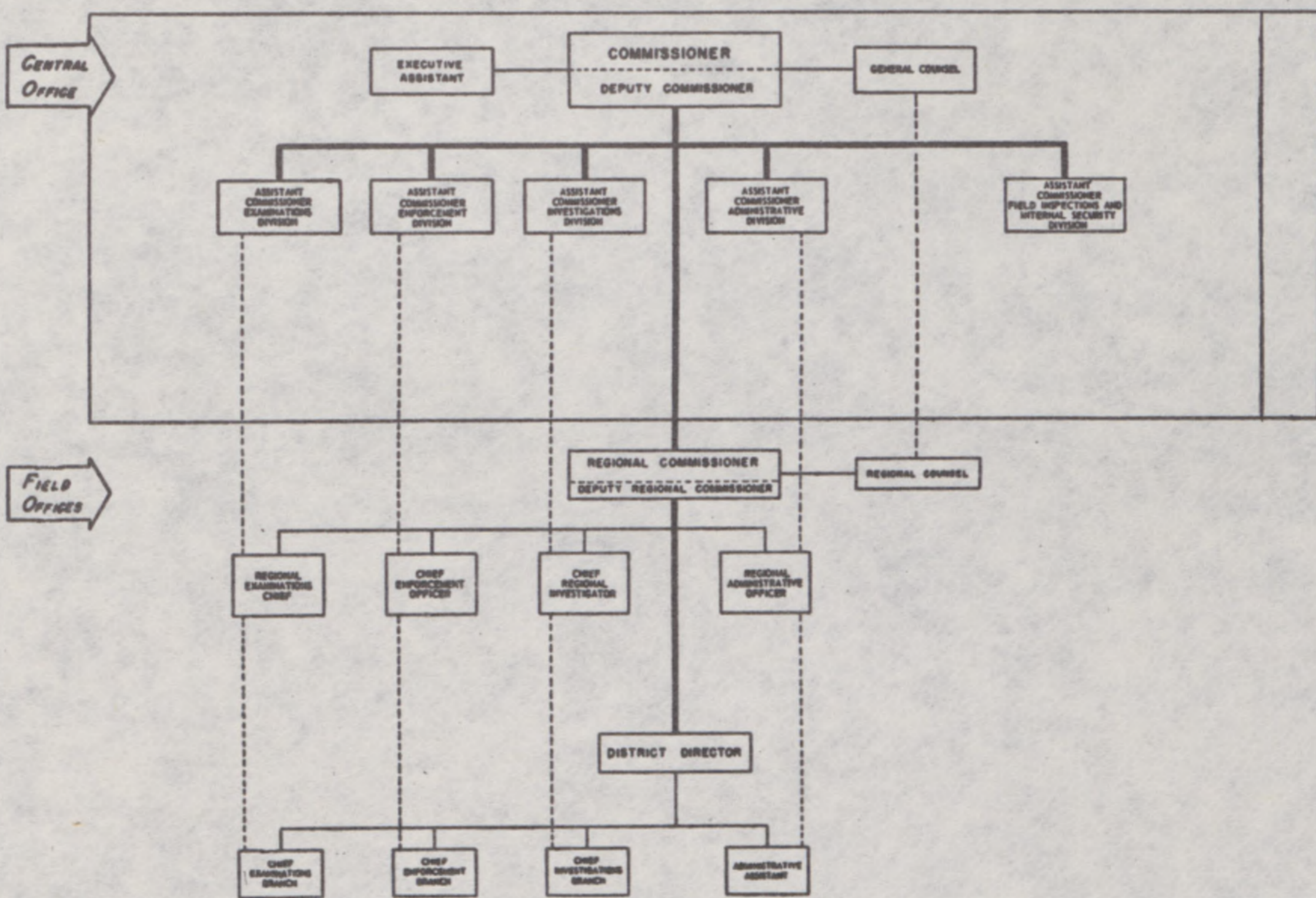


Source: Immigration and Naturalization Systems of the United States.

CHART 6

1955

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE



Source: 1955 INS Annual Report.

TABLE I
RESULTS OF THE EXPERIMENT

No.	Time		Temperature		Pressure		Volume	
	Start	End	Start	End	Start	End	Start	End
1	10.00	10.15	20.0	20.5	1.0	1.0	100	100
2	10.15	10.30	20.5	21.0	1.0	1.0	100	100
3	10.30	10.45	21.0	21.5	1.0	1.0	100	100
4	10.45	10.60	21.5	22.0	1.0	1.0	100	100
5	10.60	10.75	22.0	22.5	1.0	1.0	100	100
6	10.75	10.90	22.5	23.0	1.0	1.0	100	100
7	10.90	11.05	23.0	23.5	1.0	1.0	100	100
8	11.05	11.20	23.5	24.0	1.0	1.0	100	100
9	11.20	11.35	24.0	24.5	1.0	1.0	100	100
10	11.35	11.50	24.5	25.0	1.0	1.0	100	100

TABLE II
RESULTS OF THE EXPERIMENT

No.	Time		Temperature		Pressure		Volume	
	Start	End	Start	End	Start	End	Start	End
1	11.50	11.65	25.0	25.5	1.0	1.0	100	100
2	11.65	11.80	25.5	26.0	1.0	1.0	100	100
3	11.80	11.95	26.0	26.5	1.0	1.0	100	100
4	11.95	12.10	26.5	27.0	1.0	1.0	100	100
5	12.10	12.25	27.0	27.5	1.0	1.0	100	100
6	12.25	12.40	27.5	28.0	1.0	1.0	100	100
7	12.40	12.55	28.0	28.5	1.0	1.0	100	100
8	12.55	12.70	28.5	29.0	1.0	1.0	100	100
9	12.70	12.85	29.0	29.5	1.0	1.0	100	100
10	12.85	13.00	29.5	30.0	1.0	1.0	100	100

TABLE III
RESULTS OF THE EXPERIMENT

No.	Time		Temperature		Pressure		Volume	
	Start	End	Start	End	Start	End	Start	End
1	13.00	13.15	30.0	30.5	1.0	1.0	100	100
2	13.15	13.30	30.5	31.0	1.0	1.0	100	100
3	13.30	13.45	31.0	31.5	1.0	1.0	100	100
4	13.45	13.60	31.5	32.0	1.0	1.0	100	100
5	13.60	13.75	32.0	32.5	1.0	1.0	100	100
6	13.75	13.90	32.5	33.0	1.0	1.0	100	100
7	13.90	14.05	33.0	33.5	1.0	1.0	100	100
8	14.05	14.20	33.5	34.0	1.0	1.0	100	100
9	14.20	14.35	34.0	34.5	1.0	1.0	100	100
10	14.35	14.50	34.5	35.0	1.0	1.0	100	100

X. THE REPEAL OF THE NATIONAL ORIGINS QUOTA SYSTEM

BACKGROUND ON IMMIGRATION LEGISLATION BETWEEN 1966-80

In 1952, after Congress enacted the Immigration and Nationality Act of 1952 over his veto, President Truman created by Executive Order 10392 the President's Commission on Immigration and Naturalization. The purpose of this Commission was to survey, evaluate, and make recommendations concerning immigration and naturalization policies in the United States. The Commission's report, titled "Whom We Shall Welcome," was issued in 1953 and included recommendations that the national origins quota system be abolished and that a unified quota system be established which would allocate visas without regard to national origin, race, creed, or color. The report suggested that quota visas be distributed within five categories, based on the right of asylum, reunion of families, needs within the United States, special needs of the free world, and general immigration. The report also made numerous other recommendations regarding admissions and deportations, fair hearings and procedures, security, and citizenship. This report marked the beginning of a reexamination of the quota system embodied in the 1952 act.

As pointed out in the preceding chapter, refugee legislation and various other immigration exemptions in effect after 1952 has been eroding the intent of the national-origins plan. Thus, when President John Kennedy submitted his plan for altering the quota system in 1963, Congress had long been involved in the reexamination of immigration restrictions. In addition, public attitudes toward race and national origins had been slowly changing. This change in attitude carried over into the area of immigration, leading to the passage of similar legislation subsequently introduced for the Johnson Administration abolishing the national origins quota provisions as recommended by the 1953 President's Commission report. The bill became the Immigration and Nationality Act Amendments of 1965 (Public Law 89-236; 79 Stat. 911).

Major changes made by the 1965 amendments were the repeal of the national origins quota system and the drastic alteration of the system of preferences used to ration the distribution of immigrant visas. That is, in place of nationality and ethnic considerations, the 1965 act substituted a system based primarily on reunification of families and needed skills.

The 1965 amendments established an annual ceiling on Eastern Hemisphere immigration of 170,000, with a 20,000 per country limit. Within those restrictions, immigrant visas were to be allocated according to a seven-category preference system. The preference system has since been somewhat altered (see table 33). The 1965 law also provided that effective July 1, 1968, Western Hemisphere immigration would be limited by an annual ceiling of 120,000, without per-country limits or a preference system.

TABLE 33.—PREFERENCE SYSTEM FOR IMMIGRATION UNDER THE IMMIGRATION AND NATIONALITY ACT AS AMENDED TO DATE

Preference	Characteristic	Maximum proportion of total
1st.....	Unmarried sons and daughters of U.S. citizens..	20 percent.
2d.....	Spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence.	26 percent, plus any numbers not required by 1st preference category.
3d.....	Members of the professions or persons of exceptional ability in the sciences and arts.	10 percent.
4th.....	Married sons and daughters of U.S. citizens.....	10 percent, plus any numbers not required by 1st 3 preference categories.
5th.....	Brothers and sisters of U.S. citizens 21 yr of age and over.	24 percent, plus any numbers not required by 1st 4 preference categories.
6th.....	Skilled and unskilled workers in short supply....	10 percent.
Nonpreference.....	Other immigrants.....	Number not used by 6 preference categories.

The Immigration and Nationality Act Amendments of 1976 (Public Law 94-571; 90 Stat. 2703) extended the 20,000 per-country limit and a slightly modified version of the seven-category preference system equally to the Western Hemisphere. The preference system and the per-country limits were applied to the two hemispheres under the separate ceilings of 170,000 for the Eastern Hemisphere, and 120,000 for the Western Hemisphere. Legislation enacted in 1978 (Public Law 95-412; 92 Stat. 907) combined the separate ceilings into a single worldwide ceiling of 290,000 with a single preference system. The Refugee Act of 1980 (Public Law 96-212; 94 Stat. 102) eliminated refugees as a category of the preference system, and set the worldwide ceiling at 270,000, exclusive of refugees.

INS ACTIVITIES 1966-80

According to the INS 1966 Annual Report, "the fact that visa numbers became available and that new preferences were established by the Act of October 3, 1965, made the task of assimilating and effectuating the provisions of the new Act one of great priority within the travel control areas and increased the workload tremendously."⁹⁰ The following is a description of major INS activities from 1966 to 1980, including the impact the 1965 amendments had on those activities.

Inspection

The passage of the 1965 amendments greatly affected the inspections area, where, beginning in 1966, the number of immigrant alien entrants increased dramatically (see table 34). Moreover, assigning visas under the new preference categories also required additional time for INS. Nonimmigrant admissions also increased during this period, reflecting the increased ease of air travel and Presidential directives to assist interagency programs that encouraged international travel.

In order to cope with the vast increases in admissions, INS instituted numerous new procedures as well as continuing preclearance procedures which had reduced the volume of inspections at the crowded U.S. airports. In fiscal year 1966, the Service and the Department of State began a program for the expanded use of non-

⁹⁰ U.S. Department of Justice. Annual Report of the Immigration and Naturalization Service [fiscal year 1966]. Washington, U.S. Government Printing Office, 1966.

TABLE 34.—ALIENS ADMITTED UNDER THE IMMIGRATION LAWS,¹ FISCAL YEARS 1966-78

	Immigrants	Nonimmigrants	Total admitted
Fiscal year:			
1966.....	323,040	2,341,923	2,664,963
1967.....	361,972	2,608,193	2,970,165
1968.....	454,448	3,200,336	3,654,784
1969.....	358,579	3,645,328	4,003,907
1970.....	373,326	4,431,880	4,805,206
1971.....	370,478	4,403,761	4,774,239
1972.....	384,685	5,171,460	5,556,145
1973.....	400,063	5,977,324	6,377,387
1974.....	394,861	6,908,708	7,303,569
1975.....	386,194	7,083,937	7,470,131
1976.....	398,613	7,654,491	8,053,104
1976 transition quarter.....	103,676	2,673,652	2,777,328
1977.....	462,315	8,036,916	8,499,231
1978.....	601,442	9,343,710	9,945,152

¹ Data excludes border crossers, crewmen, and aliens admitted on documentary waiver. An immigrant is an alien admitted for permanent residence. A nonimmigrant is an alien admitted in temporary status. Returning resident aliens who have once been counted as immigrants are included with nonimmigrants, although the immigration laws define such aliens as immigrants.

Sources: INS fiscal year 1967 Annual Report, p. 34; INS fiscal year 1970 Annual Report, p. 38; INS fiscal year 1975 Annual Report, p. 34; INS fiscal year 1978 Annual Report, pp. 43-44.

resident alien Mexican border-crossing cards for Mexican nationals seeking to enter the United States as visitors at the United States-Mexico border. According to INS, use of such programs was important in "enabling the Service to cope with the tremendous increase in inspection volume without additional personnel. * * *" ⁹¹

In fiscal year 1967, INS began on an experimental basis the use of a combined INS-Customs entry and departure card and baggage declaration. That same year, the Service extended the stopover privilege for aliens in transit who qualified for admission without a visa en route to another country; and further expanded the nonresident Mexican alien border-crossing card program by allowing Mexican nationals coming to the United States from any part of the world to simply present the border-crossing card and a passport.

In fiscal year 1968, the Service began on a trial basis at two airports an accelerated inspection system which combined the customs, public health, agriculture, and immigration inspections for persons arriving from abroad in a single inspection. The Service also eliminated for U.S. citizens the arrival and departure record required of all passengers arriving or departing and discontinued, except in certain circumstances, the requirement that nonimmigrant alien crewman apply upon arrival for an alien crewman landing permit and identification card.

In fiscal year 1970, the accelerated inspection system tested in fiscal year 1968 was expanded to other international airports. In addition, the Service adopted a procedure for automatically revalidating student and exchange visitor visas of aliens returning from short trips and began issuing alien registration receipt cards to newly admitted immigrant aliens directly upon their arrival in the United States, thus providing immediate evidence of the aliens' lawful permanent residence status.

In fiscal year 1972, INS instituted a two-stop inspection system, combining the immigration and public health inspections in one

⁹¹ Ibid., p. 2.

stop and the Bureau of Customs and Agricultural Research Services inspections in a second stop.

Despite the efforts to simplify documentation and inspection procedures, the INS Commissioner reported in fiscal year 1976 that:

In addition to the enforcement requirements inherent in the Inspections Program, there is equally strong pressure to facilitate entry of qualified aliens. Due to the continual increase in entry applications, the broadening of the inspections function, and the chronic shortage of manpower, the response to both enforcement and facilitation pressures has been less than adequate. To reconcile workload inflation within the bounds of a static workforce, the Service was forced to assign priorities to the conduct of inspections. Issuance of border crossing cards at land border ports was curtailed to meet the demands of increased traffic. The ratio of air passengers examined by each inspector had to be increased with resultant processing delays encountered by arriving passengers at all international airports.⁹²

Enforcement against illegal entries

Another major problem INS faced after 1965 was the increase in illegal alien entries. Between fiscal year 1966 and fiscal year 1978 illegal alien entries increased dramatically (see table 35).

TABLE 35.—DEPORTABLE ALIENS APPREHENDED, ALIENS DEPORTED, AND ALIENS REQUIRED TO DEPART, FISCAL YEARS 1966-78¹

Fiscal year:	Aliens apprehended	Aliens deported	Aliens required to depart
1966.....	138,520	9,168	123,683
1967.....	161,608	9,260	142,343
1968.....	212,057	9,130	179,952
1969.....	283,557	10,505	240,958
1970.....	345,353	16,893	303,348
1971.....	420,126	17,639	370,074
1972.....	505,949	16,266	450,927
1973.....	655,968	16,842	568,005
1974.....	788,145	18,824	718,740
1975.....	766,600	23,438	655,814
1976.....	875,915	27,998	765,094
1976 transition quarter.....	221,824	8,927	190,280
1977.....	1,042,215	30,228	867,015
1978.....	1,057,977	28,371	975,515

¹ Data are for total deportable aliens located, including nonwillful crewman violators.

Source: INS fiscal year 1978 Annual Report, p. 49.

To combat the increased illegal entries, particularly those from Mexico, the INS instituted an air reconnaissance plan focusing primarily on the Southwest border. Other INS efforts to halt illegal entries included the following: In fiscal year 1968, the Service began a buslift to remove illegal Mexican aliens to the interior of Mexico, to supplement airlift and trainlift operations instituted in 1956. In fiscal year 1972, INS started an area control program to focus on illegal aliens located in the interior of the United States. The Service also began using electronic intrusion alarm systems along the northern and southern borders.

However, despite these efforts, the number of illegal entries, at least as measured by apprehensions, continued to grow through fiscal year 1978. In recent years, the number of deportable aliens apprehended annually by the INS has been approximately double

⁹² U.S. Department of Justice. 1976 Annual Report: Immigration and Naturalization Service. Washington, U.S. Government Printing Office, 1976, p. 5.

the number of legally admitted immigrants and, as a result of this, INS increasingly became the target for criticisms from both public and private sources concerned about the seemingly uncontrollable surge of Mexicans illegally coming across the border. Congressional hearings and reports issued during the 1970's reflect the feeling that INS has not effectively enforced existing U.S. policy excluding illegal aliens. The reasons suggested for this failure range from funding and manpower limitations to charges of corruption.⁹³

Adjudication and litigation

The fiscal year 1966 INS Annual Report states that "with the elimination of the national origins quota system, and the new method for allocation of visas, more visas became available for new and additional classes of aliens. * * * Hence, many aliens under deportation proceedings found themselves in a position to apply for adjustment of status under Section 245 of the Act."⁹⁴ Another section of the 1965 law amended section 243(h) of the basic act which permitted withholding of deportation on the basis of physical persecution to withholding of deportation on the basis of persecution without reference to its physical nature. Thus, applications for withholding of deportation on the basis of persecution also increased after 1965. By fiscal year 1975, INS reported that the number of deportation cases referred to immigration judges had reached a record annual high of 46,628 and that the formal exclusion hearings referred to immigration judges, 2,523, was more than three times the number referred 10 years earlier. At the end of fiscal year 1978, the deportation cases referred numbered 3,256.

In response to congressional concerns, the Associate Attorney General in the DOJ authorized in 1977 the creation of a Special Litigation Unit in the General Counsel's Office to try all deportation and denaturalization cases involving alleged Nazi war criminals. According to the fiscal year 1978 INS Annual Report, this unit had been involved in three cases at the close of fiscal year 1978. Increased congressional concerns were expressed regarding the operations of this unit, and in May 1979, the unit was transferred from INS to the Criminal Division within DOJ. By December 1980, 17 cases were in the courts and another 260 were under investigation.

Refugees

The United States pursued a largely ad hoc approach to refugee admissions into the 1970's. Although some refugees were admitted under regular immigration procedures, the bulk of the refugee admissions were authorized by special immigration programs, outside the regular immigration channels. The Attorney General's discretionary authority to parole aliens into the United States temporarily was used as the vehicle for the admission of refugees, and special legislation was then usually enacted to enable them to adjust their status to permanent resident. Refugee groups handled in this manner included the Cubans in the 1960's and the Indochinese in the 1970's.

⁹³ The final section of this paper discusses some of the studies, reports, and hearings relating to INS' functions. The illegal alien issue is discussed in U.S. Congress. House. *Illegal Aliens: Analysis and Background*. Prepared for the use of the Committee on the Judiciary, by the Education and Public Welfare Division, Congressional Research Service, Library of Congress. 95th Cong., 1st sess. Washington, U.S. Government Printing Office, 1977.

⁹⁴ U.S. Department of Justice. *Fiscal year 1966 Annual Report*, p. 19.

INS dealt with the initial processing of these groups of refugees and with their adjustment of status processing. Thus, Service functions were greatly affected by the admission of the various refugee groups between 1965 and 1980. In addition, the most recent groups admitted—the Indochinese Refugees and the Cuban/Haitian Entrants—required the establishment of temporary processing centers to deal with the large number of people arriving within a relatively short time span. Table 36 shows the refugees admitted to the United States from 1945 through 1978.

TABLE 36.—*Refugees admitted to the United States, fiscal years 1946-78*

President's directive of Dec. 22, 1945.....	40, 324
Displaced Persons Act of 1948:	
Displaced persons admitted.....	352, 260
Displaced persons adjusting under sec. 4.....	3, 670
German ethnics.....	53, 766
Refugee Relief Act of 1953 ¹	189, 021
Act of July 29, 1953 (orphans).....	466
Act of Sept. 11, 1957 (secs. 4 and 15).....	29, 462
Act of July 25, 1958 (Hungarian parolees).....	30, 751
Act of Sept. 2, 1958 (Azores and Netherlands refugees).....	22, 213
Act of Sept. 22, 1958 (sec. 6) (refugee relatives).....	1, 820
Act of July 14, 1960 (refugee-escapees).....	19, 783
Act of Oct. 3, 1965 (conditional entries by refugees) ²	116, 397
Act of Nov. 2, 1966 (Cuban refugees).....	370, 620
Act of Oct. 30, 1977 (Indochinese refugees) ³	94, 146
Total.....	1, 324, 699

¹ Includes 6,130 Hungarian refugees.

² Includes 102,217 aliens who conditionally entered the United States and 14,180 refugees whose status was adjusted to permanent residents after 2 years continuous physical presence in the United States. The 102,217 conditional entrants include those who have been accorded lawful permanent resident status.

³ Includes 3,566 for Cambodia, 4,205 for Laos, and 85,651 for Vietnam.

Source: Immigration and Naturalization Service, U.S. Department of Justice, 1980.

The most recent influx of persons seeking refugee status, the Cuban/Haitian Entrants, began in April 1980 and created a particularly difficult situation for INS. Until June 20, 1980, the Service was involved in processing the approximately 125,000 Cubans and 11,000 Haitians without a clear Administration policy on their status. INS was criticized for the length of time the processing took and for apparently differentiating between the Cubans and the Haitians both in the processing and in according entry status.

Other activities

Naturalizations.—As a result of increased immigration and refugee admissions after 1965, the yearly decline in naturalizations between 1965 and 1969 came to a dramatic end in fiscal year 1970. According to INS, this reversal in trend had been anticipated by the Service.

The increase in the number of people naturalized continued through fiscal year 1978 (see table 37) and greatly increased the workload of INS personnel. By fiscal year 1980, pending naturalization applications had grown to more than 100,000.⁹⁵

TABLE 37.—Persons naturalized, fiscal years 1964–78

Fiscal year:	Persons naturalized
1965	104, 299
1966	103, 059
1967	104, 902
1968	102, 726
1969	98, 709
1970	110, 399
1971	108, 407
1972	116, 215
1973	120, 740
1974	131, 655
1975	141, 537
1976	142, 504
1977	158, 990
1978	173, 535

Source: INS annual reports for years covered.

Management.—During the 1970's, INS management practices were severely criticized. Typical of the comments is the statement by a former district director of INS that "the Immigration and Naturalization Service's filing system, record keeping, information compilation, processing of applications, information service to the public and control of nonimmigrants are in the 'dark ages.'" ⁹⁶

In fiscal year 1977, INS implemented the Houston Model Office program for automation, recordkeeping, and expedited processing. However, this system has come under attack as being prematurely implemented. A comprehensive management study of INS was mandated for fiscal year 1980 before additional funds would be authorized for the agency's functions (Public Law 96-132). According to INS Acting Commissioner, David Crosland, INS is working to straighten out its records and files as part of its preparation for the installation of comprehensive automated systems and is investigating ways to improve personnel, procurement, and other management practices.⁹⁷

⁹⁵ U.S. Department of Justice. Immigration and Naturalization Service. Statement of David Crosland, Acting Commissioner, before the Senate Appropriations Subcommittee on the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies. Mar. 15, 1980, p. 7.

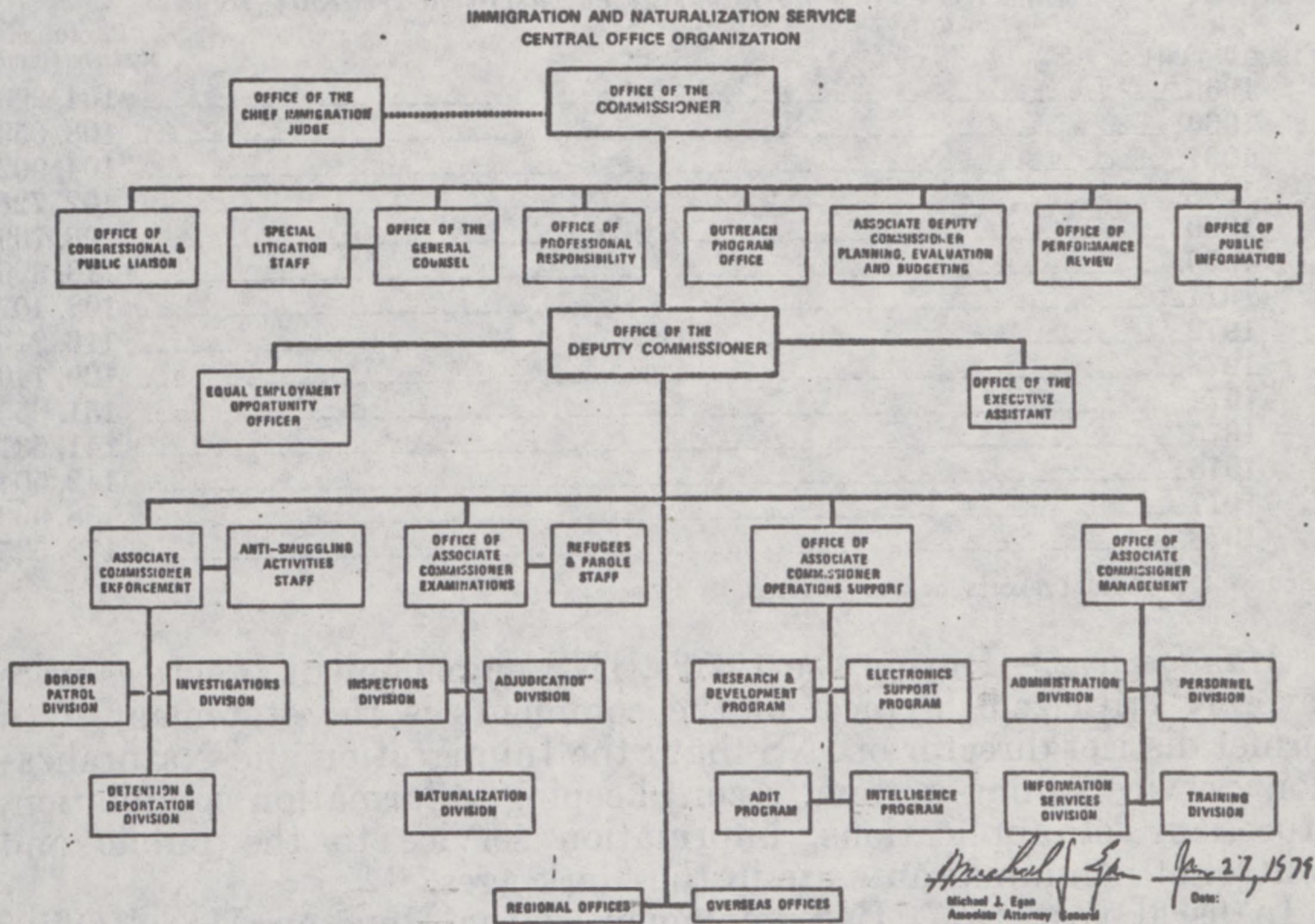
⁹⁶ U.S. Congress. House. Committee on the Judiciary. Immigration and Naturalization Service. Subcommittee on Immigration, Refugees, and International Law. Hearings, 96th Cong., 1st sess., Mar. 15, 22, 28, and 29, 1979, Washington, U.S. Government Printing Office, 1979, p. 300.

⁹⁷ Statement of David Crosland before the Senate Appropriations Committee, Mar. 15, 1980, pp. 10-11.

Chart 7 shows the Central Office organization of INS.

CHART 7

1979



Source: Immigration and Naturalization Service.

XI. INS REVIEWS AND PROPOSED REORGANIZATIONS

Since the inception of INS, many studies have been conducted to examine its structure and functions. These studies have generally focused on three areas: (1) the overlapping of functions or duplication of effort occurring between INS and other governmental agencies; (2) the ability of the Service to perform its functions effectively; and (3) specific administrative mechanisms that reformers wanted to see changed, for example, the status of the Board of Immigration Appeals. The following discussion addresses only those studies concerned with the first two issues, that is, the overlapping of functions and the ability of the Service to perform effectively.

MAJOR CONCERNS PRIOR TO 1960

During the early years, most concern was directed at the overlapping of functions or duplication of effort between INS and other agencies. Generally, the studies focused either on some method of consolidating border patrol forces from INS and Customs in one agency or they focused on consolidating visa functions from the Department of State (DOS) and INS in one agency.

As early as 1932, the Bureau of Efficiency called for the consolidation of the Immigration Bureau's border patrol forces (then a part of the Department of Labor) with the Coast Guard in the Department of Treasury. The 1937 Byrd Committee Report and the 1940 Bureau of the Budget Report called for the consolidation of the inspection and patrolling functions of INS and Customs; and the 1948 Customs' Management Improvement Study suggested the creation of a Federal Border Enforcement Agency. The 1950 Senate Committee on the Judiciary Report No. 1515 recommended consolidating the functions of INS and Customs only where such consolidation would not impair enforcement of immigration laws. The Immigration and Nationality Act of 1952, based largely on this report, did not provide for consolidation of INS and Customs.

In 1949 the Commission on the Organization of the Executive Branch of the Government (the Hoover Commission) suggested the transfer of the Visa Division of the DOS to the Department of Justice (DOJ); this suggestion was repeated in 1957 by the Commission on Government Security (the Wright Commission). However, the 1950 Report of the Senate Committee on the Judiciary did not recommend substantial changes in the visa functions of the DOS and INS, although some duplication of function was noted. The 1953 President's Commission on Immigration and Naturalization (the Perlman Commission) suggested the need to create a new independent agency to perform immigration functions.

MAJOR CONCERNS DURING THE 1960'S AND EARLY 1970'S

During the 1960's and early 1970's, the focus of studies done on INS shifted almost entirely to the overlap in border functions. These studies primarily expressed concern regarding the efficiency of border inspections and recommended one-stop screening at border ports. The reports issued during this time included a 1962 U.S. Travel Service survey; the 1968 Bureau of the Budget study, "Interagency Report on Inspection at Ports of Entry"; and the 1973 General Accounting Office (GAO) study, "A Single Agency Needed to Manage Port-of-Entry Inspections—Particularly at U.S. Airports."

Concern regarding the increase in drug trafficking was mounting at this same point in time and to address these dual concerns, the Nixon administration submitted Reorganization Plan No. 2 to Congress in March 1973. This plan proposed two major organizational changes: (1) the creation of a single enforcement agency for Federal drug enforcement activities to be located in the Department of Justice; and (2) the transfer of the inspection forces of INS to the Bureau of Customs in the Department of Treasury to resolve the "divided responsibility for conducting port-of-entry inspections."⁹⁸ The second change was intended to improve both the detection of illegal aliens and the processing of persons entering the United States. However, it was also intended to strengthen drug enforcement, assuming that "the careful inspection of all persons and goods entering the United States is key in interdicting illegal drugs."⁹⁹

Considerable opposition was expressed to the second part of the reorganization plan, particularly by INS union representatives. The opposition was primarily based on the problems INS employees would have in preventing illegal alien entries at places other than the ports when approximately 900 immigration inspectors were transferred from INS to Customs under the Plan. Thus, on May 22, 1973, the House Government Operations Committee recommended disapproval of the Plan. Congress later accepted Reorganization Plan No. 2 with the understanding that the second part would be repealed by separate legislation, which was accomplished with the passage of Public Law 93-253. The first part of Reorganization Plan No. 2 went into effect on July 1, 1973.

MAJOR CONCERNS FOLLOWING THE 1973 REORGANIZATION EFFORT

Since 1973, duplication of functions—particularly that of border management—has continued to be an issue of concern and study. Suggestions for consolidation have increasingly favored placing these responsibilities in the Department of Treasury rather than in DOJ. Moreover, INS has come increasingly under a barrage of criticism ranging from corruption charges to charges of inefficiency and mismanagement. The following is a discussion of the corruption charges; a description of some of the studies relating to INS during this period; and an overview of the most recent reorganization proposal.

⁹⁸ Executive Office of the President. Office of Management and Budget. Drug Law Enforcement. Reorganization Plan. Washington, May 14, 1973.

⁹⁹ *Ibid.*

Corruption charges

In 1972, the Justice Department began an investigation under the code name "Operation Cleansweep" of alleged widespread corruption and mismanagement in the Southwest region of the INS. The investigation, which lasted 3 years, ended "with a few criminal indictments and much conflict over the handling and results of the investigation."¹⁰⁰

Operation Cleansweep did not completely resolve the question of the scope of corruption and mismanagement among immigration employees. When the investigation was officially over, there was still tension between the Justice Department officials who felt they had completed a thorough investigation which yielded little solid evidence, and critics both in and out of government who "believe the department bungled the investigation or engaged in a coverup."¹⁰¹

Similar corruption charges were leveled against INS in the late 1970's. However, according to David Crosland, Acting Commissioner of INS, the corruption charges were vastly inflated and covered the last 15 years rather than only recent years. He said that identifiable incidents had been investigated by INS, with 14 people cleared of wrongdoing, 5 employees terminated before disciplinary action was taken against them, 25 employees disciplined through suspension or admonishment, 4 people indicted, and 5 cases still under investigation by the Civil Rights Division of the Justice Department.¹⁰²

Studies of INS after 1973

As pointed out by David Crosland, Acting Commissioner of INS, in his testimony before the Senate Appropriations Subcommittee on March 15, 1980:

Major changes in the law in 1965 resulted in considerably more paperwork for the agency, and it was not and has not been equipped to cope with it, either through systems and procedures or through automation. At the same time, immigration to this country has been increasing substantially, and we now find ourselves in a hole from which it will not be easy to extricate ourselves.¹⁰³

The studies, reports, and hearings on INS during the period after 1973 reflect the problems summarized by Mr. Crosland. INS has been criticized both for internal problems, that is, records management, lack of fiscal accountability, poor service to the public, low employee morale, and for external operations, that is, its inability to stem illegal border entries and its ineffective control over non-immigrants in the United States.

Some studies relating to these issues done during this period include the 1973 GAO report, "Need for Improvements in Management Activities of the Immigration and Naturalization Service"; two 1975 GAO reports, "Aliens Are Illegally Entering the U.S. Mainland through Puerto Rico and the U.S. Virgin Islands," and "Better Control Needed To Prevent Foreign Students From Violating Their Conditions of Entry and Stay While in the United States"; the 1977 GAO study, "Illegal Entry at United States-Mexico Border—Multi-agency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People"; the 1979 GAO report, "New Alien

¹⁰⁰ Farber, M. A. "Immigration Service Inquiry Ending; Results in Dispute," *The New York Times*, Sunday, Apr. 27, 1975, sec. 1, p. 47.

¹⁰¹ *Ibid.*

¹⁰² Statement of David Crosland before the Senate Appropriations Committee, Mar. 15, 1980, pp. 3-4.

¹⁰³ U.S. Department of Justice. Mar. 15, 1980. Statment of David Crosland, p. 11.

Identification System—Little Help in Stopping Illegal Aliens”; the 1980 Report from the House Committee on Government Operations, “Immigration and Naturalization Service Records Management Problems”; and, most recently, a 1980 GAO report, “Prospects Dim For Effectively Enforcing Immigration Laws.”

In the early 1970’s, Congress appropriated more money than the DOJ requested for INS. However, by the close of the decade, Congressional reactions to INS became increasingly negative. The Senate Committee on the Judiciary Reports on the Department of Justice Authorization Act for fiscal year 1980 and 1981 exemplify congressional concerns. In support of its decision to authorize only the funds requested by the administration for INS for the next fiscal year, the Senate Report for fiscal year 1981 states:

In sum, INS must take immediate steps to: (1) set priorities among its many competing demands; (2) eliminate waste and inefficiency throughout the Service; (3) apply modern management tools and techniques to eliminate backlogs; (4) introduce timely processing; (5) insure equitable treatment for all applicants and undocumented aliens; and, (6) improve the working conditions for its employees.

Because of these management problems, the committee finds it impossible to increase the Immigration and Naturalization Service authorization at this time. The committee awaits submission of the management analysis called for in last year’s authorization bill which should provide INS with a 5-year plan for improvement of its operations. Upon receipt of that analysis, the committee will work with INS to authorize whatever resources are required to make INS an effective agency of Government.¹⁰⁴

The current position taken by INS with regard to criticisms is summed up in Crosland’s statement before the Senate Appropriations Subcommittee wherein he identifies areas of improvement in INS management techniques; discusses legislative changes that would help INS by reducing unnecessary paperwork; and states that some of INS’ problems result from the past failure of INS to request the necessary resources and to document the need for funds and personnel.

The Carter administration reorganization proposal

Two reports were undertaken during the late 1970’s for the Carter administration as preparation for a major reorganization effort. These were the September 1977 Office of Drug Abuse Policy report, “Border Management and Interdiction—An Interagency Review,” which recommended that a single agency, to include INS and Customs, perform port-of-entry inspections and patrol between ports of entry; and the 1978 recommendation of the President’s Reorganization Project to transfer visa policy functions to INS and consolidate INS inspection and border patrol program with the U.S. Customs Service in a Border Management Agency in the Treasury Department.

In mid-1978, the Carter administration formulated a reorganization plan that would have created a single border patrol agency in the Treasury Department. The plan called for the creation of a new Border Management Agency within the Treasury Department; it transferred to this agency the functions of the Customs’ Service and the inspection and border patrol functions of INS. All of the officers engaged in those functions at Customs and INS were also to be transferred to the new

¹⁰⁴ U.S. Congress. Senate. Committee on the Judiciary. Department of Justice Authorization Act, fiscal year 1981. Report to accompany S. 2377, S. Rept. 96-786, 96th Cong., 2d sess. Washington, U.S. Government Printing Office 1980, p. 22.

agency under this plan. In addition, the visa function of the State Department, and related personnel, were to be transferred to the Department of Justice.

The administration, however, deferred introducing the plan until a later time, reportedly because of criticism from various Hispanic groups and the INS labor union. The Hispanic groups' concerns were that the plan undercut the first Mexican American to head the INS, and that the Treasury Department would lack INS' sensitivity in dealing with Mexicans and immigration problems. The union's concerns were that the transfer of INS employees would result in its losing members to an independent union in the Treasury Department as well as diluting and fragmenting "an already minimal effort to stop the flood of illegal aliens into the United States."¹⁰⁵

In a memorandum to the Secretaries of State and Treasury, the Attorney General, and the Director of the Office of Management and Budget dated July 19, 1978, President Carter said:

*** On June 30th I made several decisions concerning the reorganization recommended by Director McIntyre, my Reorganization Project Staff, and the Departments of Justice and Treasury. Since then, Congressional leaders have requested that the Plan not be submitted until early next year. I agree with their recommendations, but I wish to make it clear that I do plan to reorganize these functions to make them more efficient and compassionate. We should use the additional time before submitting the Plan to continue our consultations with the Congress and other interested parties. In this regard: 1. I plan to defer submitting to the Congress the Reorganization Plan developed pursuant to my June 30, 1978 decisions until January 1979. 2. I hereby direct each of you to provide support and assistance to my Reorganization Project and to have your organizations develop supporting materials and implementation plans, as appropriate, so that, by December 1978, all necessary consultations will have been completed, detailed implementation plans will have been prepared, and a draft of the Plan, Message, and related documents will have been submitted to me.¹⁰⁶

However, the Carter administration plan was not resubmitted during the 96th Congress.

¹⁰⁵ Nelson, Jack. "Carter to Delay Bill to Revamp Border Patrol," Los Angeles Times, Thursday, July 20, 1978, pt. 1, p. 18.

¹⁰⁶ American Council for Nationalities Service. Interpreter Releases, vol. 55, No. 31 (Aug. 9, 1978), pp. 303-304.

APPENDIX I

CHRONOLOGY OF MAJOR EVENTS

- 1864—Congress passes first law providing for centralized control of immigration in a Federal agency, the Immigration Office in the Department of State.
- 1882—Congress enacts first general immigration law, providing for a system of central control of immigration through the States under the Secretary of the Treasury.
- 1891—Congress enacts legislation providing for expanded Federal control of immigration under a Superintendent of Immigration heading the Bureau of Immigration in the Department of Treasury.
- 1903—Bureau of Immigration transferred to the newly created Department of Commerce and Labor.
- 1906—Immigration and naturalization functions are brought together to form the Bureau of Immigration and Naturalization in the Department of the Treasury.
- 1909—Field force involved in naturalization work transferred from the Department of Justice to the Department of Commerce and Labor.
- 1909—Immigrant fund abolished by law; funds collected to be deposited in the Treasury as revenue receipts while annual appropriations are to be made for immigration expenses previously covered by these funds.
- 1913—Bureau of Immigration and Naturalization transferred to the newly created Department of Labor.
Bureau of Immigration and Naturalization separated into two bureaus.
- 1917—Immigration Act of 1917 enacted, broadening the role of the Immigration Bureau.
- 1921—Immigration Act of 1921 enacted, prescribing immigration quotas and greatly altering the work of the Immigration Bureau.
- 1924—Immigration Act of 1924 enacted, defining three categories of aliens to be admitted, including the national origin quota category; Congress provides first appropriations for a border patrol.
- 1925—Pre-embarkation examination of aliens abroad inaugurated.
- 1933—Bureau of Immigration and Bureau of Naturalization consolidated by Executive Order as the Immigration and Naturalization Service (INS) still within the Department of Labor.
- 1940—INS transferred to the Department of Justice. The Nationality Act enacted, increasing the naturalization work of INS.
- 1950—Internal Security Act of 1950 enacted, making the investigation of subversive activities a major activity of INS.
- 1952—The Immigration and Nationality Act of 1952 enacted.
- 1954—INS launches intensive program to reduce illegal entries over the Mexican border.
- 1965—Immigration and Nationality Act Amendments of 1965 repeal national origins quota system and establish new preference categories for alien admissions.
- 1973—Nixon Administration proposes Reorganization Plan No. 2; provisions that would have altered INS not implemented.
- 1978—Select Commission on Immigration and Refugee Policy established by Congress.
- 1980—Refugee Act enacted.

APPENDIX II

LIST OF IMMIGRATION AND NATURALIZATION AGENCY HEADS, 1892-1964

(Compiled by Elizabeth F. Hart, Editor, Immigration and Naturalization Service)

Title	Name	From—	To—
Superintendent of Immigration ¹	W. D. Owen	Fiscal year 1892 only	
Do	Herman Stump	Fiscal year 1893	Fiscal year 1894.
Commissioner-General of Immigration ²	J. H. Senner (Dr.)	Fiscal year 1895 only	
Do	Herman Stump	Fiscal year 1896	Fiscal year 1897.
Do	Terrence V. Powderly	Fiscal year 1898	June 24, 1902.
Do. ³	Frank P. Sargent (died in office Sept. 4, 1908).	June 25, 1902	Sept. 4, 1908. ⁴
Do	Daniel J. Keefe	July 1, 1909	May 31, 1913.
Do	Anthony Caminetti	June 1, 1913	Mar. 13, 1921.
Commissioner of Naturalization ⁵	Richard K. Campbell	Mar. 4, 1913	Dec. 31, 1922.
Commissioner-General of Immigration	William W. Husband	Mar. 14, 1921	May 15, 1925.
Commissioner of Naturalization	Raymond F. Crist	Jan. 1, 1923	Aug. 9, 1933.
Commissioner-General of Immigration	Harry E. Hull	May 16, 1925	Apr. 26, 1933.
Do. ⁶	Daniel W. MacCormack	Apr. 27, 1933	July 15, 1934.
Commissioner of Immigration and Naturalization.	Daniel W. MacCormack (died in office).	July 16, 1934	Jan. 1, 1937. ⁷
Do. ⁸	James L. Houghteling	Aug. 26, 1937	July 31, 1940. ⁹
Acting in the capacity of Commissioner of Immigration and Naturalization, but having the title of Special Assistant to the Attorney General.	Lemuel B. Schofield	Oct. 1, 1940	July 19, 1942.
Commissioner of Immigration and Naturalization.	Earl G. Harrison	July 20, 1942	Aug. 24, 1944. ¹⁰
Do	Ugo Carusi	Jan. 9, 1945	Aug. 26, 1947.
Do	Watson B. Miller	Aug. 27, 1947	June 9, 1950. ¹¹
Do	Argyle R. Mackey	Apr. 23, 1951	May 23, 1954.
Do	Joseph M. Swing	May 24, 1954	Jan. 5, 1962.
Do	Raymond F. Farrell	Jan. 6, 1962 (interim appointment confirmed by Senate Feb. 5, 1962).	Mar. 31, 1973.
Acting Commissioner of Immigration and Naturalization. ¹²	James F. Greene	Apr. 5, 1973	Nov. 29, 1973 (4:30 p.m.).
Commissioner of Immigration and Naturalization.	Leonard F. Chapman, Jr.	Nov. 29, 1973 (4:31 p.m.).	May 12, 1977.
Do.	Leonel J. Castillo	May 13, 1977	Sept. 30, 1979.
Acting Commissioner of Immigration and Naturalization.	David Crosland	Oct. 1, 1979	

¹ See form M-67, "Development of Immigration and Naturalization Laws and Service History" by L. Paul Winings, General Counsel. Excerpt: " * * * Prior to the enactment of the first general immigration law of August 3, 1882, there was no Federal agency charged with supervision of immigration. The 1882 Act (22 Stat. 214) vested responsibility for its administration in the Secretary of the Treasury, but actual enforcement was entrusted to State boards of officers designated by him. * * * On March 3, 1891 (26 Stat. 1084) Congress provided that there should be in the Treasury Department, under the control and supervision of the Secretary of the Treasury, a Superintendent of Immigration. * * *"

² Act of Mar. 2, 1895 (28 Stat. 780), sec. 1, changed the title from Superintendent of Immigration to Commissioner General of Immigration.

³ In February 1903 (act of Feb. 14, 1903, 32 Stat. 825; see also act of Apr. 28, 1904, 33 Stat. 591) Congress authorized the transfer of immigration functions from the Secretary of the Treasury to the Secretary of Commerce and Labor. Under terms of the act of June 29, 1906 (34 Stat. 596) which provided for Federal supervision of naturalization, the Bureau of Immigration became the Bureau of Immigration and Naturalization.

⁴ During the 10-mo. period between death of Mr. Sargent and swearing in of Mr. Keefe, the office of Commissioner-General of Immigration was filled by F. H. Larned, who served as Acting Commissioner-General of Immigration.

⁵ Because of the 1906 act bringing naturalization matters under Federal supervision, a Division of Naturalization was established (see attached excerpt from "Historical Sketch of Naturalization in the United States"), however, a Commissioner of Naturalization was not appointed until the act of Mar. 4, 1913 (37 Stat. 736; 5 U.S.C. 611). Under the 1913 act, the Bureau of Immigration and Naturalization was transferred to the new Department of Labor and divided into 2 bureaus—the Bureau of Immigration and the Bureau of Naturalization. At the head of the Bureau of Immigration was a Commissioner-General of Immigration, while at the head of the Bureau of Naturalization was a Commissioner of Naturalization. These, however, were placed under the immediate direction of the Secretary of Labor. It is the understanding of this Service that Richard K. Campbell, who served on President Theodore Roosevelt's Commission, headed the naturalization work from 1906 onward. He took office as Commissioner of Naturalization on Mar. 4, 1913.

⁶ Mr. MacCormack was Commissioner-General of Immigration until June 10, 1933, when, by virtue of Executive Order 6166, the President directed that the Bureaus of Immigration and Naturalization be consolidated as the Immigration and Naturalization Service, the head of such Service to be known as the Commissioner of Immigration and Naturalization. Therefore, from June 1933 until July 15, 1934 Mr. MacCormack's title was "Commissioner of Immigration and Naturalization," and the duties of the Commissioner of Naturalization were absorbed by him.

⁷ During the 7 mo and 24 days between death of Mr. MacCormack and swearing in of Mr. Houghteling, the office of Commissioner of Immigration and Naturalization was filled by Acting Commissioner of Immigration and Naturalization Edward J. Shaughnessy.

⁸ By Reorganization Plan No. V (5 F.R. 2223, 5 U.S.C. 99, 1940 ed.) the President on May 22, 1940, acting under provisions of the Reorganization Act of Apr. 3, 1939 (53 Stat. 561) submitted to Congress a proposal to transfer the Immigration and Naturalization Service from the Department of Labor to the Department of Justice. The plan was approved and became effective June 14, 1940.

⁹ During the period Aug. 1, 1940 through Sept. 30, 1940, duties of the office of Commissioner of Immigration and Naturalization were performed by Lemuel B. Schofield, acting as Special Assistant to the Attorney General.

¹⁰ During the period Aug. 25, 1944 through Jan. 8, 1945, the office of Commissioner of Immigration and Naturalization, was filled by Joseph Savoretti, who served as Acting Commissioner of Immigration and Naturalization.

¹¹ Mr. Argyle R. Mackey was Acting Commissioner of Immigration and Naturalization during the period June 10, 1950 through Apr. 22, 1951.

¹² During the period Apr. 1 through 4, 1973, the Immigration and Naturalization Service was without a Commissioner or an Acting Commissioner. Mr. Greene's interim designation was released by Attorney General Richard G. Kleindienst on Apr. 5, 1973.

Excerpt from "Historical Sketch of Naturalization in the United States"; U.S. Department of Labor, Washington, Government Printing Office, 1926

PERIOD FROM 1906 TO 1926

The outcome of the survey of the commission appointed by President Roosevelt was the enactment by Congress of the naturalization law of June 29, 1906, which became effective on September 27, 1906. Under this statute there was created a central Federal agency for the supervision of the naturalization of aliens throughout the United States and the maintenance of naturalization records. This new act changed the designation of the Bureau of Immigration in the Department of Commerce and Labor to "Bureau of Immigration and Naturalization" and charged that bureau, under the direction and control of the Secretary of Commerce and Labor, with the supervision of all matters concerning the naturalization of aliens. While nominally part of the Bureau of Immigration and Naturalization, the force or organization which handled the naturalization work operated as a practically independent unit and was known as the division of naturalization. While the administrative unit at Washington charged with supervision of naturalization was under the Department of Commerce and Labor, the field force charged with that responsibility was under the direction and control of the Department of Justice. This highly unsatisfactory and anomalous arrangement was terminated through an act of Congress, and on July 1, 1909, the field force was transferred to the Department of Commerce and Labor and placed under the administrative control of the division of naturalization. In this same year, by departmental action, the nominal relation of this division to the Bureau of Immigration and Naturalization was severed, and the division of naturalization came into existence as a separately functioning unit. The line of cleavage was distinctly drawn by legislation contained in the act of March 4, 1913 (37 Stat. L., part 1, p. 376), being an act creating the Department of Labor. By that statute the Bureau of Immigration and Naturalization was transferred to the new department and separated into two independent bureaus designated the Bureau of Immigration and the Bureau of Naturalization, respectively.

APPENDIX III

IMMIGRATION AND NATURALIZATION SERVICE APPROPRIATIONS AND PERMANENT POSITIONS

FISCAL YEARS 1950-80

Fiscal year:	Appropriations	Permanent positions
1950	\$31,229,000	6,717
1951	34,340,000	7,227
Adjusted appropriations	34,288,200	
1952	41,400,000	7,449
1953	40,399,000	7,295
Adjusted appropriations	39,674,000	
1954	42,250,000	7,156
Adjusted appropriations	41,017,000	
1955	43,781,084	7,436
1956	45,995,000	7,135
1957	47,550,000	6,972
1958	51,357,000	6,926
1959	53,708,000	6,803
1960	55,800,000	6,895
Adjusted appropriations	55,735,000	
1961	62,887,000	7,062
1962	63,500,000	7,138
Adjusted appropriations	63,449,000	
1963	66,272,000	7,203
Adjusted appropriations	66,241,000	
1964	69,011,000	7,058
Adjusted appropriations	68,997,000	
1965	73,161,000	7,043
1966	74,957,000	7,017
1967	78,835,000	7,194
Adjusted appropriations	78,732,000	
1968	85,684,000	7,219
Adjusted appropriations	85,645,000	
1969	89,726,000	6,703
Adjusted appropriations	89,714,000	
1970	101,963,000	6,920
Adjusted appropriations	105,768,000	
1971	121,940,000	7,230
Adjusted appropriations	121,930,000	
1972	137,484,000	7,682
Adjusted appropriations	137,468,000	
1973	137,484,000	7,682
Adjusted appropriations	137,468,000	
1974	155,186,000	7,982
Adjusted appropriations	155,161,000	
1975	181,320,000	8,082
1976	214,609,000	8,832
Transition quarter	54,690,000	
1977	244,515,000	9,473
1978	283,087,000	10,071
1979	309,285,000	10,997
1980 (Public Law 96-68)	318,465,000	
Supplemental (Public Law 96-304)	31,400,000	

Source: Budget of the U.S. Government, 1950-79. 1980 appropriations are from Public Law 96-68 and Public Law 96-304; 1980 permanent positions are from INS' Budget Office.

APPENDIX IV

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