82D CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { REPORT No. 734

SISTERS MARIA DE RUBERTIS, AGNESE CERINA, MARIANNA BONIFACIO, DINA BONINI, AND EDVIGE GASPARINI

JULY 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FELLOWS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 804]

The Committee on the Judiciary, to whom was referred the bill (H. R. 804) for the relief of Sisters Maria DeRubertis, Agnese Cerina, Marianna Bonifacio, Dina Bonini, and Edvige Gasparini, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Sisters Maria DeRubertis, Agnese Cerina, Marianna Bonifacio, Dina Bonini, and Edvige Gasparini shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees and head taxes. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct five numbers from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to grant the status of permanent residence in this country to five Roman Catholic nuns, natives and citizens of Italy. The bill also provides for the appropriate quota deductions and for the payment of the required visa fees and head taxes.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter, dated December 8, 1949, from the assistant to the Attorney General to the chairman of the Committee on the Judiciary regarding a bill (H. R.

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5357) then pending for the relief of the same persons. The said letter reads as follows:

DECEMBER 8, 1949.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of Justice relative to the bill (H. R. 5357) for the relief of Sisters Maria De Rubertis, Agnese Cerina, Marianna Bonifacio, Dina Bonini, and Edvige Gasparini, aliens.

The bill would provide that, in the administration of the immigration and naturalization laws, the aliens named therein shall be admitted to the United States for lawful permanent residence as of the dates of their last entries, on payment of the required visa fees and head taxes. It would also direct the Secretary of State to instruct the quota-control officer to deduct five numbers from the nonpreference category of the first available quota for nationals of Italy.

The files of the Immigration and Naturalization Service of this Department disclose that all the aliens are natives and citizens of Italy. Sisters Agnese Cerina and Marianna Bonifacio entered the United States at the port of New York on September 18, 1946, when they were admitted as temporary visitors until May 18, 1947, under section 3 (2) of the Immigration Act of 1924. Sisters Maria De Rubertis, Dina Bonini, and Edvige Gasparini entered the United States at the port of New York as temporary visitors until July 13, 1948, under section 3 (2) of the Immigration Act of 1924 on October 13, 1947. All of the aliens are Roman Catholic nuns, and at the time of their arrival were destined to the Daughters of St. Paul, Staten Island, N. Y. Their extended period of stay expired July 1, 1949, but deportation proceedings were ordered held in abeyance pending consideration of this bill.

The files reflect information concerning the individual aliens as follows:

Maria De Rubertis (Sister Angela) stated that she was born at San Giovanni de Galbo, Italy, on April 28, 1920. She has no close relatives in the United States.

Agnese Cerina (Sister Miriam) stated that she was born at Goriza, Italy, on July 9, 1924. The record fails to indicate whether she has any relatives in the United States.

Marianna Bonifacio (Sister Natalia) stated that she was born in Mazzarino, Sicily, Italy, on December 1, 1919. She has no close relatives in the United States.

Dina Bonini (Sister Teresina) stated that she was born at Regnano di Viano, Italy, on July 20, 1924. The record fails to indicate whether she has any relatives in the United States.

Edvige Gasparini (Sister Theodora) stated that she was born at Verna, Italy, on November 3, 1910. She has no close relatives in the United States.

The files further disclose that the order to which these Sisters belong is their only means of support. The Sisters are all considered to be persons of good moral character, and none of them adhere to political concepts or ideas that are inimical to the best interests of the United States.

The quita of Italy, to which the aliens are chargeable, is preempted for a period of 2 years and immigration visas are not readily obtainable. Since the provisions of section 4 (d) of the Immigration Act of 1924 has not been construed to include nuns, no administrative relief is available to them. Section 4 (d) provides nonquota status for "an immigrant who continuously for at least 2 years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of any religious denomination * * *."

It is the view of the Department of Justice that whether this bill should be enacted presents a question of legislative policy concerning which it prefers to make no recommendation.

Yours sincerely,

PEYTON FORD,
The Assistant to the Attorney General.

On June 7, 1950, the Department of Justice submitted an additional report on H. R. 5357, Eighty-first Congress, which reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, June 7, 1950.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Under date of December 8, 1949, the Department of Justice submitted to you its report relative to the bill (H. R. 5357) for the relief of Sisters Marie De Rubertis, Agnes Cerina, Marianna Bonifacio, Dina Bonini, and Edvige Gasparini, aliens. This is in response to your subsequent request for information relative to the specific duties performed by the subjects in their present assignments.

During an interview on May 5, 1950, Sister Basil, Mother Superior, Daughters of St. Paul, advised that Sisters Dina Bonini and Agnes Cerina and Marianna Bonifacio are propagandists engaged in the dissemination of Catholic literature to various organizations in New York City; that Sister Maria De Rubertis is a cook at the convent of the Daughters of St. Paul; and that Sister Edvige Gasparini is entrusted with the duties of the sacristan which entails taking care of the sacristy at the convent of the Daughters of St. Paul.

Mr. MacIvor, representative of Bishop James A. McFadden of the Youngstown, Ohio, diocese, was interviewed on May 25, 1950, regarding the duties of the above-mentioned Sisters. Mr. MacIvor advised that, while the diocese has the facilities for the building of schools, homes for the aged, and camps for children, the progress of this program is being impeded because of the inability to obtain competent personnel to operate the program. He indicated that if lay people are obtained to operate the schools and homes, the cost of operation would be much greater than if Sisters are obtained for that purpose, since the Sisters receive no compensation. The five Sisters in whose behalf H. R. 5357 was introduced were brought to the United States for the purpose of teaching in parochial schools operated in the archdiocese of New York and the archdiocese of Youngstown, Ohio, the location of the mother house, but they have spent most of their time at Staten Island, N. Y.

Mr. MacIvor indicated that the duties of the Sisters as outlined by the Mother Superior were correct, but that they are only a minor part of their activities. Mr. MacIvor stressed the fact that the Sisters are primarily teachers who were brought to the United States purely because of the teacher shortage in this country and that the duties performed by them, other than their duties as teachers and welfare workers are only those which are incidental and necessary to the operation of the convent. He stated that the dissemination of literature by three of the Sisters is actually performed during the time that they are free from other duties, particularly on Sundays, and that the same is true as to the Sisters reported as being engaged in the care of the sacristy at the convent.

Sincerely,

PEYTON FORD,
Deputy Attorney General.

Mr. Murphy, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of his bill, testifying as follows:

H. R. 804 is a bill to permit five nuns, who came to this country on temporary visas, to remain for permanent residence.

The nuns named in the bill are members of the Daughters of St. Paul, a religious order having its headquarters on Old Lake Shore Road, Derby, N. Y.

The functions of the order include the following:

1. Visits to homes in the particular parish to which nuns are assigned to perform sociological and charitable services.
2. Collection of surplus clothing, the mending and repair thereof, and distribution of the same to families found to be in need as a result of the above-described visits.
3. Supplying food, fuel, and other necessities to needy families.
4. When required in emergencies, knitting and sewing for the American Red Cross, with material procured by the order for such purpose.

5. Procurement of used clothing, mending and repair of the same, and donation thereof to the American Red Cross for distribution.

6. Participating in international charity work with respect to projects approved by the Government and supplying the food and clothing required for such purpose.

7. Editing, printing, and distributing secular literature, and assisting in parochial sociological and statistical work, including parish censuses, etc.

Calls for the services of the Sisters are far in excess of the ability which the limited number of nuns in this country can provide. Since there has been a shortage of vocations of the religious life in the United States as compared to the demands made for services such as have been above described it is felt that approval and passage of the bill under consideration will produce a benefit for the country by permitting the five sisters to remain in this country for the purpose of performing the sociological and charitable services above outlined.

In addition, Mr. Murphy submitted the following letter in support of H. R. 804:

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington 5, D. C., July 6, 1951.

Hon. JAMES J. MURPHY, M. C.
House Office Building, Washington, D. C.

DEAR CONGRESSMAN MURPHY: It is a pleasure to respond to your kind letter of June 21 inviting our opinion as to the merits of your House Resolution No. 804 favoring the five Italian nuns, members of the religious congregation, Daughters of St. Paul, with headquarters in Derby, N. Y.

We have been quite familiar for many years with the excellent work of Mother Mary Paula and her community and their difficulties in bringing additional members from Italy to augment their limited personnel. The large proportion of that annual immigration quota is given over to the first and second preferences, leaving only a comparatively few visas for regular quota immigrants. Furthermore, practically no visas were issued in Italy for many months during the fiscal year ending June 30, 1951, due to the dispute that arose as to interpretation of the Internal Security Act. As a result, hundreds of quota numbers for Italian-born persons had to go unused.

The five nuns who would benefit under your proposal were brought to the United States to replace others who were required to return to Italy when their visits here had been terminated—an unfortunate expenditure of finances that were badly needed to carry on the welfare work of the community here.

As you know, there is now widespread sentiment in Congress to inaugurate a selective system of immigration as proposed in S. 716, H. R. 2379, and H. R. 2816. It is to be presumed that under such selective immigration, a problem such as you are sponsoring would be easily handled under regular immigration procedure.

There is also to be considered the fact that in remaining permanently in the country, these five Sisters will not be taking employment away from others similarly employed.

The Daughters of St. Paul are rendering a much-needed service to the poor in the areas where they are established. They visit the homes to find people in distress and supply their needs by way of food, clothing and employment, etc. Special attention is given to the needy aged, a work of Christian charity that is quite important in these busy days when the friendly sympathetic approach is only too prone to be overlooked.

It is a fact that their work in the United States is too elaborate for the present membership to pursue adequately. Thus the advantage of permitting the five members who would benefit under your H. R. 804 to remain.

May we congratulate you on your interest and hope that success will attend your efforts.

With sentiments of esteem and good wishes, I remain,

Very respectfully yours,

BRUCE M. MOHLER,
Director, Bureau of Immigration.

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 804, as amended, should be enacted and it accordingly recommends that the bill do pass.

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