

W. Aspinall

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April 10, 1963

Honorable Francis E. Walter, Chairman
 Subcommittee on Immigration & Nationality
 House Committee on the Judiciary
 House of Representatives
 Washington, D. C.

Dear Colleagues:

Thank you for your recent letter about the immigration provisions of H.R. 3198. It contained such valuable information. We shall certainly bear your comments in mind when we take up this bill.

Sincerely yours,

WAYNE H. ASPINALL
 Chairman

A-424175

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April 4, 1963

Honorable Wayne H. Aspinall, Chairman
Committee on Interior and Insular Affairs
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

This Subcommittee has reviewed H. R. 3198, a bill "to promote the economic and social development of the Trust Territory in the Pacific Islands, and for other purposes", which is now pending before your Committee. The reason for our interest in this legislation is the fact that a considerable part of H. R. 3198 (section 3) provides for a substantive amendment to the Immigration and Nationality Act reaching into the very tenets of this law, namely, the basic terms of admission of aliens into the United States.

It appears to us from our examination of the bill and the accompanying Executive Communication signed by the Secretary of the Interior in which he recommended its enactment, that the primary purpose of this legislation is to enhance the economic, technological, and social development of the Trust Territory of the Pacific Islands. If our understanding of Secretary Ullall's purpose is correct, then we must point out to you that the immigration aspects of the bill he recommends would tend to defeat that very purpose.

By authorizing the entry of inhabitants of the Trust Territory to the United States without quota limitations and by granting to immigrants and nonimmigrants alike a statutory, blanket waiver of all qualifying provisions of the Immigration and Nationality Act (health, security reasons, good moral character, likelihood to become a public charge, etc.), and by facilitating the acquisition of United States citizenship by nonimmigrants entering the United States from the Trust Territory, the proposed legislation would necessarily have the effect of depriving the Territory of the most valuable human material which the Secretary desires to retain there. Obviously, the economic and social opportunities existing in the United States would act as a magnet for "the intellectuals and social leaders and those others who will play a major role in making the final determination as to the status of the Trust Territory", to use Secretary Ullall's own words. It is important to note in that regard that the Secretary stressed the necessity of assuring the return of this category of people back to the Trust Territory after they would

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have visited the United States. Evidently, his stated objectives will not be attained if section 3 of H. R. 3198 is enacted and every opportunity for them to remain in the United States thus granted.

This subcommittee is not aware of any difficulties or problems encountered by inhabitants of the Trust Territory of the Pacific Islands in entering the United States for permanent or temporary residence. The Department of State does not maintain consular offices in the Territory and the task of immigrant and nonimmigrant visa issuance has been delegated to the Administrators of the ten respective districts of the Territory. Statistical data available to this Subcommittee indicate that in the fiscal year ending June 30, 1962, a total of 1717 nonimmigrant visas (visitors for business and pleasure, students, etc.) were issued in the Trust Territory in addition to 102 immigrant visas. Considering the fact that the population of the Trust Territory numbers approximately 80,000 persons, it appears that about 2% of that population entered the United States in but one fiscal year. In the context of our general immigration statistics this must be considered a rather large percentage. No other geographical area of the world sends to the United States immigrants and nonimmigrants at a comparable rate. The number of immigrants from Japan alone was 79 persons in addition to 603 nonimmigrants. The District of Korea sent 32 immigrants and 451 nonimmigrants. These and other, more detailed statistical data does not indicate to us that there is need for the amendment proposed in H. R. 3198 for the purpose of facilitating entry, while general considerations of political, economic and social nature indicated above, appear to militate against the amendment rather forcefully.

It is not our intention at this time to raise jurisdictional objections by pointing out that immigration features of H. R. 3198 constitute in fact the very "heart" of this legislation. We prefer to recommend to your Committee a close study of the immigration and nationalization facets of H. R. 3198 in the belief that such study will readily bring out the self-defeating and counter-productive aspects of section 3 thereof and that for that reason your Committee will recommend that that part of H. R. 3198 be deleted.

Should the Department of the Interior believe that there are compelling reasons to make the visa provisions of the Immigration and Nationality Act generally inapplicable in a geographical area which is not a part of the United States and which must be considered foreign territory until its political and administrative status is changed, the proper forum for submission of such proposal would be the Committee which has jurisdiction over immigration and nationality matters.

We trust that you will readily understand and recognize the validity of the position we are taking.

Sincerely yours,

FRANCIS E. WALTER
Chairman

FEW:bd

cc: Hon. Leo W. O'Brien, M. C.