

**FURTHER REGULATING THE GRANTING
OF VISES BY DIPLOMATIC AND
CONSULAR OFFICERS: HEARINGS,
66TH CONGRESS, 3D SESSION ON H. R.
15857 AND H. R. 15953, JANUARY 22,
24, 28, 31, 1921**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649280094

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Cover @ 2017

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COMMITTEE ON FOREIGN AFFAIRS.

SIXTY-SIXTH CONGRESS,

THIRD SESSION.

STEPHEN G. PORTER, Pennsylvania, *Chairman*.

JOHN JACOB ROGERS, Massachusetts.

HENRY W. TEMPLE, Pennsylvania.

AMBROSE KENNEDY, Rhode Island.

EDWARD E. BROWNE, Wisconsin.

MERRILL MOORES, Indiana.

WILLIAM E. MASON, Illinois.

WALTER H. NEWTON, Minnesota.

L. J. DICKINSON, Iowa.

ERNEST R. ACKERMAN, New Jersey.

FRANK L. SMITH, Illinois.

JAMES T. BEGG, Ohio.

ALANSON B. HOUGHTON, New York.

HENRY D. FLOOD, Virginia.

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WILLIAM S. GOODWIN, Arkansas.

CHARLES M. STEDMAN, North Carolina.

ADOLPH J. SABATH, Illinois.

GEORGE HUDDLESTON, Alabama.

TOM CONNALLY, Texas.

THOMAS F. SMITH, New York.

EDMUND F. ESK, *Clerk*.

FURTHER REGULATING THE GRANTING OF VISÉS BY
DIPLOMATIC AND CONSULAR OFFICERS.

COMMITTEE OF FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Saturday, January 22, 1921.

The committee assembled at 11 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

The CHAIRMAN. Mr. Newton, you have a matter which you wish brought up before the committee, have you?

Mr. NEWTON. Yes.

The CHAIRMAN. I will say to the committee that the bill which Mr. Newton has prepared is somewhat urgent, and I will ask Mr. Newton to present it to the committee without any introduction; and, if the committee approves it, we can report it out.

Mr. NEWTON. I have three carbon copies of it.

[H. R. 15857, Sixty-sixth Congress, third session.]

A BILL Further regulating the granting of visés by diplomatic and consular officers of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the date on which the provisions of the act of Congress, approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and until and including the 30th day of June, 1922, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a valid passport or document in the nature of a passport duly viséed by a person duly authorized by the Secretary of State to issue such visé: *Provided,* That this prohibition shall not apply to nationals of Great Britain domiciled in the Dominion of Canada, Newfoundland, the Bermudas, the Bahamas, or the British West Indies, or to nationals of France domiciled in Saint Pierre and Miquelon, or to citizens of Cuba, Panama, Mexico, or to any alien, presenting himself at a port of the United States for admission, if otherwise admissible, who shall prove to the satisfaction of the Secretary of State and the Secretary of Labor that he is seeking admission to the United States to escape or avoid political persecution in the country of his last residence whether such persecution be evidenced by overt acts or by laws or governmental regulations directed against the alien himself or the race or nation or political subdivision to which he belongs, and such alien, if otherwise admissible, shall be considered as entitled to admission whether or not he is the bearer of a valid passport or document in the nature of a passport. The Secretary of State is authorized, in lieu of passport requirements, to make special regulations governing the temporary admission of alien seamen.

Any person who shall willfully violate any of the foregoing provisions, or of any order or proclamation of the President promulgated in pursuance of this act, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$1,000, or, if a natural person, imprisoned for not more than one year, or both; and any person or the officer, director, or agent of any corporation who knowingly participates in such violation shall be

punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture concerned in any such violation may be forfeited to the United States.

The visé of a passport of an alien shall, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously liable to exclusion if allowed to present himself at a port of the United States for admission; *Provided*, That such applicant, if rejected by the officer of the United States to whom the application was originally made, may appeal to the Secretary of State; *Provided further*, That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

[H. R. 15958, Sixty-sixth Congress, third session.]

A BILL Further regulating the granting of visés by diplomatic and consular officers of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the date on which the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," shall cease to be operative, and until and including the 30th day of June, 1922, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a valid passport duly viséed by a person duly authorized by the Secretary of State to issue such visé; *Provided*, That this prohibition shall not apply to nationals of Great Britain domiciled in the Dominion of Canada, Newfoundland, the Bermudas, the Bahamas, or the British West Indies, or to nationals of France domiciled in Saint Pierre and Miquelon, or to citizens of Cuba, Panama, Mexico, or to any alien presenting himself at a port of the United States for admission, or at the port of any foreign country where a United States consular office is maintained, if otherwise admissible, who shall prove to the satisfaction of the Secretary of State that he is seeking admission to the United States to escape or avoid political, racial, or religious persecution in the country of his last residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations directed against the alien himself or the race or nation or political subdivision to which he belongs; and if such alien, if otherwise admissible, shall be considered as entitled to admission whether or not he is the bearer of a valid passport. The proof herein referred to in every case shall be reduced to writing. The Secretary of State is authorized and directed to prescribe the rules and regulations governing the nature of the proof required and the character of the evidence to be received.

When any alien who is otherwise admissible shall present through the appropriate diplomatic or consular officer of the United States proof, of a character satisfactory to the Secretary of State, that he is unable to procure a passport from his own Government for reasons which would not render such alien inadmissible under the immigration laws of the United States, the Secretary of State shall authorize the said diplomatic or consular officer to issue to the said alien a document in lieu of a passport which shall set forth all of the facts usually required in a passport, and such document when so issued shall be treated as a passport, within the meaning of this act, for the purpose of admission into the United States; *Provided*, That for each such document issued there shall be collected and paid into the Treasury of the United States the fees prescribed by law for the issuance of a passport and for the visé of each such document the fees prescribed by law for the granting of a visé.

The Secretary of State is authorized, in lieu of passport requirements, to make special regulations governing the temporary admission of alien seamen.

Any person who shall willfully violate any of the foregoing provisions, or of any order or proclamation of the President promulgated in pursuance of this act, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$1,000, or, if a natural person, imprisoned for not more than one year, or both; and any person or the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel,

together with its or her appurtenances, equipment, tackle, apparel, and furniture concerned in any such violation may be forfeited to the United States.

The visé of a passport of an alien shall, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously liable to exclusion if allowed to present himself at a port of the United States for admission: *Provided*, That such applicant, if rejected by the officer of the United States to whom the application was originally made, may appeal to the Secretary of State: *Provided further*, That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

The CHAIRMAN. The bill is with regard to an extension of the passport-control acts. One of the acts expires March 4 next, in case we have peace with Germany, and the other act expires at the time the President issued the proclamation of peace. This is extending the original acts for a period of one year.

Mr. HUDDLESTON. Well, I will be compelled to make a point of order on that, Mr. Chairman.

The CHAIRMAN. Will you state your point of order?

Mr. HUDDLESTON. That the bill has not yet been introduced. That is a matter of very considerable importance; and some members of the committee may remember that I had very acute feelings on the subject when we passed the act that is now the law. I objected to any extension beyond the original period of this passport control. Finally, by compromise, it was agreed that the passport control would expire at a certain time.

Now, if it is proposed to extend that time and give our State Department a right to keep an American citizen out of his own country unless they choose to let him in, you will have to do it in the regular way.

Mr. ROGERS. May I ask Mr. Newton a question, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. ROGERS. Does this bill have any application whatever to American citizens?

Mr. NEWTON. No; it relates only to aliens.

Mr. HUDDLESTON. Well, I have not seen the bill; so I do not know what it contains.

Mr. BEGG. Let me ask this question: What is the necessity for speed in this case?

Mr. NEWTON. Because the act expires on the 4th of March.

Mr. BEGG. Then, why has it not been taken up before this?

Mr. NEWTON. We have been anticipating that the immigration bill, which passed the House during the first weeks of December, would be acted upon by the Senate; and that bill contains a provision along these lines, for the control by viséing the papers of aliens entering this country.

Mr. BEGG. May I ask another question in that connection: Why would not the best way to accomplish this be to simply provide that the acts passed on a certain date be extended to June, 1922, or something like that?

The CHAIRMAN. We have changed the phraseology of the law a little in this bill.

Mr. HUDDLESTON. Mr. Chairman, this is a matter of such importance that I think we ought to have a bill introduced and have some

opportunity to read it beforehand, especially as we have no copies of this bill.

Mr. ROGERS. If I may suggest this, Mr. Chairman, it is now quarter of 12; and this bill can be introduced at 12 o'clock, and taken up by the committee five minutes afterwards.

Mr. BEGG. Well, we do not have authority to sit during sessions of Congress.

Mr. HUDDLESTON. No; we have no authority to sit during sessions of Congress.

Mr. NEWTON. This committee has authority to sit; it was granted in the beginning of the session.

The CHAIRMAN. I think you are mistaken about that, Mr. Newton.

Mr. MASON. Yes; that was granted only in certain specific cases.

I have no objection, if you will permit me to say so, to taking this up and discussing it. I do not know what the bill is. As my colleagues on the committee know, I am opposed, and I know my constituents are opposed, to a bill which makes anybody have to get the consent of his master, the king, before he can come into this country. And I will oppose it, and make all the points of order against it that I can.

Mr. NEWTON. As I understand, Mr. Mason, you are opposed to any scrutiny by any consul or consular agent of the United States, of the character or record of any alien who desires to come into this country?

Mr. MASON. Not at all. But when they want to come in here to escape the tyranny of the Old World, and political or racial persecution, and can show that they are well-intentioned men, who can comply with our laws in regard to health and character, and who want to live under our form of government, I do not believe in letting a little man down there in the State Department send them back, and deny them the refuge that our fathers gave to the oppressed people of other countries.

Mr. NEWTON. This bill that I am going to introduce excepts from its provisions those who are seeking to avoid political persecution in the country of their residence, and so on.

Mr. MASON. Is it broad enough to include those who are persecuted for racial differences?

Mr. NEWTON. It is not broad enough to take in a lot of people that I personally do not care to have taken in. Here is the provision:

Provided, That if such alien shall prove to the Secretary of State and the Secretary of Labor that he is seeking admission to the United States to escape or avoid political persecution in the country of his last residence, whether such persecution be evidenced by court acts, or by laws or governmental regulations directed against the alien himself, or the race, or nation, or political subdivision to which he belongs, such alien if otherwise admissible, shall be considered as entitled to admission.

Mr. HUDDLESTON. What is before the committee, Mr. Chairman?

The CHAIRMAN. Nothing now.

Mr. HUDDLESTON. Mr. Chairman, I do not see any necessity for any haste in this matter.

The CHAIRMAN. We will have the resolution introduced to-day, and we can consider it Monday.

(Thereupon, at 11:45 a. m., the committee adjourned until Monday, January 24, 1921, at 10:30 o'clock a. m.)

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Monday, January 24, 1921.

The committee met at 10.30 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

**STATEMENT OF HON. JOHN JACOB ROGERS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MASSACHUSETTS.**

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I am very glad, indeed, to say a few words with the permission of the committee in favor of H. R. 15857, introduced on January 22 by Mr. Newton, of Minnesota, a member of this committee.

In connection with the preparation of the Diplomatic and Consular appropriation bill this year there was an item submitted by the State Department asking for an appropriation of \$1,000,000 for the administration of the pass-port control act for the ensuing fiscal year, 1922. It therefore became necessary for the Committee on Appropriations to consider what ought to be recommended in pursuance of the estimate, and we consequently held quite full hearings on the general subject of passport control, its operation and effectiveness in the past, and its necessities for the future.

Mr. HUDDLESTON. Mr. Rogers, may I ask you there what jurisdiction your committee had of that matter, as it affects purely a question of public policy of which this committee has exclusive jurisdiction?

Mr. ROGERS. I undertook to explain, Mr. Huddleston, that the estimates carried an appropriation of \$1,000,000 for the administration of a current law.

Mr. HUDDLESTON. I understand your committee has jurisdiction only of appropriations authorized by law?

Mr. ROGERS. Precisely.

Mr. HUDDLESTON. And since this is not authorized by law, I inquired what business your committee had with it?

Mr. ROGERS. My impression was that it was authorized by law.

Mr. HUDDLESTON. It is not authorized by law. The law expires on March 4.

Mr. ROGERS. Oh, no; I beg your pardon. The law expires when peace is formally arrived at, and no one knows whether peace will be arrived at before the beginning of the next fiscal year or the end of it.

Mr. NEWTON. Mr. Huddleston, the bill Mr. Rogers refers to is the public act approved on the 22d day of May, 1918, the act to prevent in time of war departure from and entry into the United States contrary to public safety.

Mr. HUDDLESTON. Yes.

Mr. NEWTON. That is still current law, of course.

Mr. HUDDLESTON. When does it expire by its terms?

Mr. NEWTON. It can not expire by its terms until there has been a formal declaration of peace.

Mr. ROGERS. And as far as the Committee on Appropriations or this committee, I should suppose, is concerned—

Mr. HUDDLESTON (interposing). One moment.

Mr. ROGERS. Just let me finish the sentence.

Mr. HUDDLESTON. So that I may get a clear understanding of this matter on that particular point. What statute is it that expires that it is necessary we should continue?

Mr. ROGERS. It is Public Act No. 79, of about November, 1919, which was passed at a time when it was presumed that peace would have come prior to March 4, 1921. Therefore, the public act, by its terms, was to become effective when the act of May 25, 1918, became inoperative and was to continue until the 4th day of March, 1921, but as peace will not be formally arrived at before March 4, 1921, as we are quite certain—morally if not legally certain—Public Act No. 79 will never come into effect, and all passport regulations will cease to be effective whenever formal peace is arrived at.

As I started to say when Mr. Huddleston questioned me, neither this committee nor any other committee of the House can say, as a matter of law, when peace will have come. Therefore, as the Committee on Appropriations conceived, it was the duty of that committee to consider what the situation was and what the requirements were for the ensuing fiscal year.

Mr. NEWTON. If you had taken any other position you would have been arrogating to yourself the jurisdiction of a legislating committee by refusing to provide an appropriation for something that is authorized by law and will be until there is a declaration of peace.

Mr. ROGERS. The date of which, of course, no one can predict with confidence.

Mr. HUDDLESTON. May I ask a question?

Mr. ROGERS. I am very anxious to make a very brief statement, because I have to leave in five minutes, but I do not want to be discourteous.

Mr. HUDDLESTON. So far as I am concerned, I am asking about a matter thoroughly germane to the point we are considering.

Mr. ROGERS. Very well. Of course, I should not want to refuse to answer.

Mr. HUDDLESTON. I want to inquire whether this is the provision you refer to, "That when the United States is at war," is that the clause that fixes the term of this act?

Mr. ROGERS. That is my understanding of it; yes.

Mr. HUDDLESTON. There is no clause, then, providing that until peace has been formally proclaimed or any other language of that substance?

Mr. ROGERS. If the chairman cares to follow his practice in connection with a previous hearing, perhaps, he will incorporate in this hearing the testimony that was taken before the Committee on Appropriations, and that will be found in the hearings on pages 69 to 72, 94 to 115, and 126 to 129.

Immigrants are coming to the United States at this moment at the rate of 90,000 a month, or at the rate of something more than 1,000,000 a year. The passport-control system for the past year has cost something less than \$400,000 and is bringing revenue into the United States Treasury at the rate of \$1,000,000 a year, assuming that the present rate of immigration continues unchanged. So that from the standpoint of revenue merely, the passport-control act is well worth considering, but I prefer to put it on the ground of protection of America against undesirable immigration.