

**INVESTIGATION OF ADMINISTRATION
OF LOUIS F. POST, ASSISTANT
SECRETARY OF LABOR, IN THE
MATTER OF DEPORTATION OF ALIENS.
HEARINGS, SIXTY-SIXTH CONGRESS,
SECOND SESSION ON H. RES. 522**

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Investigation of Administration of Louis F. Post, Assistant Secretary of Labor, in the Matter of Deportation of Aliens. Hearings, Sixty-Sixth Congress, Second Session on H. Res. 522 by Various

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HEARINGS

BEFORE

THE COMMITTEE ON RULES

HOUSE OF REPRESENTATIVES

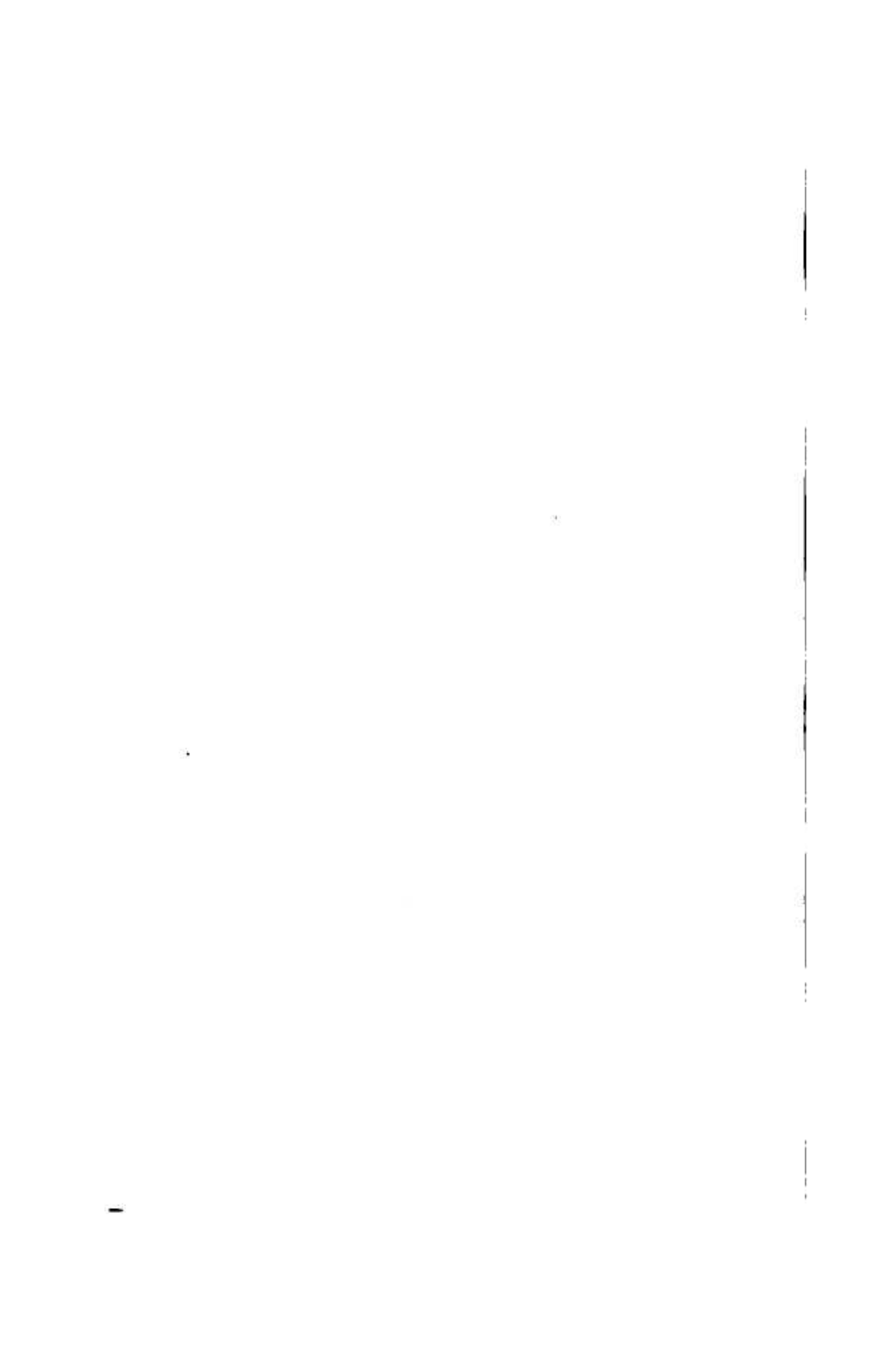
SIXTY-SIXTH CONGRESS
SECOND SESSION

ON

H. RES. 522



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HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

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INVESTIGATION OF ADMINISTRATION OF LOUIS F. POST,
ASSISTANT SECRETARY OF LABOR, IN THE MATTER OF
DEPORTATION OF ALIENS.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Tuesday, April 27, 1920.

The committee this day met, Hon. Philip P. Campbell (chairman) presiding.

The CHAIRMAN. The committee will be in order. House resolution 522 is before the committee. The committee will hear the author of the resolution.

Mr. HOCH. Mr. Chairman, Mr. Johnson, chairman of the Committee on Immigration and Naturalization, I understand, can not well stay very long, and he would like to make a short statement. It is agreeable to me, if it is to the committee, that Mr. Johnson be heard. It is immaterial to me except that I desire to accommodate Mr. Johnson, but as far as I am concerned I am perfectly willing to proceed.

The CHAIRMAN. The committee would like to hear from you on the general scope of what you have, and I assume Mr. Johnson would rather go into some specific matters.

Mr. JOHNSON of Washington. No; it is the other way. I do not propose to cite specific cases, but rather to call attention to the report of a subcommittee of the House Committee on Immigration and Naturalization and to explain same briefly.

Mr. J. H. RALSTON. Mr. Chairman, if it is in order at this time, may I be recognized simply to enter an appearance for Mr. Post, in association with Mr. Charles T. Clayton.

The CHAIRMAN. Do you desire to go on now, Mr. Hoch, or do you desire that we hear Mr. Johnson?

Mr. HOCH. I desire to do what the committee wishes.

The CHAIRMAN. If it is an accommodation to Mr. Johnson we will hear him.

**STATEMENT OF HON. ALBERT JOHNSON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF WASHINGTON.**

Mr. JOHNSON of Washington. I wanted to say that I am the author of the resolution under consideration, but I think it is due the Committee on Immigration and Naturalization that a brief statement be presented concerning the work of that committee in connection with deportation inquiries.

The House Committee on Immigration and Naturalization was authorized last November by the House under resolution 379 to hold

sessions in or out of Washington and to make inquiries and investigations that might aid in the preparation of legislation. Following the letter of that House resolution the committee, of which I have the honor to be chairman, has not felt it incumbent upon itself to pursue investigations to the point of making direct charges, although each inquiry of the committee has developed conditions which would warrant individual members in charging officials of the Government with contempt for and disregard of immigration laws.

A subcommittee has just printed a report of its investigations on communist and anarchist deportation cases. In this report is shown the decision made January 24, 1920, by Secretary of Labor Wilson to the effect that alien members of the Communist Party were subject to deportation under the law. The Secretary says:

It does not devolve upon the Secretary of Labor officially to determine whether Congress was wise in creating the law, or the Communist Party wise in creating the facts. It is his duty to apply the law to the facts as he finds them. It is mandatory upon him to take into custody aliens who are members of this organization and deport them in the manner provided for in the immigration act of February 5, 1917.

The report shows, further, that Acting Secretary Abercrombie decided certain Communist cases in accordance with the decision of the Secretary of Labor; that on or about March 6, 1920, Acting Secretary Abercrombie was called away; that the Secretary of Labor was sick and away, and that Assistant Secretary Post resumed the handling of final decisions in deportation cases; that for a time he followed the opinion of the Secretary, notably in the W. T. Colyer case—his decision being printed in these hearings—commenting thereon as follows:

The task of making that decision does not fall upon me—

That is, the Assistant Secretary—

The Secretary to Labor in person having already made it in a case which is identical with the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The Secretary's decision, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54700-495). A copy is hereto attached.

This was in March, 1920, but toward the end of that month Assistant Secretary Post changed his mind and rendered a decision in the Blinic case and later in the Truss case, and thereafter he called for cases to be sent in to him at the rate of 10 per day, and still later at the rate of 100 per day, these cases going over the heads of the Commissioner General of Immigration and the law clerks of his bureau, and without having received even the commissioner's signature were ordered canceled by Assistant Secretary Post.

The report also shows a decision by the Assistant Secretary in the Magon case, in which he undertook to define the word "anarchist" and to affirm that Congress could not have used the word as a "verbal brickbat."

In the report will be found the decision of Judge Aldrich in the Boston anarchist cases, wherein that judge decided that Congress having said by law that anarchists should be deported, no leeway was then given as to whether the alien in question was a philosophical or a bomb-throwing anarchist.

The Committee on Immigration and Naturalization has examined many of the papers in alien I. W. W. cases and has ordered these

printed in the form of hearings. Also the committee has examined the cases of several hundred insane and feeble-minded persons admitted into the United States in violation of law, we believe. The papers in certain of these cases also will be printed as hearings. That is to say, the document which you have before you deals with communist and anarchist deportation cases; another document will deal with the so-called alien I. W. W. cases, many of those having occurred more than a year ago; and still another document will deal with the bringing into the United States of insane and feeble-minded persons. In the report before you there is added a digest of the cases deported on the *Buford*.

Mr. GARRETT. The insane and feeble-minded question is not involved in this resolution?

Mr. JOHNSON of Washington. No; but I wanted to explain that the Committee on Immigration and Naturalization, with a view to preparing legislation, had divided these cases into several classes.

I want to say further that the Committee on Immigration and Naturalization, after certain investigations under authority, in line with House resolution 379, reported a bill for the exclusion and expulsion of aliens of anarchistic and similar classes, which was a bill that carried out more in detail the actual designation of aliens who belonged to revolutionary groups that do this, that, and the other thing. That bill, if enacted into law, would largely prevent a situation such as present exists, although there would still be an opportunity to split hairs over what Congress means when it says anarchists shall be deported. The bill which the committee sent to the House was House resolution 11224; it passed the House without a dissenting vote and is now before the Senate. I believe this hearing, among other things, will disclose the necessity for the immediate enactment of that bill into law.

Mr. Chairman, speaking personally and not as chairman of the Immigration Committee, I would like to call the committee's attention to the fact that Judge Anderson, of Boston, has advised the Colyers, who were ordered deported, to "quit butting their heads against the wall" and to keep out of radical socialism for a few months; that the public is seeing red. In my opinion the public is not seeing red without a reason. It is seeing its laws violated by public officials in behalf of aliens who have contempt for this Government, who are here trying to overthrow it, and who in league with similar revolutionists throughout the world, whether they call themselves socialists, Bolsheviks, communists, or anarchists, or whether they contribute dollars to "the cause" or throw bombs for "the cause." Neither these aliens nor their revolutionary notions are needed in the United States, and if necessary Congress should clean out any executive department that encourages these aliens or indorses their ideas. Personally I can not believe that Secretary Wilson knows what sort of boring from within is going on within his department, and I do not believe President Wilson knows of the situation and its dangers.

I thank you, Mr. Chairman, and later I may want to appear before the committee to discuss individual cases that I have personally studied.

The CHAIRMAN. We will now hear Mr. Hoch.