

Contents of Legislation File

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STAT

Approved For Release 2005/01/26 : CIA-RDP62-00631R000200120001-7

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16 MAR 1959

MEMORANDUM FOR: Chief, Research and Analysis, CI Staff

SUBJECT: Internal Security

1. In accordance with our recent conversations, I am forwarding

a. House Committee on the Judiciary Report to accompany H. R. 1992, which gives a good picture of the current status of the extraterritorial application of espionage laws. You may retain this if you wish.

b. Advance sheet of the Supreme Court Reporter giving the opinion of the Supreme Court on the Commonwealth of Pennsylvania v. Steve Nelson at page 477. Keep this if you need to, but if not we would appreciate getting it back.

c. Volume 44, Number 3, of The Georgetown Law Journal, which discusses, starting at page 509, the lower court opinion in Commonwealth v. Nelson. This we want back as soon as you can return it.

d. Volume 70, Number 1, of the Harvard Law Review which, in an article on the Supreme Court, 1955 Term, has a section, starting at page 116, on the Supreme Court opinion in Pennsylvania v. Nelson. Again, we would like this returned at your early convenience.

2. If you want any more background on the extraterritoriality question or if you wish to go into some of the other material on the Nelson case, get in touch with  of my Office, extension  He will be glad to get anything additional you want.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON  
General Counsel

Attachments-4

OGC:LRH:jeb

OGC Approved For Release 2005/01/26 : CIA-RDP62-00631R000200120001-7

OGC subject-Legislation 1-Internal Security

*Ly 1- Inf. Sec.*

*9-8276*

OGC 7-1826

*AWD/jmc*

OCT 31 1957

Note:  
AG report  
returned to  
Justice ST/  
11/5/57.

MEMORANDUM FOR: Director of Central Intelligence

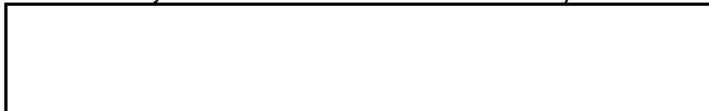
SUBJECT: Official Secrets Act

1. This memorandum is for information only.
2. Attached is the Attorney General's report to the National Security Council on internal security legislation. It was submitted in December 1953 and it is in some respects out of date. It treats the entire field of internal security, but insofar as it deals with unauthorized release of classified information it recommends against an American counterpart of the British Official Secrets Act (page 16). This is based on a conclusion that our espionage acts have equal coverage except for certain provisions in the British act, which would in all probability be unconstitutional in this country.
3. The Attorney General's report does not consider section 798 of Title 18 of the United States Code, which pertains to communications intelligence. It is conceivable that this section would apply to information released about United States radar activities, but as it is limited to procedures and methods used in the intercept of communications pure ELINT operations might be outside the section. If applicable, prosecution under this section is somewhat easier than under the straight espionage sections 793 and 794, as it provides punishment for anyone knowingly and willfully publishing or using in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information concerning the communications intelligence activities of the United States.

3. The Attorney General's report also, of course, does not consider the impact of the Supreme Court ruling in the Jencks case on prosecution under the espionage acts. Positive recommendations for legislation to strengthen the internal security laws, set forth in Table 1 of the report, do not affect the problem of release of classified information to any great extent. Certain of these have been acted on--thus, the death penalty for espionage in time of peace added in the amendments to section 794 in 1954. The atomic energy provisions on classified information were also amended and strengthened in 1954. In these amendments the Atomic Energy Commission included an interesting injunction section which has not yet been tested in any court. This reads:

"Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any section of this chapter or any regulations or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other remedy may be granted."

4. This Office has been considering similar legislation for information pertaining to intelligence sources and methods, and we are in the process of suggesting to the Department of Justice several possible amendments to strengthen the protection of classified information. In addition to the injunction clause, we are drafting a proposal which would be similar to the communications intelligence statute but would apply to intelligence activities generally. To our knowledge the Department of Justice has never considered these suggestions in its own studies. If and when Justice agrees that such suggestions may be helpful, we should then, I believe, compile all the examples of information published in newspapers and other journals which we believe to have been damaging to demonstrate the need for additional legislation.



LAWRENCE R. HOUSTON  
General Counsel

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UNCLASSIFIED	CONFIDENTIAL	SECRET
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**CENTRAL INTELLIGENCE AGENCY  
 OFFICIAL ROUTING SLIP**

TO	NAME AND ADDRESS	INITIALS	DATE
1	Mr. Houston, General		
2	Counsel		
3			
4			
5			
6			

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

**Remarks:**

The Director noted this, found it most interesting, and commented that we should keep looking into this.

  
 JMC

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
O/DCI, 221 Admin, Ext. <input style="width: 40px;" type="text"/>	11/3/57

CONFIDENTIAL

SECRET

INTELLIGENCE AGENCY

INTERNAL ROUTING SLIP

TO	NAME AND ADDRESS	INITIALS	DATE
1	Asst to DCI (Chapin)		
2	229 Admin		
3			
4			
5			
6			

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

This is the only report the Attorney General has made on the British Official Secrets Act. It is old and somewhat out of date, so I have added a memorandum commenting on it.

*LRH*  
LRH

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

DATE

General Counsel 221 East

10/31/57



*Internal Security*

11 January 1955

MEMORANDUM FOR: Inspector General

SUBJECT : Internal Security Laws

1. The Director apparently wants us to form a position on the attached. For your information, we have been in touch with a Mr. Koffsky, who prepared the brief on strengthening internal security laws for the Department of Justice. He told us that he had little hope of obtaining any but very minor changes in the espionage and related laws, most of these directed to technical changes that would tend to make proof in criminal cases somewhat simpler.

2. We discussed the Official Secrets Act, which is covered in his memorandum. These have been studied repeatedly by the Department of Justice and we have taken part in some of the studies since the war. I do not know of any lawyer who has seriously considered this matter who hasn't come to the conclusion that an Official Secrets Act similar to the British not only would be unconstitutional, at least in part, but would not stand a chance of passing the Congress. You probably noticed the howl that arose out of the creation of the Office of Strategic Information, and the Official Secrets Act goes far beyond such an office in its potential application to the Press.

3. I do not know what the Director has in mind, but outside of discussing specifically any cases arising in this Agency or in connection with its work, i.e., the Peterson case, I think we should stay clear of the subject and that he should not even take a position to the Attorney General on the statement to the National Security Council of November 23, 1953. By title and definition, this is an internal security matter from which we should stay clear even if we were not ordered to by law.

*LH*  
LAWRENCE R. HOUSTON  
General Counsel

Attachment  
OGC:LRH:jeb  
OGC chrono  
✓subject

**ILLEGIB**

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**Next 2 Page(s) In Document Exempt**

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*Security Act of 1950*

21 April 1954

Mr. Roger W. Jones  
Assistant Director of the Bureau of the  
Budget for Legislative Reference  
Executive Office Building  
Washington 25, D. C.

Dear Mr. Jones:

Reference is made to your letter of 9 April 1954, requesting the comments of this Agency on a draft bill, submitted to the Bureau of the Budget by the Department of Justice, "To amend the Internal Security Act of 1950, as amended, and the National Labor Relations Act to provide means to eliminate Communist influence in organizations in a position to affect the national defense or security".

Section 102(d)(3) of the National Security Act of 1947 states that the Central Intelligence Agency "shall have no police, subpoena, law-enforcement powers, or internal-security functions:". In view of this statutory prohibition, it would appear inappropriate for this Agency to comment on the specific proposals contained in this legislation as none of them appear to have any direct bearing on the carrying out of the assigned missions of the Agency.

Sincerely yours,

OGC:WLP/blc  
Orig. & 1 - Addressee  
~~1 - Director of Security~~  
1 - Chief, Admin., DD/P  
OGC W/basic  
Legislative Counsel

Walter L. Pforzheimer  
Legislative Counsel

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

April 9, 1954

My dear Mr. Dulles

Pursuant to provisions of Budget Circular A-19, and the delegation of authority from the President referred to therein, the Bureau of the Budget has received a communication regarding the following legislative proposal: Draft bill "To amend the Internal Security Act of 1950, as amended, and the National Labor Relations Act to provide means to eliminate Communist influence in organizations in a position to affect the national defense or security".

(Draft submitted by Justice)

Before advising the submitting agency of the relationship of the proposal to the program of the President, the Director of the Bureau of the Budget would appreciate receiving an expression of your views with respect thereto.

It would be appreciated if your reply could be received by .. Since the Bureau of the Budget has been directed to complete action on this draft by April 29, 1954, it is very important that your views be received ~~prior~~ by April 26, 1954.

If it is desired to confer on this matter, please communicate with E. A. Radley, Bureau of the Budget, 17th and Pennsylvania Avenue, N.W., telephone Code 189, Branch 423.

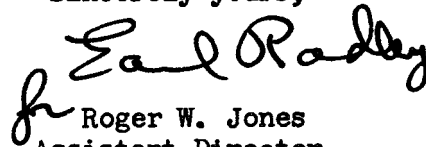
In addition to your agency, requests for views have been transmitted to the following agencies:

State, Commerce, Treasury, Interior, Labor, Defense, NLRB, NMB, FCDA, ODM, CSC, FMCS, SBA, SACB, AEC

Honorable Allen W. Dulles  
Director, Central Intelligence  
Agency  
Washington 25, D.C.

Attention: Mr. Walter L. Pforzheimer  
302 South Building  
2430 E Street N. W.

Sincerely yours,

  
for Roger W. Jones  
Assistant Director,  
Legislative Reference

Enclosures

Copies of draft bill  
and explanation

**TRANSMITTAL SLIP**

19 April 1954

(Date)

TO: Legislative Counsel

BUILDING South

ROOM NO.

REMARKS:

The attached has been reviewed by FI/Staff C and there are no comments to be made. File returned for your disposition.

FROM:

BUILDING

ROOM NO.

EXTENSION

15 April 1954

Memorandum for: Chief, Admin./DDP

Subject: Proposed amendment to the  
Internal Security Act of 1950 and  
the National Labor Relations Act.

1. There is attached herewith a draft of proposed legislation to be submitted to the Congress by the Administration. The draft has been prepared by the Department of Justice for the purpose of amending the Internal Security Act of 1950 and the National Labor Relations Act, to provide means to eliminate Communist influence in organizations in a position to affect the national defense or security.

2. While in all probability CIA should take no position on this legislation, the Bureau of the Budget has requested any comments we might care to make. It is, therefore, requested that you review the attached draft and return any comments to me by ~~21~~<sup>19</sup> April so that I may meet the Bureau of the Budget deadline.

STA

Walter L. Pforzheimer  
Legislative Counsel

Attachment

**TRANSMITTAL SLIP**

19 April 1954  
(Date)

**TO:**  
General Counsel

<b>BUILDING</b>	South Bldg.	<b>ROOM NO.</b>	317
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**REMARKS:**

**FROM:**  
Security Office

<b>BUILDING</b>		<b>ROOM NO.</b>		<b>EXTENSION</b>	
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*Office Memorandum* • UNITED STATES GOVERNMENT

TO : General Counsel  
ATTN : Mr. Walter L. Pforzheimer  
THRU : Acting Deputy Director of Administration  
FROM : Director of Security

DATE:

APR 19 1954

SUBJECT: Proposed Amendment to the Internal Security Act of 1950,  
and National Labor Relations Act

Reference: Memorandum from Mr. Pforzheimer to Director of Security,  
dated 15 April 1954, subject as above

1. The reference requested the comments of this Office concerning a draft dated 1 April 1954, of a proposed bill to provide means to eliminate Communist influence in organizations in a position to affect the national defense or security.

2. After reviewing the draft, this Office does not consider that the proposed legislation would have any specific effect as concerns the security aspects of carrying out the mission of CIA. This Office, however, does make the observation that it believes CIA should support any proposed legislation which will strengthen the national defense or security.

  
for  Sheffield Edwards

SO/CVB:hp

## Distribution:

Orig. & 1 - Addressee  
1 - SCS File  
1 - Chrono., SCS  
1 - ADD/A



15 April 1954

Memorandum for: Director of Security

Subject: Proposed amendment to the  
Internal Security Act of 1950, and  
National Labor Relations Act.

1. There is attached herewith a draft of proposed legislation to be submitted to the Congress by the Administration. The draft has been prepared by the Department of Justice for the purpose of amending the Internal Security Act of 1950 and the National Labor Relations Act, to provide means to eliminate Communist influence in organizations in a position to affect the national defense or security.

2. While in all probability CIA should take no position on this legislation, the Bureau of the Budget has requested any comments we might care to make. It is, therefore, requested that you review the attached draft and return any comments to me by 21 April so that I may meet the Bureau of the Budget deadline. It is requested that your comments be forwarded to me through DD/A.



Walter L. Pforzheimer  
Legislative Counsel

ST

Attachment

**TRANSMITTAL SLIP**

(Date)

**TO:** Chief, Security Control Staff/SO

<b>BUILDING</b>	<b>ROOM NO.</b>
I	1050

**REMARKS:**

Please Return to Above

**FROM:**

<b>BUILDING</b>	<b>ROOM NO.</b>	<b>EXTENSION</b>
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(SENDER WILL CIRCLE CLASSIFICATION TOP AND BOTTOM)

CENTRAL INTELLIGENCE AGENCY  
OFFICIAL ROUTING SLIP  
**EXPEDITE**

TO		INITIALS	DATE
1	<i>c/s c s</i>	<i>CTH</i>	
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FROM		INITIALS	DATE
1	EXECUTIVE OFFICE	<i>CTH</i>	APR 16 1954
2			
3			

- APPROVAL       INFORMATION       SIGNATURE
- ACTION           DIRECT REPLY       RETURN
- COMMENT         PREPARATION OF REPLY       DISPATCH
- CONCURRENCE     RECOMMENDATION       FILE

Remarks: *Plz note IP date.*

*MC Intype has done some research on security laws & may be of help in preparing comments*

**TRANSMITTAL SLIP**

*16 April '54*  
(Date)

**TO:** [Redacted]

**BUILDING:** [Redacted]

**ROOM NO.:**

**REMARKS:**

*Legislative Counsel's Office  
informs me there is  
a deadline of Monday,  
19 April '54 on attached  
matter.*

**FROM:** [Redacted]

**BUILDING:** [Redacted]

**ROOM NO.:**

**EXTENSION:**

*BEST COPY*

*Available*

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CENTRAL INTELLIGENCE AGENCY  
 OFFICIAL ROUTING SLIP

TO		INITIALS	DATE
1	<i>Gen Counsel</i>	<i>LBH</i>	
2	1. Houston	<i>QW</i>	
3	2. Warner		
3	3. Pforzheimer		
4			
5			
FROM		INITIALS	DATE
1	<i>e/oc</i>		
2			
3			

- |                                      |   |                                    |
|--------------------------------------|---|------------------------------------|
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| <input type="checkbox"/> ACTION      | <input type="checkbox"/> DIRECT REPLY         | <input type="checkbox"/> RETURN    |
| <input type="checkbox"/> COMMENT     | <input type="checkbox"/> PREPARATION OF REPLY | <input type="checkbox"/> DISPATCH  |
| <input type="checkbox"/> CONCURRENCE | <input type="checkbox"/> RECOMMENDATION       | <input type="checkbox"/> FILE      |

Remarks:

15 January 1954

Memorandum for: Mr. John F. McIntyre, ID/SO

From: Office of General Counsel

Subject: Proposed Internal Security Legislation

The cover sheet of the report of the recent National Security Council consideration of the recommendations of the Attorney General concerning internal security legislation indicates that you have noted the actions taken at the meeting. Mr. Houston asked me to communicate with you to let you know that we assisted in the preparation for this meeting and the nature of our comments on the legislation itself. Your office informs us that you will be away for several weeks and I am accordingly attaching a copy of our memorandum to the DD/I prepared in advance of the NSC meeting. It is to be hoped that we will be able to make our views felt in the course of any future legislation on this subject.



STA

Attachment

OGC/TMF:imm

cc: Chrono  
cc: Subject 1606  
cc: Signer



ER 5-0301

7X11

29 December 1953

MEMORANDUM FOR: Deputy Director (Intelligence)

SUBJECT : Review of Internal Security Legislation

REFERENCE : Memo for NSC fr Executive Secretary, NSC, dtd  
28 Dec 53, same subject

1. The position of the Department of Justice is summed up in Tables I and II. In Table I, CIA has no concern with items 1 through 4, and we recommend that no position be taken with regard to the amendments proposed therein. Section 5, proposing the extension of criminal penalties for disclosure of information to present and former officers, employees, advisers, and consultants of the Federal Government who disclose classified information to unauthorized persons, is of direct interest to CIA. We recommend that CIA support such legislation and further that jurisdiction should clearly include such disclosures when made abroad, which may be in doubt under the present espionage act. The proposed amendment involves complicated problems on which we have done much work, and we should be included in the coordination on any specific statutory wording.

2. Sections 6 through 17 are of no direct concern to this Agency, and no position should be taken by it. Sections 18 through 22 provide for amendments to the Foreign Agents Registration Act, in which we have a direct interest which led to the granting of an exemption in the present wording of the statute. Any new language should be coordinated with this Agency to assure continuance of the desired exemptions. Sections 23 through 25 are of no direct concern to this Agency, and no position should be taken in regard thereto.

3. In connection with the items set forth in Table II, we have an incidental interest in item 1 recommending preparation of legislation similar to the British Official Secrets Act for possible wartime enactment. Coordination with this Agency on any specific language would be desirable. We have no direct interest in items 2 through 4, and no position should be taken thereon.

LAWRENCE R. HOUSTON  
General Counsel

1 Att - Ref memo

OGC: [initials] Approved For Release 2005/01/26 : CIA-RDP62-00631R000200120001-7

cc: OGC chrono OGC subject

*Int. Sec. 67*

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON 25, D. C.

22 March 1951

The Honorable  
The Director of the  
Bureau of the Budget  
Bureau of the Budget  
Washington 25, D. C.

Dear Mr. Jones:

Reference is made to Enrolled Bill H. R. 2339, an Act to clarify the immigration status of certain aliens, forwarded to us for comment on 21 March 1951.

Some of the aliens, whose entry into the United States will be facilitated by the enactment of this measure, could be of considerable assistance to this country in the furtherance of the national intelligence mission, although such service would perhaps not be of a nature to warrant utilization of Section 8 of Public Law 110 of the 81st Congress. Therefore, the Central Intelligence Agency recommends that the bill be approved.

Sincerely yours,

Walter L. Pforzheimer  
Legislative Counsel

*JR*  
*[Signature]*

*W. L. Pforzheimer: the  
Central Records W/Basic  
Stay back - 2*

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TRANSMITTAL SLIP

22 Dec 1950

DATE

TO: General Counsel

BUILDING

Admin

ROOM NO.

222

REMARKS:

FROM: I&SS

BUILDING

ROOM NO.

EXTENSION

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1-2893

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

OCT 5 1950

My dear Admiral Hillenkoetter:

The Bureau of the Budget has received the following legislative proposal:

"A bill to protect the Security of the United States,  
and for other purposes"

(Copy attached. See also pp A7463-69, Congressional Record, September 27, 1950.)

Before making recommendations concerning this proposal to members of the White House staff, the Director of the Bureau of the Budget would appreciate receiving an expression of your views with respect thereto.

It would be appreciated if your reply could be received by November 1, 1950.

If it is desired to confer on this matter, please communicate with Mr. J. D. Burrus, Bureau of the Budget, 17th and Pennsylvania Avenue, N.W., telephone Executive 3300, Branch 427.

In addition to your agency, requests have been transmitted to the following departments and agencies:

Defense	Civil Service Commission
Justice	Federal Communication Commission
State	Atomic Energy Commission
Treasury	National Advisory Committee
Commerce	for Aeronautics
Post Office	National Security Resources Board.

Sincerely yours,

(Signed) ROGER W. JONES

Roger W. Jones,  
Assistant Director,  
Legislative Reference.

Rear Admiral R. H. Hillenkoetter  
Director, Central Intelligence  
Agency

2430 E Street, N.W.  
Washington 25, D.C.

Attachment (1)

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O  
P  
Y

October 20, 1950

PF:MJH:co

Honorable Dean G. Acheson  
Secretary of State  
Washington, D. C.

My dear Mr. Secretary:

It is believed that the following may help to clarify this Department's views as to the administration of the immigration features of the Internal Security Act of 1950.

As you know, the following three general classes of aliens are excluded from admission to the United States by section 22 of the Act.

1. Those who would engage in activities which would be "prejudicial to the public interest, or would endanger the welfare or safety of the United States."

2. Those who "at any time, shall be or shall have been members . . . of the Communist or other totalitarian party . . . or organization."

3. Those who are "likely to . . . engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security."

Those in classes 1 and 3 are excluded from admission under any circumstances. As you know, aliens in these categories were excluded from admission under law and regulations and as a matter of policy (22 U.S.C. 223; 8 C.F.R. 175) prior to the Internal Security Act of 1950.

Communists in class 2 were also excludable from admission (8 U.S.C. 137) prior to the Internal Security Act of 1950. Hence, the main new class of aliens excluded by the Act are those who are or have been members of any "other totalitarian party . . . or organization." This class, i.e., mere

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membership, past or present, in a totalitarian party or organization has not heretofore been excluded by law, regulations, or policy.

Hence, the test as to those excluded in category 2 is not whether the alien is considered dangerous to the national security (which is covered by categories 1 and 3) but simply whether or not he is or has been a member of a totalitarian party or organization, regardless of whether or not he may now be harmless, anti-totalitarian, pro-American, or the circumstances under which he is or was a member of such totalitarian party or organization.

Section 3(15) of the Internal Security Act of 1950 defines totalitarianism as "systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party."

The Nazi, Fascist, and Falangist parties and organizations have been determined (by reason of immediate cases involving these parties) to be within the class of "other totalitarian party or organization" proscribed by category 2, and consequently there is no alternative to regarding present and former members of such parties or organizations as excludable from admission to the United States in accordance with section 22 of the Act.

However, in order to enforce the law and at the same time alleviate undue hardship, the Attorney General has exercised his discretionary authority under the ninth proviso of section 3 of the Immigration Act of February 5, 1917 (8 U.S.C. 136(q)), to grant temporary admission to aliens in category 2 where the only ground of exclusion is the alien's nominal membership, whether present or past, in either the Nazi, Fascist, Falangist, or other totalitarian party or organization, and it appears that the alien has a good and legitimate reason which would justify such temporary admission.

Such action is authorized by the ninth proviso of the 1917 Act (supra) and section 22 of the Internal Security Act of 1950. In each case the Attorney General is obliged by

section 22 of the Internal Security Act of 1950 to make a detailed report of such action to the Congress.

It is realized that temporary admission under the ninth proviso of the 1917 Act does not furnish a permanent solution to the problem, especially where the alien seeks to enter the United States for permanent residence. However, it is the only expedient available for temporary relief, and it is hoped that it will alleviate undue hardship in legitimate cases until the Congress may consider appropriate amendments to furnish a permanent solution.

This temporary relief is extended by the Attorney General to aliens who departed for the United States prior to the enactment of the Internal Security Act of 1950, those who have arrived after its enactment, and to those who have not yet departed for the United States, subject, of course, to the discretion of the Department of State in the issuance of visas, whether the aliens seek either temporary admission or permanent admission as quota immigrants. As to the latter, however, the immigrants should be advised that their admission, if granted, can only be for a temporary period under the law and that they must assume the risk of having to depart from the United States at the end of such temporary period.

By "nominal" membership, whether present or former in the Nazi, Fascist, Falangist, or other totalitarian party or organization, is meant mere membership during infancy under sixteen years of age, or for purposes of obtaining employment, food ration cards, general education, or through military service, or similar circumstances, and the alien has not actively engaged in advocating totalitarianism or voluntarily taken part in any atrocities committed by such totalitarian party or organization.

By "good and legitimate" reasons for wanting to enter the United States, is meant for purposes of health, business relations affecting the national economy, in the national interest from a standpoint of foreign relations, or similar considerations.

In cases where the alien has not yet departed for the United States, it is proposed that he should request consideration for advance exercise of the ninth proviso through the appropriate consul and the Department of State. Upon receipt

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of the request from the Department of State, the Department of Justice will consider the request in the light of the above criteria and advise the Department of State of its decision which may be relayed to the consul. It is anticipated that this procedure may be carried out without any appreciable delay.

The foregoing is respectfully submitted for your consideration as a temporary means of alleviating undue hardship in deserving cases under existing law.

Sincerely,

Attorney General