aliens justifies delegation of power to executive officers to enforce the exclusion of aliens afflicted with contagious diseases by imposing upon the owner of the vessel bringing any such alien into the country a money penalty, collectible before and as a condition of the grant of clearance.[459] If the person seeking admission claims American citizenship, the decision of the Secretary of Labor may be made final, but it must be made after a fair hearing, however summary, and must find adequate support in the evidence. A decision based upon a record from which relevant and probative evidence has been omitted is not a fair hearing.[460] Where the statute made the decision of an immigration inspector final unless an appeal was taken to the Secretary of the Treasury, a person who failed to take such an appeal did not, by an allegation of citizenship, acquire a right to a judicial hearing on *habeas corpus*.[461]

Procedural due process rights are more in evidence when it comes to deportation or other proceedings brought against aliens already within the country. Deportation proceedings are not criminal prosecutions within the meaning of the Bill of Rights.[462] The authority to deport is drawn from the power of Congress to regulate the entrance of aliens and impose conditions upon their continued liberty to reside within the United States. Findings of fact reached by executive officers after a fair, though summary, deportation hearing may be made conclusive.[463] In *Wong Yang Sung v. McGrath*,[464] how-

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[459] Oceanic Navigation Co. v. Stranahan, 214 U.S. 320 (1909).

[460] Kwock Jan Fat v. White, 253 U.S. 454, 457 (1920). *See also* Chin Yow v. United States, 208 U.S. 8 (1908).

[461] United States v. Sing Tuck, 194 U.S. 161 (1904). *See also* Quon Quon Poy v. Johnson, 273 U.S. 352, 358 (1927).

[462] Harisiades v. Shaughnessy, 342 U.S. 580 (1952). But this fact does not mean that a person may be deported on the basis of judgment reached on the civil standard of proof, that is, by a preponderance of the evidence. Rather, the Court has held, a deportation order may only be entered if it is found by clear, unequivocal, and convincing evidence that the facts alleged as grounds for deportation are true. Woodby v. INS, 385 U.S. 276 (1966). *Woodby*, and similar rulings, were the result of statutory interpretation and were not constitutionally compelled. Vance v. Terrazas, 444 U.S. 252, 266–67 (1980).

[463] Zakonaite v. Wolf, 226 U.S. 272 (1912). *See* Jay v. Boyd, 351 U.S. 345 (1956), in which the Court emphasized that suspension of deportation is not a matter of right, but of grace, like probation or parole, and, accordingly, an alien is not entitled to a hearing that contemplates full disclosure of the considerations (information of a confidential nature pertaining to national security) that induced administrative officers to deny suspension. In four dissenting opinions, Chief Justice Warren, together with Justices Black, Frankfurter, and Douglas, found irreconcilable with a fair hearing and due process the delegation by the Attorney General of his discretion to an inferior officer and the vesting of the latter with power to deny a suspension on the basis of undisclosed evidence that may constitute no more than uncorroborated hearsay.

[464] 339 U.S. 33 (1950). *See also* Kimm v. Rosenberg, 363 U.S. 405, 408, 410, 415 (1960), in which the Court ruled that when, at a hearing on his petition for suspension of a deportation order, an alien invoked the Fifth Amendment in response to