

## Sec. 8—Powers of Congress

## Cl. 4—Naturalization and Bankruptcies

criminal, moral, economic, and subversion considerations.<sup>1267</sup> Another important phase was begun with passage of the Chinese Exclusion Act in 1882,<sup>1268</sup> which was not repealed until 1943.<sup>1269</sup> In 1924, Congress enacted into law a national origins quota formula which based the proportion of admissible aliens on the nationality breakdown of the 1920 census, which, of course, was heavily weighted in favor of English and northern European ancestry.<sup>1270</sup> This national origins quota system was in effect until it was repealed in 1965.<sup>1271</sup> The basic law remains the Immigration and Nationality Act of 1952,<sup>1272</sup> which retains its essential structure while undergoing several significant revisions. These revisions have included a temporary legalization program for certain unauthorized aliens, employer sanctions, a general expansion and tightening of rules for removal, changes in categories of aliens who may enter temporarily, and more express provisions on federal-state cooperation in immigration enforcement.

Numerous cases underscore the sweeping nature of the powers of the Federal Government to exclude aliens and to deport aliens by administrative process. For example, in *United States ex rel. Knauff v. Shaughnessy*,<sup>1273</sup> an order of the Attorney General excluding, on the basis of confidential information he would not disclose, a war-time bride, who was *prima facie* entitled to enter the United States,<sup>1274</sup> was held to be unreviewable by the courts. Nor were regulations on which the order was based invalid as an undue delegation of legislative power. "Normally Congress supplies the conditions of the privilege of entry into the United States. But because the power of

<sup>1267</sup> 22 Stat. 214 (1882) (excluding idiots, lunatics, convicts, and persons likely to become public charges); 23 Stat. 332 (1885), and 24 Stat. 414 (1887) (regulating importing cheap foreign labor); 26 Stat. 1084 (1891) (persons suffering from certain diseases, those convicted of crimes involving moral turpitude, paupers, and polygamists); 32 Stat. 1213 (1903) (epileptics, insane persons, professional beggars, and anarchists); 34 Stat. 898 (1907) (feeble-minded, children unaccompanied by parents, persons suffering with tuberculosis, and women coming to the United States for prostitution or other immoral purposes).

<sup>1268</sup> Act of May 6, 1882, 22 Stat. 58.

<sup>1269</sup> Act of December 17, 1943, 57 Stat. 600.

<sup>1270</sup> Act of May 26, 1924, 43 Stat. 153.

<sup>1271</sup> Act of October 3, 1965, Pub. L. 89-236, 79 Stat. 911.

<sup>1272</sup> Act of June 27, 1952, Pub. L. 82-414, 66 Stat. 163, 8 U.S.C. §§ 1101 *et seq.* as amended.

<sup>1273</sup> 338 U.S. 537 (1950). *See also* *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953), in which the Court majority upheld the Government's power to exclude on the basis of information it would not disclose a permanent resident who had gone abroad for about nineteen months and was seeking to return on a new visa. But the Court will frequently read the applicable statutes and regulations strictly against the government for the benefit of persons sought to be excluded. *Cf.* *Delgadillo v. Carmichael*, 332 U.S. 388 (1947); *Kwong Hai Chew v. Colding*, 344 U.S. 590 (1953); *Rosenburg v. Fleuti*, 374 U.S. 449 (1963).

<sup>1274</sup> Under the War Brides Act of 1945, 59 Stat. 659.