

## **Why Fear Foreigners' Free Speech?**

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### **Body**

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Though it bears the names of others, the spirit of Joseph McCarthy lives in the McCarran-Walter Immigration Act, specifically that section that forbids letting people, even visitors, into the country if they hold offensive views. It's high time for Congress, having finally reformed the law by barring illegal workers, to strike from it the **fear** that America might be infected by foreign ideas.

McCarran-Walter, passed in 1952, lists 33 grounds for excluding alien visitors or migrants. Some grounds are sensible, like former membership in the Nazi Party or previous criminal convictions. Some, like "sexual deviation," are outmoded. Others are harmful. Most notable is the broad provision that allows the Government to exclude any alien who might "engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States." Two other provisions permit barring people who would advocate, as well as those who would engage in, terrorist, Communist and subversive activities.

Over the years, the law's targets have included political figures like Bernadette Devlin of Northern Ireland and Roberto d'Aubuisson of El Salvador, artists like the Italian playwright Dario Fo, and even Nobel laureates like Carlos Fuentes and Gabriel Garcia Marquez. In 1984 Gen. Nino Pasti, a former member of the Italian Senate, was denied a visa. General Pasti, an opponent of U.S. nuclear missiles in Europe, was barred despite having been stationed at the Pentagon during the 1960's.

The United States is strong enough to hear dissenting views, even Communist views; it's stronger for hearing them. But the Reagan Administration has been particularly narrow-minded.

Two months ago Choichiro Yatani, a Japanese citizen who has lived in this country for nine years, was nearly deported because Federal authorities concluded he had lied about a previous Communist affiliation. Last month Patricia Lara, a distinguished Colombian journalist, was declared excludable and deported because it was believed she might engage in subversive activities.

Her case points up a particularly odious aspect of the law. When she sought to enter, she was immediately detained because her name appeared on a "lookout" list of excludables maintained by the Immigration and Naturalization Service and the State Department. Her visa was then revoked and an immigration commissioner ordered her out of the country. Yet she was never allowed to see - or challenge - the Government's case. That information from unknown sources should permanently bar entry insults fairness.

Representative Barney Frank, the Massachusetts Democrat, has worked to exorcise the McCarthy ghost from the McCarran-Walter Act. He proposes legislation to limit national security restrictions on entry to persons who could be shown to be "likely to engage" in espionage, subversion, terrorism or criminal activity.

In the Congress just ended, this and other worthy proposals took a back seat to those relating to illegal workers. When the new Congress convenes in January, 35 years will have passed since McCarran-Walter burned a **fear** of **free speech** into law. It's past time to make America fearless again.

## Classification

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