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ANNUAL REPORT OF THE
ATTORNEY GENERAL OF
THE UNITED STATES

FOR THE FISCAL YEAR ENDED JUNE 30

1940



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REPORT OF THE ATTORNEY GENERAL



DEPARTMENT OF JUSTICE, WASHINGTON, D. C.

JANUARY 3, 1941

*To the Senate and House of Representatives of the
United States of America in Congress assembled*

I have the honor to submit a report of the business of the Department of Justice for the year ended June 30, 1940.

Detailed summaries of the activities of the various offices, divisions, and bureaus of the Department are annexed and made a part of this report. There are also submitted herewith the reports of the Conferences of Senior Circuit Judges, which convened on January 22, 1940, and October 1, 1940.

At this point I desire to call attention to some matters of general importance and significance, and to submit certain recommendations.

I

NATIONAL DEFENSE

The work of the Department of Justice during the past year was marked by numerous activities in connection with problems bearing on defense. The effect of the needs of national defense is reflected in practically every division and bureau of the Department.

What may be termed the advisory function of the Attorney General and the Department of Justice was largely affected by this tendency. Numerous formal opinions were rendered and a great deal of informal legal advice and other assistance was given to other Departments on various subjects bearing on foreign relations, the enlargement of the Army and Navy, the procurement program in connection with national defense, and kindred topics.

On September 6, 1939, the Federal Bureau of Investigation of this Department was formally designated by the President to take charge of coordinating all investigations affecting national defense, especially such matters as espionage, counterespionage, sabotage, violations of the neutrality laws, etc. The President requested all law enforcement officers to turn over to the Bureau any information obtained by them relating to any of these subjects. It gives me great pleasure to acknowledge the response and cooperation universally extended by State and local officers throughout the country. The close collaboration received from the Military and Naval Intelligence Services was also exceedingly gratifying.

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In addition, the Federal Bureau of Investigation at the request of the War and Navy Departments, undertook the supervision of protection of plants engaged in national defense activities, such as airplane and munition factories, shipyards, etc. This task is conducted by making surveys of various plants listed by the War or Navy Department, and suggesting to their owners steps that should be taken in the interest of protection against sabotage and espionage. These activities have been conducted by the Bureau without any detriment to its regular work of investigating offenses against Federal criminal laws.

Necessarily the expansion of the activities of the Bureau and the addition to its burdens has required a considerable increase of trained personnel and the establishment of additional offices. Its standards for entry into the service and the training of its staff have not, however, been in any way diminished or relaxed.

The work of the Criminal Division of the Department has also been extended as a result of national defense problems. A new unit has been created in the Department, known as the Neutrality Laws Unit, the duties of which are to sift out preliminarily violations of neutrality laws and other similar statutes.

The Lands Division has been engaged in acquisitions of property needed for purposes of national defense.

The foregoing are only a few of the high lights indicating the relation between the work of the Department of Justice and problems arising out of national defense. Additional illustrations could be multiplied, but to do so would be tedious. It is reasonable to assume that this phase of the work of the Department will continue to expand. In the nature of things violations of the Selective Training and Service Act, and other statutes relating to national defense are bound to occur and will have to be investigated and prosecuted. Similarly the vast increase in Government contracts is likely to lead eventually to a substantial growth of civil litigation. In connection with national defense activities, a Federal criminal statute dealing with sabotage was recently passed. A Federal statute requiring a Nation-wide registration of firearms is needed and should be enacted.

In heartily cooperating with other Departments of the Government in the task of making the national defense of the United States as nearly impregnable as possible, the Department of Justice has not overlooked the fact that this purpose must be achieved with due regard to the civil liberties of the individual as guaranteed by the Bill of Rights and embraced in our American traditions. In the process of upholding democratic ideals, we must not unwittingly destroy or impair what we are cherishing and endeavoring to preserve. This guiding principle must invariably control our actions. Its due observance, however, does not detract from the efficacy of our work. Efficiency and democracy are by no means incompatible. On the

contrary, it has been our endeavor to demonstrate that the two ^{must} and can go hand in hand.

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11 years' imprisonment and a number of the other defendants were each sentenced to 2 years' imprisonment. Among the defendants convicted in *United States v. John M. Nicholson, et al.*, in the eastern district of Missouri, were a justice of the peace and a deputy sheriff, who were charged with aiding and abetting the operation of an illicit still through the acceptance of protection money. They were each sentenced to 18 months' imprisonment.

In the Supreme Court eight petitions for writs of certiorari were filed by defendants convicted of violations of the internal revenue liquor laws, all of which were denied. One petition was filed by the Government, namely, in the case of *United States v. Salvatore Falcone, et al.*, from the second circuit. The petition was granted and the case is now pending on the merits. The question involved is whether one who sells materials with knowledge that they will be used in the production of illicit liquor pursuant to a conspiracy to violate the internal revenue laws may properly be convicted as a co-conspirator.

During the year there were considered 57 petitions for the remission of forfeitures under the internal revenue liquor laws, of which 26 were allowed and 31 denied; and 186 offers of compromise in cases involving violations of such laws, of which 122 were accepted and 64 rejected. In addition, this Division approved the action of the Administrator of the Federal Alcohol Administration in accepting 931 offers of compromise in cases involving violations of the Federal Alcohol Administration Act.

CUSTOMS CASES

The cases of this nature include criminal prosecutions under the Tariff Act of 1930 and other customs statutes; libels brought to secure the forfeiture to the United States of property seized for violation of such statutes; suits to recover the forfeiture value of merchandise imported by means of false or fraudulent invoices or practices; and suits to recover civil fines and penalties incurred by reason of violations of certain provisions of the customs laws. This subject also includes the making of recommendations in customs cases coming within the jurisdiction of this Division relative to remitting or mitigating fines, penalties, and forfeitures pursuant to section 618 of the Tariff Act, and relative to the compromising of claims pursuant to section 617 of that act. Offers amounting to \$126,369.90 were accepted. Among the more important was that submitted by Mrs. James C. Ayer in the amount of \$25,000 in settlement of the total civil liabilities incurred by her for her failure to declare various miscellaneous articles of wearing apparel and jewelry in violation of section 497 of the Tariff Act of 1930 (U. S. Code, title 19, sec. 1497). This offer was accepted by the Department. Another was the offer in the amount of \$15,000 tendered in behalf of the master of the Philippine steamship *Don Jose*

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in settlement of the civil liabilities incurred as a result of the importation of unmanifested smoking opium.

One hundred and eighty-six defendants were convicted for violation of the customs laws. The following cases are noted:

On July 31, 1939, customs patrol inspectors, after several weeks of investigation, seized 5,668 pounds of wool in the grease, two horses, and a rubber-tired farm trailer on which the wool was being smuggled, and arrested three smugglers, Elmer Shier, a Canadian, and Frank Grengs and Kasper Grengs, Americans, on the United States-Canadian boundary near Sherwood, N. Dak. Upon conviction, Shier was sentenced to 18 months in the penitentiary and fined \$300, sentence suspended, upon payment of the fine; the Grengs were sentenced to 6 months, suspended, and placed upon probation for a period of 2 years each.

Moses Silver, a Detroit resident conducting a fur business at various locations in Windsor, Ontario (across the river from Detroit), was convicted and sentenced to 1 year and 1 day on charges of smuggling furs and engaging in other practices in connection with importation of furs through which the Government had been defrauded of approximately \$20,000 in customs duties. Silver hired female residents of Windsor and Detroit to wear fur garments, in which American labels had been substituted for Canadian labels, across the border and deliver them to the United States purchasers who had ordered them. In some instances false bills of sale were issued, showing the value of the garments as less than \$100 and therefore entitled under the law to entry free of duty, when in fact the purchase price and value clearly exceeded that amount. Investigation resulted in the seizure of a large number of valuable fur garments from the American purchasers.

FOOD AND DRUGS ACT

On July 1, 1939, 427 cases were pending, of which 139 were criminal and 288 civil or seizure cases. During the year there were 132 cases reported, of which 71 were criminal and 61 civil or seizure cases. There were terminated 481 cases during the year, of which 127 were criminal and 254 civil or seizure cases. Eighty-three criminal cases and 95 civil or seizure cases were pending as of June 30, 1940.

The criminal cases disposed of during the year were terminated as follows: pleas of guilty and fines in 83 cases, pleas of nolo contendere were entered and fines imposed in 22 cases; 13 were dismissed or nolle prosequi was entered; 4 verdicts of guilty were returned and fines imposed, and in 2 cases verdicts of not guilty were returned; in 1 case a plea of guilty was entered and sentence suspended. In 1 case a verdict of guilty was returned and sentence was suspended, and in 1 case a plea of guilty and a plea of nolo contendere were

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REPORT OF ASSISTANT ATTORNEY GENERAL
FRANCIS M. SHEA

IN CHARGE OF THE CLAIMS DIVISION

(SAM E. WHITAKER, Assistant Attorney General to July 27, 1939; FRANCIS M. SHEA, Assistant Attorney General from August 7, 1939)

The Claims Division handles all civil suits and claims for and against the Government not otherwise specially assigned. Its work includes (1) the defense of suits against the Government upon claims founded on the Constitution, on any law of the Congress or upon any regulation of an Executive Department; (2) suits based upon any contract, express or implied, with the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort; (3) suits for mandamus or injunction against public officers; (4) all matters pertaining to patents, copyrights, bankruptcy, alien property, and all admiralty and shipping matters wherein the Government is interested; (5) matters pertaining to loans made by Public Works Administration and Works Progress Administration to municipalities and other public bodies for purpose of financing public utilities; (6) the collection of defaulted loans referred by Federal Housing Administration, Federal Security Administration, and Farm Credit Administration; (7) all civil matters involving the Civil Aeronautics Authority and the Federal Power Commission; and (8) briefs and arguments in the Supreme Court on assignment by the Solicitor General and special assignments by the Attorney General.

The continued enlargement of its duties resulting in vastly greater and more diversified functions has necessitated the organization of the division into seven main sections, namely: Court of Claims, Patent, Supreme Court, District Court, Miscellaneous Claims, Admiralty and Shipping, and the Alien Property Bureau.

COURT OF CLAIMS SECTION

The Court of Claims Section is charged with the defense of all suits in the Court of Claims except admiralty, patent, tax, and Indian claims. Under the applicable statutes, the Government may be sued upon any claims, except pensions, founded upon the Constitution of the United States or any law of Congress, upon any regulation of any executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort. Jurisdiction to hear and determine such cases has been vested in the Court of Claims, and concurrent jurisdiction of claims under \$10,000.00 has been vested

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has collected by way of compromise \$41,025. These libels are usually filed for violations of the navigation laws, including failure to carry lights, extinguishers, etc., for polluting navigable waters and for damage to cables and aids to navigation of various sorts. There are also included among these, penalties for false documentation of ships so as to conceal alien ownership, penalties for transfers of ships from American registry to foreign registry without the necessary observances, penalties for failure to carry the proper crews on board vessels, penalties for chartering American vessels in violation of existing laws and regulations, penalties for taking under-sized whales, and many other matters. During the fiscal year, 611 cases involving violations of the navigation laws were disposed of.

In addition to the general work of the Admiralty Section, the Attorney General has, under authority of section 4, act of May 27, 1936, United States Code, title 46, section 239, designated members of the Admiralty Section as chairmen of the "A" Marine Casualty Investigation Boards. During the year these boards have investigated and reported on 47 casualties at sea classed as major casualties and 411 classed as minor casualties. The work of the "A" Boards has chiefly to do with accidents in which deaths have occurred. The boards investigate and, incidental to the general investigation of the cases, make recommendations with regard to situations, conditions, and mechanical appliances that might be improved.

MISCELLANEOUS CLAIMS SECTION

From its creation in 1820 as a unit in the Treasury, through its transfer to the control of the Attorney General in 1870, with the organization of the Department of Justice, and its final physical and administrative coordination with the Department in 1933, the section for the collection of civil claims due the United States was organized on the simplest lines—a chief of section assisted by a few lawyers, clerks, and stenographers. Recently, however, increasing governmental activities have brought new business with expanding personnel and vastly greater and more diversified functions. As a result, it became necessary during this fiscal year to separate the work into administrative, collection, and litigation units to permit clerical, fiscal, and legal functions to be exercised by personnel specially fitted for the different duties.

While until recently the chief duty of the section was the preparation of suits to collect moneys due the United States from its fiscal officers and to recover payments obtained by fraud, misrepresentation, and mistake, the work has now developed into one of the country's largest collection and commercial law businesses with an average of about 50 payments received daily and of nearly 50 suits filed each

week. The following comparative table sharply illustrates the activity of this section:

Fiscal year	1938		1939		1940	
	Number of claims	Amount involved	Number of claims	Amount involved	Number of claims	Amount involved
Pending beginning of year	6,703	\$58,978,942.66	17,646	\$82,806,059.28	23,077	\$64,154,254.73
Received during year	13,609	6,321,259.43	9,019	5,264,326.89	7,743	3,605,634.64
Closed during year	2,666	2,484,142.81	3,688	3,916,131.44	4,285	2,305,114.91
Pending end of year	17,646	62,806,059.28	23,077	64,154,254.73	26,535	65,454,774.46
Total collections and benefits obtained *		1,030,497.36		980,000.77		1,168,274.87

* The mounting total of pending claims is due not only to expansion, but also to the accumulation of claims reduced to judgment which can be closed only by collection, death, or bankruptcy. They must be kept open and periodic check made for any improvement in the debtors' financial condition. Claims may remain open many years, but collections on them are being made constantly if infrequently. Often substantial collections are recorded after 10 or even 20 years.

* Benefits obtained comprehend the value of claims closed by repossession of the involved chattels and of administrative settlements brought about by development of the evidence.

The increase in the importance of the section's work can only be understood in the light of additional activities and changing practices in the Government. The following are at present the principal categories of claims handled:

Realization of the salvage value, through repossession and collection, of defaulted loans and conditional sales contracts repurchased under Federal Housing Administration guaranty agreements after the insured institution has been unable to make collection. Expansion of the Federal Housing Administration lending program has brought 5,548 new claims involving \$2,061,714.58 while 2,394 claims involving \$808,717.72 were closed, and \$285,360.50 was collected by payments in full or in part, or by compromise.

Collection of defaulted loans of the Farm Credit and Farm Security Administrations of the Department of Agriculture, in cases where those administrations feel the circumstances of default justifies legal action. A total of 1,397 new claims involving \$975,753.34 were received, and 1,264 claims involving \$592,556.90 closed, with \$374,852.05 collected.

Increased motorization in the armed forces, in the post office, and in the Department of Agriculture field service has brought the number of damage claims, mostly involving automobiles, to a point where 279 new claims were received during the year, estimated at \$29,886.16.

The increasing number of Government checks issued by the Works Progress Administration and Social Security Board has caused the number of check reclamation cases to mount so that 86 new cases were received, involving \$49,442.36. In 64 cases, involving 353 checks, collections amounting to \$30,558.60 were made during the year. Ten checks for \$654.94 were allowed in the Treasurer's accounts as a result of development of the cases.

In addition, 433 miscellaneous claims involving \$488,838.20 were received, and 563 for \$873,281.69 disposed of, with \$326,721.97 collected. The claims ran the gamut of Government business from defaulted contracts, erroneous payments to employees, veterans, and others; money or property obtained by fraud and misrepresentations and conversion of Government property and diversion of Works Progress Administration labor; repossession of vehicles and other chattels; to suits on the bonds of accountable officers and claims against the estates of veterans dying without heirs for escheat of the proceeds of compensation and pensions paid during their lifetime.

Finally, there have been received 565 new cases involving the protection of liens of the United States upon property against which third parties sought to foreclose private liens under 28 United States Code 901. There were 736 of such cases pending on July 1, 1939, and 307 were disposed of during the year, leaving 998 cases pending on July 1, 1940.

SUPREME COURT SECTION

The principal work of the Supreme Court Section consists of the preparation at the direction of the Solicitor General of petitions for certiorari, briefs in opposition to certiorari, briefs on the merits, and all other matters which may arise in the Supreme Court of the United States. In addition this section reviews all memoranda for or against petitions for certiorari or appeals to the Supreme Court and all memoranda for or against appeals to the United States circuit courts of appeal or to State courts. It also prepares or assists in the preparation of briefs and in the presentation of arguments before these courts.

As appears from the tabulations set forth below, 80 percent of the petitions filed by the Government in cases assigned to this section were granted, as compared with less than 10 percent of those filed by private parties, and the Government prevailed in approximately 80 percent of the cases decided on the merits by the Court. Two of the cases in which the Government was unsuccessful, it may be noted, were decided by an equally divided court.

Petitions filed by the United States

Court of origin	Number filed	Granted	Denied	Pending
Court of Claims.....	2	1	0	1
United States district courts.....	5	3	2	0
State courts.....	4	4	0	0
Total.....	11	8	2	1

ment contract making the decision of the Government's contracting officer final with respect to all disputes arising under the Agreement.

ALIEN PROPERTY BUREAU

Although the World War ended, so far as the United States is concerned, on July 2, 1921, there are still pending in the courts 16 suits growing out of war-time seizures by the Alien Property Custodian. The amount involved in these suits aggregates \$26,087,817.71. Of this sum, \$15,223,063.81 is claimed by the United States, in counter-claims or original actions, and \$10,864,753.85 is claimed against the United States. But even more significant than these large totals are the legal problems involved; these go to fundamental questions of citizenship, of jurisdiction, of *res judicata*, and of fraud. In case this nation should ever again have occasion to seize enemy property, the decisions in these cases will constitute important precedents. It may be remarked that these cases are even now a revealing commentary on the administration of the Trading with the Enemy Act over the years; they show that there were far fewer irregularities in the seizure of property than in connection with its return after the war.

During the year, 7 new suits, involving \$1,133,384.46, were instituted. Thirteen cases involving \$3,324,718.53 were disposed of, all of them favorably to the Government. Among the more interesting litigation may be mentioned the following:

In *Sorenson, et al. v. Sutherland, et al.*, noted at page 102 of the 1939 report, the Attorney General as successor to the Alien Property Custodian filed a motion to vacate a decree for \$700,000 entered in the United States District Court for the Southern District of New York in favor of the plaintiffs as surviving partners of the firm of Crossman & Sielcken, on the ground that the suit was collusive and that the court had no jurisdiction to entertain the same. After the district court had granted the motion, the Circuit Court of Appeals for the Second Circuit reversed (109 F. (2d) 714). The case is now pending in the Supreme Court, certiorari having been granted on June 3, 1940.

In *Societe Suisse pour Valeurs de Metaux v. Cummings*, discussed in numerous prior reports (1936, pp. 87-88; 1937, p. 104; 1938, p. 122; 1939, pp. 101-02), the Government obtained judgment against the plaintiff in the amount of \$6,967,987.30, exclusive of interest. \$60,000 was paid in partial satisfaction of the judgment, but it has been impossible to enforce the judgment further in this country. Accordingly, suit was brought on the judgment in the civil court of Basel, Switzerland. This suit is now at issue but has not yet been tried.

To recall briefly the facts of the foregoing case, the plaintiff, a Swiss corporation, brought suit in the United States District Court for the District of Columbia against the Attorney General, as successor to the Alien Property Custodian, to recover interest of

\$643,595.81 which had been allocated to two Alien Property claims theretofore paid to the plaintiff. The Government counterclaimed for the amount of such claims on the ground that they were false, and that their allowance had been secured by the bribery of former Attorney General Harry M. Daugherty, and former Alien Property Custodian, Thomas W. Miller. The case was tried in January 1937, and the Government obtained a judgment against plaintiff which was affirmed on appeal (99 F. (2d) 387); thereafter a petition for a writ of certiorari was denied (306 U. S. 631).

In *Pflueger v. United States*, the claimant, who had previously received the full proceeds of his seized property, sued for the difference between such proceeds, and alleged just compensation therefor. The suit was brought nearly twenty years after the seizure. The District Court of the United States for the District of Columbia held that it had no jurisdiction to entertain the proceeding.

J. Carl Isenberg v. Jackson was a similar suit. There the claimant had, in 1931, recovered the balance of his property on his assertion of American citizenship. Upon commencement of litigation, in 1936, investigations were undertaken as a result of which the Government counterclaimed for the difference between the amount returned to Isenberg as an American and the largest amount to which he would have been entitled as a German. The District Court of the United States for the District of Columbia granted the Government's motion for summary judgment, holding that Isenberg was a German, that he had been an enemy at the time his property was seized, and that he had procured its return by fraud. Isenberg's suit was dismissed, and on May 1, 1940, judgment was entered for the United States in the amount of \$164,716.60, exclusive of interest.

Both the *Pflueger* and *Isenberg* cases have been appealed.

In *Grover C. Bergdoll v. Jackson, et al.*, the claimant brought suit in the District Court of the United States for the District of Columbia seeking recovery of the property seized in his name under the Trading with the Enemy Act. The court granted the Government's motions to dismiss and for summary judgment, limiting the recovery to 80 percent of the property which was appraised at \$535,000. The court sustained the Government's contentions that because of his conviction for desertion from the United States Army in time of war, Bergdoll had, under the provisions of 8 U. S. C. secs. 11-12, forfeited his rights of citizenship, including the right to avail himself of the provisions permitting a return, to American citizens, of 100 percent of seized property. The decree provided for the reservation of \$200,000 for the payment of Federal income tax liability when assessed. The claimant did not appeal, and the decree of dismissal has become final.

Litigation, however, was only one of the activities of the Alien Property Bureau in the course of the fiscal year. Administrative determinations accounted for many of the matters handled. During the fiscal year, the Alien Property Bureau returned, or was authorized to return, the following money and property in accordance with the provisions of the Trading with the Enemy Act, as amended by the Settlement of War Claims Act of 1928: Stocks valued at \$88,093.25; bonds valued at \$7,228.00; real estate appraised at \$146,450.00; mortgages amounting to \$19,800.00; and promissory notes totaling \$29,900.80. In addition, 264 claims filed under the above-mentioned acts were allowed by the Attorney General for a total of \$253,887.96 which was returned to claimants of seventeen nationalities.

While the prohibitions placed upon the return of seized property by Public Resolution 53 of the Seventy-third Congress (48 Stat. 1267), permit no returns of money or property to German nationals or corporations, administrative procedures continue in regard to such money and property. During the fiscal year, 1,069 transfers were made to the German special deposit account, pursuant to the provisions of section 25 (d) of the Settlement of War Claims Act, in the amount of \$848,711.57; segregations of 20 percent items were made in 155 claims, totaling \$269,620.49, and the respective amounts held subject to the call of the Secretary of the Treasury for deposit as provided by law; and 1,948 German claims, filed pursuant to the act of March 4, 1923 (42 Stat. 1511) were audited during the year for a total value of \$550,949.46.

During the fiscal year 874 claims were examined by the Federal tax section of the Bureau and submitted to the Income Tax Unit of the Bureau of Internal Revenue for assessment and demand for taxes found to be due. Federal estate taxes were paid in 17 cases amounting to \$530.62 and income taxes, covering 247 taxable years, were paid for a total of \$133,580.48. Claims for refunds amounting to \$557,508.10 were rejected; refunds amounting to \$65,809.93 were received; and refunds amounting to \$799.33 were credited during the year.

All securities and the interest of the United States in seven parcels of real estate were sold and the proceeds of the sales, in the amount of \$548,830.08, were deposited in the Treasury.

SUMMARY—Claims Division July 1, 1939, to June 30, 1940

	Pending July 1, 1939		Cases filed—Cases closed		Pending June 30, 1940	
	Number	Amount	Number	Amount	Number	Amount
Court of Claims Section:						
Court of Claims cases.....	906	\$150,405,406.88	{ 214 202	{ \$13,907,148.74 104,265,648.09	918	\$60,046,907.53
Gold cases.....	9	6,014,632.37	{ 0 2	{ 0 1,693.20	7	6,012,939.17
Patent Section:						
Infringement cases (Court of Claims).....	45	119,937,548.04	{ 7 17	{ 104,601,280.00 159,170,000.00	35	65,368,828.04
Cases in district courts and Court of Customs and Patent Appeals.....	16	(1)	{ 26 10	{ (1) (1)	32	(1)
Patent interference cases.....	39	(1)	{ 17 13	{ (1) (1)	43	(1)
Patent applications.....	100	(1)	{ 51 39	{ (1) (1)	112	(1)
District Court Section:						
Cases in district courts.....	1,085	21,313,688.04	{ 737 1,449	{ 4,841,264.02 1,309,855.85	373	24,845,096.21
Circuit Courts of Appeals cases.....	14	(1)	{ 37 26	{ (1) (1)	25	(1)
Russian cases involving claims assigned to United States.....	40	20,000,000.00	{ 0 1	{ 0 1,100,000.00	39	18,900,000.00
Admiralty and Shipping Section: Admiralty cases.....	172	6,953,289.11	{ 156 113	{ 1,429,027.34 1,146,848.86	215	7,235,467.59
Miscellaneous Claims Section:						
Miscellaneous claims due United States.....	23,077	64,154,254.73	{ 7,743 4,285	{ 3,605,634.64 2,305,114.91	26,535	65,454,774.46
Suits in district courts.....	1,281	¹ 1,745,511.20	{ 2,039 1,207	{ ² 1,603,586.27 ³ 1,037,202.06	2,113	² 2,311,895.41
Alien Property Bureau: Alien property cases.....	22	28,279,151.78	{ 7 13	{ 1,133,384.46 3,324,718.53	16	26,087,817.71
Total.....	25,525	417,057,970.95	{ 8,995 6,170	{ 129,517,739.20 272,623,879.44	28,350	273,951,830.71

¹ Amount not stated.² Includes 795 foreclosure and 30 escheat cases transferred during the year to Miscellaneous Claims Section.³ Totals included in miscellaneous claims above.

333721

REPORT OF THE CUSTOMS DIVISION

(WEBSTER J. OLIVER, Assistant Attorney General to June 24, 1940; CHARLES D. LAWRENCE, Acting Assistant Attorney General from June 26, 1940)

Under the provisions of various statutes, importers have been given the right to bring suits against the United States for the refund of customs duties claimed to have been improperly assessed and paid to customs officials. Such litigation now arises under the provisions and schedules found in the Tariff Act of 1930; the Revenue Act of 1932; the amendment to the Tariff Act of 1930 by the Act of June 12, 1934, authorizing the President to enter into trade agreements with foreign nations; the Agricultural Adjustment Act; the Anti-dumping Act of May 27, 1921; the Sugar Act of 1937; the Customs Administrative Act of 1938; and the regulations adopted by the Treasury Department which have the force and effect of law for the direction of customs officials.

This office represents the United States in all customs litigation before the United States Customs Court at all the ports of the United States, including the ports in Puerto Rico, Alaska, and Hawaii; upon appeal before the United States Court of Customs and Patent Appeals in Washington, D. C.; and upon appeal of customs cases to the Supreme Court of the United States, participates in the preparation of such cases.

NATURE OF SUITS BEFORE THE UNITED STATES CUSTOMS COURT

Importers assert before that court various claims for the refund of duties, of which the following are representative.

(a) The value of the merchandise found by the United States appraiser is claimed to be too high or higher than the actual market value on the date of exportation as defined by the statute.

NOTE.—The collector of customs may likewise appeal if he deems the appraised value too low.

(b) The merchandise is claimed to have been classified under the wrong paragraph of the tariff act and is more specifically described and properly dutiable at a lower rate under another paragraph of the said act.

(c) Duty is claimed to have been assessed and improperly collected in violation of treaty provisions with foreign nations; or contrary to the provisions of the Trade Agreement Act; or assessed under wrong paragraphs set forth in trade agreements entered into pursuant to said act.

(d) The President is claimed to have illegally or unlawfully raised the duty provided for in the tariff act under the provisions of the so-called Flexible Tariff Act.

(e) The collector is claimed to have improperly refused to refund duties as provided by law upon the exportation of articles manufactured from imported merchandise.

(f) A tax or duty is claimed to have been collected and retained by the United States under a law which is unconstitutional.

(g) The importer claims to be entitled to relief from the payment of additional duty assessed against him for undervaluation upon the ground that he had no intention to defraud the United States.

(h) The collector is claimed to have improperly assessed an additional duty of 10 per centum on the value under the provisions of section 304 of the Tariff Act of 1930, as amended, on the ground that the merchandise was either improperly marked to indicate the country of origin, or that it is incapable of being so marked.

Practically all of the suits above referred to involve substantial sums of money, and many of them several millions of dollars, as indicated infra.

GENERAL SUMMARY OF THE STATUS OF THE WORK IN THE CUSTOMS COURT

The number of new cases filed in the United States Customs Court during the fiscal year ended June 30, 1940, was 47,128, as against 42,368 for the fiscal year ended June 30, 1939, an increase of 4,760.

There were pending before the United States Customs Court at the end of the fiscal year, June 30, 1940, 174,732 classification cases. Of this number, 118,073 were suspended pending the trial of certain test cases. The remaining 56,659 consist of current pending cases involving numerous issues.

Of the 118,073 suspended cases, 57,447 were suspended pending the outcome of 12 test cases before the United States Court of Customs and Patent Appeals; 438 suspended pending the outcome of other miscellaneous test cases before that court; 55,688 were suspended pending the outcome of 40 test cases before the United States Customs Court and 4,500 suspended pending the outcome of other miscellaneous test cases before that court.

The number of cases disposed of by the United States Customs Court during the fiscal year ended June 30, 1940, was 57,711, as against 63,261 for the previous year.

was an incident in the course of its investigation which was not subject to judicial review. The importance of this case is due not only to the large sum of money involved, but to the fact that it settled the principle upon which the case rested, i. e., the power of the courts to review and revise the proceedings of the Tariff Commission.

Westergaard Berg-Johnsen Co. v. United States (No. 4211); *Bata Shoe Co. v. United States* (No. 4212), decided by the Court of Customs and Patent Appeals on December 26, 1939, C. A. D. 86, vol. 75, Treas. Dec. (advance sheets, January 18, 1940) page 37. The merchandise in these two cases was assessed at the increased rates of duty proclaimed by Presidential proclamations issued under the flexible tariff provisions of section 336, Tariff Act of 1930. Importers claimed that the Tariff Commission proceedings and Presidential proclamations were invalid for failure to observe the statute and that the Customs Court erred in refusing to allow them to examine the President of the United States and members of the Tariff Commission to show that the President did not have before him, when he considered the Commission's report, the evidence taken by the Commission. The judgments of the United States Customs Court overruling the protests were affirmed by the United States Court of Customs and Patent Appeals.

NOVEL CASES—MERCHANDISE NOT LEGALLY MARKED

Under the provisions of section 304 of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938 and as provided by Customs Regulations pertaining thereto, merchandise susceptible of marking must be permanently marked so as to indicate the country of origin to the ultimate purchaser in the United States.

Because of the territorial expansion by Germany, the question has arisen whether merchandise manufactured in an independent country, marked with the name of that country and exported after Germany had taken possession thereof, was marked as was required by law.

United States v. Friedlaender & Co., Inc., decided by the United States Court of Customs and Patent Appeals on February 26, 1940, C. A. D. 104, vol. 75, Treas. Dec. (advance sheets, March 14, 1940), page 39. Merchandise completely manufactured in the Sudeten area of Czechoslovakia was exported therefrom after Germany had acquired control over that area and was marked "Czechoslovakia." The United States Court of Customs and Patent Appeals reversed the judgment of the United States Customs Court, and held that the merchandise should have been marked "Germany," as contended by the Government and in its opinion stated that the term "country of origin" in section 304 of the Tariff Act of 1930, as amended, should not "be so restricted as to limit the operation of the statute, to the situs of the merchandise at the instant of its creation. Its origin, so far as it relates to American commerce, began when it started on its journey to the United States * * *"

United States v. Gibson-Thomsen Co., Inc., decided by the United States Court of Customs and Patent Appeals February 5, 1940, C. A. D. 98, vol. 75, Treas. Dec. (advance sheets February 22, 1940), page 35, the language "ultimate purchaser in the United States" which appears in section 304 of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938, was construed for the first time by the court. The merchandise consisted of blank brush blocks and tooth brush handles to be manufactured into brushes in this country. The Collector refused delivery because, although the articles were marked "Japan," the mark appeared where it would be defaced, obliterated, or destroyed by the manufacturing process in the United States. The Court of Customs and Patent Appeals held that "ultimate purchaser in the United States" for whom is intended the benefit of the marking notice, is the ultimate purchaser of the imported article, in this case, the manufacturer of the brushes, rather than the user or consumer of the finished brush.

PETITIONS FOR REMISSION OF ADDITIONAL DUTIES

Under the provisions of section 489 of the Tariff Act of 1930 if the final appraised value exceeds the entered value, an additional duty is provided "of 1 percent of the total final appraised value thereof for each 1 per centum that such final appraised value exceeds the value declared in the entry." The amount of additional duty is not to exceed 75 percent of the final appraised value of the article. Petitions to secure refund of additional duties were adjudicated in 131 cases.

THE VALUE OF MERCHANDISE FOUND BY THE APPRAISER REVIEWED BY THE CUSTOMS COURTS

F. W. Woolworth Co., et al. v. United States, decided by the trial court June 3, 1940, reappraisal decision No. 4922, vol. 75 Treas. Dec. (advance sheets, June 20, 1940), page 50. The importers claimed the dutiable values on Christmas tree ornaments and glass animals imported from Germany are the minimum German tariff remunerations paid by dealers and commissionaires in Germany to the German home workers who make these articles. The Government contended that the only prices which truly reflect the wholesale market value in the German markets, as defined in section 402 of the Tariff Act of 1930, are the prices at which German dealers and commissionaires resell the articles to all purchasers, after paying the home workers aforesaid tariff remunerations and social assessments. The trial court held that the dealers' and commissionaires' cash resale prices, amounting to 10 percent above the amounts they paid to and for the home workers, represent the dutiable foreign and export values of the tree ornaments and the dutiable export value of the glass novelties.

333223

Both the plaintiff and the Government have filed applications for review by an Appellate Division of the Customs Court.

International Forwarding Co. v. United States, decided by the trial Court May 7, 1940, reappraisal decision No. 4897, vol. 75 Treas. Dec. (advance sheets, May 23, 1940), page 45. This case involved the question whether the 25 percent countervailing duty assessed under section 303 of the Tariff Act of 1930 on certain importations from Germany, when imported through the so-called "barter" method involving the sale of American cotton or copper, at a premium, may be deducted as duty from the basic selling price of prototype imported merchandise in this country, in ascertaining dutiable United States value, as defined in section 402 (e), Tariff Act of 1930. The trial court held that the appraiser was entirely justified in not deducting the 25 percent deposit required under the Treasury Department regulation in T. D. 49821 in determining the United States value of the merchandise at bar.

MISCELLANEOUS CASES OF INTEREST AND IMPORTANCE

F. W. Woolworth Co. v. United States, decided by the United States Customs Court on November 1, 1939, C. D. 244, vol. 75 Treas. Dec. (advance sheets, November 9, 1939), page 24. This was a test case involving the validity of a countervailing duty, assessed under section 303 of the Tariff Act of 1930. In an effort to maintain its international trade and at the same time protect its domestic currency, the German Government devised a system by which German credits could be obtained in the United States and used in the purchase of certain commodities in Germany which it was deemed advisable to export. The United States Customs Court sustained the Government's contention and held that the transaction in question constituted the payment of a bounty by the German Government, and affirmed the action of the Collector in assessing a countervailing duty to equalize this bounty. The importer has appealed from this judgment and the case is now pending in the United States Court of Customs and Patent Appeals.

V. Mueller & Co. v. United States, decided by the United States Customs Court on October 6, 1939, C. D. 220, vol. 75 Treas. Dec. (advance sheets, October 19, 1939), page 33. The importer claimed that a countervailing duty should not have been assessed on his importation for the reason that the statute and regulation did not authorize the determination and declaration of a percentage rate but only of a net amount. The Court overruled the protest and held that the Secretary of the Treasury acted within the authority of section 303 in directing the percentage of additional deposit and that the Secretary's determination of the amount of bounty is conclusive and can not be questioned in a court of law.

333224

REPORT OF ACTING ASSISTANT SOLICITOR GENERAL, NEWMAN A. TOWNSEND

(GOLDEN W. BELL, Assistant Solicitor General from June 30 to August 8, 1939)

The duties of the Office of the Assistant Solicitor General consist of various general and special assignments from the Attorney General and the Solicitor General.

DUTIES ASSIGNED BY THE ATTORNEY GENERAL

Preparation of opinions.—One of the functions assigned generally to the Assistant Solicitor General by the Attorney General is that of preparing for the Attorney General legal opinions to the President, the heads of the Executive departments, and the Veterans' Administration. The scope of this assignment can be measured only by the diverse, important, and difficult problems arising in the Executive branch of the Government, such as the applicability of the neutrality laws to transactions by foreign branches of American banks, the interpretation of the Hatch Act forbidding political activity by Government employees, the interpretation of statutes relating to trade with the Indians, the authority of the Commissioner of Work Projects to grant exemptions from wage requirements, the appointment of referees to sit with the National Railroad Adjustment Board, the applicability of the 8-hour law to employees of the Civilian Conservation Corps, and the applicability of the Civil Service laws to the appointment of an expert by the United States Maritime Commission. During the year 130 opinions were prepared by this office.

In some instances where opinions were unauthorized, information and helpful suggestions were furnished. Thus, where the Senate requested an opinion on the powers of the President "in emergency or state of war," a comprehensive list of the statutes covering the subject was furnished.

Preparation of Executive orders and proclamations.—Under regulations issued by the President, all proposed Executive orders and proclamations are required to be submitted to the Attorney General for his approval as to form and legality prior to their issuance. After issuance they are filed with the Division of the Federal Register. Under the Federal Register Act of June 26, 1935, Executive orders and proclamations which have general applicability and legal effect are required to be published in the Federal Register.

The function of reviewing and revising proposed proclamations and Executive orders has been assigned to this office by the Attorney

General. During the year this office passed upon 278 proposed Executive orders and 62 proposed proclamations, many of them requiring extensive study and revision or the preparation of opinions to the President. Informal advice was frequently given to the various departments and establishments in connection with the drafting by them of Executive orders and proclamations prior to formal submission to the Attorney General.

Compromise of claims.—Another duty assigned by the Attorney General to this office is that of reviewing all proposed compromises of claims by and claims against the Government which are referred to the Attorney General by other departments and establishments. Offers in compromise are transmitted to this office by other divisions of the department with their respective recommendations for acceptance or rejection. The Assistant Solicitor General passes finally on offers of settlement of claims by the Government when the gross amount does not exceed \$50,000 and on offers of settlement of claims against the United States when the proposed settlement does not exceed \$10,000, the Attorney General acting finally in cases exceeding such amounts on the recommendation of the Assistant Solicitor General.

During the year this office acted upon 3,325 offers in compromise including those made in suits brought against the United States on contracts of yearly renewable term insurance under the World War Veterans Act, 1924, as amended. The following table shows the general nature of the claims involved in the offers in compromise and the respective divisions of the Department of Justice which submitted them to this office:

Compromise offers

ACCEPTED

Division submitting	Claims by the Government	Number of offers	Amount involved	Offer
Claims.....	Admiralty, customs, etc.....	436	\$2,108,220.36	\$559,248.30
Tax.....	Income and estate taxes.....	163	34,244,858.90	17,436,510.49
Lands.....	Indian claims, trespass, etc.....	61	102,209.33	100,307.44
Criminal.....	Bail and immigration bonds, etc.....	1,133	574,569.23	271,891.06
Antitrust.....	Miscellaneous.....	6	27,325.00	2,675.00
Bond and Spirits.....	Liquor taxes, etc.....	413	1,944,170.16	336,934.70
Total.....		2,217	39,001,681.93	18,707,867.59
Claims against the Government				
Claims.....	As above.....	20	212,660.98	36,880.92
Tax.....	do.....	178	17,576,927.22	4,807,126.57
Lands.....	do.....	2	60.00	726.80
Bureau of War Risk Litigation.....	Veterans' insurance.....	221	1,987,427.70	907,097.86
Total.....		421	19,777,015.90	5,751,832.15

Compromise offers—Continued.

REJECTED

Division submitting	Claims by the Government	Number of offers	Amount involved	Offer
Claims.....	Admiralty, customs, etc.....	167	\$712,112.23	\$176,576.70
Tax.....	Income and estate taxes.....	163	11,731,282.37	2,336,717.02
Lands.....	Indian claims, trespass, etc.....	14	108,165.08	32,572.68
Criminal.....	Bail and immigration bonds, etc.....	76	1,259,359.69	78,618.84
Bond and Spirits.....	Liquor taxes, etc.....	128	603,761.79	25,130.87
Total.....		548	14,414,681.16	2,640,616.00
Claims against the Government				
Claims.....	As above.....	14	3,613,260.21	694,550.07
Tax.....	do.....	40	4,491,701.05	2,059,961.82
Lands.....	do.....	2	58,000.00	41,000.00
Bureau of War Risk Litigation.....	do.....	77	710,282.00	328,970.00
Total.....		139	8,873,243.26	3,124,488.49

Because of the complexity of many claims, cross demands, unliquidated factors not susceptible of liquidation, such as criminal liability, longevity, approximation of interest dates, etc., the figures indicating the amounts involved, necessarily are approximate.

Sixty-six petitions for remission or mitigation of forfeiture of automobiles and other property were considered under the provisions of section 709 of the Revenue Act of 1929 (45 Stat. 791, 882), and section 618 of the Tariff Act of 1930 (46 Stat. 590, 757). Of these petitions 28 were allowed and 38 were denied.

Alien property claims.—Claims presented under the Trading With the Enemy Act, as amended, involving \$537,067.84, for the return of property seized by the Alien Property Custodian during the World War, were considered and recommended for allowance.

Special assignments.—This office assisted in the preparation of several reorganization plans submitted to the Congress pursuant to the Reorganization Act of 1939.

During the year the Acting Assistant Solicitor General represented the Attorney General on the following committees: Committee to Investigate Taxation of Federally-Owned Property, the Postal Savings Committee, the Interdepartmental Committee to Study Broadcasting, the Interdepartmental Committee on Cooperation with the American Republics, Interdepartmental Committee to Study Title to Submerged Oil Lands, Naturalization-Deportation Reorganization Committee, Administrative Committee of the Federal Register, the Committee on Administrative Procedure, and the Committee on Neutrality.

Opinions were rendered to the several divisions and bureaus on questions of law in the internal administration of this Department and in its relations with other departments, frequently involving questions concerning application and enforcement of laws in unusual situations, and settlement agreements covering ocean-mail contracts entered into

between the United States Maritime Commission and foreign ocean-mail contracts pursuant to the Merchant Marine Act of 1936, were reviewed.

About 12 gifts and bequests to the United States or in aid of governmental agencies were supervised by this Office.

DUTIES ASSIGNED BY THE SOLICITOR GENERAL

Supreme Court cases.—This function involves assistance in the preparation and revision of briefs in, and argument of cases before, the Supreme Court of the United States. During the year this office assisted in the preparation of the brief in the case of *United States v. George S. Bush & Co., Inc.*, wherein the Supreme Court passed upon the authority of the courts to review the findings made by the President in applying the flexible tariff laws, and held that the courts have no jurisdiction to go behind the findings of the President in such cases.

Reviewing of Customs Court decisions, etc.—Under its function of making recommendations to the Solicitor General on whether appeals should be prosecuted from decisions of the Customs Court to the Court of Customs and Patent Appeals and whether writs of certiorari therein should be applied for or opposed by the Government, recommendations for appeals were made in 23 cases and against appeal in 7 cases, and briefs in opposition to petitions for writs of certiorari were prepared in 2 cases. This office also cooperated with the Assistant Attorney General in charge of customs matters in a number of cases involving reciprocal foreign trade agreements. Special assignments from the Solicitor General of miscellaneous character were also disposed of by this office.

The work of the office is current.

REPORT OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, JOHN EDGAR HOOVER

Although confronted with a greater volume of work and more responsibilities than in any other period of its history, from the standpoint of accomplishments, the Federal Bureau of Investigation, during the fiscal year 1940, achieved its greatest success. More convictions were secured in Federal Courts through the investigative activities of the FBI in the numerous types of cases coming within its jurisdiction than in any other year. More fugitives from justice were located by the special agents of the FBI and likewise, savings to the Government, fines imposed in cases investigated by the FBI, and the recovery of stolen property totaling \$58,390,180.64 surpassed that of any other period.

The year witnessed increased cooperation among all law enforcement agencies in the establishment of a united front against the law violator. Municipal, county, and State officers evidenced an unprecedented desire for adequate training which the Federal Bureau of Investigation assisted in every possible manner to fulfill. Higher standards of proficiency were obtained and greater use was made of the cooperative facilities and service functions of the FBI such as the Identification Division, Technical Laboratory, Uniform Crime Reports, and the FBI National Police Academy.

From 1932 to 1934, the Federal Bureau of Investigation underwent a transition with the passage of new Federal laws designed to curb the interstate activities of gangsters who were defying the control of local authorities. As a result organized gangs were broken up, their members dealt appropriate justice, and the fearful menace of kidnaping was eliminated.

The national emergency brought another period of transition during the year. While the usual activity of the FBI was carried on with unprecedented success, a changing world required emphasis upon matters relating to the internal security of the United States and throughout the year demanded the utmost from the facilities and personnel of this organization.

SUMMARY OF ACCOMPLISHMENTS

There were 5,605 convictions secured during the year in cases investigated by the FBI, with the imposition of sentences totaling 10 life, 17,833 years, 4 months, and 28 days. In addition to this regular work, 58 convictions were secured during the year in cases under the

national defense classifications with the imposition of sentences totaling 65 years, 8 months, and 18 days, and fines of \$329,860.00.

Convictions were secured in 96.46 percent of the cases investigated by the FBI which were brought to trial during the year.

The total savings, fines imposed, and recoveries effected in the miscellaneous types of cases investigated by the FBI during the year amounted to \$58,390,180.64. The regular appropriation of the FBI for the period totaled \$7,300,000. For every dollar spent in connection with the regular operations of the Bureau for the year, \$8 were saved or returned to the Government or individual citizens in stolen property recovered, fines imposed, and savings effected.

Two thousand three hundred and ninety-three Federal fugitives from justice were located and apprehended by special agents of the FBI during the year, while 7,809 fugitives were located for State, county, and municipal law enforcement agencies by searching their fingerprints through the files of the Identification Division.

NATIONAL DEFENSE

Shortly before the fiscal year opened, the President of the United States directed the Federal Bureau of Investigation to take charge of investigative work relating to espionage, counterespionage, sabotage, and related matters. In the 5 year period preceding 1938, the Federal Bureau of Investigation investigated on an average of 35 espionage matters each year. In the fiscal year 1938, 250 such matters were handled by the FBI, while in the fiscal year 1939 a total of 1,651 matters pertaining to the national defense were received for investigation. With the outbreak of war in Europe and the Presidential proclamation early in September 1939 establishing a limited emergency, work of this type increased materially. On one day alone in May of 1940, a total of 2,871 complaints were received. A total of 16,885 national defense matters were received during the fiscal year 1940 which required investigative activity.

Coordination of activity

Recognizing that investigations relating to national defense matters must be conducted in a comprehensive and effective manner on a national basis, and all information must be carefully sifted out and correlated in order to avoid confusion and irresponsibility, the President of the United States on September 6, 1939, in a directive, stated: "To this end I request all police officers, sheriffs, and all other law-enforcement officers in the United States to promptly turn over to the nearest representative of the Federal Bureau of Investigation any information obtained by them relating to espionage, counterespionage, sabotage, subversive activities, and violations of the neutrality laws."

The enthusiastic response on the part of law enforcement officers throughout the Nation to the Chief Executive's request was gratifying, and the highest spirit of cooperation and unity exists. Conferences have been held in each FBI field division with ranking law enforcement officials. As a result of these conferences, police officials are promptly transmitting information to the FBI field offices covering the territory in which they reside. This information in turn is properly indexed, recorded, and coordinated on a national basis. Through the conferences a plan was also perfected whereby the special agents in charge of the 53 field divisions of the Federal Bureau of Investigation can forward to the heads of the police organizations represented various types of inquiries for handling by the local police officials. Reports of the results are transmitted to the special agent in charge. By this means there has been set in motion the machinery whereby in time of greater emergency a selected corps of police officials, already trained and experienced in certain phases of general intelligence and national defense investigations, will be available when needed to supplement the work of the FBI.

In addition to the excellent cooperation received from municipal, county, and State law enforcement agencies, there has continued a very close and cordial cooperation between representatives of the Federal Bureau of Investigation and representatives of the offices of the Military and Naval Intelligence Divisions. Each week conferences are held attended by the officials in charge of Military Intelligence and of the Office of Naval Intelligence and the Director of the Federal Bureau of Investigation. Discussions are held on policy, the establishment of plans of procedure, and the coordination of information vital to the Nation's internal security and national defense. Daily informal conferences and communications between the three organizations further serve to maintain the greatest degree of coordination. Representatives of the State and Treasury Departments attend these conferences to discuss developments of interest to those Departments.

Plant survey program

Early in September 1939 a program to survey the protective facilities of manufacturing establishments was inaugurated in accordance with the request of the War and Navy Departments. A priority list of over 800 factories and manufacturing establishments having large contracts to provide the Government of the United States with defense materials was furnished the FBI by the armed services. Of this number, 270 have been surveyed and recommendations made to the plant officials designed to maintain a maximum of protection. Eventually it is estimated that some 12,000 manufacturing establishments will be surveyed by the FBI. It has been made clear that the

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U.S. Dept. of Justice
ANNUAL REPORT OF THE
ATTORNEY GENERAL, OF
THE UNITED STATES

FOR THE FISCAL YEAR ENDED JUNE 30

1941



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REPORT OF THE ATTORNEY GENERAL



DEPARTMENT OF JUSTICE, WASHINGTON, D. C.
JANUARY 3, 1942

*To the Senate and House of Representatives of the
United States of America in Congress assembled:*

I have the honor to submit a report of the Department of Justice for the year ended June 30, 1941.

On the business of the Department of Justice during the fiscal year, I transmit the report of the Honorable Robert H. Jackson, who was Attorney General during that entire period. I also submit a report of the Conference of Senior Circuit Judges, which convened on September 23, 1941. To these documents I have added a brief comment and a number of recommendations.

I

NATIONAL DEFENSE

Problems of defense command a growing share of the energies and resources of the Department. Special defense activities, described elsewhere in this report, have almost overshadowed the normal work of law enforcement which is the Department's permanent concern. This is the inevitable consequence of new responsibilities acquired in the last 2 years. But these are not the only functions of the Department in the program of national defense. The calibre of Federal law enforcement is both a measure and a symbol of the democracy we seek to defend. Democratic strength inheres in the achievement of efficiency without the sacrifice of justice or the invasion of individual rights. To exhibit such strength is the function of the Department in all the phases of its work. Tested by this rigorous standard, the Department has achieved substantial success in the past. Its success will not be diminished in the future—however arduous may be the days that lie ahead.

REPORT OF FORMER ATTORNEY GENERAL ROBERT H. JACKSON

I have the honor to report as to the business of the Department of Justice for the year ended June 30, 1941.

Solicitor General Francis Biddle at my request became Acting Attorney General on June 12, 1941 upon my nomination as an Associate Justice of the Supreme Court. I refrain from making recommendations or expressions of future policy herein because of this circumstance and have asked the Acting Attorney General, who has since become my successor as Attorney General, to deal with these customary features of the annual report as to him may seem fit.

Incorporated in this report are the summaries of the activities of the various offices, divisions, and bureaus of the Department, as prepared by their respective heads, without either my personal approval or disapproval. There is also annexed the report of the Conference of Senior Circuit Judges which convened January 21, 1941.

I

The year has been marked by rapid expansion of the Department, due chiefly to the war abroad and to the national defense program. Every division and bureau of the Department has been affected, but not in equal degree. The expansion in some divisions outruns satisfactory administration. Efforts to achieve a closer knit administrative and supervisory set-up are to be expected and should receive sympathetic consideration by the Congress.

II

NATIONAL DEFENSE

The work of the year has been largely influenced by the pressures and tensions resulting from the national defense effort. A large number of the legal opinions, formal and informal, required of me have dealt with matters directly or indirectly relating to the national defense.

The Federal Bureau of Investigation has been especially concerned with national defense matters, while also carrying its normal work of investigating offenses against Federal criminal laws. While the enforcement of the criminal law involves detecting, apprehending,

convicting, and punishing the perpetrators of crime after it has been committed, national defense activities against espionage and sabotage have called for many preventive measures operative before crime could be committed.

The Federal Bureau of Investigation has developed its technique of counterespionage in pursuance of this policy. I considered it advisable to mature our cases by full investigation rather than to break them prematurely even to protect ourselves against criticism by the uninformed for lack of activity. There has now been revealed an example of the technique of the Federal Bureau of Investigation in counterespionage in its operation for almost 2 years of a short-wave radio station which the German espionage system in this country believed to be its own and to which it resorted to transmit much information. By this means the Bureau was able to obtain contact with a large group of German spies, to edit and control the information that they were seeking to transmit to their employers abroad, and to learn the sources within the country which were their willing accomplices. The effectiveness of this operation is apparent, for when the case had matured to a point where no further advantage seemed to accrue from continuing the operation, the spies involved in the ring were arrested.

As a result of counterespionage efforts, a great deal of information came to the Department which either was not useful for the purposes of making a criminal case or could be better dealt with in some administrative way. For this purpose, among others, the Neutrality Laws Unit was created. It has scrutinized information with a view to suggesting protective measures to the other departments of the Government or changes in administrative policies which would make espionage less fruitful.

The work of the Criminal Division has necessarily been expanded as a consequence of the increase in number and scope of the Federal activities due to the national defense program. This is likewise true of the Lands Division, upon which falls the burden of property acquisition. The burdens that are destined to fall upon the Tax and Claims Divisions of the Department may lag, but are sure to follow.

III

IMMIGRATION AND NATURALIZATION SERVICE

The Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice as of June 14, 1940. The administrative problem of making the Service an integral part of the Department of Justice appears to have been solved fairly satisfactorily. The impact of world conditions is forceful and

REPORT OF ASSISTANT ATTORNEY GENERAL
FRANCIS M. SHEA
IN CHARGE OF THE CLAIMS DIVISION

The Claims Division handles all civil suits and claims for and against the Government not otherwise specially assigned. Its work includes (1) the defense of suits against the Government upon claims founded on the Constitution, on any law of the Congress or upon any regulation of an Executive Department; (2) suits based upon any contract, express or implied, with the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort; (3) suits for mandamus or injunction against public officers; (4) all matters pertaining to patents, copyrights, bankruptcy, alien property, and all admiralty and shipping matters wherein the Government is interested; (5) matters pertaining to loans made by Public Works Administration and Works Progress Administration to municipalities and other public bodies for purpose of financing public utilities; (6) the collection of defaulted loans referred by Federal Housing Administration, Federal Security Administration, and Farm Credit Administration; (7) all civil matters involving the Civil Aeronautics Authority and the Federal Power Commission; and (8) briefs and arguments in the Supreme Court on assignment by the Solicitor General and special assignments by the Attorney General.

The continued enlargement of its duties resulting in vastly greater and more diversified functions has necessitated the organization of the division into seven main sections, namely: Court of Claims, Patent, Supreme Court, District Court, Miscellaneous Claims, Admiralty and Shipping, and the Alien Property Bureau.

COURT OF CLAIMS SECTION

The Court of Claims Section, the largest section of the Claims Division, is charged with the defense of all suits in the Court of Claims except admiralty, patent, tax, and Indian claims. The suits defended by the section include claims founded upon the constitution of the United States and laws of Congress, upon regulations of the executive departments, upon contracts, express or implied, with the Government of the United States, and for damages, liquidated or unliquidated, in

The following consolidated table illustrates the work of the Patent Section:

Patent Section

	Cases on hand July 1, 1940	Received dur- ing fiscal year	Handled dur- ing fiscal year	Terminated during fiscal year	Cases on hand June 30, 1941
1. Patent infringement cases in Court of Claims.....	35	6	41	5	36
2. Patent cases in other courts.....	32	25	57	17	40
3. Patent interference cases.....	43	7	50	28	22
4. Patent application cases.....	112	80	192	57	135
5. Miscellaneous Patent Mat- ters, i. e., Patent opin- ions, Reports, Investiga- tion, etc.....	14	16	30	15	15
Totals.....	236	134	370	122	248
Aggregate amount claimed in only those of the above to- tals in which amounts are definitely stated.....	\$65,368,828.04 (28 cases)	\$11,115,526.28 (6 cases)	\$76,484,354.32 (34 cases)	\$11,285,000.00 (4 cases)	\$65,199,354.22 (30 cases)

Alien Property Bureau

At the beginning of the fiscal year there were pending in the Courts fifteen suits growing out of wartime seizures by the Alien Property Custodian. The amount involved in these suits aggregates \$18,186,046.58. Of this sum \$8,347,200.38 is claimed by the United States, in counterclaims or original actions, and \$9,838,846.20 is claimed against the United States. During the year five new proceedings involving \$7,815,570.62 were instituted and six cases involving \$15,717,341.75 were disposed of, five favorably and one adversely to the Government. Among the more interesting litigation may be mentioned the following:

In *Société Suisse Pour Valeurs de Métaux v. Cummings*, discussed in numerous prior reports (1937—p. 104; 1938—p. 122; 1939—pp. 101-102; 1940—pp. 117-118), the Government obtained judgment against the plaintiff in the amount of \$6,967,987.30, exclusive of interest. There had been paid to the Government \$60,000 in partial satisfaction of the judgment, but it was impossible to enforce the judgment further in this country. Accordingly, suit was brought on the judgment in the Civil Court of Basel, Switzerland in June 1939, and a civil suit was filed against the Swiss Bank Corporation in the District Court for the Southern District of New York in November of 1939.

To recall briefly the facts of the foregoing case, the two suits were an outgrowth of the transaction in 1921 whereby the Swiss Company prevailed upon Thomas W. Miller, the Alien Property Custodian, and Harry M. Daugherty, the Attorney General, to allow and pay an Alien Property claim of approximately \$7,000,000 representing the proceeds of certain stock of the American Metal Co., which had been

seized as the property of two German Corporations, the Metallbank and the Metallgesellschaft of Frankfort on the Main.

In 1930 the Société Suisse filed a suit in the District Court for the District of Columbia to recover interest on the claims and was met by a counterclaim on behalf of the Government for repayment of the principal sum with interest since the date of its receipt in 1921, on the ground that the allowance of the claim had been procured by the fraudulent representation that the Société Suisse was the prewar owner of the stock. The trial in 1937 resulted in a judgment for the Government on its counterclaim. The judgment was affirmed by the Court of Appeals, and certiorari was denied by the Supreme Court. When no assets of substantial value of the Société Suisse could be discovered in this country, representatives of the Department were sent to Europe to file suit in a court of Basel, Switzerland, upon the judgment obtained in the District of Columbia Court.

The Société Suisse ever since its incorporation had been managed by the Swiss Bank Corporation of Basel, and the claim filed in 1921 had been executed jointly by the Société Suisse and the Swiss Bank Corporation. In July of 1939 the Swiss Bank Corporation opened an agency in New York City, and in November 1939, a suit was filed against the Swiss Bank Corporation on the ground that it was jointly liable with the Société Suisse for procuring the fraudulent allowance of the claim in 1921, and on the ground that the judgment obtained in the District of Columbia was binding upon it.

At the close of the fiscal year, an offer in compromise was submitted to the Attorney General through the Department of State by the Minister of Switzerland, Dr. Karl Bruggman.

In *Sorenson et al. v. Sutherland et al.*, the Attorney General, as successor to the Alien Property Custodian, filed a motion to vacate a decree for \$700,000 entered in the United States District Court for the Southern District of New York in favor of the plaintiffs as surviving partners of the firm of Crossman & Sielcken, on the ground that the suit was collusive and that the Court had no jurisdiction to entertain the same. After the District Court had granted the motion, the Circuit Court of Appeals for the Second Circuit reversed (109 F. (2d) 714). Certiorari having been granted on June 3, 1940, the Supreme Court affirmed the decision of the Circuit Court of Appeals (311 U. S. 494). In May 1941 the Attorney General as successor to the Alien Property Custodian filed a new action against the Irving Trust Company as executor of the estate of Hermann Sielcken, deceased, and others, for the recovery of the monies paid by the Alien Property Custodian under the decree referred to above. This suit is now awaiting trial in the United States District Court for the Southern District of New York.

In *J. C. Isenberg v. Jackson et al.*, the claimant, who had previously recovered from the Alien Property Custodian the full amount of the proceeds of his seized property on his assertion of American citizenship, brought an action in February, 1936 to recover the difference between the amount returned to him and the alleged true value thereof, or what he claims is just compensation. The amount sued for is \$555,415.20 plus interest. The Attorney General immediately initiated a thorough investigation into Isenberg's claim to American citizenship. The Government then counterclaimed for the difference between the amount returned to Isenberg as an American and the largest amount to which he would have been entitled as a German. On May 1, 1940, the District Court of the United States for the District of Columbia, on motions by the Government, dismissed the bill for lack of jurisdiction and granted the defendant's motion for summary judgment on its counterclaim in the sum of \$164,716.60, plus interest. Notice of appeal was filed on May 20, 1940, and in his brief the appellant indicates that he acquiesces in the dismissal of the bill and limits himself to contesting the Government's counterclaim.

The so-called "*Hackfeld Cases*" involved the property of Johann Friedrich Hackfeld which was seized by the Alien Property Custodian as enemy property under the Trading with the Enemy Act. In 1923 a claim was filed with the Custodian for the return of the proceeds on the ground that Hackfeld was and had been an American citizen. This claim was allowed in April 1924, and property valued at approximately \$3,600,000 was returned to Hackfeld.

After his death in 1932 a private bill was introduced in the United States Senate to pay \$3,000,000 to the Hackfeld estate on the theory that Hackfeld's property had been undervalued when it was returned to him by the Custodian. This bill was referred to the Court of Claims for a report as provided for in section 151, Judicial Code (28 U. S. C. 257). After extensive depositions were taken a Commissioner of the Court of Claims filed a report on May 20, 1937, in which he found that the Hackfeld property had been undervalued to the extent of \$2,054,203.20. On May 26, 1939, the defendants' motion to suspend action in this case, pending the final decision of the Hackfeld litigation in the District Court, was granted.

In the preparation of the defense of the Court of Claims case, the Attorney General instituted extensive investigations in the United States, Hawaii, and Europe. As a result, the Government then instituted an action on April 13, 1936, in the United States District Court for the Southern District of New York, to recover from the estate the sum of \$881,298.38, representing the difference between the amount returned to Hackfeld by the Custodian and the highest amount to

which he would have been entitled as a German. The assets of the estate, now approximating \$900,000.00, are on deposit with the Irving Trust Company of New York under the custody of the Surrogate's Court of New York County. After a lengthy trial the District Court on April 7, 1939, directed a verdict for the Government for the full amount, plus interest, in the sum of \$1,605,057.32. This judgment was affirmed by the Circuit Court of Appeals for the Second Circuit on June 9, 1941 (117 Fed. (2d) 588), and a petition for rehearing was denied the same day (120 Fed. (2d) 670). In the meantime suitable steps were taken by the Government to prevent the distribution of the estate during the pendency of the litigation.

Litigation, however, was only one of the activities of the Alien Property Bureau in the course of the fiscal year. Administrative determinations accounted for many of the matters handled. During the fiscal year 53 claims involving cash and property valued at a total of \$508,906.55 were allowed by the Attorney General, as successor to the Alien Property Custodian, in accordance with the provisions of the Trading with the Enemy Act, as amended by the Settlement of War Claims Act of 1928.

While the prohibitions placed upon the return of seized property by Public Resolution 53 of the Seventy-third Congress (48 Stat. 1267) permit no returns to German nationals or corporations, administrative proceedings continue in regard to such money and property. During the fiscal year, 24 transfers of cash totaling \$19,842.98 were made to the German Special Deposit Account, pursuant to the provisions of Section 25 (d) of the Settlement of War Claims Act; segregations of 20 percent items were made in 116 claims, totaling \$340,013.97, and the respective amounts held subject to the call of the Secretary of the Treasury for deposit as provided by law; and 2,472 claims filed pursuant to the Act of March 4, 1923 (42 Stat. 1511) were audited during the year for a total value of \$1,578,156.32.

Pursuant to the provisions of Section 25 of the Settlement of War Claims Act of 1923, the sum of \$16,030,050.63 was transferred by the Attorney General during the year to the German Special Deposit Account, and a Participating Certificate was issued to the Attorney General for that amount. Earnings upon that sum in the amount of \$5,564,469.10 were similarly transferred.

These funds were deposited immediately upon the call of the Secretary of the Treasury at the close of the litigation brought by certain American awardholders (*sub nomine Z. and F. Assets Realization Corporation v. Hull et al.*) to restrain the Secretary of State from certifying, and the Secretary of the Treasury from paying, the so-called "Black Tom" awards entered by the Mixed Claims Commission, United States and Germany.

During the fiscal year 448 claims were examined by the Federal tax section of the Bureau and submitted to the Income Tax Unit of the Bureau of Internal Revenue for assessment and demand for taxes found to be due. Federal estate taxes were paid in 7 cases amounting to \$9,081.74 and income taxes, covering 241 taxable years, were paid for a total of \$1,578,156.32.

The interest of the United States in nine parcels of real estate and in three lots of miscellaneous property were sold and the proceeds of the sales, amounting to \$8,396.59 were deposited in the Treasury.

By order of the Attorney General dated June 11, 1941, there was established in the Alien Property Bureau a Research Section. This Section has been handling problems arising from the participation of the Department of Justice in the Policy Committee on Foreign Funds Control and has collaborated with the State Department, Treasury Department and the Administrator of Export Control on matters connected with the administration of Executive Order No. 8389, as amended. It is also investigating the extent of foreign ownership or control of, or interests in, American properties or enterprises.

Summary—Claims Division; July 1, 1940, to June 30, 1941

	Pending July 1, 1940		Cases filed—Closed		Pending June 30, 1941	
	Number	Amount	Number	Amount	Number	Amount
Court of claims section:						
Court of Claims cases.....	918	\$60,046,907.53	{ 169 195	{ \$25,450,477.76 19,532,647.18	} 892	\$65,964,738.11
Patent Section:						
Infringement cases (Court of Claims).....	35	65,368,828.04	{ 6 5	{ 11,115,526.28 11,255,000.00	} 36	65,199,354.32
Cases in district courts and Court of Customs and Patent Appeals.....	32	(¹)	{ 25 17	{ (¹) (¹)	} 40	(¹)
Patent interference cases.....	43	(¹)	{ 7 28	{ (¹) (¹)	} 22	(¹)
Patent applications.....	112	(¹)	{ 80 57	{ (¹) (¹)	} 135	(¹)
Miscellaneous matters.....	14	(¹)	{ 16 15	{ (¹) (¹)	} 15	(¹)
District Court Section:						
Cases in trial courts:						
a. Tucker Act cases.....	109	694,538.89	{ 49 49	{ 392,514.69 280,376.72	} 109	806,676.88
b. Cases against officers and agencies of U. S.: (Silver cases) ²	5	19,350,000.00	{ 5	{ 19,350,000.00	} 0	-----
(Other) ²	238	4,669,351.59	{ 265 258	{ 2,794,099.98 2,589,991.35	} 245	4,873,460.22
c. Specially assigned claims in favor of U. S.: (Russian cases).....	39	18,900,000.00	{ -----	{ -----	} 39	[18,900,000.00
(Other).....	20	4,615,932.59	{ 4 14	{ 435.54 70,298.95	} 10	4,546,069.18
d. Intervention cases.....	1	(¹)	{ 6 4	{ (¹) (¹)	} 3	(¹)
Cases in appellate courts other than U. S. Sup. Ct.....	25	(¹)	{ 37 34	{ (¹) (¹)	} 28	(¹)
U. S. Supreme Court.....	0	-----	{ 4 3	{ (¹) (¹)	} 1	(¹)
Admiralty and shipping section: ⁴						
1. Suits under Admiralty Act.....	153	3,265,079.46	{ 136 83	{ 1,323,511.27 1,424,638.39	} 206	3,163,952.34
2. Public Vessel Act.....	17	560,826.78	{ 5 4	{ 22,745.70 7,645.70	} 18	575,926.78
3. Private act cases.....	5	269,580.94	{ 1	{ 16,580.94	} 4	253,000.00
4. Admiralty suits on behalf of U. S.....	26	649,936.31	{ 21 21	{ 388,531.06 184,584.60	} 26	890,282.60
Miscellaneous Claims Section:						
1. Miscellaneous claims due U. S.....	26,535	65,454,744.46	{ 9,418 5,738	{ 4,487,265.40 3,050,825.34	} 30,215	66,891,214.52
2. Suits in district courts ³	3,065	2,961,486.27	{ 2,903 1,913	{ 1,225,803.22 938,777.95	} 4,055	3,248,511.54
Alien Property Bureau:						
Alien property cases.....	16	26,087,817.71	{ -----	{ 7,815,570.62 8,749,354.45	} 16	25,154,033.88
Total.....	28,543	269,933,544.30	{ 10,253 6,636	{ 53,790,678.30 66,541,913.62	} 32,160	257,218,708.81

333239

¹ Amount not stated.² Shown in text of report for 1940 as decided favorably to the government after the close of that year (p. 108, n. 1) but included in the summary for that year (p. 120).³ Only amounts involved in suits seeking judgments for sums of money are here included.⁴ The number of cases and amounts involved as shown are as reported by the United States Attorneys.⁵ Totals included in miscellaneous claims above.

REPORT OF ASSISTANT SOLICITOR GENERAL, CHARLES FAHY

(NEWMAN A. TOWNSEND, Acting Assistant Solicitor General from June 30 to
October 1, 1940)

The duties of the Assistant Solicitor General consist of various general and special assignments from the Attorney General and the Solicitor General, and occasionally special assignments from the President.

SPECIAL ASSIGNMENTS FROM THE PRESIDENT

One assignment from the President was the naming of the Assistant Solicitor General in January, 1941 as one of the three members of the President's Naval and Air Base Lease Commission. This commission sat in London, England, for approximately 2 months and with representatives of Great Britain negotiated the terms of the leases and agreement governing the United States military bases in Newfoundland, Bermuda, Jamaica, St. Lucia, Antigua, the Bahamas, Trinidad, and British Guiana. The Assistant Solicitor General was, on behalf of the United States, one of the signatories to the agreements executed in London March 27, 1941.

Another special assignment is his membership on the Board of Legal Examiners of the Civil Service Commission, appointed by the President under Executive Order No. 8743 of April 23, 1941. This Board is responsible, with the Civil Service Commission, for the improvement of standards and methods of selection of lawyers throughout the government that are in the Civil Service as extended by said Executive order.

DUTIES ASSIGNED BY THE ATTORNEY GENERAL

Preparation of opinions.—One of the chief functions on general assignment to the Assistant Solicitor General by the Attorney General is that of preparing for the Attorney General legal opinions to the President, the heads of the executive departments and the Veterans' Administration. The scope of this assignment can be measured only by the diverse, important and difficult problems arising in the executive branch of the Government. These opinions range from such questions as those concerning the authority of the President to acquire

from the British Government rights to establish military bases in British colonies in exchange for over-age destroyers, and the interpretation of statutes recently enacted relating to neutrality, the defense program, and immigration policy, to the necessity of the Librarian of Congress to examine personally claims for copyright registration denied by the Register of Copyrights and advice to the Secretary of the Interior with respect to the interpretation of the Mineral Leasing Act. During the year 159 opinions were prepared by this office. This assignment includes the digesting and preparation for printing and binding of the opinions of the Attorney General.

In a number of instances where opinions were unauthorized under the law governing the duties of the Attorney General, information and helpful suggestions were furnished.

Preparation of Executive orders and proclamations.—Under regulations issued by the President all proposed Executive orders and proclamations are required to be submitted to the Attorney General for his approval as to form and legality prior to their issuance. After issuance they are filed with the Division of the Federal Register in accordance with the law. Under the Federal Register Act of June 26, 1935, Executive orders and proclamations which have general applicability and legal effect are required to be published in the Federal Register.

The function of reviewing and revising proposed proclamations and Executive orders has been assigned to this office by the Attorney General. During the year this office passed upon 360 proposed Executive orders and 75 proposed proclamations. Many of the proposed Executive orders and proclamations required extensive study and revision and in some instances preparation of opinions to the President. Informal advice was frequently given to the various departments and establishments in connection with the drafting by them of Executive orders and proclamations prior to formal submission to the Attorney General. The office also on occasion participates in the original drafting of Executive orders.

Compromise of claims.—The Attorney General has also assigned to this office the duty of reviewing all proposed compromises of claims by and against the Government which arise in connection with cases referred to the Attorney General by other departments and establishments. Offers in compromise are transmitted to this office by other divisions of the Department with their respective recommendations. The Assistant Solicitor General passes finally on offers of settlement of claims by the Government when the gross amount does not exceed \$50,000 and on offers of settlement of claims against the United States when the proposed payment does not exceed \$10,000. Cases which exceed the above amounts are acted upon finally by the Attorney General upon the recommendation of the Assistant Solicitor General.

REPORT OF THE DIRECTOR OF THE FEDERAL
BUREAU OF INVESTIGATION,
JOHN EDGAR HOOVER

With its volume of work and responsibilities increasing manifold as a result of the national defense program, the Federal Bureau of Investigation discharged its duties with effectiveness during the fiscal year 1941. Greater service to the American public, other Federal departments, and to the law-enforcement agencies of the Nation, was rendered than in any previous year.

In handling national defense matters emphasis has been placed upon preventive measures as the most effective means of insuring the internal security of the Nation. This approach has aided in preventing vigilante action and hysteria.

Through the FBI Law Enforcement Officers Mobilization Plan for National Defense, municipal, county, and State police agencies have been thoroughly coordinated and never before have they been so fully prepared to handle emergency duties.

The FBI has continued to hold down the formation of interstate gangs of kidnapers, extortioners, bank robbers, and other desperadoes of the type which ran rampant a few years ago.

In response to the tremendous increase of its duties the personnel of the Bureau has doubled, and with the growing demand upon their services it will be necessary to further expand the FBI if it is to continue the efficient discharge of its functions.

SUMMARY OF ACCOMPLISHMENTS

The investigative activity of the FBI resulted in 6,182 convictions during the year, more than in any former fiscal period. Of these, 412 convictions were secured in cases under the national defense classifications, as compared with 58 such convictions during the previous year. In addition, numerous persons were expelled from the country as the result of information developed by the FBI and others were awaiting trial as the year closed.

Convictions were secured in 96 percent of the cases investigated by the FBI which were brought to trial during the year.

Indian and Government Reservation Matters

Various types of crimes committed on Indian and Government Reservations were investigated by the FBI during the year and resulted in 286 convictions. During the same period sentences totalling 2 life, 726 years, 6 months, and 6 days, and fines amounting to \$2,515.00 were imposed. Recoveries made totalled \$206,681.19 and 16 fugitives were located.

Investigations Protecting Federal Service and the Administration of Justice

Numerous investigations of laws designed to protect Federal officers and the dignity and good repute of the Federal Service and to insure efficient and fair administration of justice were conducted by the FBI during the year. They included such matters as impersonation of Federal officers, harboring of Federal fugitives, bribery of witnesses and Government officials, contempt of court, intimidation of witnesses, perjury, killing or assaulting Federal officers, and the activities and responsibilities of bondsmen and sureties. FBI investigations of this type resulted in 366 convictions and sentences totalling 2 life, 996 years, 7 months, and 9 days. Fines in these types of cases totalled \$26,407.40 while recoveries amounted to \$1,645.17. One hundred eighty-four fugitives were located.

War Risk Insurance

Since September 10, 1933, the Federal Bureau of Investigation has been assigned the duty of investigating War Risk Insurance cases which requires a comprehensive inquiry to determine the complete employment, medical, and social history of each person in whose behalf a suit is filed against the Government. At the time this type of investigation was assigned to the FBI, court calendars were congested with over 10,000 pending cases. Since that period other cases have been filed but disposal has been made of 13,120 cases. Voluntary dismissals were made by many plaintiffs when the investigative efforts of Special Agents proved their claims to be without merit.

The savings to the United States Government in cases investigated by the FBI during the fiscal year 1941, totalled \$3,248,557.39.

Miscellaneous

At the request of the Attorney General, the FBI continued to inquire into the qualifications of candidates for appointments as Federal Judges, United States Attorneys and their assistants, United States Marshals and their deputies, and to various Departmental positions.

A total of 1,387 investigations were made of applicants for positions other than with the FBI as compared to 608 such investigations the previous year.

Numerous investigations were made of election law irregularities and violations of the Hatch Political Activity Act, the Civil Rights Statute, the Patent and Copyright Laws, and laws prohibiting the interstate transportation of lottery tickets and obscene matter.

Investigations into alleged misconduct in office on the part of members of the Federal Judiciary and other Federal court officials were also made.

The character and fitness of 450 persons previously convicted of felonies in Federal courts who had applied to the President for executive clemency to obtain the restoration of their civil rights were investigated, to assist the President in arriving at a just decision.

Considerable investigative time was devoted to the collection of evidence for the defense of suits brought against the United States in the Court of Claims.

A variety of other cases ranging from peonage to illegal use of Government Transportation Requests also received the unbiased investigative attention of the FBI Agents during the year.

IDENTIFICATION DIVISION

Established in 1924 with a nucleus of 810,188 fingerprint cards to serve as a national clearinghouse for identification data, the Identification Division of the FBI had unprecedented growth and rendered correspondingly greater services during its 17th year of operation. The total of 8,759,782 fingerprint cards received in the Identification Division for the fiscal year 1941 was greater than the total volume of prints received during the entire seven years preceding. At the close of the year 21,741,008 sets of fingerprint cards were on file.

Law-abiding citizens continued to afford themselves a positive means of identification in case of amnesia, accident, death, or disaster by voluntarily placing their fingerprints on file in the Civil Identification Section.

The program of the registration of aliens resulted in a total of 4,282,415 sets of fingerprints being received and retained by the FBI. In addition, the expansion of the Federal Civil Service resulted in the contribution of 499,085 sets of fingerprints to the FBI and the value thereof can be judged by the fact that a check of these prints against FBI records revealed 1 in every 20 persons seeking a position in the Federal Civil Service had a prior arrest record. The emergency also increased the number of prints received from the armed services and of applicants or employees in law enforcement agencies, positions of trust, and from defense industries.

333242

REPORT OF SPECIAL ASSISTANT TO THE ATTORNEY
GENERAL, LEMUEL B. SCHOFIELD
IN CHARGE OF THE IMMIGRATION AND NATURALIZATION
SERVICE

This report covers the first year of operation as a part of the Department of Justice. It was a year characterized by events of great national importance which created new and enlarged responsibilities for this Service. It was also a period marked by many important changes and improvements in the procedure, policies, and personnel of the Service, designed not only to meet the unusual demands of the emergency but also the better to discharge the duties which this Service has always been called upon to assume.

The primary functions of this Service are, and have been in the past, as follows. It must examine all persons seeking to enter this country, either at seaports or at land border ports, to determine whether they are American citizens who have the right to enter, or aliens who may have the right to enter; and examine all aliens seeking to enter at designated ports of entry to determine their admissibility under the immigration laws. Over 40 million inspections of this kind were made during the year. It must prevent the illegal entry of aliens across the land borders and along the coasts. It must insure the enforced departure of aliens illegally here. It must examine applicants for naturalization to determine whether they are qualified to become citizens.

Catastrophic events in other parts of the world during the year, especially in European countries, with their repercussions in this country, created many new and important issues for the Service and required unusual precautions in handling both immigration and naturalization problems in the interest of the safety and protection of our country. There was an incentive for dangerous aliens to attempt to gain entrance to this country, either at regular ports of entry or surreptitiously, which required new methods, greater vigilance, and increased personnel at the ports and along the borders. There was a greater need than ever before for careful and thorough investigation of all applicants for citizenship, lest aliens obtain the cloak and protection of naturalization beneath which to carry on activities harmful to this country and our institutions. This im-

portant task became more difficult because of the fact that many thousands of aliens recently have sought to become naturalized, now fully aware of the great blessings and privileges of American citizenship.

In addition to the foregoing, the Congress passed the Alien Registration Act of June 28, 1940, requiring for the first time in the history of this Nation, all aliens, regardless of their status, to register, and all aliens over fourteen years of age to submit their fingerprints. Within the short period of four months ending December 26, 1940, nearly 5 million aliens appeared at post offices throughout the country, executed under oath and filed questionnaires which had been carefully prepared for the purpose of determining the status of the alien in this country, his previous history, activities and other pertinent information, and had their fingerprints taken. Notice of this program and the provisions of the statute was brought to the attention of the alien population by various means, including a wide use of the foreign language press and radio, and with the splendid cooperation of the Post Office Department the registration was completed without arousing antagonism, resistance, or even serious objection from the aliens themselves. It is too early to make any definite statement as to the number of aliens who failed to register or who gave false answers, but it is estimated that the number is relatively small and it is believed that for the first time since this Nation was founded an accurate census of the alien population has been obtained. The responsibility for keeping these records up to date, for cataloging them and processing them so that they may be useful for national defense and for the other purposes of the act, rests, under the terms of the statute, upon this Service. To carry on this important work the Alien Registration Division, with over a thousand employes and the latest type of tabulating, sorting, and enumerating machinery, was created and has been working night and day in three shifts to complete the work as rapidly as possible.

Upon this Service also falls the responsibility of ascertaining those aliens who failed to register or who registered falsely, so that it can be decided whether prosecution under the penal provisions of the statute is warranted. For this purpose additional personnel was necessary and the Special Inspections Division was organized.

In addition, the Nationality Act of 1940 was passed by the Congress which codified and revised the naturalization, citizenship and expatriation laws, changing in many respects the nationality system of this country which had required one hundred and fifty years for its development. This of itself created many new duties and responsibilities for this Service to assume.

IV

ALIEN REGISTRATION

Activities.—In June 1940, the Congress passed the Alien Registration Act. Under its provisions, the United States Department of Justice was directed to register the alien population of the country. For the first time in the history of our nation, a complete inventory was to be made of all noncitizens.

The necessity for the enactment of such a law in the midst of a world upheaval was easily recognized. A measure intended to safeguard the country and to protect all of its people in times of stress needs no defense in order to justify its existence. However, to carry out properly all of the provisions of such a measure there were required an unusually effective administrative organization, and the cooperation of the aliens themselves.

The Alien Registration Division was created as the agency to administer this program. It is primarily responsible for the registration of aliens living within or entering the boundaries of the States and territories of the United States of America, and for the maintenance of current records relative to those aliens.

During the 4 months of registration, August 27 to December 26, 1940, 4,741,971 aliens were registered in the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States. The number of aliens residing in each State is shown in table XIII.

All aliens entering the United States after December 26, 1940, are required to register at the American Consulates abroad at which they obtain their entry visas. Visitors remaining in the United States for a period of 30 days or longer are required to be registered at immigration offices.

Upon receipt of the registration documents by the Alien Registration Division at Washington, D. C., all forms were carefully inspected for completeness and consistency. Each registration then was assigned an identifying number. A registration receipt card was mailed to every registered alien, evidencing his compliance with the provisions of the Act. Fingerprint cards applicable to every registered alien (except minor children under 14 years) were also inspected in the Division for completeness and consistency and, upon the application of identifying registration numbers, were forwarded to the Federal Bureau of Investigation for appropriate classification and filing. All registration forms were microfilmed in the Division. This was done as a protective measure to insure that copies of the registrations would be available in case of loss or destruction of the originals.

TABLE II.—Immigrant aliens admitted, year ended June 30, 1941, by principal races and countries of last permanent residence

Racial designation	Number admitted	Country of last residence										
		Great Britain	France	Germany	Belgium	Switzerland	Scandinavia	Portugal	Italy	Canada	West Indies	Other countries
All races.....	51,776	7,714	4,801	4,028	1,816	1,375	1,131	1,101	450	11,280	4,687	13,393
Dutch and Flemish.....	1,344	69	117	3	355	52	3	32	3	162	60	488
English.....	6,115	1,966	137	—	10	21	2	34	7	3,091	152	695
French.....	3,283	59	1,036	1	93	87	2	45	5	1,671	53	231
German.....	2,154	275	186	191	26	303	21	16	42	421	210	463
Greek.....	410	8	14	2	2	—	—	1	2	79	7	295
Hebrew.....	23,737	4,691	2,730	3,793	1,273	828	304	599	224	1,394	2,642	5,199
Irish.....	1,883	75	10	—	2	2	—	2	8	1,433	22	327
Italian.....	696	22	60	—	1	23	—	98	117	234	132	182
Magyar.....	279	16	25	—	4	2	—	5	11	72	25	127
Polish.....	686	21	66	7	24	9	4	25	21	214	23	275
Portuguese.....	395	—	6	—	—	—	—	292	—	—	25	63
Russian.....	940	38	177	6	15	6	2	6	13	100	15	562
Scandinavian.....	1,351	43	18	2	6	4	714	2	6	311	71	175
Scottish.....	1,885	289	13	—	2	—	—	2	4	1,476	11	68
Slovak.....	163	12	10	4	—	5	—	—	1	33	9	69
Spanish.....	453	3	18	—	—	—	—	4	—	20	99	299
Spanish-American.....	1,148	1	19	—	2	1	—	1	—	3	59	1,060
All other.....	4,884	126	159	19	8	27	14	30	12	654	970	2,865

TABLE III.—Immigrant aliens admitted, year ended June 30, 1941, by principal races, occupations, sex, age groups, and marital status

Occupation, sex, age, and marital status	All races	Country of last residence									
		English	French	German	Greek	Hebrew	Irish	Italian	Scandinavian	Scottish	Other races
Number admitted.....	51,776	6,115	3,283	2,154	410	23,737	1,883	696	1,351	1,865	10,282
OCCUPATION											
Clergy.....	506	65	46	38	3	91	56	6	14	24	163
Lawyers.....	444	7	16	16	4	327	3	2	4	1	64
Physicians.....	706	31	22	31	3	470	9	2	7	29	102
Professors and teachers.....	1,122	93	281	73	4	310	101	8	22	40	190
Other professional.....	3,390	522	236	202	8	1,269	139	37	137	197	643
Merchants and dealers.....	4,413	114	98	113	39	3,413	22	51	42	25	496
Other commercial.....	2,262	147	105	84	13	1,428	58	41	51	44	291
Farmers.....	356	31	10	19	6	112	13	4	15	10	130
Skilled workers.....	5,306	446	240	212	123	2,217	206	161	400	174	1,127
Servants.....	1,347	174	170	67	9	190	152	19	52	120	394
Laborers.....	774	48	28	17	4	74	39	77	21	27	439
Miscellaneous.....	1,145	168	65	64	27	308	90	52	75	43	253
No occupation.....	30,005	4,269	1,966	1,218	167	13,528	995	236	511	1,125	5,990
SEX											
Male.....	23,519	2,053	1,031	946	277	11,925	604	463	816	594	4,755
Female.....	28,257	4,062	2,252	1,208	133	11,812	1,279	228	535	1,271	5,527
AGE GROUP											
Under 11 years.....	4,944	1,043	306	166	19	2,142	111	35	78	179	865
11 to 20 years.....	7,158	867	432	216	37	3,210	263	50	117	265	1,701
21 to 30 years.....	10,369	1,461	852	475	124	3,163	612	154	403	571	2,654
31 to 40 years.....	11,640	1,112	765	565	167	4,977	406	266	430	340	2,612
41 to 50 years.....	8,297	613	487	383	38	4,644	206	127	193	174	1,432
51 to 60 years.....	5,475	468	267	210	9	3,424	128	47	89	134	699
Over 60 years.....	3,893	551	174	139	16	2,177	157	17	41	202	419
MARITAL STATUS											
Single.....	20,667	2,809	1,448	826	99	8,622	887	270	600	835	4,271
Married.....	27,686	2,856	1,677	1,202	296	13,351	868	403	705	872	5,426
Widowed.....	2,687	353	120	95	12	1,370	111	20	30	141	435
Divorced.....	736	67	38	31	3	394	17	3	16	17	150

1 Includes chiefly women and children and men of advanced age.

TABLE IV.—Immigrant aliens admitted, year ended June 30, 1941, by classes under the Immigration Act of 1924, and countries of birth

Country of birth	Number admitted	Quota immigrants	Husbands of citizens	Wives of citizens	Children of citizens	Infants (admitted as returning residents)	Natives of nonquota countries	Wives and children of natives of non-quota countries	Ministers and their wives and children	Professors and their wives and children	Women who had been citizens	Other classes
Europe.....	36,989	34,812	313	1,048	151	7	76	275	220	87	—	—
Belgium.....	1,212	1,171	3	17	—	—	—	4	6	7	4	—
Bulgaria.....	108	102	—	5	—	1	—	—	—	—	—	—
Czechoslovakia.....	1,848	1,787	9	25	9	—	—	—	13	5	—	—
Denmark.....	328	318	3	6	—	—	—	1	—	—	—	—
Estonia.....	70	63	2	4	—	—	—	—	—	—	1	—
Finland.....	394	355	5	30	1	—	—	—	3	—	—	—
France.....	2,015	1,823	25	98	28	—	—	7	8	20	6	—
Germany.....	13,307	13,051	27	80	20	1	—	6	39	78	5	—
Great Britain:												
England.....	3,614	3,332	37	122	10	1	—	23	24	12	53	—
Scotland.....	538	447	7	63	2	2	—	7	8	1	1	—
Wales.....	71	62	2	4	1	—	—	1	—	—	1	—
Greece.....	284	232	9	33	8	—	—	—	1	1	1	—
Hungary.....	663	584	10	37	1	1	—	15	14	1	1	—
Ireland (Eire).....	358	331	8	9	2	—	—	1	6	—	1	—
Italy.....	731	674	17	30	3	—	—	1	3	3	—	—
Latvia.....	192	171	3	11	3	—	—	3	1	—	—	—
Lithuania.....	273	232	3	27	—	—	—	8	2	—	—	—
Netherlands.....	1,154	1,103	16	11	9	1	—	2	2	7	3	—
Northern Ireland.....	138	116	6	9	—	—	—	1	3	3	1	—
Norway.....	485	448	13	11	4	—	—	—	2	6	1	—
Poland.....	4,688	4,406	34	146	8	—	—	3	63	25	3	—
Portugal.....	371	315	9	24	22	—	—	1	3	—	—	—
Rumania.....	346	286	14	30	2	—	—	—	10	3	—	—
Soviet Russia.....	1,761	1,584	12	125	—	—	—	4	19	17	—	—
Spain.....	372	265	13	35	13	—	—	13	26	6	3	—
Sweden.....	306	285	5	3	1	—	—	—	6	3	1	—
Switzerland.....	785	759	5	11	3	—	—	—	2	4	1	—
Yugoslavia.....	271	238	8	22	—	—	—	—	2	1	—	—
Other Europe.....	306	273	8	20	1	—	—	—	3	1	—	—
Asia.....	934	650	8	175	24	10	4	58	4	1	—	—
China.....	357	201	5	121	17	—	—	3	7	2	1	—
India.....	101	89	—	10	1	—	—	—	1	—	—	—
Japan.....	103	55	—	5	2	8	—	—	33	—	—	—
Palestine.....	59	42	1	5	—	—	—	—	6	1	—	—
Syria.....	67	48	—	12	—	—	—	—	6	—	—	—
Other Asia.....	247	215	2	22	3	—	—	—	5	—	—	—
America.....	13,226	250	37	229	30	6	12,501	3	64	18	80	8
Canada.....	8,428	—	16	139	13	4	8,118	—	42	14	74	8
Newfoundland.....	207	—	—	—	—	—	—	—	—	—	—	—
Mexico.....	2,068	—	6	47	2	—	206	—	12	1	2	—
Cuba.....	701	—	—	2	4	—	1,998	—	—	—	—	—
Other West Indies.....	421	217	9	27	6	2	693	3	5	—	—	—
Central America.....	659	11	2	6	1	—	150	—	—	—	—	—
South America.....	742	22	3	8	2	—	637	—	5	3	—	—
699	—	—	—	—	—	—	—	—	—	—	—	—
Africa.....	281	249	4	18	1	—	1	6	1	2	—	—
Australia.....	141	97	4	36	1	—	—	—	—	—	—	—
New Zealand.....	53	47	—	6	—	—	—	—	—	—	—	—

TABLE V.—Immigrant aliens admitted, year ended June 30, 1941, by classes under the Immigration Act of 1924, and races or peoples

Race or people	Number admitted	Quota immigrants	Husbands of citizens	Wives of citizens	Children of citizens	Infants (admitted as returning residents)	Natives of nonquota countries	Wives and children of natives of non-quota countries	Ministers and their wives and children	Professors and their wives and children	Women who had been citizens	Other classes
All races.....	51,776	36,220	368	1,543	211	23	12,501	85	404	245	168	8
Armenian.....	93	67	2	10	---	---	9	---	7	---	---	---
Bohemian and Moravian.....	437	408	---	13	3	---	5	---	4	2	---	---
Bulgarian, Serb. & Mont'n.....	56	48	---	6	---	---	2	---	---	---	---	---
Chinese.....	73	---	---	66	---	---	---	---	6	1	---	---
Croatian and Slovenian.....	81	53	8	10	---	---	8	---	1	1	---	---
Cuban.....	566	2	---	1	---	---	591	1	---	---	1	---
Dutch and Flemish.....	1,344	1,137	16	26	10	1	120	3	9	10	12	---
English.....	6,115	3,016	48	218	33	3	2,640	23	44	12	78	---
Filipino.....	56	45	---	10	1	---	---	---	---	---	---	---
Finnish.....	366	309	3	28	1	---	23	---	2	---	---	---
French.....	3,283	1,472	27	123	23	---	1,582	4	5	24	23	---
German.....	2,154	1,642	24	84	17	1	316	2	32	30	6	---
Greek.....	410	303	12	54	11	---	22	---	6	---	---	---
Hebrew.....	23,737	22,378	73	290	28	4	703	13	123	114	11	---
Irish.....	1,883	470	18	47	5	---	1,308	7	11	6	13	---
Italian.....	696	530	16	35	5	---	106	---	---	---	---	---
Japanese.....	30	---	---	7	---	---	---	---	23	---	---	---
Lithuanian.....	121	87	---	22	---	---	6	---	6	1	1	---
Magyar.....	279	209	3	37	1	---	21	---	4	3	1	---
Negro.....	229	85	8	8	6	---	111	1	10	---	---	---
Polish.....	686	476	13	49	6	---	122	2	7	2	2	---
Portuguese.....	395	313	7	32	24	---	15	---	1	9	1	---
Rumanian.....	90	43	5	9	---	---	24	1	7	1	---	---
Russian.....	940	748	8	89	---	---	75	2	13	6	---	---
Ruthenian (Rusniak).....	98	23	2	7	---	---	59	---	6	---	---	---
Scandinavian (Norwegians, Danes, and Swedes).....	1,351	1,095	27	38	9	---	156	1	11	8	6	---
Scottish.....	1,865	510	15	83	4	3	1,221	5	14	2	8	---
Slovak.....	163	142	4	8	---	---	8	---	1	---	---	---
Spanish.....	443	270	13	47	17	---	52	11	26	7	---	---
Spanish American.....	1,148	3	3	10	2	---	1,122	5	1	1	---	---
Syrian.....	150	64	---	16	---	2	65	---	2	1	---	---
Turkish.....	15	13	---	2	---	---	---	---	1	---	---	---
Welsh.....	97	45	---	1	---	---	48	---	---	---	2	---
West Indian (except Cuban).....	152	64	2	7	2	---	77	---	---	---	---	---
All other.....	1,924	2	6	43	4	1	1,858	2	12	9	1	8

¹ Chiefly natives of Mexico.

² Albanians, Estonians, Dalmatians, Latvians, etc.

TABLE VI.—Nonimmigrant aliens admitted, year ended June 30, 1941, by classes under the Immigration Act of 1924, and countries of birth

Country of birth	Number admitted	Gov-ernment officials	Temporary visi-tors for—		In transit	To carry on trade	Stu-dents	Other classes
			Busi-ness	Pleas-ure				
All countries.....	100,008	9,269	10,438	24,222	18,749	307	1,766	35,257
Europe.....	36,825	3,811	4,862	10,478	9,449	129	263	7,833
Belgium.....	721	71	78	142	343	3	6	78
Bulgaria.....	47	3	12	6	9	---	4	13
Czechoslovakia.....	479	17	75	113	160	---	5	109
Denmark.....	402	52	58	108	105	7	2	70
Estonia.....	32	2	6	1	10	---	---	13
Finland.....	328	34	14	12	163	9	4	90
France.....	2,598	321	416	601	633	---	22	545
Germany.....	2,474	74	348	754	724	18	24	532
Great Britain:								
England.....	13,526	1,886	1,255	4,797	3,244	39	48	2,257
Scotland.....	2,911	190	223	660	685	10	4	1,139
Wales.....	307	27	33	71	110	---	1	85
Greece.....	314	15	77	62	103	2	6	49
Hungary.....	363	23	82	83	97	7	8	93
Ireland (Eire).....	625	42	50	86	210	2	6	229
Italy.....	501	65	86	84	65	---	6	195
Latvia.....	94	5	17	32	22	---	1	17
Lithuania.....	168	7	44	44	29	---	2	42
Netherlands.....	1,369	142	196	458	379	2	1	101
Northern Ireland.....	502	25	23	52	108	7	4	283
Norway.....	714	170	91	118	190	3	6	136
Poland.....	1,925	65	283	579	617	3	16	369
Portugal.....	331	94	61	31	109	---	1	95
Rumania.....	395	9	111	106	106	---	4	69
Soviet Russia.....	1,446	214	239	323	184	---	15	471
Spain.....	2,372	89	600	753	640	4	20	1,266
Sweden.....	464	43	80	78	98	1	16	148
Switzerland.....	795	59	179	162	185	10	16	194
Yugoslavia.....	112	13	19	18	24	---	---	38
Other Europe.....	482	121	106	84	97	2	15	57
Asia.....	9,031	639	760	978	2,640	173	331	3,520
China.....	3,288	190	153	498	1,844	169	235	199
India.....	544	58	64	158	192	---	29	43
Japan.....	4,527	323	367	186	421	2	42	3,181
Palestine.....	93	1	32	27	21	---	4	7
Syria.....	186	1	74	38	29	1	2	41
Other Asia.....	393	61	60	71	133	---	19	49
America.....	51,389	4,498	4,445	12,153	6,048	3	1,113	23,129
Canada.....	21,986	709	373	1,125	3,247	1	605	15,926
Newfoundland.....	375	13	21	34	130	---	3	174
Mexico.....	6,782	630	132	369	669	---	170	4,812
Cuba.....	8,729	623	1,743	5,030	312	---	24	997
Dominican Republic.....	1,061	138	123	666	28	---	8	98
British West Indies.....	2,042	23	432	718	421	---	66	377
Other West Indies.....	646	45	81	323	48	---	20	29
Central America.....	2,170	334	255	1,031	217	---	57	276
South America.....	7,659	1,967	1,274	2,847	973	2	160	436
Other America.....	39	11	11	10	3	---	---	4
Africa.....	520	76	100	154	117	---	11	62
Australia.....	824	124	152	185	252	1	9	101
New Zealand.....	270	29	40	78	91	---	5	27
Philippine Islands.....	923	54	63	117	92	1	26	570
Other Pacific Islands.....	226	38	26	79	60	---	8	16

¹ All admitted as returning residents, except 11 Spanish subjects, born in Spain, admitted into Puerto Rico.

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TABLE VII—Immigrant aliens admitted and emigrant aliens departed, fiscal years 1937 to 1941, by countries of last or intended future permanent residence

Countries	Immigrants					Emigrants				
	1937	1938	1939	1940	1941	1937	1938	1939	1940	1941
All countries.....	50,244	67,895	82,998	70,756	51,776	26,736	25,210	26,651	21,461	17,115
Europe.....	31,863	44,495	63,138	50,454	26,541	14,258	13,185	13,770	9,143	3,326
Albania.....	222	254	229	152	2	24	46	31	21	-----
Belgium.....	307	478	683	1,713	1,816	122	129	121	61	14
Bulgaria.....	93	123	129	87	135	35	26	36	21	3
Czechoslovakia.....	1,912	3,203	2,896	1,074	314	269	224	145	39	11
Denmark.....	203	366	306	250	244	266	223	199	140	20
Estonia.....	29	46	93	75	41	33	18	17	17	3
Finland.....	218	421	411	233	244	262	267	197	231	36
France.....	1,018	1,475	1,907	2,575	4,801	570	477	469	542	78
Germany.....	11,375	17,109	33,515	21,520	4,028	2,445	2,270	4,211	1,978	1,758
Great Britain:										
England.....	1,377	1,890	2,739	5,850	7,368	2,276	2,034	1,639	998	372
Scotland.....	309	338	277	263	295	1,075	892	651	312	99
Wales.....	40	34	42	45	51	110	65	47	18	6
Greece.....	875	1,009	907	811	268	374	460	470	261	77
Hungary.....	739	973	1,348	1,902	330	149	119	124	136	18
Ireland (Eire).....	412	914	1,101	1,101	740	795	652	676	322	52
Italy.....	7,192	7,712	6,570	5,302	450	1,728	1,788	1,829	1,534	104
Latvia.....	92	125	188	288	97	15	20	18	13	-----
Lithuania.....	193	305	290	262	242	105	99	43	24	4
Netherlands.....	646	698	1,259	2,097	823	234	209	165	108	17
Northern Ireland.....	119	171	88	90	61	242	168	158	75	10
Norway.....	427	635	527	488	369	506	506	455	276	5
Poland.....	1,212	2,403	3,072	702	451	422	400	315	81	4
Portugal.....	301	374	422	448	1,101	186	187	283	448	185
Rumania.....	349	346	421	333	122	180	152	126	83	10
Soviet Russia.....	97	63	59	40	41	197	108	112	114	138
Spain.....	315	379	257	259	300	256	132	133	447	200
Sweden.....	341	385	342	518	518	731	976	557	437	44
Switzerland.....	462	617	1,237	1,211	1,375	160	171	163	119	36
Yugoslavia.....	632	1,019	1,090	652	142	335	290	302	192	6
Other Europe.....	356	640	753	465	301	84	77	78	95	16
Asia.....	1,065	2,376	2,162	1,913	1,801	2,826	1,665	1,627	2,368	2,818
China.....	293	613	642	643	1,003	1,808	672	524	998	816
Japan.....	132	93	102	102	289	763	726	804	1,078	1,823
Palestine.....	369	1,291	1,066	850	268	60	70	62	66	14
Syria.....	136	227	207	111	14	31	47	42	29	-----
Other Asia.....	135	152	145	207	227	164	150	195	197	165
America.....	16,903	20,486	17,139	17,822	22,445	7,355	8,095	8,954	8,163	8,694
Canada.....	11,799	14,070	10,501	10,806	11,280	1,027	1,018	965	769	835
Newfoundland.....	212	334	312	272	193	82	58	69	35	46
Mexico.....	2,347	2,502	2,640	2,313	2,824	3,745	3,667	5,117	4,584	4,392
West Indies.....	1,322	2,110	2,231	2,675	4,087	1,379	1,919	1,453	1,300	1,430
Central America.....	484	582	530	639	1,239	376	453	425	470	637
South America.....	738	885	915	1,115	2,216	745	980	922	1,004	1,352
Other America.....	1	3	10	2	6	1	-----	3	1	2
Africa.....	155	174	218	202	564	138	97	101	93	98
Australia.....	106	179	159	156	137	142	88	66	126	106
New Zealand.....	39	49	54	51	57	32	39	23	36	50
Philippine Islands.....	84	116	119	137	170	1,980	2,020	2,090	1,516	1,985
Other Pacific Islands.....	29	20	9	21	61	5	21	20	16	38

NOTE 1.—The number of immigrants shown above as admitted include not only quota immigrants as shown in table VIII but nonquota immigrants, being wives of citizens, husbands who married citizen wives prior to July 1, 1932, children of citizens, etc. It will also be noted that this table is based on the country of last residence of the immigrant. These figures do not, therefore, agree accurately with the immigration quota figures included in table VIII, because the quota under which any immigrant is admitted is that of the country of his birth, not that of the country of his last residence.

NOTE 2.—Immigrants admitted from the "barred zone" of Asia are mainly persons of the white race.

TABLE VIII.—Annual quotas allotted under 1924 act, and quota immigrants admitted, fiscal years 1937 to 1941, by countries or region of birth and sex

Nationality or country of birth	Annual quota	1937	1938	1939	1940	1941
All countries.....	153,774	27,762	42,494	62,402	51,997	36,220
Albania.....	100	98	106	97	88	7
Belgium.....	1,304	211	278	307	441	417
Bulgaria.....	100	57	106	105	92	1,171
Czechoslovakia.....	2,874	1,519	2,853	2,716	1,979	1,787
Danzig, Free City of.....	100	41	89	177	100	40
Denmark.....	1,181	192	323	262	255	318
Estonia.....	116	30	40	107	98	63
Finland.....	569	215	496	461	282	355
France.....	3,086	566	720	817	741	1,823
Germany.....	27,370	11,127	17,868	32,759	26,083	13,051
Austria.....	409	-----	-----	-----	-----	-----
Great Britain and Northern Ireland:						
England.....	65,721	1,418	1,698	2,096	1,974	3,332
Northern Ireland.....	133	238	154	134	115	417
Scotland.....	483	634	506	488	42	62
Wales.....	73	66	72	42	42	6
Greece.....	307	370	351	381	346	232
Hungary.....	869	739	962	1,087	1,432	534
Ireland (Eire).....	17,853	447	1,100	1,418	966	331
Italy.....	5,802	2,905	3,428	4,155	3,905	674
Latvia.....	236	114	154	223	184	171
Lithuania.....	386	221	397	365	294	232
Netherlands.....	100	10	18	24	24	85
Norway.....	3,153	347	331	637	1,093	1,103
Poland.....	2,377	330	518	465	456	448
Portugal.....	6,524	1,855	4,218	6,512	4,354	4,408
Rumania.....	440	236	323	404	417	315
Soviet Russia.....	377	371	407	499	460	288
Spain.....	2,712	578	917	1,727	1,614	1,584
Sweden.....	252	244	204	253	225	265
Switzerland.....	3,314	303	364	324	411	285
Yugoslavia.....	1,707	312	427	605	617	759
Other Europe.....	845	527	852	850	651	238
Asia.....	1,649	497	823	193	175	141
American colonies.....	(*)	339	516	419	374	250
Other quota regions.....	1,850	302	338	370	396	508
Sex:						
Male.....	-----	13,673	20,913	31,699	26,463	18,291
Female.....	-----	14,089	21,581	30,703	25,534	17,929

* Including aliens to whom visas were issued during the latter part of the preceding year which were charged to the quota for that year. Nationality for quota purposes does not always coincide with actual nationality. See sec. 12 of the act.

† Quota for colonies, dependencies, or protectorates included with allotment for the European country to which they belong.

TABLE X.—Immigration to the United States during specified periods, 1820 through 1941, by countries¹

Country	1820-30	1831-40	1841-50	1851-60	1861-70	1871-80	1881-90	1891-1900	1901-10	1911-20	1921-30	1931-40	1941	Total 122 years, 1820-1941
All countries.....	151,824	599,125	1,713,251	2,598,214	2,314,824	2,812,191	5,246,613	3,687,564	8,795,386	5,735,811	4,107,209	528,431	51,776	38,342,219
Europe.....	106,508	495,638	1,597,501	2,452,660	2,065,270	2,272,262	4,737,046	3,558,978	8,136,016	4,376,564	2,477,853	348,289	28,541	32,651,176
Albania ²											1,663	2,040	2	3,705
Austria ¹¹					7,800	72,969	353,719	592,707	2,145,266	453,649	32,868	3,563		4,144,105
Hungary.....										442,693	30,680	7,861	330	
Belgium.....	28	22	5,074	4,738	6,734	7,221	20,177	18,167	41,635	33,746	15,846	4,817	1,816	160,021
Bulgaria ²								160	39,280	22,533	2,945	938	135	65,991
Czechoslovakia ²										3,426	102,194	14,393	314	120,327
Denmark.....	189	1,063	539	3,749	17,094	31,771	88,132	50,231	65,285	41,983	32,430	2,559	244	335,269
Estonia ²											1,576	506	41	2,123
Finland ²										756	16,691	2,146	244	19,837
France.....	8,868	45,575	77,262	76,358	35,986	72,206	50,464	30,770	73,379	61,897	49,610	12,623	4,801	599,799
Germany ¹¹	7,729	152,454	434,626	951,667	787,468	718,182	1,452,970	505,152	341,498	143,945	412,202	114,058	4,028	6,025,979
Great Britain:														
England.....	15,837	7,611	32,092	247,125	222,277	437,706	644,680	216,726	338,017	249,944	157,420	21,756	7,368	2,648,559
Scotland.....	3,180	2,667	3,712	38,331	38,769	87,564	149,869	44,188	120,469	78,357	159,781	6,887	295	734,069
Wales.....	170	185	1,261	6,319	4,313	6,631	12,640	10,557	17,464	13,107	13,012	735	51	86,445
Not specified ⁴	8,302	65,347	229,979	132,199	341,537	16,142	168	67						793,741
Greece.....	20	49	16	31	72	210	2,308	15,979	167,519	184,201	51,084	9,119	268	430,876
Ireland (Eire).....	64,338	207,381	780,719	914,119	435,778	436,871	655,482	388,416	339,065	146,181	220,591	13,167	272	4,532,380
Italy.....	439	2,253	1,870	9,231	11,725	55,759	307,309	651,893	2,045,877	1,109,624	455,315	68,028	450	4,719,673
Latvia ²											3,399	1,192	97	4,688
Lithuania ²											6,015	2,201	242	8,458
Luxemburg.....											727	565	194	1,486
Netherlands.....	1,127	1,412	8,251	10,789	9,102	16,541	53,701	26,758	48,262	43,718	26,948	7,150	823	254,582
Norway.....	94	1,201	13,903	20,931	71,631	95,323	176,586	95,015	190,505	66,395	68,531	4,740	369	805,224
Poland ⁶	21	369	105	1,164	2,027	12,970	51,806	96,720	4,813	227,734	17,026	17,026	451	415,206
Portugal.....	180	829	550	1,055	2,658	14,082	16,978	27,508	69,149	89,732	29,994	3,329	1,101	257,145
Rumania.....						11	6,348	12,750	53,008	13,311	67,646	3,871	122	157,067
Russia.....	89	277	651	457	2,512	39,284	213,282	505,290	1,597,306	921,201	61,742	1,366	41	3,345,388
Spain.....	2,616	2,125	2,209	9,298	6,697	5,266	4,419	8,731	27,935	68,611	28,858	3,258	300	170,423
Sweden ⁸					37,667	115,922	391,776	226,266	249,534	95,074	97,249	3,960	518	1,217,966
Switzerland.....	3,257	4,821	4,644	25,011	23,286	28,293	81,988	31,179	34,922	23,091	29,676	5,512	1,375	297,055
Turkey in Europe.....	21	7	59	83	129	337	1,562	3,626	79,976	54,677	14,659	737	42	155,915
Yugoslavia ²										1,888	49,064	5,835	142	56,929
Other Europe.....	3	40	79	5	8	1,001	682	122	665	8,111	9,603	2,361	65	22,745

See footnotes at end of table.

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TABLE X.—Immigration to the United States during specified periods, 1820 through 1941, by countries—Continued

Country	1820-30	1831-40	1841-50	1851-60	1861-70	1871-80	1881-90	1891-1900	1901-10	1911-20	1921-30	1931-40	1941	Total 122 years, 1820-1941
Asia.....	15	48	82	41,455	64,630	123,823	68,380	71,236	243,567	192,559	97,400	15,344	1,801	920,340
China.....	3	8	35	41,397	64,301	123,201	61,711	14,799	20,605	21,278	29,907	4,928	1,003	383,176
India.....	9	39	36	43	69	163	269	68	4,713	2,082	1,886	496	94	9,967
Japan ⁷					186	149	2,270	25,942	129,797	83,837	33,462	1,948	289	277,880
Turkey in Asia ⁸					2	67	2,220	26,799	77,393	79,389	19,165	328	16	205,379
Other Asia.....	3	1	11	15	72	243	1,910	3,628	11,059	5,973	12,980	7,644	399	43,938
America.....	11,951	33,424	62,469	74,720	166,607	404,044	426,967	38,972	361,888	1,143,671	1,516,716	160,037	22,445	4,423,911
Canada and Newfoundland ⁹														
Mexico.....	2,486	13,624	41,723	59,309	153,878	383,640	393,804	3,311	179,226	742,185	924,515	108,527	11,473	3,017,201
West Indies.....	4,818	6,599	3,271	3,078	2,191	5,162	1,913	971	49,642	219,004	458,287	22,319	2,824	781,079
Central America.....	3,998	12,301	13,528	10,660	9,046	13,957	29,042	33,066	107,548	123,424	74,899	15,502	4,687	451,658
South America.....	107	44	368	449	95	157	404	549	8,192	17,159	15,769	5,861	1,239	80,393
Other America ¹⁰	542	856	3,579	1,224	1,397	1,128	2,304	1,075	17,280	41,899	42,215	7,803	2,216	123,518
Others.....														
Africa.....	33,350	69,905	53,199	29,379	18,317	12,062	14,220	18,378	53,915	23,017	15,240	4,761	989	346,792
Australia and New Zealand.....	17	54	55	210	312	358	857	350	7,368	8,443	6,286	1,750	564	26,624
Other Pacific Islands.....					36	9,886	7,017	2,740	11,975	12,348	8,299	2,231	194	54,726
Countries not specified.....						1,028	6,557	1,225	1,049	1,079	427	780	231	11,376
	33,333	69,911	53,144	29,169	17,969	790	789	14,063	33,523	1,147	228			254,066

¹ No official records were made of the influx of foreign population to this country prior to 1820. Although the number of immigrants arrived in the United States from the close of the Revolutionary War up to 1820 is not accurately known, it is estimated by good authorities at 250,000. Data for years prior to 1906 cover countries whence aliens came, and for years following, countries of last permanent residence. Owing to changes in the list of countries separately reported and to changes in boundaries, data for certain countries are not comparable throughout. For 1820 to 1867 the figures are for alien passengers arriving; for 1868 to 1903, for immigrants arriving; for 1904 to 1906, for aliens admitted; and for 1907 to 1941, for immigrant aliens admitted.

² Countries added to the list since the beginning of the World War are heretofore included with the countries to which they belonged.

³ Bulgaria, Serbia, and Montenegro prior to 1920.

⁴ United Kingdom not specified.

⁵ From 1820 to 1868 the figures for Norway and Sweden are combined.

⁶ From 1899 to 1919 Poland is included with Austria-Hungary, Germany, and Russia.

⁷ No record of immigration from Japan until 1861.

⁸ No record of immigration from Turkey in Asia until 1869.

⁹ From 1820 to 1898 included all British North American possessions.

¹⁰ Included with countries not specified prior to 1925.

¹¹ This includes 32,897 persons returning in 1906 to their homes in the United States.

¹² Austria included with Germany after 1937.

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