MEMORANDUM FOR MR. CHARLES MURPHY

JUN 28 1951

Subject: Effects of Internal Security Act of 1950 on admission to the
U. S. of alien enlietees in the armed forces and of aliens aiding
C.I.A.

At the time of the enactment of the Internal Security Act of 1950,
questions arose as to what effect the act would have on admission to the
U. S. of aliens who enlist in the armed forces under P. L. 597, 81st Con-
gress, and of aliens whose services are required by C. I. A. and for
whose admission provision was made in P. L. 110, 81st Congress. The
following developments have clarified these matters:

(1) P. L. 597. In a letter dated February 19, 1951, the Deputy Attorney
General advised the Secretary of the Army that Justice has concluded
that the new grounds for excluding aliens, which were included in
Sec. 22 of the Internal Security Act in the form of amendments to
the immigration laws, are not applicable to the alien enlistment pro-
gram under P. L. 597 since the language and legislative history of
that law support the view that Congress intended to authorize admission
of alien enlietees without regard to provisions of the immigration laws.
With regard to the fact that the Internal Security Act was enacted
after P. L. 597, Justice points out that it is an established rule of statu-
tory construction that “a subsequent general statute will not operate
to repeal a prior special statute unless it does so specifically or un-
less there is a necessary inconsistency in the two Acts standing to-
gether”. However, Justice has suggested to Army and to the Senate
Committee on Armed Services that Congress may desire to resolve
the question definitively by amendment of P. L. 597.

(2) P. L. 110. On the basis of similar arguments, Justice has also in-
formally adopted the position that provisions of the Internal Security
Act did not supersede Sec. 8 of P. L. 110, which provides that a spe-
cified number of aliens whose services are required by C.I.A. shall
be admitted to the U. S. each year “without regard to their inadmis-
sibility under the immigration and other laws and statutes”.

Assistant Director for
Legislative Reference

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