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SENATE

{ REPORT
{ No. 1286

MRS. MARIE Y. MUELLER

MARCH 11 (legislative day, FEBRUARY 25), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2635]

The Committee on the Judiciary, to which was referred the bill (S. 2635) for the relief of Mrs. Marie Y. Mueller, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, line 4, strike the date "October 1, 1933" and insert in lieu thereof the following: "the date of the enactment of this Act".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel outstanding deportation proceedings and to grant the status of permanent residence in the United States to Mrs. Marie Y. Mueller. Provision is made for the payment of the required visa fee and head tax. No quota charge is made in the bill inasmuch as the beneficiary of the bill is a native of Canada and she is therefore a nonquota immigrant.

STATEMENT OF FACTS

The beneficiary of the bill is a 43-year-old native and citizen of Canada who last entered the United States as a visitor in October 1933. She has been found subject to deportation on the ground that she maintained a bawdyhouse in Toronto, Canada, in 1932. She is presently married to a United States citizen and information establishes that she has effected a complete rehabilitation.

A latter dated July 7, 1949, to the chairman of the Senate Committee on the Judiciary from the Assistant to the Attorney General with reference to S. 866, which was a bill passed by the Senate in the Eighty-first Congress reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, July 7, 1949.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary.
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 866) for the relief of Mrs. Marie Y. Mueller.

The bill would direct the Attorney General to cancel deportation proceedings in the case of Mrs. Marie Y. Mueller of Spokane, Wash., and would provide that she shall be considered to have been lawfully admitted into the United States for permanent residence as of October 1, 1933, upon payment of the visa fee and head tax.

The files of the Immigration and Naturalization Service of this Department disclose that the beneficiary of this bill, Mrs. Marie Yvonne Mueller was born on May 11, 1908 in Mornville, Alberta, Canada. She last entered the United States at Blaine, Wash., in October 1933, when she was admitted as a visitor for a period not to exceed 3 months. In 1944 a warrant of arrest in deportation proceedings was issued against her. She filed an application for suspension of deportation proceedings and the Immigration and Naturalization Service on December 27, 1948, found her subject to deportation on the charge of remaining longer than she was permitted under the 1924 act and, under the act of 1917, on the charge of having admitted committing a crime or misdemeanor involving moral turpitude to wit, keeping a bawdyhouse at Toronto, Canada. The formal deportation warrant was issued on December 27, 1948, and remains outstanding pending consideration of this bill.

It appears from the records that before entering the United States the alien was arrested in 1932 on charges of prostitution under sections 225 and 229 of the Criminal Code of Canada in that she maintained a bawdyhouse in Toronto, Canada, for a period of about 10 months to 1 year during 1932. It was ordered by the judge that she leave town or serve 2 years in jail. Mrs. Mueller admitted her guilt under this charge, but said she was separated from her husband during the depression and could obtain no employment. However she also admitted similar behavior during 1929 and 1930 while living in Vancouver, British Columbia, and that she had also been arrested in that city. The record further shows that since her entry into the United States, she managed a hotel in Idaho as a house of prostitution, during the years 1938 and 1941.

Her husband, Paul J. Mueller, is her fifth husband and she is his fourth wife. The records indicate that he has been arrested for Federal violations. He says the alien is dependent on him for support but that he earns \$100 a week and is able to care for her. They are purchasing a home valued at about \$7,000 and own a boat, valued at \$950. She lists her personal assets as \$8,300.

The alien, as stated above, is deportable (1) under the Immigration Act of 1924, as having illegally overstayed her admission to this country in 1933 as a visitor not to exceed a period of 3 months and (2) under the Immigration Act of 1917, as having committed a crime or misdemeanor involving moral turpitude prior to her entry into the United States. It appears that Mrs. Mueller's conduct, both as a prostitute and as manager of a house of prostitution, continued over a long period of time and could not represent isolated deviations from proper behavior. This Department, therefore, is of the view that, even though the alien is presently married to a citizen of the United States and there is no record of improper behavior on her part since October 1941, she is not entitled to either discretionary relief in the administration of the immigration laws, or preferential legislative action in her behalf.

Accordingly, the Department of Justice is unable to recommend the enactment of this bill.

Yours sincerely,

PEYTON FORD,
The Assistant to the Attorney General.

Senator Harry Cain, the author of the bill, has submitted the following information in connection with the case:

Mrs. Marie Y. Mueller, of Spokane, Wash., has resided in the United States since October 1933. Prior to her entry into this country she was a resident and citizen of Canada, having been born in Mornville, Alberta, Canada, on May 11, 1908.

Her status in this country was never questioned until, having registered under the Alien Registration Act, an investigation was made by the Immigration and Naturalization Service. In 1944 a warrant charging illegal entry was issued against her. Hearings were held by the Immigration Service in 1948, and as a result thereof a formal deportation warrant was issued December 27, 1948, and remains outstanding pending consideration of this bill.

The files of the Immigration Service hearings as they relate to the beneficiary, Mrs. Marie Y. Mueller, have been read. The report from the Attorney General has been carefully considered. The respondent's answers to the charges as made by the Immigration Service have been studied. Certain of the facts as alleged by the Immigration Service and included in the Attorney General's report are in dispute. Other facts are freely admitted. These alleged and admitted facts relate to acts involving moral turpitude committed in 1932 in Canada, prior to the entry into the United States by Mrs. Mueller.

The record shows no proven nor provable misconduct on the part of Mrs. Mueller since her entry into this country. The actions of misconduct, committed in Canada, are fully and freely testified to and admitted by Mrs. Mueller. She is presently, and has been since November 1947, the wife of an American citizen, Mr. Paul Mueller. He has been for the past 15 years secretary of a local AFL union in Spokane, Wash. On February 1, 1949, he was appointed, by the Governor, supervisor of the Washington State Department of Labor and Industry for 13 counties in eastern Washington.

Representations as to their character, responsibility, and the respect with which they are regarded within the community of Spokane, Wash., are attested to by many letters.

Mrs. Mueller has confessed her sins. She has frankly admitted indiscretions committed 17 years ago. Such conduct is regrettable.

The record shows that Mrs. Mueller was left an orphan at the age of 16. Thereafter she had to provide for not only herself but three younger brothers and sisters. One who lacks the shelter of a home, who is without a mother's care and guidance, may well be more susceptible to acts of indiscretion. While such acts are not to be condoned, they can, in retrospect, be appraised with somewhat greater tolerance.

I recognize, and draw it to the attention of the committee, in the instant case a rehabilitation of body and character, a moral reformation worthy of reward. Therefore, in the same spirit of forgiveness provided for under our judicial system, and that same sense of fair play that citizens everywhere generously accord to one who may have erred, I respectfully encourage that the committee recommend the bill for passage.

ST. AUGUSTINE RECTORY,
Spokane, Wash., August 22, 1949.

HON. HARRY P. CAIN,
United States Senator, Washington, D. C.

DEAR SENATOR CAIN: I am writing on behalf of Mrs. Paul Mueller who hopes to have her entry into this country legalized by passage of Senate bill 866.

From March 1944 to the fall of 1946 she lived in this parish. She was then Mrs. Marie Y. Meyers. She attended church regularly and gave evidence of piety and faith, one instance of this being her contribution of a United States war bond to our church building fund.

She always impressed me as a good woman and is concerned about her Catholic faith. And since it now seems she is happy with Mr. Paul Mueller it would be most unfortunate for both of them to subject her to deportation to Canada. And it would be a great hardship if they would be forced to pull up stakes and go to Canada and remain there for a year or longer.

I sincerely trust and hope that your kind and good offices will be instrumental in enabling them to continue to enjoy their happy union. Please be assured, dear Senator Cain, of my appreciation of your efforts in their behalf.

Yours very truly,

Very Rev. STEPHAN P. BUCKLEY,
Pastor.

SPOKANE, WASH., August 5, 1949.

Hon. Senator HARRY P. CAIN,
Washington, D. C.

DEAR SENATOR CAIN: I have known Mr. and Mrs. Paul Mueller since their marriage in 1947. I have known Mr. Mueller for a number of years.

They are of fine character and good, reputable people of this city, and deem it a pleasure to write these few words as reference.

Anything that can be done in their behalf will be appreciated by the citizens of this community.

Respectfully yours,

RALPH M. SMITH,
Sheriff, Spokane County.

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF SPOKANE,
Spokane, Wash., August 5, 1949.

To Whom It May Concern:

This is to certify that I have known the bearer, Paul J. Mueller, since 1934, during which time we have both been residents of Spokane County, Wash.

Mr. Mueller is a public-minded citizen of high character and has a very good reputation in this community.

He has always been active in civic affairs and has lent his assistance to many worthy projects; among them, the Travelers' Aid Society, a visiting nurses association, community chest drives, and other similar movements.

He has recently been unanimously reelected by the Board of City Commissioners of Spokane for a 6-year term as commissioner on the civil service board. Incidentally, his original appointment to that board was with the unanimous approval of our city commissioners.

The writer considers Mr. Mueller to be a high type, conscientious, and dependable person, and worthy of recommendation for any position he feels qualified to seek.

Respectfully,

RAYMOND F. KELLY, Judge.

The bill has been amended to conform with the policy of the committee in granting permanent residence in the United States to an alien as of the date of the adjustment rather than as of the date of last entry into the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2635), as amended, should be enacted.

