

The Burger Court Opinion Writing Database

Loos v. Immigration & Naturalization Service

396 U.S. 877 (1969)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HUGO L. BLACK

October 14, 1969

Dear Bill:

Re: Loos v. Immigration & Natlzn. Serv.
No. 275 - O. T. 1969

I acquiesce in your Per Curiam opinion in
this case if no one writes a dissent.

Sincerely,



H. L. B.

Mr. Justice Brennan

cc: Members of the Conference

38
100 10-14

To: The Chief Justice
Mr. Justice Black
~~Mr. Justice Douglas~~
Mr. Justice Harlan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

From: Brennan, J.

October Term, 1969.

Circulated: 10-14-69

LOOS v. IMMIGRATION AND NATURALIZATION SERVICE.

Recirculated: _____

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 275. Decided October —, 1969.

PER CURIAM.

The question in this deportation case is whether the Government met the standard of *Woodby v. Immigration and Naturalization Service*, 385 U. S. 276, 286 (1966), which held that "no deportation order may be entered unless it is found by clear, unequivocal, and convincing evidence that the facts alleged as grounds for deportation are true."

James
Gibb

The petitioner is a native and citizen of Argentina. He first came to this country for permanent residence in 1940. He went to Switzerland in 1947, however, and did not return until 1959. In 1965 the Immigration and Naturalization Service started these proceedings to deport him. The ground is that he was excludable on his return from Switzerland in 1959 because in 1943, during World War II, he had applied for and received an exemption from service with our Armed Forces on the basis of his alienage.* The Board of Immigration

*The pertinent provisions of the Immigration and Nationality Act of 1952 are:

Section 241 (8 U. S. C. § 1251):

"(a) Any alien in the United States (including an alien crewman) shall, upon the order of the Attorney General, be deported who—

"(1) at the time of entry was within one or more of the classes of aliens excludable by the law existing at the time of such entry; . . ."

Section 212 (8 U. S. C. § 1182):

"(a) Except as otherwise provided in this chapter, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

"(22) Aliens who are ineligible to citizenship, except aliens seeking to enter as nonimmigrants; or persons who have departed from or

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

October 16, 1969

No. 275 -- Loos v. INS

Dear Byron,

I regret to say your dissenting opinion
seems completely persuasive, and I am obligated
to join it.

Sincerely yours,

P.S. *PS*

Mr. Justice White

cc: The Conference