

Remembering the Immigration Act of 1965: the 50th Anniversary of a Population Game-Changer

An NPG Forum Paper

An introduction to immigration historian Dr. Otis Graham's 2005 NPG Forum paper
A Vast Social Experiment: the Immigration Act of 1965

by David Simcox

Half a century ago this year, Congress enacted – and President Lyndon Johnson enthusiastically signed – a law broadly amending the Immigration and Nationality Act of 1952. This 1965 Act set up a radically different and far more receptive immigration regime for the United States.

Its architects in Congress and the Executive at that time applauded the Act as, above all, a major reaffirmation of America's commitment to full international civil rights and racial equality – ending the national origins system that favored admission of northern Europeans and Latin Americans and largely shut out Asians, southern and eastern Europeans, and Africans.

Perhaps disingenuously, most top government leaders defending the Act minimized concerns that it would bring about the return of mass immigration after nearly four decades of low intake or change the racial and ethnic balance of the United States. But within a decade, it was widely recognized that the Act was a major legislative reordering of the size and composition of immigration flow – and a major stimulant to continued U.S. population growth in the wake of the 1947-1964 baby boom.

Population Consequences Unforeseen – or Ignored

In his probing analysis done for NPG in 2005, and in his numerous other writings on immigration history, public historian Otis Graham captures interest group dynamics and legislative self-deception – as well as the potent mixture of idealism and self-interest. Graham also highlights the willful ignorance of changing world population and migration trends, which led to the many unintended consequences of the Act experienced today.

Looking at the apparent U.S. and world demographic trends of half a century ago, one suspects Washington Legislative and Executive branch elites of the day were playing dumb about the likely consequences of the Act. Population was exploding on the planet, particularly among major prospective migrant-sending countries. In 1965, world population was 3.3 billion, but growing by 2.05 percent a year – a pace that would continue until the 1990s.

More Immigration Enacted Despite U.S. Population Boom

Washington at that time had no reason to fear lagging U.S. population growth, as it professes to do 50 years later in again pushing for more immigration. America then was in the latter stages of a population explosion that started in 1947 – the baby boom, which began to ebb in 1967. In the two decades following 1947, U.S. population had grown at a third-world pace, averaging annual population increases of 1.65 percent.

It is remarkable that a U.S. government confronted with finding jobs, education, and infrastructure for such a vast number of new citizens would so easily enact major increases in immigration. Therein lies Washington's efforts to present the Act as just a demographically benign advancement of international civil rights and racial acceptance.

Decades of intense immigration fraud and smuggling in China and other Asian countries were then a matter of record – hardly consistent with the assurances of such notables as Attorney General Robert Kennedy that Asian immigration demand in response to the more generous quotas would be modest. Asia's population has been growing at over 2.0 percent annually since 1950, increasing two and a half times by 2000.

After the Act took effect, immigration from Asia surged from a tiny 358,000 in the decade of the 1960s to nearly ten times that amount in 2000-2009. Asians made expert and energetic use of the law's family reunification preferences, supplemented by rising illegal settlement. Asians now form 27 percent of America's foreign-born population. Dr. Graham's article documents the robust multiplying effect of family chain migration because of the Act's heavy emphasis on admissions of family members instead of skilled workers.

Despite Quota Limits, Latin American Immigration Soars

In drafting the Act, the Democratic-dominated Congress originally intended to keep Latin America quota-free. Employers of cheap, vulnerable Latino workers were – and remain – a powerful voice. A high-minded justification for this special concession to the Americas had taken root in Congress as far back as the 1920s: easy immigration from Latin America was a “safety valve” against the build-up of social unrest in the region. So U.S. employers of Mexican *Jornaleros* at low wages were patriotically promoting U.S. national security.

Even so, well-placed immigration skeptics on the Hill in 1965 successfully insisted on a ceiling on Latin immigration as a condition for passage.

The authors of the 1965 Act were also inexplicably blind to the implications for migration of rapidly rising population and underemployment in Mexico and the Caribbean basin. Legal immigration from that region – unlimited by quota – was already sizable. Population growth in Mexico was astounding: the nation's 1965 population of 37 million people would reach 100 million by 2000. Mexico's underemployed work force grew accordingly.

Illegal immigration from Mexico was already a serious problem, gaining high-level attention since the end of World War II. Reacting to public concerns, President Eisenhower had directed mass removals by the Immigration Service of nearly one million Mexican workers and dependents from the southwest in 1953-54.

Although it imposed the first quota limits ever on western hemisphere nations, the 1965 Act itself did nothing to address illegal immigration or improve border controls. Another 20 years would pass before Congress enacted even mild and indifferently-enforced penalties on employers of illegal immigrants.

Mexican legal immigration rapidly rose – from a little more than 40,000 a year in the 1960s when the Act was passed, to 100,000 each year in the 1980s, to a yearly average of 275,000 in the 1990s, much of it in that decade representing unlawful residents amnestied beginning in 1986.

All in all, the U.S. absorbed some 6.0 million Mexican legal or legalized immigrants between 1960 and 2010, 1.6 million Central Americans, and just under 2.0 million migrants from the Caribbean. By 2010, more than 60 percent of America's estimated illegal population of 11 million was from Latin America.

But even the greater generosity of the 1965 Act and subsequent expansionist laws have consistently fallen well short of meeting massive world demand for family reunification in the U.S. State Department figures in 2013 showed 4.3 million applicants on its waiting list for immigration visas, some waiting as long as 20 years. Over half are from Mexico and Latin America, with over a million from Asian countries.

Big numbers of relatives waiting abroad create immense pressures on government to circumvent visa ceilings and admit them – or to amnesty those who are already doing their waiting in the U.S. The Senate's unsuccessful 2013 immigration reform bill would have made arrangements for many of those on the list to enter in redefined skilled categories or as permanent “temporary” visitors.

A New and Troubling Migration Mystique Ushered in by the Act: Ad Hoc Policies and Exceptions Inflate the Numbers

Examining the Act in retrospect, the legislation ushered in the resumption of mass immigration to the U.S. after a decades-long lull – and ensured that U.S. population would continue growing briskly after the baby boom ebbed in the late 1960s.

While the Act is not solely responsible for migration's rapid growth, it did mark a lasting change in political attitudes toward what was perceived as the need for greater openness to the world and, particularly, the world's persecuted. The pre-1965 immigration rules were regarded as an "embarrassment" to America, which increasingly felt the need for third-world approval in its ongoing cold war competition with the USSR.

Limits on immigration numbers for the sake of population stability got a low priority in the proliferation of ad hoc migration laws and policies that followed the Act. To cite a few:

- Just one year following the Act (1966) Congress passed the Cuban Adjustment Act to ease the resettlement of several hundred thousand exiles already present or yet to come.
- 1970 saw the enactment of what would be several pieces of legislation facilitating the flow of skilled temporary workers for long-term stays.
- In 1980 a new Refugee Act codified, consolidated, and expanded U.S. refugee programs.
- In the 1986 Immigration Reform Act, Congress amnestied 3 million unlawful immigrants – the first of several such amnesties that it would legislate in ensuing years.
- In 1990 Congress legislated further major reforms and expansion of the legal immigration system, along with expanded intake of long-term temporary workers and their families. The 1990 Act also established an additional refugee admission scheme, which offers "temporary" protection in effect permanently to migrants from troubled countries.

Clearly, the U.S. began a decades-long immigration binge in 1965. It continues today. Total immigration in 1965 was less than 300,000 per year – an amount which, if maintained, would have led to population stability. Legal ("Green Card") immigration in America is now over one million a year – not including the 300,000 to 400,000 added from illegal entrants and admission of long-term "temporary" workers and refugees.

America's foreign-born population in 1960 was just 9.7 million – 5.4 percent of the nation's population. In 2013, it surpassed 41 million – over 13 percent of the national population, and it is rising. (For more information, see the 2014 NPG Forum paper *Foreign-Born Population Keeps Rising: Immigration Trumps Critical Need for U.S. Population Reduction*, available at www.NPG.org.)

A Half Century of Rising Immigration, with Washington Favoring Even More

Immigration historian Vernon Briggs (*Mass Immigration and the National Interest*, M.E. Sharpe, 2003) identifies four major trends in the U.S. politics of migration that revived mass immigration but were unforeseen – or ignored – by the architects of the 1965 Act. Those trends remain potent in the second decade of the 21st century:

- The continuing explosive demand for family reunification visas, to the neglect of immigration to meet legitimate labor needs;
- The incessant perception of "labor shortages" (even as unemployment rose), and the resulting demand for admission of "temporary" workers at all skill levels for long stays to fill permanent jobs in the U.S.;
- The explosion of illegal immigration, with rapid rise in the numbers in the 1970s. Many illegal aliens then gained eligibility to bring in their own family members;
- The politicization and institutionalization of the refugee and asylum processes – which grew out of the management of the outflow of Cubans, Southeast Asians, Central Americans, and Soviet religious minorities. Driving this trend has been a steady broadening of the definition of "persecution" through court decisions or relentless pressures from ethnic, religious, and human rights lobbies.

Those trends – and the political advocacies they nourish – have given rise to interest-group-driven, fragmented, quick-fix immigration policies that admit favored populations outside of the terms of the basic

legal immigration system. Among them are parole, deferral or cancellation of deportation, special amnesties, special “temporary visas” for those who will stay permanently, and in recent years an increasing refusal of Washington to act against illegal immigration.

One trend which has grown since the 1965 Act underlies them all: the widespread, often unquestioned perception in our ruling government, business, and academic elites that the U.S. vitally needs more people. Without them, it is argued, the nation can expect a staggering burden of an aging population, economic stagnation from a slow-growing labor force, and declines in the special “gifts” immigrants supposedly bring – innovation and entrepreneurial spirit. Ironically, the U.S. at this time seems to have adopted an implicit population policy: it could be summarized as “*more*.”

Clearly, the 50th “anniversary” of the 1965 Immigration Act is not an occasion for celebration. It should instead serve as an urgent warning to an expansion-minded Washington of the well-documented social and demographic consequences of short-sighted immigration policies unmindful of demographic, environmental and labor market needs.

A Vast Social Experiment: the Immigration Act of 1965

by Otis L. Graham, Jr.

The United States had left regulation of immigration to the coastal states until the Supreme Court in 1875 declared that this was exclusively a national, not a state responsibility. Congress struggled through four decades to create a coherent policy that would bring under control the large-scale and essentially unregulated immigration that commenced in the 1880s. The result was the national origins system created by legislation in 1921, 1924 and 1929. Canada, Australia, Argentina, and Brazil established similar regulatory regimes at about the same time. All were based on selection systems designed not only to limit immigration but also to replicate the nation’s historic structure of nationalities. This new restrictionist regime brought the numbers entering the U.S. down sharply from earlier annual inflows which had reached 1 million. A powerful force working in the same direction was the collapse of the American (and global) economy into the Great Depression lasting from 1929-1940, and after that the hazards of international travel during the Second World War. Recorded immigration to the U.S. averaged 305,000 from 1925-29, under the interim quotas, then dropped sharply in the 1930s to an average of 53,000 a year that hides a virtual negative immigration in 1932. In the 1940s, immigration averaged about 100,000 a year,

but with an upward trend after the war. Writing after the new regulatory regime had been in place for nearly 25 years, W. S. Bernard estimated that, subtracting emigration, only 1.7 million people had migrated to the U.S. in that period, the equivalent of two years arrivals prior to restriction.¹

The demographic consequences of ending the open door cannot be known with certainty, since no one can be sure what immigration would have been in the absence of restriction. Demographer Leon Bouvier has estimated that, assuming no restriction and pre-war levels of one million a year for the rest of the century, the American population would have reached 400 million by the year 2000. This would have meant 120 million more American high-consumption lifestyles piled upon the roughly 280 million reported in the census of 2000, making far worse the dismal figures on species extinction, wetland loss, soil erosion, and the accumulation of climate-changing and health-impairing pollutants that are being tallied up as the new century unfolds.²

The chief goals of the national origins system, shrinking the incoming numbers and tilting the sources of the immigration stream back toward northern Europe, were less decisively achieved. Numbers

entering legally but outside the quotas (“non-quota immigrants,” mostly relatives of those recently arrived and Europeans entering through Latin American and Caribbean countries) surprised policymakers by matching and in time exceeding those governed by quotas. Yet with overall numbers so low, ethnic composition did not agitate the public.

International economic maladies, war, and the new American system of restriction had thus combined to reduce immigration numbers to levels more in line with the long course of American history, and to some observers seemed to have ended the role of immigration as a major force in American life. Apparently the nation would henceforth grow and develop, as Thomas Jefferson had preferred, from natural increase and the cultural assets of its people.

The curbing of the Great Wave created a forty-year breathing space of relatively low immigration, with effects favorable to assimilation. The pressures toward joining the American mainstream did not have to contend with continual massive replenishment of foreigners.

The new immigration system was widely popular, and the immigration committees of Congress quickly became backwaters of minor tinkering or inactivity. The 1930s arrived with vast and chronic unemployment, and the American people wanted nothing from immigration. War in Europe would bring unprecedented refugee issues, but dealing with these — or avoiding them — did not require any rethinking of the basic system for deciding on the few thousand people who would be given immigration papers.

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But American immigration policy in the postwar years attracted a small but growing body of opponents. The political core of a coalition pressing for a new, more “liberalized” policy regime was composed of ethnic lobbyists (“professional immigrant-handlers,” Rep. Francis Walter called them) claiming to speak for nationalities migrating prior to the National Origins Act of 1924, the most effective being Jews from central and eastern Europe who were deeply concerned with the rise of fascism and anti-semitism on the continent and eternally interested in haven.

Unable by themselves to interest many politicians or the media in the settled issue of America’s immigration law, these groups hoped for new circumstances in which restrictions could be discredited and the old regime of open-doors restored. The arrival of the Civil Rights Movement thrust (racial) “discrimination” into the center of national self-examination. The enemy everywhere at the bottom of virtually every national blemish seemed to be Discrimination, the historic, now intolerable subordinating classification of groups on the basis of inherited characteristics. The nation’s national origins-grounded immigration laws could not escape an assault by these reformist passions, and critics of the national origins system found the liberal wing of the Democratic Party receptive to their demand that immigration reform should be a part of the civil rights agenda.

Who would lead, and formulate what alternatives? Massachusetts Senator John F. Kennedy cautiously stepped out on the issue in the 1950s, sensing that a liberalization stance would gather vital ethnic voting blocs for his long-planned run for the presidency. His work on a refugee bill caught the attention of officials of the Anti-Defamation League of B’nai B’rith, who convinced Kennedy to become an author of a pamphlet on immigration, with the help of an ADL-supplied historian, Arthur Mann, and Kennedy’s staff. The result was [A Nation of Immigrants](#), a 1958 bouquet of praise for the contributions of immigrants and a call for an end to the racist, morally embarrassing national origins system. The little book was initially ignored, but its arguments would dominate the emerging debate.³ The ADL, part of a Jewish coalition whose agenda included opening wider the American gates so that increasing U.S. ethnic heterogeneity would reduce the chances of a populist mass movement embracing anti-semitism, had made a golden alliance.⁴ John F. Kennedy was no crusader on immigration (or anything else), but he was an activist young President by 1961, comfortable with immigration reform as part of his agenda, elected on a party platform that pledged elimination of the national origins system.

Whatever Congress might have had in mind on immigration, it was understood that real action waited on the President’s agenda. Since Kennedy’s 1960 victory had been narrow, he moved very slowly on

sensitive issues, especially those where he expected formidable resistance. The death in May, 1963 of staunch defender of the national origins system Congressman Francis Walter came just as Kennedy was finally moving on civil rights legislation, and it seemed natural to link the two causes whose joint target, by long agreement among liberals, was “discrimination.” Kennedy sent a special message on immigration to Congress in July, asking for repeal of a policy that “discriminates among applicants for admission into the U.S. on the basis of the accident of birth,” and since the basis in the census of 1920 is “arbitrary” the entire system is “without basis in either logic or reason.” The Asia-Pacific Triangle limits should be abolished at once, national origins quotas ended in five years, to be replaced by a selection system based on individual skills and family reunification, “first-come, first-served.” There would be a minimal increase in total numbers – from 157,000 quota immigrants to 165,000. Reform never meant increased numbers, as the reformers constantly assured the public.⁵

This initiative, along with the rest of the Kennedy program, was inherited by Lyndon Johnson after the assassination. He also inherited Kennedy’s determined reformist advisers on immigration, among them Myer Feldman, Norbert Schlei, and Abba Schwarz. The latter convinced the new President to endorse reform in his 1964 State of the Union Address and to hold a meeting with ethnic leaders where Johnson repeated the key slogan of the attack on the national origins system: “We ought to never ask, “In what country were you born.”⁶ Still, expansionist reformers privately were pessimistic. In the words of the American Jewish Committee’s lobbyist in Washington, “there is no great public demand for immigration reform” which “is a very minor issue.”

It was indeed a minor issue to the public, not on the radar screen in a decade overheating with social movements and an escalating war in southeast Asia. Liberal reformers discovered after John Kennedy’s assassination that legislating social change could be accomplished even when only the policy elites, if not the larger public, recognized a problem needing a solution. There was emerging on the immigration question a pattern in public debate that could be

found on many issues: elite opinionmakers selected a problem and a liberal policy solution, while grassroots opinion, unfocussed and marginalized, ran strongly the other way. Editorials in papers like The New York Times and The Washington Post, or in national magazines such as the Saturday Evening Post denounced the national origins system as the equivalent of Jim Crow, and endorsed repeal of it, saying little about an alternative. As historian Betty Koed observed in her history of the 1965 act, editorials and letters to the editor “in smaller cities and towns” revealed “widespread condemnation of the new immigration bill” and of the idea of “liberalizing” immigration policy.⁷

Legislative hearings began in the House in summer, 1964, while the Senate was engaged in something more pressing but, some thought, closely related — passage of the 1964 Civil Rights Act which barred discrimination on the basis of race, creed, religion, sex, and “national origin.” This language in the civil rights legislation attracted frowning attention to the immigration status quo. How could the U.S. exert world leadership, Congressman Emanuel Celler asked, if our current immigration system was “a gratuitous insult to many nations” because of its race-conscious basis? The national origins system was not based on race but nationality, but in the intense climate of the civil rights crusade the two were easily elided into equivalent evils, impermissible factors in decisionmaking. The law treated nationalities unequally, Senator Paul Douglas said, and while “it would be impossible to draw up a law restricting immigration without discriminating somehow between those who are admitted and those who are not,” we should end the “basically unjust criterion of national origin” for a more “equitable formula,” presumably discrimination on some more defensible basis. Preference categories for professionals and relatives seemed to him more equitable.⁸ We need “an immigration policy reflecting America’s ideal of the equality of all men without regard to race, color, creed, or national origin,” said Senator Hiram Fong of Hawaii when the Senate opened hearings in 1965. “Theories of ethnic superiority” must no longer be the basis for our immigration law, stated the bill’s chief Senate sponsor, Philip Hart of Michigan. Against such sentiments, an

American Legion spokesman countered that “it is in the best interest of our country to maintain the present make up of our cultural and social structure.” In the context of the Cold War and the civil rights struggle, there seemed considerably more energy and pertinence in the reformers’ arguments. The national origins system was on the defensive now, ironically joined at the hip with Jim Crow.⁹

Yet how could immigration reformers change a policy regime that was widely popular? A Harris poll released in May, 1965 showed the public “strongly opposed to easing of immigration laws” by a 2 to 1 margin (58% to 24%).¹⁰ This must have discouraged immigration liberalizers, but they knew that a burst of Great Society legislation was beginning to pour through Congress in the mid-60s, most of it not generated out of public demand or even understanding but out of the unique circumstances created by Kennedy’s death, Johnson’s legislative skills, and the intellectual and political collapse of American conservatism.

And the defenders of the national origins system — those who understood its complexities — seemed intellectually on the defensive. Few seemed able to match the blunt counterattack made a decade earlier by former State Department Visa Office head Robert C. Alexander in an article in the American Legion Magazine in 1956: “What do the opponents of the national origins quota system want when they glibly advocate action which would result in a change in the ethnological composition of our people . . . perhaps they should tell us, what is wrong with our national origins?” Still, a major problem for defenders of the existing system was flaws they were forced to acknowledge. Up to 2/3 of the immigration flows after World War II had come outside the quotas, as entrants from the western hemisphere and refugees. The system had become a swiss cheese of loopholes, with the result that annual numbers had been rising and the cultural background of immigrants was not what the system was designed to produce. Complex maneuvering produced a House version of the administration’s legislation that ended national origins quotas and shifted to a system of preferences based on family reunification and skills.

Senator Sam Ervin of North Carolina was the only member of the Subcommittee on Immigration

defending the national origins system during hearings. Ervin met every administration witness with the argument that you could not draft any immigration law in which you did not “discriminate,” in that you favor some over others. Why not then discriminate, as the McCarran-Walter Act did, in favor of national groups who historically had the greatest influence in building the nation? “The McCarran-Walter Act is . . . based on conditions existing in the U.S., like a mirror reflecting the United States.” To put all the earth’s peoples on the same basis as prospective immigrants to the U.S., Ervin argued, was to discriminate against the “people from England . . . France . . . Germany . . . Holland” who had first settled and shaped the country.¹¹ On the Senate floor, Senator Robert Byrd (among others) supported Ervin: “Every other country that is attractive to immigrants practices selectivity (in favor of their founding nationalities) and without apology,” including Australia, Japan, and Israel, Byrd said. Our system is “just and wise,” since “additional population” from western European countries is “more easily and readily assimilated into the American population. . . . Why should the U.S. be the only advanced nation in the world today to develop a guilt complex concerning its immigration policies?”¹²

Whatever the merits of this defense of the existing system made by a handful of legislators, it confronted a large political problem. The American population who would have approved of this argument were mostly dead, and those living, by contrast to their ancestors in 1921-28, had little interest in immigration issues or knowledge of what was being proposed. The patriotic societies, the American Legion and the Daughters of the American Revolution, joined by obviously marginal groups such as the Baltimore Anti-Communist League and the League of Christian Women, presented their traditional opposition to enlarged and non-European immigration but did not seem to exert much influence over the average legislator — especially when so many of these groups showed little knowledge of the legislation and seemed mostly concerned with the threat of communist subversives slipping across national borders.¹³ It was evident that the restrictions of the 1920s had lost important elements of their core support. A chief sponsor of limiting immigration had been organized

labor. But in the 1950s AFL-CIO leadership — though not, apparently, the rank-and-file — had begun to shift its ground on immigration, and by the economically robust 1960s no longer expressed concerns about job and wage competition of an earlier era. The same was true of another component of the potential restrictionist coalition. African-American leaders in the 1960s were beginning a move toward political solidarity with all the world's "people of color" and could not be counted on to take the restrictionist positions staked out by Frederick Douglass, Booker Washington, and A. Philip Randolph.¹⁴

Even leaders of the patriotic societies seemed to sense the inevitability of some sort of retreat from national origins, and their opposition was not strenuous or skillful. The Senate floor manager of the bill, Senator Edward Kennedy, reported that in his meetings with several patriotic society representatives they "expressed little overt defense of the national-origins system" and indicated their willingness to consider a new framework so long as the numbers were not enlarged.¹⁵ Kennedy assured them that this was not the reformers' intention, and it is clear from the legislative record that "the reformers consistently denied that they were seeking to increase immigration significantly," in the summary of Steven Wagner. Both historians of the legislative background of the 1965 act, Wagner and Koed, decline to call this outright deception, believing instead that the reformers had not given much thought to the system they were putting in place, for they "were looking backwards more than forwards."¹⁶ Their "main impetus . . . was not practical, but ideological." They were expunging what they took to be a legislative blot on America's internationally-scrutinized record on human rights, more intent on dismantling an inherited system than in the careful design of a substitute.

These assurances left the oddly enfeebled opposition unable to take aim against larger numbers and different source countries since these were not being proposed, and perhaps not even anticipated. There seemed to be a universal miscalculation of the results that would follow from the new emphasis given to family reunification in the new preference system. Everyone appeared to agree with the view of the *Wall Street Journal* that family preferences "insured that

the new immigration pattern would not stray radically from the old one."¹⁷ It is hard in retrospect to see why it was not obvious that few American citizens had immediate relatives abroad, so that this feature of the new selection system would build streams of family flows from a base in the most newly arrived, which meant Mexicans and whatever new refugees might arrive in an unpredictable future. Family preference was leverage for newcomers, and left long-term residents with diminished influence over immigration streams shaping the nation's future.

A formidable coalition had mobilized behind repeal of the old law and for a vaguely defined "liberalization." The coalition included the numerous "Volags" from religious denominations along with those organizations claiming to represent the ethnic groups associated with the New Immigration, strategically placed politically in the large northeastern and midwestern cities. Joining them were business leaders and organizations, including western "big agriculture." Sympathetic to these lobbying groups with a reasonably direct stake were most liberals, for whom immigration reform had surfaced as a smaller theatre of the civil rights movement and one which did not involve the physical dangers of marching in Mississippi.

Ervin attempted to get the best bargain possible under the circumstances, asking pointed questions of administration witnesses about the legislation's impact on overall numbers and their composition. He was given reassuring and (as it turned out) alarmingly wrong estimates. Administration witnesses predicted that the bulk of new immigrants would come from large backlogs in Italy, Greece, and Poland, and that annual numbers would increase only a modest 50-75,000. On the question of Latin American immigration, Attorney General Nicholas Katzenbach was obviously ignorant of the testimony in the population hearings of 1963 in which experts had testified that Mexico's population had nearly doubled between 1940 and 1960. In the last decade, 400,000 Mexicans had migrated to the U.S. as 3 million braceros crossed the border seasonally. Yet Katzenbach, ignorant of all this, stated that "there is not much pressure to come to the United States from those countries."

Senator Ervin saw the opportunity. Was it not “discrimination” to leave the entire Western Hemisphere without limitation, implying “they were the best peoples of all,” and hurting the feelings of those in the Eastern Hemisphere?¹⁸ The administration reluctantly agreed to a 120,000 “ceiling” (a leaky ceiling; immediate family and refugee admissions were uncapped) on Western Hemisphere immigration. In 1978, separate hemispheric “ceilings” were merged into a worldwide fake number of 290,000 that legislators persisted in calling a “ceiling” but historians and others should not. It was merely the capped component of a system with no upper limit.

The law of unintended consequences was about to produce a major case study. Reformers were putting in place a new system under which total numbers would triple and the source countries of immigration would radically shift from Europe to Latin America and Asia — exactly the two demographic results that the entire restrictionist campaign from the 1870s to 1929 was designed to prevent. Yet the two core ideas of the restrictionists, that modern America was better off without large-scale immigration and that the existing ethno-racial makeup of the American people should be preserved, had not been directly challenged. Indeed, they were explicitly reaffirmed. Attorney General Robert Kennedy said in Senate hearings in 1964 that abolishing the restrictions on the Asia-Pacific Triangle would result in “approximately 5,000 [immigrants] . . . after which immigration from that source would virtually disappear.” As a Senator in 1965 he testified that abolishing the European tilt of the national origins system and placing emphasis on family reunification would maintain the status quo as to nations of origins. “The [proposed new] distribution of limited quota immigration can have no significant effect on the ethnic balance of the United States,” and “the net increase attributable to this bill would be at most 50,000 a year . . .”¹⁹ “Our cities will not be flooded with a million immigrants annually,” prophesied Senator Edward Kennedy: “Under the proposed bill, the present level of immigration remains substantially the same.”²⁰ No one openly recommended what would turn out to be the bill’s two chief results, increasing the volume of immigration back to the million a year range prior to 1920s restriction, or the idea that it was

time for the nation aspiring to lead the world to be ethno-racially altered so as to resemble that world rather than the nation that had grown out of 13 British colonies augmented by African labor. This latter may be a splendid idea, the grandest of the last half century. We have yet to seriously debate the wisdom of it, for when our national craft was turned in that direction, there was no discussion of the new course.

The Senate bill passed by a vote of 76 to 18, all but two of the negative votes coming from southerners. The South-West coalition of the 1920s had shattered. The West abandoned the restrictionist system it helped build forty years earlier and the South, obsessively defending Jim Crow, was politically isolated and on the losing side of every national issue. Congress had decisively repudiated the old system for managing immigration, replacing it with what turned out to be an unpredictable and radically new regime. That older system had served the nation well by inaugurating a needed and popular restriction of immigration. But its principles of selection had come under criticism as world politics and domestic attitudes toward race relations changed profoundly. In the new system of 1965, an inherited factor, nationality, still functioned as an element, but no nationalities had a favored position at the outset. Lyndon Johnson had said, “We ought never to ask, ‘In what country were you born?’”, but of course we continued to ask, and the answer could matter. Your nationality could keep you out in any year that your nation’s applicants exceeded 20,000, the limit for all countries (after revisions made in 1976.) Still, “discrimination” was supposed to be thankfully gone, since all nations could send some migrants and the principles of selection did not at first glance seem to have any direct connection to nationality. To select those chosen for entry the law established a new set of preference categories that represented a major retreat from the historic emphasis in American immigration policy on labor market/skills criteria (only two of the seven in the new system) and toward kinship relations said to promote “family reunification” (four of the seven; the last category was for refugees, 17,400 slots). The national interest took a back seat, as selection criteria were shifted strongly (70 per cent of the total) toward the private, kinship interests of citizens who had relatives abroad—or, recent immigrants.

In any event, “discrimination” proved hard to shake. The new system, too, “discriminated,” as Senator Ervin had predicted, but now “against” citizens of western Europe and the British Isles, including Ireland, “in favor of” Latin Americans and Asians, because it gave special influence to kinship — or, nepotism. Ervin and a handful of others had anticipated large population pressures from these regions, and the North Carolina Senator prevailed in the negotiations on one point, insisting that western hemisphere immigration for the first time be placed under a “cap” of 120,000 (the eastern hemisphere quota was 170,000). But the cap was made in Congress, which meant that it was not a cap, as it did not include spouses, minor children, and parents of U.S. citizens.

With adoption of the Hart-Celler Immigration Act of 1965, legal immigration began a striking rise from both Latin America and Asia. In the decade of the 1970s, Europe and Canada sent 20% of legal immigrants, Latin America and Asia 77%. This reflected “push factors” of poverty below the Mexican border and in Asia, whereas Europe bustled with prosperity. The new system clearly favored those with family ties in the U.S., which western Europeans and residents of the U.K. could rarely show.

The new law also contained an unsuspected feature that gave it a conveyor belt quality, soon called “chain migration.” Historian David Reimers has adroitly sketched the process. An Asian male comes to the U.S. to study, gets Labor Department certification allowing him to take a job, becomes an official immigrant and then decides to “reunite his family”. To do this the simplest way would be to return home, but instead he petitions under the 1965 law’s second preference for his wife and children to join him. The couple become citizens and then petition for their parents and brothers and sisters—all outside the numerical quotas. The brothers and sisters then petition for their own spouses, children, parents and siblings. In an example set out by Reimers, ten years after the Asian student arrived, 19 persons have immigrated to the U.S. “No wonder the 1965 Act came to be called the brothers and sisters act,” Reimers remarks. Such human chains, widening from our original Asian male, were rarely formed after 1965 from the U.S. back to Western Europe or the

U.K., as the original immigration chains were mostly old and broken. Few parents or brothers and sisters of American citizens remained in Naples or Dublin. Rep. Emanuel Celler, one of the strongest supporters of the 1965 law, was astonished by what he called the “unintentional discrimination” of the law he had co-sponsored. He unsuccessfully attempted to increase special visas for Europe that would not require family ties. It is not recorded whether or not Senator Ervin enjoyed the moment.²¹

The new system, like the old, was also flawed by its rigidity. Congress wrote immigration law as if its judgments should endure for decades. But immigration is a labor flow that should be meshed with the changing needs of the national economy, and a demographic nation-shaper that should be harnessed to national population goals. Recognizing at least the former, Celler pressed for restoration of a feature of Kennedy’s original bill, an independent Immigration Board to recommend annual readjustments of skills-related preference categories in light of changes in the economy. This good idea was lost in the shuffle. The system was not open to administrative realignment in response to economic cycles or demographic trends. Even if it had been, family ties abroad greatly outweighed skills needed in the U.S. The law represented “the transfer of policy control from the elected representatives of the American people to individuals wishing to bring relatives to this country,” according to Senator Eugene McCarthy’s rueful and later judgment: “Virtually all immigration decisions today are made by private individuals.”²²

“The bill that we will sign today,” said President Johnson, “is not a revolutionary bill,” and “does not affect the lives of millions.” What it did, he thought, was essentially moral and symbolic. It ends “the harsh injustice of the national origins quota system” which was “a cruel and enduring wrong.”²³ Journalist Theodore White offered a better interpretation, when, years later and with hindsight, he called the new immigration law a “noble, revolutionary – and probably the most thoughtless of the many acts of the Great Society.”²⁴

Revolutionary? But the 1965 Immigration Act was not given much contemporary attention in a decade

of social upheaval and a war in Vietnam, was not mentioned by Lyndon Johnson in his memoirs, and is routinely allotted one or two sentences in history text books.

This emphasis will change, and attention to the 1965 Immigration Act will grow, for White's word "revolutionary" identifies a demographic turning point in American history. With all due respect to the epochal and invaluable changes made in America when the Jim Crow system was killed by the Civil Rights Act of 1964, the passage of time may position the 1965 immigration law as the Great Society's most nation-changing single act, especially if seen as the

first of a series of ongoing liberalizations of U.S. immigration and border policy extending through the end of the century and facilitating four decades (so far) of mass immigration. For the 1965 law, and subsequent policy changes consistent with its expansionist goals, shifted the nation from a population-stabilization to a population-growth path, with far-reaching and worrisome consequences. In the words of Harvard sociologist Christopher Jencks, this launched an ongoing "vast social experiment" that conservatives inexplicably permit and liberals inexplicably sustain against the interests and sentiments of their working class base.



Notes

1. Bernard, American Immigration, p. 34.
 2. Leon Bouvier, What If/Immigration Decisions: What Could Have Been, What Could Be (FAIR, Oct. 1994), p. 6.
 3. John F. Kennedy, A Nation of Immigrants (Harper and Row, 1964). And see Ira Melhman, "John F. Kennedy and Immigration Reform," The Social Contract (Summer, 1991), pp. 201-06.
 4. Earl Raab, Jewish Bulletin (July 23, 1993), p. 17; Nathan C. Belth, A Promise to Keep: A Narrative of the American Encounter with Anti-Semitism (Times Books, 1979); S. M. Neuringer, American Jewry and United States Immigration Policy 1881-1953 (ArnoPress, 1980); Kevin MacDonald, "Jewish Involvement in Shaping American Immigration Policy, 1881-1965: A Historical Review," Population and Environment 19 (March, 1998), 295-356, and MacDonald, The Culture of Critique (1st Books, 2002), chap. 7; Betty Koed "The Politics of Immigration Reform," PhD Dissertation, University of California, Santa Barbara, 1995, p 43. See also Abba P. Schwarz, The Open Society (Morrow, 1968).
 5. John F. Kennedy, "Letter to the President of the Senate and to the Speaker of the House on Revision of the Immigration Laws," July 23, 1963, Public Papers of the Presidents of the United States (USGPO, 1964), pp. 594-97.
 6. Stephen T. Wagner, "The Lingering Death of the National Origins Quota System," PhD Dissertation, Harvard University, 1986, pp. 8-19.
 7. Koed, "The Politics," p. 130.
 8. "Controversy Over U.S. Immigration Policy," Congressional Digest (May, 1965), pp. 150-51.
 9. Koed, "The Politics," pp. 133, 136. A summary statement of the liberal critique of the national origins system was Senator Edward M. Kennedy, "The Immigration Act of 1965," Annals of the American Academy of Political and Social Science p. 367 (Sept., 1966).
 10. Wagner, "Lingering Death," p. 421.
 11. Senate Report 748, p. 22; U.S. Congress, Senate, Hearings, 1965, pp. 63-67; Congressional Record-Senate (Mar. 4, 1965), pp. 4143.
 12. Congressional Record-Senate (Sept. 14, 1965), p. 23793.
 13. "In view of the vehemence of past opposition, it was surprising in a sense how little the present opposition counted," wrote Jerome Lieberman Are Americans Extinct (Walker and Co., 1968), p. 156.
 14. See Lawrence Fuchs, "The Reactions of Black Americans," pp. 298-99.
 15. Edward M. Kennedy, "The Immigration Act of 1965" Annals of the American Academy of Political and Social Science 367 (Sept., 1966), p.142.
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16. Wagner, "Lingering Death," pp. 478-79.
17. Wall Street Journal (Oct. 4, 1965).
18. An exchange noted in Lieberman, Are Americans Extinct?, pp. 154-55.
19. Statement by Senator Robert F. Kennedy before the Subcommittee on Immigration, 1965.
20. Congressional Digest (May, 1965), p. 152.
21. A good account of the surprising pattern of immigrant countries of origin and of chain migration after 1965 may be found in David Reimers, Still The Golden Door, (Columbia University Press, 1992, 2nd edition), pp. 92-96, and Hugh Davis Graham, Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America (Oxford University Press, 2002), chap. 5.
22. Eugene McCarthy, A Colony of the World (Hippocrene Books, 1992), p. 57, 59.
23. Weekly Compilation of Presidential Documents (Oct. 11, 1965), pp. 364-65.
24. Theodore White, America In Search of Itself (Harper Collins, 1984), p. 363. See also Center for Immigration Studies Backgrounder, "Three Decades of Mass Immigration: The Legacy of the 1965 Immigration Act," (Sept., 1995), and David M. Reimers, "An Unintended Reform: The 1965 Immigration Act and Third World Immigration to the United States," Journal of American Ethnic History (Fall, 1983).

About the Authors

Otis L. Graham, Jr. is Professor Emeritus of history at the University of California, Santa Barbara. He is the author or editor of more than fifteen books, including "Debating American Immigration, 1882-Present" (with Roger Daniels) and "Environment Politics and Policy, 1960s to 1990s". He lives in Chapel Hill, North Carolina.

David Simcox is a Senior Advisor of NPG. From 1985 to 1992 he was executive director of the Center for Immigration Studies, a Washington, D.C.-based think tank. From 1956 to 1985, Simcox was a career diplomat of the U.S. Department of State, with service in diplomatic posts in Latin America, Africa, Europe, and in Washington. His diplomatic assignments involved formulation of policy for labor, population and migration issues in such countries as Mexico, Panama, Dominican Republic, Brazil, and the nations of Indo-China. Simcox is a frequent contributor on population, immigration and Latin American matters to national newspapers and periodicals, and has testified on several occasions before congressional committees on immigration, labor and identification policies. He holds degrees from the University of Kentucky, American University, and the National War College. Simcox is a veteran of the U.S. Marine Corps and saw service in the Korean conflict.

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Negative Population Growth, Inc.
2861 Duke Street, Suite 36
Alexandria, VA 22314

Voice: (703) 370-9510
Fax: (703) 370-9514
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