

**Cracking Open the Golden Door:
Race, Great Society Liberalism, and the Immigration Reform Act of 1965**

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Introduction

The Immigration Act of 1965: A Fundamental Piece of Immigration Law in the 1960s Still Relevant Today

At the signing of the Immigration Act of 1965 on Liberty Island, President Lyndon Johnson criticized the old system of immigration as one that “violate[d] the basic principle of American democracy.”¹ The new system, which replaced the outdated national origins quota system, would put people of all nations on an equal footing for immigration to the United States. Thanks to the 1965 law, for the first time in the nation’s history, race, ethnicity, and country of origin were not considered when admitting immigrants. Johnson, along with others, believed the act would right wrongs that had been ingrained in law by the national origins quota system for over forty years. In fact, after the signing, the president claimed that the bill was “not a revolutionary bill” and would “not affect the lives of millions” or “restructure the shape of [American’s] daily lives.”² Indeed, the President ensured that the bill was “seen as an extension of the civil rights movement, and a symbolic one,” that was not expected to bring many changes.³ However, Johnson was wrong. As a result of the new law, “the share of the U.S. population born outside the country tripled and became far more diverse,” by 2015.⁴ So, it still did not settle the issue of “what it really means to be an American and which immigrants get to qualify.”⁵

¹ Lyndon B. Johnson, “Remarks at the Signing of the Immigration Bill” (1965), in *Public Papers of the Presidents of the United States*, U.S. Government Printing Office, (Washington, D.C.: U.S. Gov. 1966), 1083.

² Ibid.

³ “The Legacy of the 1965 Immigration Act,” Center for Immigration Studies, Accessed March 29, 2018, <https://cis.org/Report/Legacy-1965-Immigration-Act>.

⁴ Tom Gjelten, “The Immigration Act That Inadvertently Changed America,” *The Atlantic*, October 2, 2015, <https://www.theatlantic.com/politics/archive/2015/10/immigration-act-1965/408409/>.

⁵ Ibid.

Today, immigration is one of the most controversial topics in the United States, often splitting people down party lines; however, the United States was originally founded as a nation of immigrants. Furthermore, America has always represented a land of opportunity, from the British colonial settlers, to European immigrants coming over at the turn of the 19th century, to the 21st century debates about the futures of the Dreamers, America has traditionally attracted people who hope to better their lives. Many have risked their lives to journey from faraway places in the hopes of obtaining the freedom that America advertises to the world. But, how honest is this as part of America's identity? Are we still – or have we ever been – a nation of immigrants that grants everyone the same freedoms and opportunities?

The history American immigration policy paints a complicated picture. To show this, this paper will first trace and analyze immigration policies in the United States leading up to the passage of the Immigration Act of 1965 and show why the passage of the new immigration legislation was likely to occur. Next, I will argue that the motivation for change can be traced to the external geopolitical pressures on the U.S. during the Cold War, although legislators tended to stress family reunification and economic arguments in their defenses of the bill. Lastly, this research will show that the 1965 law was in fact revolutionary, despite what many politicians predicted. The changes it unleashed are why this piece of legislation should be considered alongside the Civil Rights Act of 1964 in shaping Lyndon B. Johnson's legacy and Great Society programs.

American attitudes toward immigration and immigrants have changed over time and have produced policies that have reflected and reproduced prejudices against certain races and groups of people. These policies in turn have shaped the definition of "American" and the boundaries of the American nation. For example, throughout the period of the Industrial Revolution, Europeans

immigrated to the United States in search of new economic and educational opportunities. In the mid-19th century, the majority of immigrants came from Western and Northern Europe, but by the end of the century, the “new immigration” brought increased numbers of immigrants from Southern and Eastern Europe. Between 1900 and 1910, “more than 2 million entered... from both Italy and Austria-Hungary, and more than 1.5 million came from Russia.”⁶ Anti-immigrant sentiment in combination with a backlash against internationalism as a result of the First World War led to the passage of the Immigration Act of 1924, which introduced the national origins quota system to control both immigration and the kinds of people who were immigrating. The new law limited the annual number of immigrants who could be admitted from any country to two percent of the number of people from that country who were already living in the United States as of the 1890 census.⁷ The legislation’s obvious goal was to continue to encourage Western and Northern European immigrants to settle in America, while limiting the admission of less desirable immigrant groups such as Slavs, Poles, Italians, and Asians.

Today’s immigration politics reprise this racist rhetoric, turning it against not Southern and Eastern Europeans, but against Central and South Americans, Africans, and the entire Muslim world. Donald Trump’s 2016 presidential campaign promised stricter immigration laws and policies. He laid out these proposals for immigration policy in a very detailed campaign speech in August 2016. There were ten proposals in all, with his famous proposal for a border wall with Mexico drawing much attention; however, all proposals “focused on reducing immigration to the United States and more aggressively enforcing laws against unauthorized

⁶ Bill Ong Hing, *Defining America Through Immigration Policy*, (Philadelphia: Temple University Press, 2004), 27.

⁷ Immigration Act of 1924, P.L. 139, 68th Cong., (1924).

entry.”⁸ This approach was a very clear departure from previous administrations, Republican and Democratic alike, which largely sought to achieve robust immigration balanced by targeted enforcement.

In their book *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, historians David Scott Fitzgerald and David Cook-Martin point out that “the United States is the world’s oldest continuous democracy and has often been described as a global beacon.” At the same time, however, the U.S. “was also the first independent country in the Americas to introduce racial selection in policies of naturalization (1790) and immigration (1803) and late to end racial discrimination in policies of naturalization (1952) and immigration (1965).”⁹ So, how then, how does the Immigration Act of 1965, a law designed to eliminate race as a factor in immigration, fit into the nation’s racist history of choosing who gets to be a citizen? Pushed through fairly easily by President Lyndon Baines Johnson and packaged as a piece of legislation that was not revolutionary, the law, nevertheless is very important and deserves far more attention than it currently receives by scholars studying both immigration policy as well as the legacy of the Great Society.

Surprisingly given the controversy that surrounds immigration reform today, support for 1965 reform and change to the national origins system was almost unanimous.¹⁰ This change reflects, in part, the changing U.S. position in the international order. In the two decades after the First World War, the United States embraced isolationism and largely withdrew from foreign

⁸ Sarah Pierce, Jessica Bolter, and Andrew Selee, “Trump’s First Year on Immigration Policy: Rhetoric vs. Reality.” migrationpolicy.org, January 17, 2018. <https://www.migrationpolicy.org/research/trump-first-year-immigration-policy-rhetoric-vs-reality>.

⁹ David Fitzgerald, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, Cambridge, Massachusetts: Harvard University Press, 2014, 82.

¹⁰ Jerry Kammer, “The Hart-Celler Immigration Act of 1965,” CIS.org. Accessed March 29, 2018, <https://cis.org/Report/HartCeller-Immigration-Act-1965>.

affairs. These isolationist tendencies are present in the Immigration Act of 1924. After the Second World War, however, the United States took center stage as a world superpower. In the context of the Cold War, the United States believed that it had the responsibility to help less capable, financially or politically, nations recover from the war and avoid falling to communism. What is more, American economic strength depended on access to global markets. In this new global economic and political context, the national origins quota was embarrassing and outdated. Moreover, it contradicted the spirit of the Civil Rights legislation proposed by President John F. Kennedy and signed into law by Johnson in 1964. Civil Rights and immigration politics alike were informed by the Cold War. Both Jim Crow and the quota system could easily be used by Russia against the U.S., particularly in the so-called “Third World.” Recognizing this, President Johnson criticized the quota system for violating “the basic principle of American democracy – the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country.”¹¹

The Immigration Act of 1965, proposed by Democratic Representative Emanuel Celler of New York and co-sponsored by Democratic Senator Philip Hart of Michigan, changed the way quotas were allocated and also ended the national origins formula that unfairly discriminated against non-Northern and non-Western Europeans. The premise of the new system was to shift away from restrictive quotas, eliminating national origin, race, and ancestry as a basis for immigration, and to develop criteria for preference categories that allowed a wider range of people the chance to come to the United States. In addition to these liberalizing reforms, the new law also maintained per-country limits, and for the first time, limited immigration from the

¹¹ Center for Immigration Studies, “The Legacy of the 1965 Immigration Act,” CIS.org, Accessed March 29, 2018, <https://cis.org/Report/Legacy-1965-Immigration-Act>.

Western Hemisphere.¹² It essentially replaced the racist quota system with a different way of admitting immigrants through a preference system, which favored those with family already in the United States and those who had coveted skills or a high education level.

While many politicians and citizens alike agreed that it was time for the U.S. to revise its immigration policy, the Johnson administration nevertheless had to sell the new legislation to the American people. Opponents – many of whom were unapologetic segregationists – argued that the United States was founded as a European country and that it should stay that way. According to Senator Sam Ervin, a Democrat from North Carolina and noted segregationist, “the people of Ethiopia have the same right to come to the United States under this bill as the people from England, the people of France, the people of Germany, [and] the people of Holland,” but “with all due respect to Ethiopia, [he didn’t] know of any contributions that Ethiopia [had] made to the making of America.”¹³ Such explicit racism was the exception rather than the rule, however. The more common response was one of ambivalence, as some simply denied that the immigration reform would change significantly patterns of immigration.

To placate conservatives, some last-minute changes were made in the legislative language and in the order of preferences in the preference system. Previously, the top preference category was allocated for those who had significant skill or education; congressional lawmakers later changed this to give preference instead to those who were seeking to join their families in the United States.¹⁴ This adjustment was meant to encourage immigration by Europeans who had family members in the U.S, and its emphasis on the family fit easily into the nation’s postwar focus on the family – the male breadwinner ideology.

¹² Ibid.

¹³ Tom Gjelten, “The Immigration Act That Inadvertently Changed America.”

¹⁴ Ibid.

The public case for immigration reform centered around both racial justice and family reunification. Yet, the pressure for change came not from below, but from political and economic elites. Geopolitical pressure on the United States to be a better role model for the free world drove elite pressure for immigration reform. As such, the “anti-racist turn” in U.S. migration law taken in 1952 and then again in 1965 “was not a product of liberal ideology or democracy,” but rather *real politik*.¹⁵ As Fitzgerald and Cook-Martin point out, “geopolitical factors were the main drivers of the demise of racial selection, as externally oriented elites overcame the public’s racist tendencies.”¹⁶

Despite the modest rhetoric, the Immigration Act of 1965 did in fact transform the nation. While before the law almost all immigrants came from Europe, in the decades after the law, immigration from Asia, Africa, and Central and South America skyrocketed.¹⁷ These immigrants brought new religions, cultures, ideas, and knowledge to the country, and as a result, reshaped the United States. The law also escalated levels of illegal immigration, especially from Mexico.¹⁸ The law, for the first time, imposed limits on immigration from Western Hemisphere nations. Intended to create a “new unbiased system that would allocate visas equally across countries with an annual limit of 20,000 per country,” this provision made illegal behavior that had previously been totally legal.¹⁹ As a result, “the same migrants were leaving the same communities to go to the same employers in the same U.S. states in about the same numbers,”

¹⁵ David Fitzgerald, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, 2.

¹⁶ *Ibid.*

¹⁷ David M. Reimers, “Post-World War II Immigration to the United States: America’s Latest Newcomers,” *The Annals of the American Academy of Political and Social Science* 454 (1981): 1.

¹⁸ Jerry Kammer, “The Hart-Celler Immigration Act of 1965.”

¹⁹ Douglas S. Massey, “How a 1965 Immigration Reform Created Illegal Immigration,” *Washington Post*, September 25, 2015, <https://www.washingtonpost.com/posteverything/wp/2015/09/25/how-a-1965-immigration-reform-created-illegal-immigration/>.

but “now the migrants were ‘illegal’ and hence by definition ‘lawbreakers’ and ‘criminals.’”²⁰ This has been a growing issue for years and has caught a lot of attention recently with Trump’s border wall proposal and aggressive stance against immigrants – documented and undocumented.

Given the attention that immigration has received lately, it is clear that this topic is extremely contentious when it comes to politics. One wrong move with respect to immigration, visas, and refugees, could tarnish a president’s time in office. However, Johnson’s push on immigration reform and signing this law into action actually bolstered his Great Society Legacy. Although this legislation is often absent in conversation or overshadowed by the Civil Rights Act of 1964, the Voting Rights Act of 1965, or the creation of Medicare and Medicaid in 1965, it deserves as much attention as these other hallmarks of the Great Society. In fact, all of these go in hand together to working towards righting wrongs that the U.S. committed against minorities and people of color. For it is largely due to this legislation that our nation has increased our standing as a world power – with the education, technology, drive, work ethic, and even manual labor that immigrants have been bringing over since the passage of this act, they have helped shape the American identity and expanded what it means to be “American.”

²⁰ Ibid.

Chapter 1

A Nation of Immigrants?

Introduction

In 1787, Tench Coxe, an American political economist and delegate to the Constitutional Convention, addressed the Society for Political Enquiries on the matter of immigration. “It is clear,” Coxe argued, “that the present situation of America renders it necessary to promote the influx of people; and it is equally clear, that we have a right to restrain that influx, whenever it is found likely to prove hurtful to us.”¹ Coxe was not the last to note the contradictory impulses at the core of American immigration policy. Indeed, the history of American immigration embodies this tension between a nation that promotes and encourages the “influx of people” and one that sees the same as “hurtful.” More important, the history of immigration law and politics, from the 18th through the 21st century, reflects the central tension at the heart of the American experiment. As historian Gary Gerstle has compellingly argued, the United States has at once been defined by a commitment to a “civic creed promising all Americans the same individuals rights irrespective of color, religion, or sex” and by “racial ideologies that define the United States and its mission in ethnoracial ways and have sought to prove American superiority through economic might and military conquest.”² One of the nation’s first immigration laws, enacted in 1795, embodied both elements. The law’s requirement that all citizens renounce hereditary titles and orders of nobility

¹ Aristide R Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006), 58.

² Gary Gerstle, “Theodore Roosevelt and the Divided Character of American Nationalism,” *The Journal of American History* 86, no. 3 (1999): 1280.

aimed to preserve the nascent democracy; its insistence that only the “freeborn and white” could become American citizens aimed to preserve its racial character.

Immigration law and politics have thus played a critical role in the construction of the American nation. Until the mid-twentieth century, only those who could claim European origins or ancestry were permitted to immigrate to the United States or to naturalize as citizens. The first chapter of this thesis will trace United States immigration and naturalization law as well as public opinion from the Early Republic through the Second World War, paying particular attention to the overlap between shoring up white supremacy at home and influence on attitudes towards newcomers. This history suggests that the 1965 law marked a profound breakthrough in American immigration history. It is with the passage of the 1965 law that the preference for admitting immigrants with shared blood and religious beliefs was replaced by a preference system prioritizing family reunification and professional skills. Similarly, it is no surprise that this change in attitudes towards immigration and immigrants’ origins coincided with a breakthrough in civil rights at home. Both immigration and civil rights achievements in the 1950s and 1960s symbolize a shifting definition of who gets to be an American citizen and what being an American really means.

Free Born and White: American Immigration Law in the 18th and early 19th Century

At the Republic’s founding, policy makers were not particularly concerned with matters of immigration, naturalization, and “alien minorities.” In fact, the attitude of welcoming more new people was fairly neutral. In 1788, a year after the ratification of the Constitution, the new nation took the first step toward establishing immigration law when a Congress passed a resolution to recommend to the states that “they ‘pass proper laws for preventing the

transportation of convicted malefactors from foreign countries into the United States.”³ Two years later, Congress took more direct action. The Naturalization Act of 1790 created a single “a national rule for naturalization.” Such a step, advocates argued, was necessary to “prevent particular states from receiving citizens and forcing them upon others who would not have received them.”⁴

The Naturalization Act of 1790 also limited naturalization to any free white person who had resided “within the limits and under the jurisdiction of the United States for the term of two years.”⁵ Five years later, Congress deemed this bar too low, and raised the residency requirement to a minimum of five years. The 1795 law also imposed a requirement on those wishing to immigrate to the United State to “have declared on oath of affirmation, before the supreme, superior, district, or circuit court ... three years, at least, before his admission, that it was bona fide, his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign” sovereignty.⁶ The Naturalization Act of 1795 further required that new citizens renounce all hereditary titles or orders of nobility. This requirement was added to address the Republicans’ concerns “about nobles who had fled France for the United States after the French Revolution.”⁷

The 1795 Act’s revisions helped shape immigration law and policy for the next two centuries. It established a waiting period for potential citizens, which is still in place today. And, with the three qualifying words of “free white persons,” it restricted naturalized U.S. citizenship to European immigrants. The 1790 Act did not define who was considered white at the time, for

³ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia: Published for Balch Institute for Ethnic Studies by University of Pennsylvania Press, 1981), 11.

⁴ *Ibid.*

⁵ United States Naturalization Law of March 26, 1790, Stat. 2, 1st Cong., (1790).

⁶ United States Naturalization Law of January 29, 1795, Stat. 2, 3rd Cong., (1795).

⁷ Susan Forbes Martin, *A Nation of Immigrants* (Cambridge: Cambridge University Press, 2011), 75.

it was largely based on appearances.⁸ In 1751, for example, Benjamin Franklin had argued that “white excludes not only the black and tawny but also Europeans of a ‘swarthy complexion’ such as Spaniards, Italians, Russians, Swedes, and most Germans.”⁹ However, legally, “white was actually understood to be ‘European’ rather than exclusively Anglo-Saxon,” so groups like Irish, Southern Europeans, and Jews could legally naturalize, even though they were not socially considered white at this time.¹⁰

This prohibition on non-white immigrants “lasted until the mid-twentieth century, making the 1790 Act one of the cornerstones of white supremacy in America.”¹¹ In addition to completely restricting immigration to whites, the act also indirectly privileged Protestant immigrants. While religion was “formally disestablished by the federal government and all of the states by the early nineteenth century, evangelical Protestantism succeeded in becoming the informally established religion of the United States.”¹² As a result, there was little religious diversity in the United States at the end of the eighteenth century, as in the Anglo-American mind, “Catholic religion and monarchical politics were thought of as the polar opposites of Protestantism and political liberty.”¹³ In fact, it would not be until the middle of the twentieth century that a majority of Protestant Americans would come to the conclusion that “there was no conflict between Catholicism and American identity.”^{14,15} While these religious tests existed in

⁸ David FitzGerald, David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* (Cambridge, Massachusetts: Harvard University Press, 2014), 88.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Michael Lind, *The Next American Nation: The New Nationalism and the Fourth American Revolution* (New York: Free Press, 1995), 30.

¹² Ibid.

¹³ Ibid., 34.

¹⁴ Ibid.

¹⁵ It is important to note that the 1790 Act contained no restrictions based on religion, so some historians argue that this naturalization was very liberal for the time. Maryland did, however, require that petitioners declare their belief in Christianity, but this was at a state, not national, level. So, while religion was not a factor formally considered in allowing immigrants in or approving citizenship, it was still a notable factor that carried some weight informally, as “all but a very few European immigrants in the Colonial Era” were Protestant. For more see Susan

practice, they were not written into the law. On the other hand, racial requirements, such as being “freeborn and white” were explicitly written into the law.

In these early years, historian Roger Daniels argues, American national identity was built firmly “upon an Anglo-American Protestant nationalism that was as much racial and religious as it was political.”¹⁶ In fact, the 1790 census indicated that “just over three-fifths of the white population was calculated to have been of English stock, and more than two-fifths of the rest came from the British Isles.”¹⁷ In other words, “continental European stock accounted for a little more than one white person in seven.”¹⁸ This pattern changed in the following decades, as more and more continental Europeans immigrated to the new United States. Nevertheless, the vast majority of immigrants to the US between the 1600s and 1790 came from England or the British Isles, and thus had very similar experiences, political beliefs, and religious beliefs.

In 1798, Congress tightened up immigration law even further. The Naturalization Act, the Alien Friends Act, the Alien Enemies Act, and the Sedition Act were all part of a larger package of bills known as the Alien and Sedition Acts and designed to protect the U.S. from the “contagion” of the French Revolution.¹⁹ The Naturalization Act lengthened the waiting period for citizenship by requiring an alien to declare “his intention to become a citizen of the United States, five years, at least before his admission” and increased the period of residence to fourteen years.²⁰ The Aliens Friends Act authorized “the president to deport aliens ‘dangerous to the peace and safety of the United States’ during peacetime,” and the Alien Enemies Act “allowed

Forbes Martin, *A Nation of Immigrants*, 73 and Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 69.

¹⁶ Michael Lind, *The Next American Nation: The New Nationalism and the Fourth American Revolution*, 46.

¹⁷ Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 1st ed. (New York, NY: HarperCollins, 1990), 66.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 115.

²⁰ The Naturalization Law of 1798, 5th Cong., Stat. 2, (1798).

the wartime arrest, imprisonment, and deportation of any alien subject to an enemy power.”²¹ Lastly, the Sedition Act “declared that any treasonable activity, including the publication of ‘any false, scandalous and malicious writing’ was a high misdemeanor, punishable by fine and imprisonment.”²² Law and eighteenth century nativist rhetoric reflected lawmakers’ fear of foreign influence, particularly among members of the Federalist Party. Federalists’ fear and “quarantine of ideas” through the Alien and Sedition legislation did not last for long, as the Jeffersonians (Republicans) rose to power in 1801 and rolled back the residency requirement to five years, along with the registration requirement.²³ But, the applicant’s oath alone remained insufficient to prove the residency requirement, so “the registration requirement of 1798 was continued as the principal way in which the applicants would prove they were eligible to be naturalized.”²⁴

Once in power, the Jeffersonians attempted to be more open with respect to welcoming new immigrants. The War of 1812 interrupted this period of liberalization. During the war, Congress had amended the Nationality Act to provide that “no British alien who had not declared the intention to become a citizen before the war could be naturalized.”²⁵ Xenophobic and nativist sentiments increased as conflict escalated around the globe. The French Revolution and the War of 1812 pushed the U.S. to be more skeptical of immigrants who might be bringing in radical ideas, Roman Catholicism, or plans to tear the country apart. These adjustments, however, were wartime adjustments for the most part, and the naturalization provisions that were put into place

²¹ Bill Ong Hing, *Defining America Through Immigration Policy* (Philadelphia: Temple University Press, 2004), 18.

²² *Ibid.*

²³ Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 115.

²⁴ Susan Forbes Martin, *A Nation of Immigrants*, 82.

²⁵ Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 115.

in 1804 remained largely intact. While wartime provisions brought small changes, the basic structure generally remained the same.

It is important to note that while most accounts date racial selection in immigration to occur much later with the Chinese Exclusion Act of 1882, explicit discrimination against nonwhite immigration began in 1803 under the Jeffersonians.²⁶ Southern states in the antebellum period prohibited black migration to their states and called for federal action barring more blacks coming from abroad.²⁷ So, the federal government took action and under the Immigration Act of 1803, the Passenger Vessels Act of 1803, “any negro, mulatto, or other person on colour, not being a native, a citizen, or a registered seaman” of the United States was banned from admission into certain states.²⁸ This federal law was prompted by white plantation owners who were afraid of blacks from Haiti, where slaves had revolted and established a black republic in 1791.²⁹

During the antebellum period, attitudes towards immigration changed again in response to an influx of immigration. The aftermath of the Napoleonic wars, the emergence of agrarian capitalism and the rise of industrialization in Britain and continental Europe pushed people off the land and across the Atlantic Ocean.³⁰ The ideals of revolutionary France – liberty, equality, and fraternity – spread throughout Europe and inspired those under oppressive rule to immigrate to America where these ideals were promised.³¹ This immigration, which started as a trickle, soon became self-sustaining as men would often encourage their relatives back home to venture to America. The journey also became much easier for immigrants. The industrial revolution

²⁶ David FitzGerald, David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* (Cambridge, Massachusetts: Harvard University Press, 2014), 89.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid., 86.

produced huge improvements in transportation. Canals and railroads allowed immigrants to move all over the country.³² Immigrants were also attracted to the relatively high wages in the U.S. and the strong purchasing power of the dollar, which went much further than most European currencies.³³ Lastly, the American frontiers and the availability of land offered opportunity for immigrants to expand and get out of the cramped European cities.

For most, immigration to the United States represented new opportunity. Legislation on the books for naturalization and immigration remained the basically the same after the 1804 revisions were made. However, the Passenger Act passed in 1819 and gave “the United States a degree of ‘remote control’ over immigration in order to attract suitable European immigrants of all nationalities by minimizing the dangers of the Atlantic crossing while simultaneously deterring the poor from immigrating.”³⁴ The most important provision of the Passenger Act was the requirement that there be a list of all of the passengers on board with each passenger’s name and other information.³⁵ The act promised to protect passengers leaving the U.S. for Europe, it restricted the number of passengers on ships in general, and it also “laid the foundation of the data which have since been collected with regard to immigration in the United States.”³⁶ Therefore, the 1819 Passenger Act was the first attempt to really regulate immigration of any kind, and at this point, there were few restrictions on the “free white men” allowed to come to the U.S.

Give Me Your Tired, Your Poor, 1820s-1890s

³² Ibid., 87.

³³ Ibid.

³⁴ Aristide R Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America*, 99.

³⁵ Ibid., 22.

³⁶ Ibid.

Immigration skyrocketed between 1820 and 1880. Between the end of the Revolutionary War and 1819, just 250,000 immigrants entered the U.S.³⁷ Then in 1820, 8,385 immigrants were admitted, and by 1840, annual immigration had increased ten-fold to 84,066.³⁸ Germany, the United Kingdom, and Ireland accounted for 70 percent of those entering between 1820 and 1840.³⁹ In the period from 1841 to 1860, immigration increased by 600 percent, as the total admitted in this period amounted to 4,211,465, 87.5 percent of which came from Ireland, Germany, and Great Britain.⁴⁰ Between 1861 and 1880, a total of 5,127,015 immigrants entered the United States.⁴¹ Between 1881 and 1890 another 5,246,613 were admitted.⁴² Immigration slowed somewhat in the 1890s when only 3,687,564 came in that decade.⁴³ While immigration was skyrocketing, so was the population of the United States in general. As time went on, more children were surviving past infancy and medical innovations made once fatal illness curable. As a result, as immigration increased, the actual percent of immigrants that comprised the total population during this time fell. See the figure below for a visual representation of the growing number of immigrants compared to the growing total of the American population.

³⁷ Bill Ong Hing, *Defining America Through Immigration Policy*, 25.

³⁸ *Ibid.*

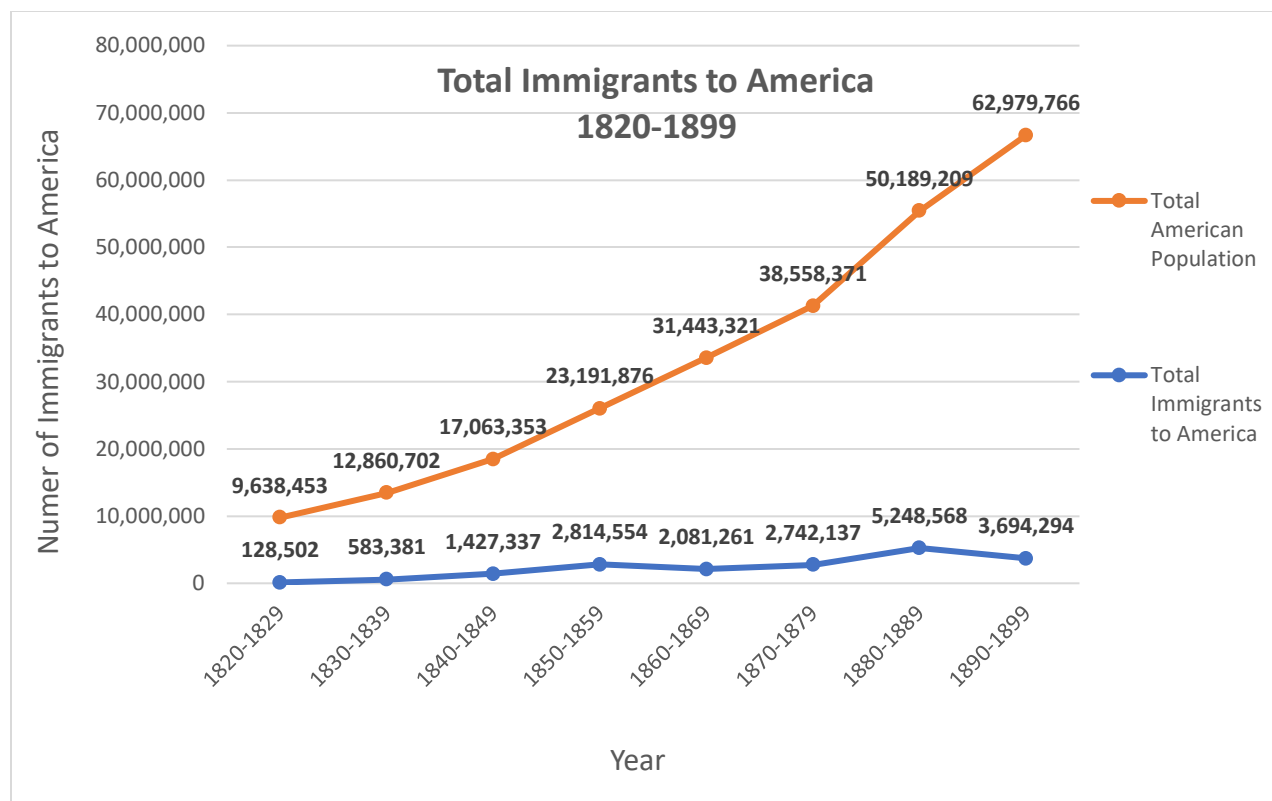
³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*, 26.



Sources: U.S. Department of Homeland Security and U.S. Census Data

By the middle of the 19th century, immigration to the United States had changed in both scale and in nature. Fewer immigrants were coming from Britain, while more were coming from Ireland, Germany, and Scandinavia.⁴⁴ Nevertheless, these newcomers, with the notable exception of the Catholic Irish, “were very much like the settlers of the colonies and were relatively easy to assimilate.”⁴⁵ The end of the 19th century witnessed another wave of immigration, as the “old immigrants” from Northern and Western Europe were joined by the “new immigrants” from Eastern and Southern Europe. Often significantly poorer than their predecessors, these newcomers were of different ethnicities, spoke different languages, and even “worshiped strange Gods.”⁴⁶ Furthermore, native-born Americans believed these immigrants made little effort to

⁴⁴ Susan Forbes Martin, *A Nation of Immigrants*, 84.

⁴⁵ Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 121.

⁴⁶ *Ibid.*

assimilate to American culture. Few attempted to learn English and most worked long, hard hours to send money back to their families in Europe, with plans to return to their home country eventually. The stark contrast between the two groups, the “old” immigrants and the “new” immigrants, incited a heightened nativist sentiment, specifically against the supposedly less desirable “new” immigrants. Although these immigrants were despised, they were also protected by the fact that they were “freeborn and white,” a protection that Chinese immigrants who were also coming at this time simply did not have.

Although they were deemed “white on arrival,” European immigrants too faced nativist backlash.⁴⁷ By the mid-1850s, one Congressman had proposed a twenty-one-year waiting period, while other restrictionists suggested that the nation’s gates be closed altogether.⁴⁸ Nativism also reflected anti-Catholic sentiment, which primarily targeted the Irish and ran rampant from the 1830s to the 1850s.⁴⁹ Others feared that new immigrants from Germany and Ireland were importing their Roman Catholic beliefs. Many associated Catholicism with France and Spain, traditional enemies of the British and their dependencies during the colonial period and suppressors of liberal revolutions in Europe and Latin America in the 19th century.”⁵⁰

The American, or “Know-Nothing,” Party, founded in the early 1850s, led the nativist and restrictionist charge with its pledge to “carry the nation into a war against the Pope and his minions.”⁵¹ A Select Committee of the House of Representatives also summarized the Know-Nothing Party’s view on how immigration was threatening long-held American values: “the

⁴⁷ See Thomas Guglielmo’s book “*White on Arrival: Italians, Race, Color, and Power in Chicago, 1890-1945*.”

⁴⁸ Maxine Seller, “Historical Perspectives on American Immigration Policy: Case Studies and Current Implications,” In *U.S. Immigration Policy*, edited by Richard R. Hofstetter, 144.

⁴⁹ Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 265.

⁵⁰ Maxine Seller, “Historical Perspectives on American Immigration Policy: Case Studies and Current Implications.” In *U.S. Immigration Policy*, edited by Richard R. Hofstetter. (Durham, N.C.: Duke University Press, 1984), 145.

⁵¹ *Ibid.* 147.

number of emigrants from foreign countries into the United States is increasing with such rapidity as to jeopardize the peace and tranquility of our citizens, if not the permanency of the civil, religious, and political institutions of the United States.”⁵² In fact, one Know-Nothing pamphlet took issue with the idea of annexing Mexico because it would mean ““five millions of Papists in our midst – four millions and a half being of foreign birth and four millions speaking a foreign language – all taught from infancy to hate and detest Protestantism as a crime...”⁵³ Anti-Catholic rhetoric and sentiment drove anti-immigration sentiment; however it was not strong enough to change the nation’s official immigration policy. So, the American Party died off and the effort to increase the naturalization period to twenty-one years failed.

During the 1860s, the Civil War ravaged the South and so there were more pressing concerns than pushing for restricting immigration law. As a result of the Civil War, there was an influx of many new American citizens – African American slaves that were freed with the ratification of the Fourteenth Amendment in 1868. The Fourteenth Amendment to the U.S. Constitution states that “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”⁵⁴ As a result, the new amendment “made African Americans, and indeed all those born on U.S. soil, citizens.”⁵⁵ Furthermore, the amendment overturned the Supreme Court’s 1857

⁵² Susan Forbes Martin, *A Nation of Immigrants*, 85.

⁵³ *Ibid.*

⁵⁴ U.S. Const. amend. XIV, § 2.

⁵⁵ Martha Jones, “How the 14th Amendment’s Promise of Birthright Citizenship Redefined America,” *Time*, July 9, 2018, <http://time.com/5324440/14th-amendment-meaning-150-anniversary/>.

decision in *Dred Scott v. Sanford* in which the Court found that no black person could be a citizen of the United States. The Fourteenth Amendment simply wrote into the constitution the provisions of the 1866 Civil Rights bill, which had provided that “all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States.” and thus, “birthright citizenship became law.”⁵⁶ In the decades after the Civil War, Southern “redeemers” fought a pitched battle to roll back black civil rights, restore white supremacy, and undo Reconstruction. By the end of the 19th century, they were largely successful.

But white Southerners were not alone in their anti-democratic pursuits. In 1877, an elite group of New York merchants and bankers proposed an amendment to the state constitution that “set out to limit universal male suffrage in municipal elections.”⁵⁷ The amendment sought to “consolidate significant areas of municipal government in a newly created Board of Finance,” and only property owners would elect the board, excluding about half of the city’s voters.⁵⁸ The Civil War and its aftermath tested the nation. The postbellum era was marked by economic turmoil and political upheaval. Industrial capitalism, urbanization, the mechanization of farming and westward expansion challenged American unity and identity. While some turned to the civic creed to bind together an increasingly large and diverse nation, others worried about the increasingly polyglot character of the American population and sought to exclude others that threatened their power.

⁵⁶ Ibid.

⁵⁷ Sven Beckert, “Democracy and Its Discontents: Contesting Suffrage Rights in Gilded Age New York,” *Past & Present*, no. 174 (2002): 116.

⁵⁸ Ibid.

Another anti-immigrant phase was the anti-Asian phase, which took off in the 1880s and was triggered by the Chinese immigration the West Coast.⁵⁹ Between 1850 and 1882, somewhere between 110,000 to 300,000 Chinese, mostly men, entered the U.S.⁶⁰ Seen as ideal cheap labor for American farmers and later recruited to help build the transcontinental railroad, Chinese laborers were often accused of undercutting the wages of “native-born” workers. Not surprisingly, organized labor was very unhappy with Chinese willingness to accept lower wages because it put American workers out of jobs and made it more difficult for them to achieve higher wages. Samuel Gompers, head of the American Federation of Labor (AFL), “outlined his rationale for limiting immigration, saying it subjected workers to ‘the ruinous competition of an unending stream of men freshly arriving from foreign lands who were accustomed to so low a grade of living that they can underbid the wage earners established in this country and still save money.’”⁶¹ Gompers’s arguments complemented widely-held racial resentments. Workers, of course, were not uniquely racist. Business owners had exploited racial resentments to drive down wages and improve their bottom line. When Chinese labor was no longer necessary, however, that group’s “willingness to accept low wages” – once a benefit – could be used against them as a sign that they were “unfit for citizenship.”⁶²

This anti-Asian sentiment also masqueraded as an attempt to protect American democracy. There was widespread belief that Asians were inferior based on the fact they were not white and did not have European heritage. So, some believed that allowing these Chinese into the nation would threaten the democracy and the health of the nation since they did not share

⁵⁹ Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 265.

⁶⁰ David FitzGerald, David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, 90.

⁶¹ Robert L. Fleegler, *Ellis Island Nation: Immigration Policy and American Identity in the Twentieth Century*, 1st ed. Haney Foundation Series (Philadelphia: University of Pennsylvania Press 2013), 6.

⁶² *Ibid.*

this common heritage. In fact, in 1897, Theodore Roosevelt praised the U.S.'s policy of selecting immigrants on racist grounds – he “believed that Chinese deserved exclusion because they were racially inferior and incapable of governing themselves in a democracy.”⁶³ Roosevelt also held the view that “Chinese were only one step up from the descendants of black slaves” and that “democracies needed racist policies to protect their citizens and democracy itself.”⁶⁴ This anti-Asian sentiment, unlike the anti-Catholic movement, resulted in an actual piece of legislation.

In 1875, a push for legislation to prohibit the importation of Chinese women for immoral purposes by Republican House Representative Leonard Myers from Pennsylvania gained steam on Capitol Hill.⁶⁵ The proposed bill, crafted by the Committee on Foreign Affairs, prohibited Chinese women from coming over to become prostitutes and also excluded other classes of Chinese immigrants.⁶⁶ The law successfully passed through the Senate and House and was signed by President Grant.⁶⁷ The Immigration Act of March 3, 1875, often called the Page Law, marked “the beginning of direct federal regulation of immigration.”⁶⁸ While it was only a limited beginning, it was the first time that some classes of aliens were defined as excludable.⁶⁹ From this beginning, “exclusion was to develop into a major instrument of immigration policy.”⁷⁰ Legal historian Edward Hutchinson poses this as the first discriminatory immigration act, while David Fitzgerald and David Cook-Martin awarded that title to the 1803 Immigration Act which prohibited the entrance of blacks, other than slaves, to the U.S. Clearly, there is debate

⁶³ David FitzGerald, David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, 1.

⁶⁴ *Ibid.*, 2.

⁶⁵ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 65.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 66.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

over when the U.S. started using federal force to discriminate against certain races; nevertheless, it occurred multiple times and against multiple different races.

The desire to exclude Asians persisted throughout the next few years. Countless bills were proposed that pushed for the complete ban of all Asians to the United States; in fact, both parties endorsed the same form of Chinese exclusion in their 1880 platforms. The platforms advocated either limiting or completely banning Chinese immigration, and in 1882, a bill to “suspend the immigration of Chinese laborers, including skilled laborers for twenty years” was introduced in Congress.⁷¹ The Senate passed the bill by a vote margin of 29 to 15, and the House passed the bill by the wide margin of 167 to 66; however, President Chester Arthur went on to veto the bill, and the Senate upheld the veto.⁷² Just two days after the veto, however, the House received a plethora of bills that were essentially replicas of the original but with slight changes to satisfy Arthur’s objections.⁷³ A bill was finally approved by the Senate, House, and President Arthur, and the only difference in the final bill was that the suspension period was ten years opposed to the original twenty years.⁷⁴

Congress amended the law two years later to require “each exempt Chinese applicant to present a Section 6 certificate issued by the government of which the Chinese person was a subject and endorsed by an American consul.”⁷⁵ Because many of the wives of the Chinese immigrants in the U.S. lacked such documentation and they were denied entry.⁷⁶ Further restrictive amendments were passed to compel “male Chinese immigrants to separate from their wives and children permanently unless they chose to give up their residence in the United

⁷¹ Ibid., 81.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid., 82.

⁷⁵ Xiaojian Zhao, *Remaking Chinese America: Immigration, Family, and Community, 1940-1965* (New Brunswick, N.J.: Rutgers University Press, 2002), 11.

⁷⁶ Ibid., 12.

States.”⁷⁷ There was a strong desire to curb Chinese immigration not only through legislation, but also by utilizing the legislation to sever families – hoping that the male immigrants would choose to return home to their families in China or that their lineage would just end with the separation of the family.

Tightening Control, 1890s-1945

Nativist and anti-immigrant sentiment increased markedly in the last few years of the nineteenth century in terms of broad changes in U.S. immigration law. Nativists triumphed with the passage of the Immigration Act of 1924. Passed in the aftermath of the First World War and reflecting both nativism and a broad anti-interventionist sentiment, the 1924 law established immigration quotas based on the 1890 census. Restrictionists also asserted that economic arguments about immigrant skill level were just a mask for the deeper racist discrimination, as “ethnic categorization could be used as a proxy for the qualities of a good worker.” Indeed, discrimination in immigration selection policy “shows a similar ethnic hierarchy across most cases, ranging from northwestern and Iberian Europeans at the top, down to Central and Eastern Europeans, Middle Easterners, Japanese, Roma, Chinese, and Africans at the bottom.”⁷⁸ Clearly, even in the twentieth century, U.S. immigration policy continued to favor “free white men.”

At the turn of the twentieth century, as fears about immigrants rose, the effort to crack down on immigration increased. In the first decades of the 20th century, the “broad and continuing problem, however, was that of devising an effective and enforceable system for the

⁷⁷ Ibid.

⁷⁸ David FitzGerald, David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, 42.

regulation of immigration.”⁷⁹ Theodore Roosevelt expressed this concern in his annual message of December 3, 1901 when he called for “a comprehensive law” to make a “threefold improvement over our present system.” Roosevelt continued, “First, we should aim to exclude absolutely not only all persons who are known to be believers in anarchistic principles or members of anarchistic societies, but also persons all persons who are of a low moral tendency or of unsavory reputation. This means that we should require a more thorough system of inspection abroad and a more rigid system of examination at our immigration ports.”⁸⁰ The second object of a proper immigration law was “to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.”⁸¹ And lastly, Roosevelt believed that “all persons should be excluded who are below a certain standard of economic fitness to enter our industrial field as competitors with American labor” and that “there should be proper proof of personal capacity to earn an American living and enough money to insure a decent start under American conditions.”⁸²

During Roosevelt’s tenure in office, Congress amended many immigration and naturalization laws in attempt both to establish a more comprehensive immigration system and to deter immigrants from coming to the U.S. For example, Congress increased head tax on aliens and made “several additions to the excludable classes” of immigrants.⁸³ Additionally, Congressman Oscar Underwood from Alabama attempted to institute a literacy test, which he believed “would be a good measure of the quality of an immigrant” and would “help maintain

⁷⁹ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 155.

⁸⁰ *Ibid.*, 127.

⁸¹ *Ibid.*, 128.

⁸² *Ibid.*

⁸³ *Ibid.*, 133.

the same racial composition of the population.”⁸⁴ The overlap between Jim Crow rhetoric and anti-immigrant rhetoric is plain to see. In fact, “Congress passed legislation that would have established a literacy test” for immigration a number of times; however, presidents Cleveland, Taft, and Wilson, despite their personal beliefs, all vetoed the legislation.⁸⁵ Clearly, the pressure to exclude anyone and everyone who was not a “free white persons” mounted, and unfortunately these racist and ethnocentric sentiments were growing stronger and were met with little or no opposition, as this “was a time when beliefs about race and ethnic superiority of inferiority were common.”⁸⁶ On the other hand, Roosevelt, personally did not share these ideas, as he was fairly progressive and embraced Catholic and Jewish Europeans, which was “not popular among many native-born Protestant Americans of his time.”⁸⁷ However, Roosevelt was the exception rather than the rule.

Anti-immigrant politics overlapped with anti-radical politics. Labor politics in the late 19th century, including the Haymarket Riot in 1886 and general labor unrest in the 1880s and 1890s, reinforced the association between certain immigrant groups and radical politics.⁸⁸ World War One and its aftermath reinforced these associations. During the war, Americans stigmatized and targeted ethnic Germans. Public policy encouraged ordinary citizens to spy on their neighbors and turn them in for conspiring against the country. During the war in America, German immigrants were targeted with violence. One woman reported that people “smashed out store windows at Uniontown that said Kraut (a German food) on it” and families who had

⁸⁴ Ibid., 141.

⁸⁵ Robert L. Fleegler, *Ellis Island Nation: Immigration Policy and American Identity in the Twentieth Century*, 7.

⁸⁶ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 157.

⁸⁷ Gary Gerstle, “Theodore Roosevelt and the Divided Character of American Nationalism,” 1297.

⁸⁸ Maxine Seller, “Historical Perspectives on American Immigration Policy: Case Studies and Current Implications,” In *U.S. Immigration Policy*, edited by Richard R. Hofstetter, 151.

German last names felt pressure to change their name in the hysteria.⁸⁹ Another German American, John Deml, reported that a nativist mob visited him and demanded he sign up to take on more war bonds, and when he said he could not, they threatened to hang him.⁹⁰ After the war, however, hostility quickly turned toward political radicals, especially Southern and Eastern European groups thought to be particularly susceptible to radical thought. In 1917, Congress finally imposed a literacy test on immigrants with enough votes to override President Wilson's veto. The success of this effort reflected "heightened nationalism and fear of aliens generated by the war."⁹¹ The First Red Scare, incited by the Bolshevik Revolution of 1917 in Russia, provoked a frenzy of anti-communist sentiment in the U.S. During the First Red Scare, thousands of aliens, most of whom were Jewish, Italian, or Slavic, "were arrested and deported as anarchist or Bolshevik revolutionaries, often on the flimsiest of evidence."⁹² But while anti-immigrant sentiments continued to escalate, few changes to the law occurred. The head tax did increase slightly during this period, and the grounds for exclusion were expanded to include those with "constitutional psychopathic inferiority," "chronic alcoholism," and "vagrancy."⁹³ Again, alcoholism and vagrancy were falsely associated with the new immigrants, so this was an indirect way of discriminating against them. But as a whole, little changed on the books.

The next big change occurred in 1921, when Congress first put restrictive quotas in place. The Emergency Quota Act limited admission to "3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States

⁸⁹ Lola Gamble Clyde, quoted in "'Nobody Would Eat Kraut': Lola Gamble Clyde on Anti-German Sentiment in Idaho During World War I," March 31, 2019, American Social History Productions, Inc., <http://historymatters.gmu.edu/d/2>.

⁹⁰ John Deml, quoted in "'Get the Rope!' Anti-German Violence in World War I-Era Wisconsin," Accessed March 22, 2019, American Social History Productions, Inc., <http://historymatters.gmu.edu/d/1>.

⁹¹ *Ibid.*, 154.

⁹² *Ibid.*, 151.

⁹³ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 166.

census of 1910.”⁹⁴ Interestingly, this allowed large numbers of Germans to immigrate, despite their being the U.S.’s enemy just a few years earlier. The clear goal here was to reinforce patterns of immigration from Northern and Western Europe. The 1921 law proved insufficiently restrictive for many immigration hawks, and there was another push in 1924 to further restrict immigration. Using very similar language to the 1921 Act, the new Immigration Act of 1924 reduced the cap to “2 per centum of the number of foreign born individuals of such nationality resident in continental United States as determined by the United States census of 1890.”⁹⁵ The law successfully reduced immigration in general, particularly from Southern and Eastern Europe. As a result, immigration declined from 350,000, the cap in 1921, to just 164,667 in 1924.⁹⁶ The motives behind the act of 1924 were “postwar isolationism, the doctrine of the alleged superiority of Anglo-Saxon and Teutonic ‘races,’ the fear that ‘pauper labor’ would lower wage levels, the belief that people of certain nations were less law-abiding than others, the fear of foreign ideologies and subversion, and the fear that entrance of too many people with different customs and habits would undermine our national unity and order.”⁹⁷ In a speech to Congress in support of the national origins quota system, Senator Ellison DuRant Smith from South Carolina expressed his belief that the United States had a sufficient population in the country “to shut the door and breed a pure, unadulterated American citizenship.”⁹⁸ He claimed that he “would rather see American citizenship refined to the last degree in all that makes America what we hope it will be than to develop the resources of America at the expense of the citizenship of our country.

⁹⁴ Emergency Immigration Act of 1921, P.L. 5, 67th Cong., (1921).

⁹⁵ Immigration Act of 1924, P.L. 139, 68th Cong., (1924).

⁹⁶ James G. Gimpel, *The Congressional Politics of Immigration Reform* (Boston: Allyn and Bacon, 1999), 94.

⁹⁷ John F. (John Fitzgerald) Kennedy, *A Nation of Immigrants*, Rev. and enl. ed. Introd. by Robert F. Kennedy (New York: Harper and Row, 1964), 44.

⁹⁸ Ellison DuRant, quoted in “‘Shut the Door’: A Senator Speaks for Immigration Restriction,” Accessed March 22, 2019, American Social History Productions, Inc., <http://historymatters.gmu.edu/d/5080>.

The time has come when we should shut the door and keep what we have for what we hope our own people to be.”⁹⁹ While DuRant was known to be particularly racist, almost all senators supported restriction, and the Immigration Act of 1924 passed with only six dissenting votes.

During the Great Depression, little was done with respect to immigration legislation, as the country was concerned with far more pressing issues such as the economy and unemployment. However, anti-immigrant sentiments continued to course through the nation as unemployed white Americans blamed immigrants for their joblessness. However, during and after the Second World War, public opinion towards immigration shifted. National immigration policy likewise shifted in small but significant ways. Contributionism, which “emphasized that the cultural and economic assets of immigrants enriched America by celebrating the unique benefits of immigrants’ native cultures to American life,” gained popularity between 1924 and 1965.¹⁰⁰ Despite these cultural accommodations, between 1924 and 1965, only a narrow stream of immigrants came to the U.S. So, while the public opinion of immigrants was shifting, there was little change in the legislation. As the Second World War drew the U.S. out of its isolationist stance that it found itself in after the First World War and put the nation on the stage as a major world player, the country had to interact with allies and other nations it was supposed to view as equal.

The laws that excluded Chinese from immigrating to the U.S., which had been on the books since 1882, were repealed in 1943, “as a foreign policy measure designed to warm relations with a war ally;” however, the annual quota for China was set at only 105 visas.¹⁰¹ After the Second World War, “the prevailing narrative of America’s growing acceptance of

⁹⁹ Ibid.

¹⁰⁰ Robert L. Fleegler, *Ellis Island Nation: Immigration Policy and American Identity in the Twentieth Century*, 12.

¹⁰¹ James G. Gimpel, *The Congressional Politics of Immigration Reform*, 95.

Southern and Eastern European immigrants typically emphasizes the replacement of the nativism of the 1920s by cultural universalism.”¹⁰² There was clearly a shift from isolationism to contributionism during the war, especially in the wake of the Holocaust. Americans were quite disgusted with German anti-Semitism and Hitler’s racial genocide of Jewish people. The Holocaust was a global human rights issue, and while the U.S. and President Franklin Delano Roosevelt were fairly slow to address the refugee issue at first, there was undoubtedly a consensus that the United States had some sort of moral responsibility to help out these immigrants.

Conclusion

From the early Republic through the Second World War, American immigration policy reflected public sentiment at the given time. Overall, the attitude and policy toward immigration was racist and restrictive. “Free white men” were welcome; people of other colors and religions were either indirectly discriminated against, or directly barred from coming to America. Only by the mid-twentieth century was there a mismatch between public sentiment and immigration law. By the end of the Second World War, the United States had become a global leader in economic and military might, and as a result, the nation was responsible for holding others accountable for human rights violations, such as condemning Hitler for the Holocaust. In this context, the rigid quota system from 1924 was not appropriate at all – it was extremely outdated and hypocritical. As a result, there was a huge push to overhaul the immigration legislation on the books. The eminent change that came with the passage of the 1952 McCarran-Walter Act in the wake of the

¹⁰² Robert L. Fleegler, *Ellis Island Nation: Immigration Policy and American Identity in the Twentieth Century*, 13.

Second World War, as a result, helped pave the way for more drastic and necessary reform in the 1960s by President Lyndon B. Johnson.

Chapter 2

Postwar Politics: A Stepping Stone to Mending Race Relations at Home and Abroad

Introduction

In 1944, Gunnar Myrdal, a Swedish economist and sociologist, noted “Americans of all national origins, classes, regions, creeds, and colors, have something in common: a social *ethos*, a political creed.”^{1,2} According to Myrdal, this “American Creed” included “the implicit background of the nation’s political and judicial functions,” but compromised as well the “ideals of essential dignity of the individual human being, of the fundamental equality of all men, and of certain inalienable rights to freedom, justice, and a fair opportunity to represent the American people.”³ Because these tenets were written into many of the nation’s founding documents, Myrdal concluded they have become “the highest law of the land,” “identified with America’s peculiar brand of nationalism.”⁴ This American Creed can be found in Woodrow Wilson’s Fourteen Points, Franklin Delano Roosevelt’s Four Freedoms, and even the nineteenth century Monroe Doctrine, which “applauded heartily every uprising of the people in any corner of the world,” as a tradition from America’s own revolution.⁵ However, the Immigration Act of 1924, sat uneasily with this American Creed. And while Myrdal argued this in 1944, it would actually be another twenty years until the United States took steps to eliminate the “racial” aspect of its nationalism from its immigration laws.

¹ Although Gunnar Myrdal looked at racial relations in the U.S. as a whole in the 1940s, his particular focus of study was the unequal rights for African Americans.

² Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy*, (New Brunswick, NJ: Transaction Publishers, 1996), 3.

³ *Ibid.*, 3-4.

⁴ *Ibid.*, 4-5.

⁵ *Ibid.*, 5.

While World War Two and the resulting Cold War allowed the United States to position itself as a protector and savior to other nations, it really was not until the passage of the 1965 Immigration Act that the “American Creed” finally prevailed over the “racial ideologies that define[d] the United States and its mission in ethnoracial ways.”⁶ As the previous chapter demonstrated, from the early Republic through the Second World War, discrimination against people based on their race was all too common. However, the Cold War put external pressure on the U.S. to change its immigration policy and even challenged the domestic color line. Bipartisan support for legislation to change the U.S. immigration system grew in the 1950s, and the McCarran Walter Act of 1952, which was an important stepping stone leading up to the 1965 law, made some progress in removing racial barriers to immigration law within the broader framework of the national origins quota system.

Underlying Factors Promoting Immigration Reform: The Cold War and Loosening Race Relations

Between 1945 and 1953, both race and American diplomacy were “contested” and “influx.”⁷ U.S. racial politics complicated Cold War diplomatic aims. The federal government had to make the pressing decision of whether it would continue its racist traditions of excluding blacks and immigrants from the American narrative, in spite of its new position of power and influence, or if the nation would truly fight for democracy, as it had in the Second World War, and now target communism as the enemy – not blacks, immigrants, or refugees. So, it was only

⁶ Gary Gerstle, “Theodore Roosevelt and the Divided Character of American Nationalism,” *The Journal of American History* 86, no. 3 (1999): 1280.

⁷ Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena*, (Cambridge, Mass: Harvard University Press, 2001), 61.

through loosening racial boundaries, which had been written in to American law since 1790 when “freeborn and white” was requirement for naturalization, that the U.S. could improve diplomacy and its image abroad, and there really only seemed like one route for the U.S. to take if it wanted to maintain its postwar power and control.

In the years after World War Two, both the Soviet Union (USSR) and the United States focused on convincing both war-torn European countries and the “emerging nations of Asia and Africa, whose ideological tendencies had yet to harden,” to adopt their respective political ideologies.⁸ The U.S. promoted democracy and capitalism abroad, while the USSR promoted communism. The U.S. realized that “competing with the Soviet Union in the postwar world meant, by definition, maximizing the amount that other peoples saw of American life.”⁹ As such, policymakers sought to improve the nation’s international image. Headlines describing lynchings, race riots, and day-to-day discrimination against African Americans, however, made this image more difficult to sell, much to the delight of Soviet propaganda. Most Americans realized that the nation’s proclaimed beliefs were at odds with its behavior. In 1950, Senator Henry Cabot Lodge (R-MA) referred to race relations as the U.S.’s Achilles’ heel.¹⁰ It was clear that something needed to change if the U.S. was going to maintain its postwar reputation and control.

By the same token, however, the war against communism, the Cold War, prompted some major changes in the “the civic and racial traditions on which the nation’s vigor had long depended,” and “racial nationalism lost some of its virulence in these years.”¹¹ Immigrants and

⁸ Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century*, (Princeton, New Jersey: Princeton University Press, 2014), 249.

⁹ Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena*, 74.

¹⁰ *Ibid.*, 75.

¹¹ Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century*, 240.

nonwhite minorities were no longer the nation's enemies, but the communist ideology became the new most powerful enemy. This shift is apparent in the differences between the two Red Scares. While the first Red Scare, in the 1910s and 1920s, apparently targeted communists, most of the victims were actually unwanted immigrant or racial groups.¹² The second Red Scare was genuinely a hunt for communists or communist sympathizers, regardless of race. Indeed, many of its most prominent victims were members of the W.A.S.P. elite. Alger Hiss, for example, was a government official in the 1940s, a graduate of Johns Hopkins University and Harvard Law School and, more importantly, of "Anglo-Saxon" background, who was charged for communist involvement and even sent to jail over it.¹³ This shift suggests the declining salience of race and ethnicity in the U.S.'s conceptions of the communist threat.

This more accepting racial climate was also characterized by both a decrease in anti-Semitism and great strides made by the black freedom movements. In 1940, "more than 60 percent of Americans believed that Jews had objectionable traits," but by 1962, only 22 percent held that belief.¹⁴ Furthermore, black radicals and other activists found that the 1950s were a much more favorable climate for civil rights reform. In fact, the U.S. Supreme Court's 1954 *Brown v. Board of Education* decision reflected "an incipient shift in ... how the nation would draw its boundaries and define who or who could not belong to the American nation."¹⁵ The nation was clearly on its way to repairing race relations – or at least seeming to repair them.

¹² Ibid., 246.

¹³ Ibid., 252.

¹⁴ Ibid., 251.

¹⁵ Ibid., 247.

The McCarran-Walter Act (1952)

During World War Two and in the immediate postwar years, pressure to roll back strict immigration laws as a way to conduct good foreign policy mounted. Just as Congress had repealed the ban on Chinese immigration in 1943 to allow 105 Chinese immigrants annually, “in 1946 Congress extended to privilege of naturalization to Filipinos and ‘persons of races indigenous to India’” and Harry Truman set the Filipino quota at 100.¹⁶ This number was again nominal, but it was a step towards correcting the explicit racism codified in the 1921 Emergency Quota Act and the Immigration Act of 1924. Furthermore, after the war, the U.S. felt pressure to help house displaced persons from Europe affected by the war. One of the results was the Displaced Persons (DP) Act of 1948 which, ironically “‘maintained’ the quota system by changing most entries to some specific quota but allowing quota mortgaging” instead of allotting a block of 400,000 which was originally proposed.¹⁷ As a result, some countries’ quotas had been mortgaged for many years, up until the year 2274 in the case of the Latvian quota, for example.¹⁸ This meant that the U.S. had the flexibility to allow more displaced people in; however, the refugees allowed in then detracted from future years’ immigration quotas. Those passionate about refugee admissions continued to fight to amend the Displaced Persons Act amended to continue on for an additional two years with a new final cap of 415,000 refugees (although this number was never reached).¹⁹ While this law conformed to the quota system it also signaled a “a new, if limited, sense of responsibility for refugees on the part of the American government, and, presumably, the American people.”²⁰

¹⁶ Roger Daniels, “Changes in Immigration Law and Nativism since 1924,” *American Jewish History* 76, no. 2 (1986): 167.

¹⁷ *Ibid.*, 169.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*, 170.

A staunch immigration reform advocate, President Harry S. Truman pushed for new legislation on the tails of the expiring DP Act in 1952. The resulting McCarran-Walter Act, “was the product of the most extensive Congressional study of the nation’s history” to that point.²¹ The committee that proposed the bill “decided to make a clean sweep of this immigration-law patchwork and to propose an omnibus bill which would embody all the immigration and naturalization laws in one package,” and as a result, a complex bill of over three hundred pages was proposed and it was revised six times before enactment.²²

Democratic Senator Pat McCarran of Nevada was chairman of the committee and was also a big proponent for change in immigration. McCarran was largely driven to reform immigration policies as a way to exclude subversives and communists from coming to the U.S. in the midst of the Cold War.²³ On the other hand, McCarran also sponsored legislation that “waived racial restrictions on the admission of alien spouses and minor children of citizen veterans” in August of 1950.²⁴ McCarran was not alone in pushing to reform the quota system. Indeed, during the 82nd Congress there were five bills of identical title introduced promising to “revise the laws relating to immigration, naturalization, and nationality.”²⁵ Even more significant than these bills was their sponsorship, for they were introduced by “Pat McCarran of Nevada, chairman of the Senate committee, Emanuel Celler of New York, chairman of the House Judiciary Committee, which has the subcommittee on Immigration and Nationality, and Francis Walter of Pennsylvania, chairman of the latter subcommittee.”²⁶

²¹ Marion T. Bennett, “The Immigration and Nationality (McCarran-Walter) Act of 1952, as Amended to 1965.” *The Annals of the American Academy of Political and Social Science* 367 (1966): 127.

²² *Ibid.*, 128.

²³ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, (Philadelphia: Published for Balch Institute for Ethnic Studies by University of Pennsylvania Press: 1981), 293.

²⁴ *Ibid.*, 297.

²⁵ *Ibid.*, 302.

²⁶ *Ibid.*

McCarran proposed his own legislation in the Senate with the goal to “repeal all immigration and naturalization law and to enact a revised code.”²⁷ The salient features of McCarran’s proposal were “a new preference system for selection within the quotas, an end to race and sex discrimination in immigration law, more rigorous screening of security risks, strengthened exclusion and deportation procedures, and greater safeguards in naturalization and denaturalization procedures against subversives and other undesirables.”²⁸ A dissenting minority of liberals in Congress vehemently opposed the bill on the grounds that “the bill injected new racial discriminations, introduced new and vague requirements for admission, and by stringent screening would impede the coming of refugees from totalitarian regimes.”²⁹ President Truman held views most similar to these liberal dissenters who wanted immigration policy to be more inclusive. As a result, the dissenting, liberal congressmen introduced a substitute bill which was basically a replica “of the McCarran bill except for revisions of several key sections to remove the racial basis for certain Asian quotas, to provide for pooling of unused quota numbers, to change the base year for the computation of quotas from 1920 to 1950, to add new nonquota classes, to moderate the exclusion and deportation provisions, and otherwise to liberalize various provisions of the immigration and naturalization laws.”³⁰ McCarran reacted angrily to the substitute bill and accused his opponents of trying to bring down the U.S.’s whole immigration system.³¹

While McCarran and his opponents were quarrelling, Representative Francis E. Walter from Pennsylvania worked on a counterpart to McCarran’s bill in the House. The principal

²⁷ Ibid., 303.

²⁸ Ibid.

²⁹ Ibid., 304.

³⁰ Ibid.

³¹ Ibid.

features of this bill were “an elimination of racial barriers to immigration and naturalization, elimination of sex discrimination in immigration law, and broader grounds for exclusion and deportation of criminal aliens.”³² Liberal representatives proposed certain amendment but were opposed by Walter, and these changes were defeated. Eventually the House bill made it to the Senate where McCarran, on request, set forth the points of difference between his bill and the one that Walter proposed.³³ These differences were:

- “1. some differences in grounds for deportation, although both bills strengthen the provision considering deportation;
2. somewhat less strict provisions concerning the suspension of deportation in the House bill;
3. provision in the House bill but not in the Senate bill for a joint congressional committee for continuing study of the administration of the act.”³⁴

The Senate amended the House bill to “strike out all after the enacting clause and to insert the Senate bill as amended.”³⁵ The final bill, negotiated in conference, reconciled the very minor differences and was sent to President Truman on June 16, 1952.

The bill also set up 31 classes of excludable aliens, and “these restrictions applied, generally, to those with mental, physical, and moral defects, membership or affiliation with subversive organizations or advocacy of subversive doctrines, economic disqualification, and illiteracy.”³⁶ The committee admitted that “prior quota ceilings had served to limit immigration and thus maintain the racial status quo” and they justified maintaining that system as the most rational and logical method of numerically restricting immigration in such a manner as to best preserve the sociological and cultural balance in the population of the United States.”³⁷ The

³² Ibid., 305.

³³ Ibid., 306.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century*, 132.

³⁷ Ibid., 129.

national origins system, the committee concluded, did favor the peoples of Northern and Western Europe but did so because these were the people who made “the greatest contribution to the development of this country.”³⁸ This admission at once confirmed the committee’s racism and acknowledged that racism had dictated past immigration policy. However, most disappointing to liberals who had been hoping for more inclusive policy was the fact that, at the core, the bill still maintained the quota system, and for that reason, Truman vetoed it, but unfortunately, the bill passed over Truman’s veto.³⁹ In a message to the House of Representatives, Truman voiced his dissatisfaction with the bill:

A general revision and modernization of these laws unquestionably is needed and long overdue, particularly with respect to immigration. But this bill would not provide us with an immigration policy adequate for the present world situation. Indeed, the bill, taking all its provisions together, would be a step backward and not a step forward. In view of the crying need for reform in the field of immigration, I deeply regret that I am unable to approve H.R. 5678.⁴⁰

Much to Truman’s dismay, the new bill maintained quotas and essentially kept in place the national origins system.⁴¹ The revised quota formula, however, did allow each country a quota of one-sixth of one percent of the number of inhabitants of the United States who traced their ancestry to that country in 1920.⁴² Furthermore, the Senate Committee was quite frank in stating that “the preferential treatment of prospective immigrants within the quotas for each quota area and availability of quota numbers should be considered primarily from the standpoint of the best interests of the United States” and these “new preference classes were suggested based on education, training, experience, and ability prospectively beneficial to [the] national

³⁸ *Ibid.*, 130.

³⁹ *Ibid.*, 127.

⁴⁰ Harry S. Truman, “Veto of Bill to Revise the Laws Relating to Immigration, Naturalization, and Nationality.” 1952. In *Public Papers of the Presidents of the United States*. U.S. Government Printing Office, (Washington, D.C.: U.S. Gov. 1966), 441.

⁴¹ Roger Daniels, “Changes in Immigration Law and Nativism since 1924,” 170.

⁴² Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, (New York: Cambridge University Press, 2015), 17.

interests, and on blood relationship.”⁴³ The phrase “from the standpoint of the best interests of the United States” reflects the growing Cold War era fears about foreigners’ intentions to destroy American democracy. Insofar as it aimed to exclude political classes, the 1952 law seemed to be “more direct and reminiscent of the Alien and Sedition Laws of early America: individuals who held certain political viewpoints were not welcome; those viewpoints were deemed un-American.”⁴⁴ The bill targeted not only communism but also “other traditions that could be construed as imperiling [the] nation.”⁴⁵

Despite the very real limitations and drawbacks, the bill did completely expand the immigration system and make some positive steps. For the first time in the nation’s history, the phrase “freeborn and white” was not part of immigration or naturalization requirements, which was a huge step that “helped lay the demographic basis for the multiculturalism that emerged in the United States at the end of the twentieth century.”⁴⁶ Additionally, Truman did actually approve of some elements of the bill such as the “removal of all racist bars to immigration and naturalization and provisions for family unification which allowed female citizens to bring their alien husbands to this country as nonquota immigrants and give quota preference to alien husbands of resident alien wives.”⁴⁷

Other salient features of the act were that a “provision was made for safeguarding due process and for fair administrative practice and procedures,” “procedures were revised for gaining and losing citizenship,” and “all races were made eligible for immigration and

⁴³ Marion T. Bennett, “The Immigration and Nationality (McCarran-Walter) Act of 1952, as Amended to 1965,” 129.

⁴⁴ Bill Ong Hing, *Defining America Through Immigration Policy*, (Philadelphia: Temple University Press, 2004), 73.

⁴⁵ Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century*, 239.

⁴⁶ Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882*, 1st ed., (New York: Hill and Wang, 2004), 113.

⁴⁷ Roger Daniels, “Changes in Immigration Law and Nativism since 1924,” 170.

naturalization.”⁴⁸ Furthermore, “the refined mathematical formula for selecting immigrants under the national-origins quota system” allowed for people from the twenty or so countries, which contained about half of the world’s population, in the so-called Asia-Pacific Triangle to immigrate to the U.S. for the first time.⁴⁹ This Asia-Pacific Triangle provision allowed no more than 2,000 immigrants from Asia annually. Nevertheless, this can be seen as a major breakthrough, given that the “repeal” of the Chinese Exclusion Act in 1943 had only opened up 100 spots.⁵⁰ The creation of a preference system was also a step in the right direction, as it allowed people to stand out and not just be a number filling a quota. The first preference of 50 percent of each quota was “set aside for the skilled workers whose services and education would be useful to our nation.”⁵¹ The second preference of 30 percent of each quota “was given to parents of adult American citizens” and a third preference of 20 percent of each quota was reserved for “spouses and children of permanent resident aliens.”⁵² Any portion of the quotas not used up by these three preferences of immigrants could then be made available to other immigrants, and up to 25 percent “of these visas were reserved for fourth-preference immigrants – brothers, sisters, and adult sons and daughters or United States citizens.”⁵³

Limitations of the McCarran-Walter Act (1952)

While the 1952 Act was the most liberal immigration act to date, it still did not satisfy progressive reformers. President Harry Truman responded to the limitations of the McCarran-

⁴⁸ Ibid., 130.

⁴⁹ Marion T. Bennett, “The Immigration and Nationality (McCarran-Walter) Act of 1952, as Amended to 1965,” 131.

⁵⁰ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, 19.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

Walter Act by establishing a Commission on Immigration and Naturalization on September 4, 1952 through an executive order.⁵⁴ He required the commission to make a final report on the immigration and naturalization policies of the United States by January 1, 1953.⁵⁵ The report concluded that the McCarran Walter Act did “not adequately solve immigration and naturalization problems, and that the codification it contain[ed] fail[ed] to embody principles worthy of this country.”⁵⁶ The report further claimed that immigration and nationality law in the United States has two functions: to “regulate the admission and naturalization of aliens in the best interests of the United States,” and to “reflect the traditions and fundamental ideals of the American people in determining ‘whom we shall welcome to a participation of all our rights and privileges.’”⁵⁷ The introduction, and the rest of the report in fact, set a rather inclusive tone:

The commission believes that it is contrary to the American spirit to view every alien with suspicion and hostility. The commission is convinced that the American people will not knowingly tolerate immigration laws that reflect distrust, discrimination, and dangerous isolationism. The commission believes that the American people are entitled to a positive, not a negative immigration policy, and that they desire a law geared to the forward-looking objectives of a great world power.⁵⁸

The commission’s recommendations likewise were very simple and logical. The report recommended that the McCarran-Walter Act should be completely rewritten to abolish the national origins quota system in favor of an “over-all maximum of annual quota immigration to this country.”⁵⁹ The report further concluded that “the determination of the total number of quota immigrants permitted should reflect the needs and capacity for the absorption of the United States,” and that that number is approximately 250,000, and lastly that it “should be designed to

⁵⁴ The President’s Commission on Immigration and Naturalization, *Whom We Shall Welcome*, (Washington D.C.: U.S. Gov. 1953), xi.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, xii.

⁵⁸ *Ibid.*, xiv.

⁵⁹ *Ibid.*, 13.

meet emergency situations of great hardship abroad, such as continued distress and suffering among refugees, expellees, escapees, displaced persons and other victims of communism and other forms of totalitarianism, overpopulation, and the special and general needs of the United States.”⁶⁰

Push for Further Reform in the 1950s and Early 1960s

Truman’s support of the commission’s report as well as his comments after vetoing the bill were not the only time the president voiced his concern about the immigration system, nor was he the only president that felt passionate about correcting the system. In fact, in the postwar years, as the Cold War intensified, the call for immigration reform took on a new tone – one of sympathy for those inflicted by communism and oppressive regimes. In a speech in Buffalo, New York on October 9, 1952, just days before the presidential election, President Truman promoted Democratic candidate Adlai Stevenson. Just months after the passing of the McCarran-Walter Act, Truman acknowledged that the American people felt quite distressed “by the terrible ordeal of the people of Poland and Hungary and other countries of Eastern Europe behind the Iron Curtain” and insisted that “we want to help these people and we have been helping them... through our government and through the efforts of individuals and private organizations.”⁶¹ Truman emphasized the humanitarian aspect of the immigration reform by advocating a foreign policy “designed to strengthen these countries where they are still free, and to work toward the day of freedom for those that are enslaved.”⁶² It would be too much, Truman concluded, to ask the “unarmed people of the Iron Curtain countries to rise up against their aggressors,” but there

⁶⁰ Ibid.

⁶¹ Harry S. Truman, “Address at Memorial Hall in Buffalo,” 1952. in *Public Papers of the Presidents of the United States*. U.S. Government Printing Office, (Washington, D.C.: U.S. Gov. 1966), 772.

⁶² Ibid.

was one thing that Americans could do, and “that [was] to find new homes and new opportunities, particularly in our own country, for some of the people of those lands.”⁶³

Truman’s Republican successor, Dwight D. Eisenhower, also endorsed immigration reform, demonstrating that support was bipartisan. Eisenhower stated that “existing legislation contains injustices. It does, in fact, discriminate,” and that as a result, he requested that Congress “review this legislation” and “enact a statute that will at one and the same time guard our national interests and be faithful to our basic ideas of freedom and fairness to all.”⁶⁴ The new president tugged at heart strings, reminding the listeners that “we are – one and all – immigrants or sons and daughters of immigrants.”⁶⁵ Like Truman, Eisenhower called on Americans’ sense of civic duty to bridge the gap between “them” and “us.”

Although his advocacy for immigration reform was less fierce than Truman’s, Eisenhower nevertheless took a stance, especially when it came the future of refugees. Just two months after his State of the Union address, Eisenhower “asked for ‘emergency’ legislation to admit 240,000 immigrants within two years, including 125,000 expellees and escapees from Eastern Europe, 75,000 Italians, 20,000 Dutch, and 20,000 Greeks.”⁶⁶ A few years later, in his State of the Union Address in 1956, Eisenhower “cited ‘the urgent need’ to revise the McCarran-Walter Act and to ‘approve without further delay’ the amendments to the Refugee Relief Act.”⁶⁷ While this second big push was fueled more by political pressures abroad, Eisenhower, a Republican, nonetheless, supported reforming the immigration system.

⁶³ Ibid.

⁶⁴ Dwight Eisenhower, “Annual Message to the Congress of the State of the Union,” 1953, in *Public Papers of the Presidents of the United States*, U.S. Government Printing Office, (Washington, D.C.: U.S. Gov., 1960), 31.

⁶⁵ Ibid.

⁶⁶ Ibid., 7.

⁶⁷ Ibid., 8.

President John F. Kennedy was probably the president most passionate and committed to immigration reform. In 1957, The Anti-Defamation League (ADL) asked Kennedy, when he was a Massachusetts senator, to highlight the contribution of immigrants.⁶⁸ The product of the request was a book, *A Nation of Immigrants*, in which Kennedy viewed immigrants and their contributions in a very positive light. Kennedy argued that the nation owed part of its position as the industrial and agricultural giant of the world to these immigrants whose “hard labor ... technical skills and ... entrepreneurial ability” had made such growth possible between 1880 and 1920.⁶⁹ In fact one of John F. Kennedy’s “last acts as president was to propose a major series of immigration reforms to end the ugly race-based national origins quota system.”⁷⁰ He voiced these concerns through a letter to the President of the Senate and to the Speaker of the House on July 23, 1963, in which he acknowledged that “the enactment of this legislation [would] not resolve all [the nation’s] important problems in the field of immigration law. It [would], however, provide a sound basis upon which [the nation] can build in developing an immigration law that serves the national interests and reflects in every detail the principles of quality and human dignity to which [the] nation subscribes.”⁷¹

Kennedy was able to make more headway in Congress because Representative Walter’s death in mid-1963 had left the opposition without a key leader.⁷² His death allowed Kennedy to make a forward and imperative speech without the fear of powerful and effective conservative

⁶⁸ John F Kennedy, *A Nation of Immigrants*, Rev. and enl. ed. Introd. by Robert F. Kennedy, (New York: Harper and Row, 1964), xii.

⁶⁹ *Ibid.*, 34.

⁷⁰ *Ibid.*, ix.

⁷¹ John F. Kennedy, “Letter to the President of the Senate and to the Speaker of the House on Revision of the Immigration Laws,” 1963, in *Public Papers of the Presidents of the United States*, U.S. Government Printing Office, (Washington, D.C.: U.S. Gov., 1964), 594-5.

⁷² Jerry Kammer. “The Hart-Celler Immigration Act of 1965,” CIS.org, Accessed March 29, 2018, <https://cis.org/Report/HartCeller-Immigration-Act-1965>.

backlash. In response to this speech, Philip Hart (D-MI) and Emanuel Celler (D-NY) introduced identical immigration reform bills to congress in the summer of 1963.

Chapter 3

This Is Not a Revolutionary Bill!

Introduction

Lyndon Baines Johnson became president after John F. Kennedy's November 1963 assassination. Kennedy's sudden death left the immigration and civil rights questions unanswered, but at the same time as his assassination helped to create a "national mood of eagerness for reform."¹ Two days after Kennedy had been laid to rest, Johnson delivered an address to the nation. Insisting "no words are strong enough to express our determination to express our determination to continue the forward thrust of America that he began" Johnson celebrated "Kennedy as a visionary, with dreams of progress extending into the heavens."² Johnson's speech evoked Kennedy's passion for reform as a means to muster support for Kennedy's immigration and civil rights initiatives. Like the broader Great Society of which it was a key part, the Immigration Act of 1965 reflected the era's general prosperity, Democratic liberals' commitment to the eradication of de jure segregation, and the strength of what historian Robert Self has called "breadwinner liberalism." While described by its key advocates as "not revolutionary," the Immigration Act of 1965 replaced the national origins quota system with one based on family reunification and an emphasis on skills. These changes produced monumental effects that are still felt in American society today. As a result, this immigration law, which is often overlooked as a piece of Johnson's "Great Society," is actually a core facet of his liberal agenda that deserves a closer look.

¹ Jerry Kammer. "The Hart-Celler Immigration Act of 1965," CIS.org, Accessed March 29, 2018, <https://cis.org/Report/HartCeller-Immigration-Act-1965>.

² Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy*, (Princeton, N.J.: Princeton University Press, 2000), 203.

Johnson: Another President Pushes Reform

Early in Johnson's first year in office, a statement by the United States Information Agency on "America's Human Rights Image Abroad" concluded that "there [were] some aspects of American life that appear to have little impact on the man in the street in foreign countries... But there are others to which larger proportions seems to react.' The person on the street reacted 'above all' to 'the status of minority groups in'" the United States.³ As a result, the Johnson White House aimed to make immigration reform a priority for 1965. The passage of the Civil Rights Act in 1964 set the stage for immigration reform designed to correct an explicitly racist immigration system. In his first message to Congress on the State of the Union on January 8, 1964, Johnson called on Congress to lift "the bars of discrimination against those who seek entry into [the] country, particularly [for] those who have much needed skills and those joining their families."⁴ Johnson's reform package gave preference to skilled immigrants by encouraging America to ask "What can you do for [this] country?" and not "In what country were you born?"⁵

Immigration reform also fit into the White House's international priorities. A few months after the 1964 State of the Union Address, Johnson's Secretary of State, Dean Rusk, before the Immigration and Nationality Subcommittee in the House of Representatives, said that "since the end of World War II, the United States has been placed in the role of critical leadership in a troubled and constantly changing world," and he was concerned with aligning the U.S.'s immigration laws so that they reflected the nation's real character and objectives.⁶ Rusk

³ Ibid., 208.

⁴ Lyndon B. Johnson, "Message to Congress on the State of The Union," 1964, in *Public Papers of the Presidents of the United States.*, U.S. Government Printing Office, (Washington, D.C.: U.S. Gov. 1966), 116.

⁵ Ibid.

⁶ Dean Rusk, "Statement Before the House Immigration and Nationality Subcommittee," July 2, 1964, File Legislative Background, Immigration Law 1965, Box 1, Lyndon B. Johnson Library, Austin, TX.

concluded that because “what other peoples think about us plays an important role in the achievement of our foreign policies,” the U.S. must bring its “immigration laws into line with the real character and disposition of the American people, who are at heart and in fact hospitable, kindly disposed and interested in all people.”⁷ The Johnson White House, like its predecessors, recognized the diplomatic problems posed by the existing immigration system.

The pressure to improve the nation’s reputation, in light of the Cold War, were “drivers of the demise of racial selection.”⁸ Such changes sometimes defied popular opinion as “externally oriented elites overcame the public’s racist tendencies.”⁹ Additionally, pro-immigration reformers sometimes made the argument that immigrants, like Andrew Carnegie and other pioneering tycoons, had added to U.S. society through the sheer economic power that they had built here.¹⁰ However, by the time the bill was passed, the optimistic economic argument turned into a more urgent one of geopolitical consequences – essentially, the U.S. had to act fast and correct its racist mistakes in the face of the growing power of the Soviet Union as well as the increasing groundswell from the Civil Rights movement.

The 1960s: Building a Great Society on the New Frontier

The 1965 legislation, immigration scholar Jerry Kammer argues, “was a signature movement of the 1960s.”¹¹ The passage of the 1965 Act was fairly swift and uncontroversial for several reasons. First, the pressure to improve the nation’s image and reputation abroad in order

⁷ Ibid.

⁸ David FitzGerald, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, (Cambridge, Massachusetts: Harvard University Press, 2014), 2.

⁹ Ibid.

¹⁰ The President’s Commission on Immigration and Naturalization, *Whom We Shall Welcome*, (Washington D.C.: U.S. Gov. 1953), 23.

¹¹ Jerry Kammer. “The Hart-Celler Immigration Act of 1965.”

to win the Cold War was extremely fundamental. Jim Crow and white supremacy undermined “the image of democratic virtuousness that Washington wanted and needed to project around the world.” Immigration policy presented the same kind of racism and exclusion that international newspapers reported of U.S. domestic civil rights struggles.¹² Additionally, nations around the world had initiated liberation movements in the wake of the Second World War, and the U.S. felt pressured to lead and support these new nations or else “lose” them to the Soviet Union.¹³ Because much of the de-colonizing world was nonwhite, these peoples “took a decidedly dim view of America’s state sanctioned racism” and blatant exclusion.¹⁴

Domestic pressures likewise spurred the passage of the law. Immigrants who had immigrated to the United States demanded change. Due to the 1924 restrictions, “the immigrant share of the population [was reduced] from 14.7 percent in 1910 to 5.4 percent in 1960,” and thus “a very rapid and widespread assimilation went forward” and “arose mostly from an enormous yearning to become Americans.”¹⁵ This desire to be accepted into mainstream American society had persisted among ethnic and religious groups “that waged a decades-long fight to abolish the quota system that they perceived as an ongoing insult to millions of Americans and the lands from which they had come.”¹⁶ In this sense, the restructuring of the immigration system and eventually the passage of the 1965 Immigration Act were wins for these Americans who had long struggled for acceptance under the national origins quota system silently.

¹² Charles E. Cobb Jr., *This Nonviolent Stuff’ll Get You Killed: How Guns Made the Civil Rights Movement Possible*, (Durham: Duke University Press, 2014), 101.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Jerry Kammer. “The Hart-Celler Immigration Act of 1965.”

¹⁶ Ibid.

As the 1960s dawned, public pressure continued to build for the repeal of the national origins quota system. In fact, both political parties incorporated policy statements favoring more open immigration into their 1960 platforms.¹⁷ The Democratic platform, for example, condemned the “national-origins quota system of limiting immigration” as a violation of the “founding principles of this nation” and found it “inconsistent with our belief in the rights of man.”¹⁸ The platform went on to advocate a new policy to “reunite families, permit the United States to meet its fair share of world programs of rescue and rehabilitation, and take advantage of immigration as an important factor in the growth of the American economy.”¹⁹ The GOP likewise embraced immigration reform in its 1960 platform, which held that immigration had “been reduced to the point where it [did] not provide the stimulus to growth that it should, nor [is the country] fulfilling [its] obligation as a haven for the oppressed.”²⁰ As a result, to boost and encourage immigration, the platform suggested that “the annual number of immigrants [the nation] accept[s] be at least doubled,” that the quotas be amended by “abandoning the outdated 1920 census data as a base and substituting the 1960 census,” and that the guidelines of U.S. “immigration policy be based upon judgment of the individual merit of each applicant for admission and citizenship.”²¹

A Gallup Poll in late June of 1965, right before the passage of the 1965 Act and amidst the congressional hearings, asked the public: “Thinking now about immigrants – that is, people who come from other countries to live here in the United States, in your view, should

¹⁷ James G. Gimpel, *The Congressional Politics of Immigration Reform*, (Boston: Allyn and Bacon, 1999), 100.

¹⁸ “1960 Democratic Party Platform,” The American Presidency Project, <https://www.presidency.ucsb.edu/documents/1960-democratic-party-platform>.

¹⁹ *Ibid.*

²⁰ “Republican Party Platform of 1960,” American Presidency Project, <https://www.presidency.ucsb.edu/documents/republican-party-platform-1960>

²¹ *Ibid.*

immigration be kept at its present level, increased or decreased?”²² Thirty-nine percent of respondents said that immigration should stay the same, seven percent said that immigration should increase, thirty-three percent said it should decrease, and twenty percent stated that they had no opinion on the matter.²³ The responses were quite peculiar because, on one hand, the government showed an unfettered desire to scrap the old immigration system to expand and become more inclusive, but public opinion indicated that most people believed it should stay the same, followed by a strong preference for a decrease in the amount of immigration. Perhaps most importantly, twenty percent of respondents had no opinion on the matter. Conversely, twenty-eight years later, in 1993, when Americans were asked the same question, only two percent had no opinion. The American public’s ambivalence towards immigration in the 1960s also “gave policymakers great freedom to jump on the pro-immigrant bandwagon that swept Congress toward enactment of the most open and egalitarian immigration law in the 20th century.”²⁴

Clearly, immigration reform was driven by elite policy preferences. There was not much call from the public to reform the immigration, and “public opinion was not especially favorable toward liberal immigration policies.”²⁵ However, “the public was not inclined to punish politicians who sought to open the doors wider.”²⁶ Indeed, immigration reform was not a top priority for most Americans. The public’s lack of interest gave presidents Kennedy and Johnson the ability to really frame the need for immigration reform in ways that would be best received by American citizens. By combining the Cold War and external reasons for change with the domestic call for civil rights and equality for all, the presidents made a pretty good case for

²² Gallup Poll Online, “Immigration,” Accessed on April 2, 2019.
<https://news.gallup.com/poll/1660/immigration.aspx>.

²³ Ibid.

²⁴ James G. Gimpel, *The Congressional Politics of Immigration Reform*, 100.

²⁵ Ibid.

²⁶ Ibid.

expanding American citizenship. As a result, there was not much backlash for Kennedy and Johnson pushing this liberal immigration agenda, unlike some other liberal domestic reforms they were pursuing.

In part to carry out “his long-term desire to complete Roosevelt’s New Deal and partly expressing his determination to do something to redeem the nation in the wake of Kennedy’s murder,” Johnson had an aggressive legislative agenda, coming to office, with “the powerful civil rights act that Kennedy had initially proposed” at its center.²⁷ In advocating for racial equality, Johnson, a Democrat from a Texas, made the conscious decision to “cut himself loose from close ties with segregationist Southern Democrats in Congress” and forged “close alliances with the heads of the major civil rights organizations.”²⁸

Johnson’s gamble paid off. The November 1964 election signaled a shift in the nation’s politics. Polling data from the 1964 election showed that “voters had favored liberal ideas in the election, had confidence in the federal government, and supported, broadly speaking, many of the key Johnson initiatives ... tended to favor civil rights legislation, and wanted the government to do more to help people obtain health insurance.”²⁹ The 89th Congress was also more liberal than preceding congresses. In fact, the election produced the most liberal congress since the Democratic landslide of 1936, and Southern Democrats, for the first time, were concerned about losing power.³⁰ These election results signaled that the American public was largely on board with Johnson’s “Great Society.” Eager to take advantage of a friendly congress and positive

²⁷ Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century*, (Princeton, New Jersey: Princeton University Press, 2014), 285.

²⁸ Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena*, (Cambridge, Mass: Harvard University Press, 2001), 176.

²⁹ Julian Zelizer, *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society*, (New York: Penguin Press, 2015), 161.

³⁰ *Ibid.*, 163.

public opinion, Johnson pushed to move legislation as soon as possible.³¹ Not only did Johnson act swiftly, with Congress passing 89 of the 115 proposals that the president proposed, but he achieved legislative victories with an astounding approval rating, which fluctuated between “60 percent and 70 percent throughout the year.”³² A vast majority of the American public was clearly onboard with the liberal agenda by 1964. As historian Julian Zelizer suggests, even “Republicans tended to accept that the election [of 1964] had been both a rebuke to Goldwater’s conservatism and an endorsement of Johnson’s policies.”³³

In May of 1964, Johnson outlined his liberal domestic agenda, called “The Great Society” in a speech at the University of Michigan commencement. In his speech, Johnson encouraged the students to “advance the quality of [the] American civilization.”³⁴ After half a century of involvement in Europe, Johnson was ready for the nation to focus on issues at home. The nation was finally in a good place after the war – the economy was looking good and direct involvement in European affairs was minimal. The Great Society that Johnson envisioned “rest[ed] on abundance and liberty for all. It demand[ed] and end to poverty and racial injustice, to which [the nation was] totally committed in [its] time. But that [was] just the beginning.”³⁵ Johnson went on to outline some of his ideas he planned to submit to Congress: “voting rights for African Americans, economic assistance to schools., health insurance for the elderly and the poor, fair housing laws, government protection for the environment, funding for the arts, an end

³¹ Ibid., 166.

³² Ibid., 221.

³³ Ibid., 163.

³⁴ Lyndon B. Johnson, “Remarks at the University of Michigan,” 1964, in *Public Papers of the Presidents of the United States*, U.S. Government Printing Office, (Washington, D.C.: U.S. Gov. 1966), 704.

³⁵ Ibid.

to discriminatory immigration policies, and more.”³⁶ The goal of all of these programs was to create an inclusive, well educated, prosperous “Great Society.”

The Johnson White House also drew on broad support for what historian Robert Self has termed “breadwinner liberalism” for these Great Society programs.³⁷ Breadwinning “was the idea that had supported both middle-class domesticity and working-class demands for the ‘family wage; since the nineteenth century” and “divided labor by gender: men’s work was public, remunerative, family sustaining, while women’s work was domestic, caregiving, and if it was remunerative, supplementary to their husband’s wages.”³⁸ As such, the male breadwinner ideology had been a cornerstone of American attitude and law for decades. For example, the Servicemen’s Readjustment Act of 1944 (GI Bill) aimed to help young men coming back from war receive an education, find employment, and purchase a house – public policies designed to and justified in terms of – shoring up the family in the 1950s. However, even as the feminist and women’s liberation movements undermined the foundations of male breadwinner liberalism, lawmakers continued to use the model to justify and build new programs.

Great Society liberals, Self shows, were still “worried deeply about male unemployment, the replacement of manpower by machine power in the nation’s factories, and the racial discrimination that kept black men underemployed and in poverty,” so while they did push for better education, they really “stressed the need to rehabilitate the male breadwinner – through social programs, remunerative market work, and military service – [to] return him to his proper place at the head of the family.”³⁹ The Job Corps, for example, which was a centerpiece to

³⁶ Julian Zelizer, *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society*, 165.

³⁷ Robert Self, *All in the Family: The Realignment of American Democracy Since the 1960s*, 1st ed., (New York: Hill and Wang, 2012), 5.

³⁸ *Ibid.*, 18.

³⁹ *Ibid.*, 21.

Johnson's War on Poverty, was explained to the public as helping "young men who the government 'hope[s] will be heads of families.'"⁴⁰ When asked why the Job Corps was limited to young men, Sargent Shriver, on the Capitol steps, answered that men were charged with supporting the family.⁴¹ The next day, similarly, Secretary of Defense, Robert McNamara, announced a program to rehabilitate half a million young men, and only young men, who had failed the civil service exam because "boys [were] likely to be the heads of families and the primary breadwinners in the family."⁴²

Black men, and men of color, more broadly, had a special place in this idea of breadwinner liberalism. Robert Self suggests men of color faced unemployment "at far higher rates" than their white counterparts due to the "segregated labor market and a racist labor movement," and there was a call to help them out of this rut so that they did not become dependent on federal handouts. In his book, *To Be Equal*, Urban League leader Whitney Young demanded that the Johnson administration help black men because "either we make these people constructive citizens" ... "or they are going to be destructive dependents."⁴³ Such government reliance was often depicted as a kind of emasculation in the long run. Men of color, even more than white men in poverty, needed help providing for their families and not falling into a rut of dependence on anyone or anything other than themselves.

This liberal agenda, in part certainly benefitted the health of the economy. Economic researcher George Katona, in 1964 commented on the "miracle of consumption" that had come about due to "changes in the composition of the population, in education, as well as in customs, attitudes, and aspirations," which in turn "contributed to the emergence of discretionary

⁴⁰ Ibid, 17.

⁴¹ Ibid.

⁴² Ibid., 18.

⁴³ Ibid, 23.

purchasing power among the American masses.”⁴⁴ In the postwar years, “higher incomes, more extensive assets, and greater use of credit” expanded consumers’ purchasing power.⁴⁵ In fact, the Commerce Department reported an increase from \$30.4 billion dollars spent on consumer durable goods in 1950 to a whopping \$47.5 billion in 1962.⁴⁶ The postwar economy was flourishing in 1950s and 1960s, at the same time the population boomed, which aided in boosting the economy as well. So, on one hand, people decided to have children because the nation and the economy seemed to be in a good place, while on the other, having kids also increased families’ spending and added to the health and growth of the U.S. economy.

The expansion of the U.S. economy was conducive not only to the growth of families and increased consumer spending, but also to the liberal immigration reform as well. In fact, “favorable employment trends undercut the economic arguments against immigration” and even more shockingly “conservative business interests could argue that they had benefited from immigration.”⁴⁷ The economy’s health and growth led to broad support for and acceptance of Roosevelt’s New Deal, Kennedy’s New Frontier, and Johnson’s Great Society, and it was also one less thing that the typical American in the 1960s needed to worry about. As a result, in the 1960s, pressing civil rights, immigration, and education issues, which often took the backburner to economic issues when necessary, received utmost attention.

The Hart-Celler Act (1965)

In 1965 most immigrants coming to the United States were white Europeans. As authors Gabriel J. Chin and Rose Cuison Villazor have pointed out, the “almost total absence of

⁴⁴ George Katona, *The Mass Consumption Society*, (New York: McGraw-Hill, 1964), 9.

⁴⁵ *Ibid.*, 18.

⁴⁶ *Ibid.*, 20.

⁴⁷ James G. Gimpel, *The Congressional Politics of Immigration Reform*, 100.

immigrants of color was no accident; the United States had a Jim Crow immigration policy pursuant to which limiting immigration of non-preferred races was the single-most important goal.”⁴⁸ The McCarran-Walter Act of 1952 perpetuated this racism by continuing to employ the national origins quota system. Nevertheless, the period between 1953 and 1965, marked “the first peacetime period in American history in which Europeans did not compose an absolute majority of all immigrants.”⁴⁹ Indeed, in this period, some two-thirds of immigrants from the Americas were from Latin America and the Caribbean, whereas they had come primarily from Canada before the 1952 Act.⁵⁰ Equally important, for the first time since the nation began regulating immigration, the words “freeborn and white” were not in immigration law. The McCarran-Walter Act opened up the floodgates of immigration reform. In the 9 years after the passage of the law, pressure from policymakers “to open the doors to immigrants and refugees was so successful that Congress enacted 32 separate laws to modify the national-origins system between 1953 and 1964.”⁵¹ These small steps toward liberalization helped set the stage for the Hart-Celler Act of 1965.

Early on during the 89th Congress’s first session, Congress received a message from the president expressing “the conviction that a change of policy was needed and pointed out that four presidents in succession had called attention to that need.”⁵² That same day, January 13, 1965, Representative Emmanuel Celler of New York introduced a bill in the House (H.R. 2580). Two days later, Michigan’s Democratic Senator Phillip Hart, along with 32 co-sponsors introduced an

⁴⁸ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, (New York: Cambridge University Press, 2015), 12.

⁴⁹ Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882*. 1st ed., (New York: Hill and Wang, 2004), 124.

⁵⁰ *Ibid.*

⁵¹ James G. Gimpel, *The Congressional Politics of Immigration Reform*, 99.

⁵² Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, (Philadelphia: Published for Balch Institute for Ethnic Studies by University of Pennsylvania Press: 1981), 366.

identical companion bill in the Senate.⁵³ Representative Celler had become a member of the House in 1923, fought racist immigration policy from the start, and “kept fighting for 41 years until he was able to attach his name to legislation that erased the national-origins system.”⁵⁴ The bill that Hart and Celler had proposed based admission on a “preference-only system,” with the first preference for those who were highly skilled, “the remaining three preferences were to be the same as in the 1952 legislation,” which were based on reuniting families, and “the Asia-Pacific Triangle limitations were stricken from the books.”⁵⁵

The bill (H.R. 2580) passed in the Senate on September 22, 1965 by a lopsided vote of 76 to 18.⁵⁶ There were some Southern Senators such as Sam Ervin, Strom Thurmond, and James Eastland, who still supported the national origins system because they believed the new proposals were “discriminatory against prospective English-speaking immigrants.”⁵⁷ These critics “condemned the legislation as an assault on immigration laws by those who ‘appeal to organized minority blocs in the great urban areas,’ charging that the purpose of the bill was to increase immigration and change its composition.”⁵⁸ Not surprisingly, these supporters of the national origins quota system were also generally defenders of Jim Crow segregation in the South, as they wanted to keep racial or ethnic heterogeneity to a minimum. Another more powerful critic of the Hart-Celler bill was Ed Feighan, a Democratic representative from Ohio, who was chairman of the House subcommittee, and he introduced his own substitute immigration bill on June 1, 1965.⁵⁹

⁵³ Ibid.

⁵⁴ Jerry Kammer, “The Hart-Celler Immigration Act of 1965.”

⁵⁵ James G. Gimpel, *The Congressional Politics of Immigration Reform*, 102.

⁵⁶ *Immigration and Nationality Act of 1965*, HR 2580, 89th Cong., 1st sess., *Congressional Record* 111, pt. 18: 24783.

⁵⁷ Bill Ong Hing, *Defining America Through Immigration Policy*, (Philadelphia: Temple University Press, 2004), 94.

⁵⁸ Ibid.

⁵⁹ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 369.

His bill, he stated, “was designed to provide the needed selective system, by implication an improvement on the administration bill in this respect.”⁶⁰ Feighan acknowledged that the national origins quota system was outdated, but his bill differed from the base bill in its preference structure. The Feighan bill weighted family connections more heavily than skill. Under the new proposal, U.S. immigration law would give first preference without numerical limitation to spouses, unmarried children, or parents of citizens first, followed by those with professions or skills needed, while the Hart-Celler bill maintained the three preference classes from the 1952 Act as amended.⁶¹ Feighan moved preference for skills to the sixth category out of seven, which was a drastic change from Hart’s and Celler’s bills, which stated skills as the number one preference.⁶² Additionally, Feighan proposed an initial limit of 225,000 immigrants per year, which was quite generous.⁶³ Feighan’s bill was overwhelmingly supported by the Judiciary Committee with a 27-4 vote, and it was sent to the floor where it was considered on August 24, 1965.⁶⁴

In response, the Judiciary Committee met in executive session to rewrite the bill in a way that clearly bore much more resemblance to Feighan’s substitute bill than to the Celler original.”⁶⁵ During the House debate on the bill, it became clear that the new immigration system was not dividing people on party lines, but rather the opponents were generally Democrats from the South and Republicans from the Midwest. Representative O. Clark Fisher (D-TX) opposed the policy “on the grounds that the immigrant flow would come much too fast for the United States to absorb capably while changing the [racial] composition of the U.S. population.”⁶⁶

⁶⁰ Ibid.

⁶¹ Ibid., 370.

⁶² James G. Gimpel, *The Congressional Politics of Immigration Reform*, 102.

⁶³ Ibid.

⁶⁴ Ibid., 103.

⁶⁵ Edward Prince Hutchinson, *Legislative History of American Immigration Policy, 1798-1965*, 371.

⁶⁶ James G. Gimpel, *The Congressional Politics of Immigration Reform*, 105.

Although some amendments were proposed to limit immigration from the Western Hemisphere, the legislation passed by a 76-18 roll-call vote in the Senate after four days of debate and no amendments adopted.⁶⁷ 13 of the 18 nay votes were Southern Democrats.⁶⁸ This relative consensus on immigration matters may reflect the fact that the US “was at the end of a long period of very low immigration... unemployment was low, the economy was strong, and there seemed to be few reasons to oppose an opening of the door.”⁶⁹

On October 3, 1965, President Johnson signed the 1965 Immigration Act on Liberty Island, in the shadow of the Statue of Liberty. In this statement, the president claimed that “this bill that we will sign today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly either to our wealth or our power.”⁷⁰ After downplaying the significance of the bill, he added that “it is still one of the most important acts of this Congress and of this administration” because “it does repair a very deep and painful flaw in the fabric of the American justice” by correcting “a cruel and enduring wrong in the conduct of the American Nation.”⁷¹ The previous system, under that national origins quota system, was “un-American in the highest sense” because it “violated the basic principle of American democracy.”⁷² Johnson explained that those wishing to immigrate would now be admitted “on the basis of their skills and their close relationship to those already here” rather than upon the country of their birth.⁷³ Furthermore, he framed this new policy as fair and easy, even questioning why this standard of admission had not always been applied.⁷⁴ Johnson’s

⁶⁷ Ibid., 108.

⁶⁸ Ibid., 109.

⁶⁹ Ibid., 109.

⁷⁰ Lyndon B. Johnson, “Remarks at the Signing of the Immigration Bill” (1965), in *Public Papers of the Presidents of the United States*, U.S. Government Printing Office, (Washington, D.C.: U.S. Gov. 1966), 1083.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

speech was passionate and infused with a sense of justice; however, he also painted the new legislation to be inevitable and so simple and commonsensical that it could not possibly be problematic.

Despite Johnson's assurances to the contrary, the Hart-Celler Act of 1965 clearly turned immigration policy on its head. No longer was the nation's immigration policy grounded in the national origins quota system. Instead, the new law provided for immigration with a "limit of 170,000 visas per year ... imposed on the citizens of the countries in the Eastern Hemisphere. Furthermore, no more than 20,000 visas per year could go to immigrants of any one nation. The law's preference categories were based on family connections to citizens or permanent resident aliens or employment skills. Most importantly, immediate relatives of citizens – spouses, parents, and unmarried children – could enter without numerical limitation, that is, regardless of whether one of the 170,000 Eastern Hemisphere (or 20,000 per country) visas were available, and without being charged against those limits."⁷⁵ Conversely, "Western Hemisphere immigration was limited for the first time to 120,000," but without any per-country limitations, while "in the Eastern Hemisphere, immediate relatives of citizens could enter without regard to the 120,000 annual limitation."⁷⁶

The health of the economy as well as the male breadwinner ideology shaped both the law and the campaign to sell it to Congress. The first preference categories were reserved for family reunification in the final bill. This stress of family reunification was pushed up from last preference category in the original proposal to the first few categories due to compromise with conservatives who wanted to weight family reunification more heavily than skills. Preserving the

⁷⁵ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, 20.

⁷⁶ *Ibid.*

family was the cornerstone of the breadwinner ideology. The health of the economy proved also important in the law and was reflected by the preference category after family reunification, which was reserved for skilled immigrants. Continuing the growth and health of the economy was important but came second to the liberal emphasis on family during the 1960s. However, the most revolutionary new feature of the bill, however, was its “race neutrality,” as this was the “first time since the United States started regulating immigration, race was not a factor.”⁷⁷ This was a significant turning point in American history. The law abolished the blatant racism in law since the eighteenth century; however, it was, nonetheless, about time for some change, especially given the huge civil rights wins achieved in the previous year.

Unintended Consequences

The law exceeded and even defied its framers’ expectations. American historian Josh Zeitz argues that “the Hart-Celler Bill of 1965 turned out to be not only revolutionary, but perhaps also the most revolutionary act of the 1960s.”⁷⁸ Likewise, Gabriel J. Chin makes the case that the “1965 Immigration Act should be regarded as an important piece of civil rights legislation,” which “intended to end racism as an idea as well as a formal matter.”⁷⁹ In sheer numbers alone, the 1965 law did have significant consequences. For one, “the number of new lawful permanent residents (or green-card holders) rose from 297,000 in 1965 to an average 1 million each year since the mid-2000s.”⁸⁰ Equally importantly, the law inadvertently “laid the

⁷⁷ Ibid.

⁷⁸ Josh Zeitz, “The 1965 Law That Gave the Republican Party Its Race Problem.” *POLITICO Magazine*. Accessed April 2, 2018. <https://www.politico.com/magazine/story/2016/08/immigration-1965-law-donald-trump-gop-214179>.

⁷⁹ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, 4.

⁸⁰ Muzaffar Ball, Faye Chisti, and Isabel Hipsman, “Fifty Years On, the 1965 Immigration and Nationality Act Continues to Reshape the United States,” migrationpolicy.org, October 15, 2015.

foundation for the steep rise in illegal immigration since the 1970s,” mainly from Latin America through imposing visa limits on Western Hemisphere nations for the first time.⁸¹ According to the Center for Immigration Studies, “despite the modifications, the framework established by the 1965 Act remains intact today” and that “the unexpected result has been one of the greatest waves of immigration in the nation’s history— more than 18 million legal immigrants since the law’s passage, over triple the number admitted during the previous 30 years.”⁸²

Just ten years after the passage of the law, immigration to the U.S. reached its highest peak “since the migration from Europe between 1880 and 1942.”⁸³ These immigrants, however, were largely absorbed with no publicity and little public assistance, mostly because the hundreds of thousands that settled were “insignificant in number in comparison with the nearly four million immigrants of the past decade.”⁸⁴ These new legal immigrants came from new places, and as a result, the average level of education increased and “professional level occupations rose.”⁸⁵ As one scholar pointed out in the early 1980s, “immigrants coming after 1945 were more apt to be refugees and to be of higher skills than before. And the majority were now female.”⁸⁶ Furthermore, “after 1965 another important shift was apparent: the vast majority of America’s latest newcomers were from the so-called Third World.”⁸⁷ In fact, a 1971 *Washington Post* article reported this shift, claiming that that due to the law “there [were] fewer Germans, Irish

<https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states>.

⁸¹ Ibid.

⁸² “The Legacy of the 1965 Immigration Act | Center for Immigration Studies,” Accessed March 29, 2018, <https://cis.org/Report/Legacy-1965-Immigration-Act>.

⁸³ Susan Jacoby, “Immigration Is At Its Highest Point in Half a Century,” *New York Times*, June 8, 1975.

⁸⁴ Ibid.

⁸⁵ Charles B. Keely, “Effects of the Immigration Act of 1965 on Selected Population Characteristics of Immigrants to the United States.” *Demography* 8, no. 2 (1971): 157–69.

⁸⁶ David M. Reimers, “Post-World War II Immigration to the United States: America’s Latest Newcomers,” *The Annals of the American Academy of Political and Social Science* 454 (1981): 1.

⁸⁷ Ibid.

and British coming,” while “Filipino immigration [had] multiplied ten times to 31,203 in fiscal year 1970.”⁸⁸ The article added that “the new immigrants generally seem to have had little difficulty finding jobs,” as, “most, at first, [fell] into the low-paying slots as laborers, short-order cooks and custodians. But there [were] also thousands of new professionals entering the United States – so many that the government acted [that] week to cut down the number of immigrating engineers.”⁸⁹ This exodus of well-educated people from abroad posed a huge problem for the origin countries; some countries like India complained of this “brain drain” to the U.S.⁹⁰ Conversely, the “brain drain” from Great Britain to the U.S. virtually ended with the 1965 Immigration Act, as migration as a whole from Britain slowed.⁹¹ As a result of the Immigration Act of 1965, “in the subsequent half century, the pattern of U.S. immigration changed dramatically. The share of the U.S. population born outside the country tripled and became far more diverse.”⁹²

The law also led to a steep rise in illegal immigration. following the enactment of the legislation. For the first time, immigration was capped at 120,000 visas in the Western Hemisphere.⁹³ Congress later amended this provision in 1976 to provide 20,000 visas per country, which created an issue because some countries have larger populations or have easier access to travel to the U.S.⁹⁴ This meant that Mexico, right next door to the U.S., had the same

⁸⁸ William Chapman, “1965 Law Is Changing Pattern of Immigration in U.S.,” *The Washington Post*, February 8, 1971.

⁸⁹ *Ibid.*

⁹⁰ Warren Unna, “Immigrant Act Favors India Youth,” *The Washington Post*, June 25, 1967.

⁹¹ Washington Post Foreign Service, “Britain’s ‘Brain Drain’ Virtually Ends Under New U.S. Immigration Law,” *The Washington Post*, November 10, 1968.

⁹² Tom Gjelten, “The Immigration Act That Inadvertently Changed America,” *The Atlantic*, October 2, 2015, <https://www.theatlantic.com/politics/archive/2015/10/immigration-act-1965/408409/>.

⁹³ Massey, Douglas S. “How a 1965 Immigration Reform Created Illegal Immigration.” *Washington Post*, September 25, 2015. <https://www.washingtonpost.com/posteverything/wp/2015/09/25/how-a-1965-immigration-reform-created-illegal-immigration/>.

⁹⁴ *Ibid.*

number of visas as a much smaller nation halfway across the globe. In this sense, immigration from Mexico and Central America was limited for the first time; however, that did not stop the wave of migrants coming to the U.S. The 1965 law just turned these migrants from legal into illegal, solely based on a numerical limit that disadvantaged large countries where immigration to the U.S. was easy. As early as 1975, Susan Jacoby from *The New York Times* reported that “the denial rate for visa applications from Mexico [had] jumped from 15 per cent to 35 per cent since [the previous] October” and that this increase in denial rate was due to the fact that “consuls [were] using new guidelines, now applied to only Mexicans, that require[d] an applicant to have a job with a base income of \$3,000, plus \$1,500 for each dependent.”⁹⁵ Many Mexicans immigrated to the U.S. for economic opportunity, as the U.S.’s economy was thriving and Mexico’s was not; however, imposing a hefty fee on legal immigration to prevent people who could not afford the fee from applying only perpetuated illegal immigration. Since these people could not pay to go to America with legal status, they continued to go regardless, just now illegally.

Furthermore, some critics of the law as a whole, according to those at the Migration Policy Institution, also “contend that high admission levels of diverse groups of immigrants have created more competition for low-skilled U.S. workers and shattered the country’s cultural homogeneity.”⁹⁶ Other critics, like authors Gabriel J. Chin and Rose Cuison Villazor, assert that the act “perpetuated discrimination based on sexual orientation and political opinion,” and also “failed to account for the interests of Mexican migrant workers who had traveled to the United States for generations, but were restricted under the new law,” and lastly also “had the effect of

⁹⁵ Susan Jacoby, “Immigration Is At Its Highest Point in Half a Century.”

⁹⁶ Muzaffar Ball, Faye Chisti, and Isabel Hipsman, “Fifty Years On, the 1965 Immigration and Nationality Act Continues to Reshape the United States.”

giving Africans few opportunities to come to the United States.”⁹⁷ On a similar note, some argue that the legislation did not go far enough in changing the country’s racist immigration policies. One historian, Tom Gjelten, suggests that “in the end, passage of the law did not resolve the question of America’s identity,” and thus the debate is being continued today.⁹⁸ Some conservatives subsequently argue that the 1965 Immigration Act had been a scheme to curry favor with liberal special interest groups or even to establish a future demographic base for the Democratic Party.⁹⁹ Additionally, while on one hand some contend that the 1965 law was the first race neutral law, others argue that “the 1965 Immigration Act did not remove all racial barriers to immigration” and “kept in place discriminatory barriers for African and Latino/a immigrants.”¹⁰⁰ In fact, despite the changes in the law, which would encourage more immigration from Africa with an increase in the visas allocated to African countries, most migrants to the U.S. from Africa were refugees or entered “under the diversity visa lottery program that was established in 1990.”¹⁰¹ Others also point out the logistical issues with the law. For example, “many families continue to be separated as a result of the visa backlog” and “others are unable to unify because of the law’s limited definition of who counts as family for purposes of immigration law.”¹⁰² Despite these continuing debates, there is a general consensus that the Immigration Act of 1965 increased immigration to the U.S. significantly, diversified the nation’s demographics, and most importantly, replaced a racist quota system with one that reflected the liberal breadwinner ideology and economic health of the 1960s.

⁹⁷ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, 4.

⁹⁸ Tom Gjelten, “The Immigration Act That Inadvertently Changed America.”

⁹⁹ *Ibid.*

¹⁰⁰ Gabriel J. Chin and Rose Cuison Villazor, *The Immigration and Nationality Act of 1965: Legislating a New America*, 5.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*, 6.

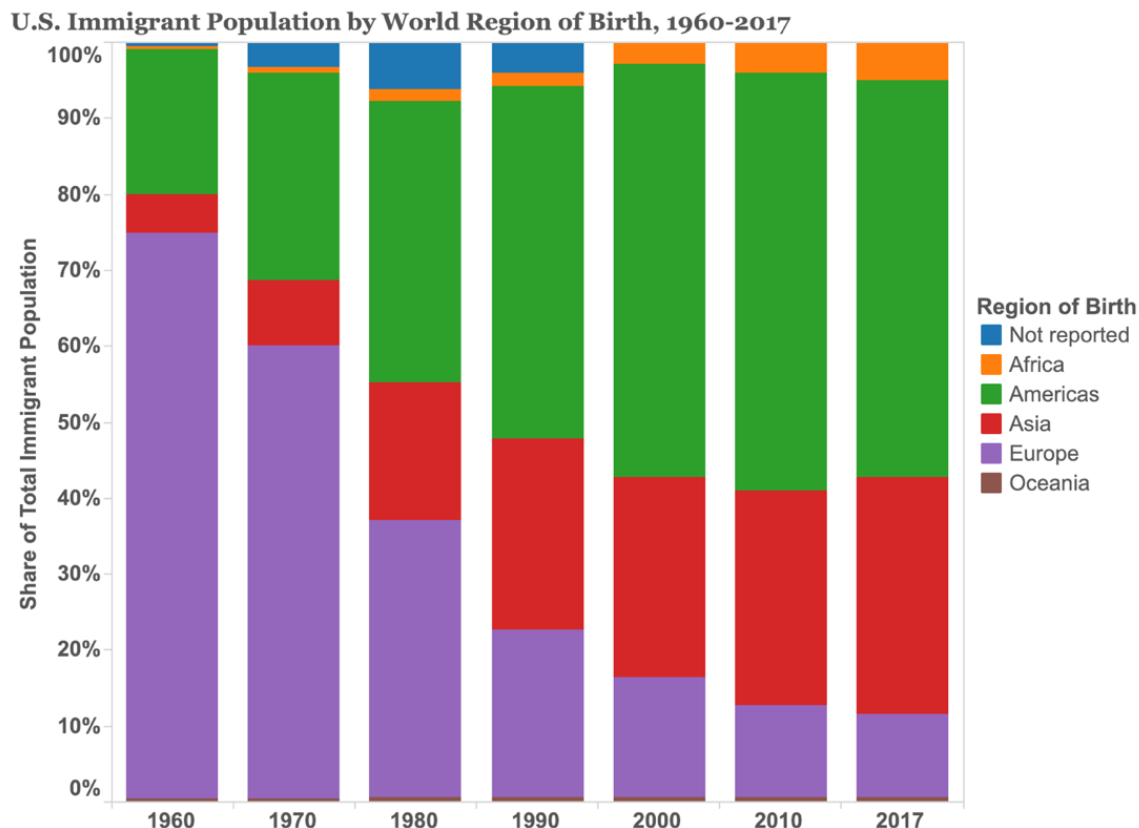
Epilogue

Immigration After 1965 and the Future of the United States' Identity

The story of the Immigration Reform Act of 1965 is in some ways a story about unintended consequences. When President Johnson signed the law, he predicted the changes would not be revolutionary and that most of the beneficiaries would come from Europe. However, the story turned out quite differently. Because Europe's economy finally got back on its feet after World War Two, fewer Europeans chose to immigrate to the United States, which allowed larger numbers of immigrants to establish roots in the U.S. legally due to the family exemption provision.¹ As a result, these newcomers created a much more diverse population. In fact, in the first decade after the bill's enactment, "an average of 100,000 legal immigrants *above* the cap relocated to the U.S.; by 1980 the annual number soared to 730,000" and most of these migrants were coming from countries like Mexico, Brazil, the Philippines, Korea, Cuba, Taiwan, India, and the Dominican Republic.² Furthermore, it also appears as though this pattern will continue, unless the 1965 Act is amended. By 2050, it is predicted that less than half of the U.S. population will be comprised of non-Hispanic white Americans. So, Johnson was quite off the mark when he stated that the bill would not be revolutionary and would not change the lives of millions. Immigration to the U.S. has been increasingly from the Americas and Asia, while immigration from Europe has substantially slowed.

¹ Josh Zeitz, "The 1965 Law That Gave the Republican Party Its Race Problem," POLITICO Magazine, Accessed April 2, 2018, <https://www.politico.com/magazine/story/2016/08/immigration-1965-law-donald-trump-gop-214179>.

² Ibid.



Source: Migration Policy Institute (MPI) tabulation of data from U.S. Census Bureau, 2010 and 2017 American Community Surveys (ACS), and 2000 Decennial Census; data for 1960 to 1990 were from Campbell J. Gibson and Emily Lennon, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850-1990" (Working Paper No. 29, U.S. Census Bureau, Washington, D.C., February 1999).

This demographic change can be attributed to the 1965 law, but what is more shocking than the abrupt wave of increased migration and a clear demographic shift is how unanticipated it was. In fact, “the law’s biggest impact on immigration patterns resulted from provisions meant to thwart its ability to change much at all.”³ The last-minute change in legislative language to a prioritize giving visas to foreigners seeking to be reunited with their families was designed to placate conservatives.⁴ Ed Feighan, a conservative Republican, believed that emphasis on the family reunification would establish “‘a naturally operating national-origins system’ because it

³ Tom Gjelten, “The Immigration Act That Inadvertently Changed America,” *The Atlantic*, October 2, 2015, <https://www.theatlantic.com/politics/archive/2015/10/immigration-act-1965/408409/>.

⁴ *Ibid.*

would favor immigration from the Northern and Western European countries that at the time dominated the U.S. population.”⁵ However, the provision actually created chain migration, as one single immigrant from Asia or Africa could now sponsor his or her brothers and sisters and spouses, and these people would come and then sponsor their loved ones in return.⁶ So while the family reunification piece was meant to encourage Western and Northern Europeans to immigrate, the reality was that Europe was in a better economic place and fewer Europeans wanted to immigrate to the U.S. Essentially, what the conservatives tried to prevent from happening was exactly what happened.

As the country’s composition changed since the enactment of the 1965 Act, the racial nationalist argument has gained more traction. Perhaps the two clearest pieces of evidence that racial grounds are surpassing civic requirements in determining who gets to be a citizen and benefit from American rights are Trump’s move to rescind Deferred Action for Childhood Arrivals (DACA), a program created by the Obama administration to aid children in the U.S. illegally, and his push for a border wall between Texas and Mexico. Furthermore, Trump’s supposed reasoning for these moves, littered with racist comments towards non-white groups, is that these people are responsible for an increase in crime and for stealing American citizens’ jobs. Trump’s “America first” stance on immigration echoes the anti-immigrant rhetoric prevalent in the early twentieth century when immigrants coming over from Southern and Eastern Europe and were blamed for the increase in crime as well as putting Americans out of jobs.

In his statement to rescind DACA, Trump made the following statement:

Congress now has the opportunity to advance responsible immigration reform that puts American jobs and American security first. We are facing the symptom of a

⁵ Ibid.

⁶ Ibid.

larger problem, illegal immigration, along with the many other chronic immigration problems Washington has left unsolved. We must reform our green card system, which now favors low-skilled immigration and puts immense strain on U.S. taxpayers. We must base future immigration on merit – we want those coming into the country to be able to support themselves financially, to contribute to our economy, and to love our country and the values it stands for. Under a merit-based system, citizens will enjoy higher employment, rising wages, and a stronger middle class.⁷

Ironically, the provision to move from a merit-based system in 1965 to one of family reunification was proposed by conservatives as a way to boost immigration from Northern and Western Europe, but ironically it did just the opposite. As a result, conservatives today, are clearly pushing for a return to the merit-based system as a way to boot out those from Latin America, Asia, and Africa that created a system of chain migration because they are not happy with the altering racial demographics of the nation. As such, race clearly plays a role in the immigration debate today. Claiming that the immigrants coming to the states today are not well-educated is simply a way for President Trump to mask his distaste of the racial identities of these immigrants.⁸ Indeed, data proves Trump statement wrong. In fact, many of those who have come over to the United States since the 1965 law was enacted “can be classified as part of the so-called ‘brain drain’ which has attracted and continues to attract some of the best and brightest graduates from third world countries.”⁹ The U.S. would not be as technologically or medically savvy without the contributions of the most educated engineers and doctors coming from different nations abroad; however, it is a shame that their achievements are

⁷ Donald Trump, quoted in “Read President Trump’s Full Statement on Rescinding DACA,” Time, Accessed March 21, 2019, <http://time.com/4927495/donald-trump-statement-daca-rescind/>.

⁸ Lindsay Huth, “Immigration in America by the Numbers,” US News & World Report, Accessed March 21, 2019, <https://www.usnews.com/news/data-mine/articles/2018-05-01/immigration-in-america-by-the-numbers>.

⁹ Roger Daniels, “Immigration Since World War II: The Need for a New Paradigm,” *Polish American Studies* 55, no. 1 (1998): 42

often overlooked because they do not hail nations that U.S. conservatives want to boast of migration from.

In addition to this economic argument, President Trump often makes a case that the migrants coming from Latin America and Mexico, which represent a huge majority, are extremely dangerous. In his 2019 State of the Union Address, Trump claimed that immigration “is a moral issue” and that “the lawless state of our southern border is a threat to the safety, security, and financial well-being of all Americans.”¹⁰ As such, he proposed that the nation has “a moral duty to create an immigration system that protects the lives and jobs of our citizens.”¹¹ Because these immigrants are so dangerous, as according to Trump, they are often members of a gang called MS-13 and bring in illegal drugs with their entry, Trump proposes that a border wall between the U.S. and Mexico would help ensure the safety of our nation and our citizens. However, contrary to the president’s assurances, these immigrants, documented and undocumented, are not connected to any increase in violent crime. *The Washington Post* fact checked some of Trump’s statements about immigrants and crime from 2015 and found that most of his statements were incorrect, and while “data on immigrants and crime are incomplete... there is no evidence immigrants commit more crimes than native-born Americans.” Furthermore, *The Washington Post* reported that “immigration and crime levels have had inverse trajectories since the 1990s: immigration has increased while crime has decreased.”¹² However, despite findings from *The Washington Post*, the Congressional Research Service, Cato Institute, and many others, the Trump administration stands by its reports that the

¹⁰ Donald Trump, quoted in “State of the Union 2019,” CNN, Accessed March 21, 2019, <https://www.cnn.com/2019/02/05/politics/donald-trump-state-of-the-union-2019-transcript/index.html>.

¹¹ Ibid.

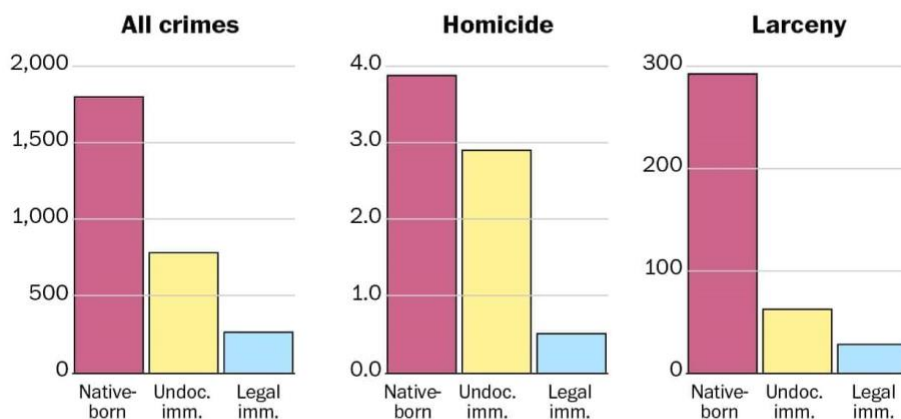
¹² Michelle Ye Hee Lee, “Donald Trump’s False Comments Connecting Mexican Immigrants and Crime,” *The Washington Post*, Accessed March 21, 2019, https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/?utm_term=.b69ace16f611.

steep rise in immigration in general is a direct contributor to crimes and violence. The president was even willing to shut down the government for 35 days, the longest government shutdown in U.S. history, and put more than 800,000 federal workers out of a job and pay to extort Congressional Democrats to give him \$5.7 billion for a border wall.¹³ Ironically, the president argues that immigration is taking jobs away from Americans, but he is also willing to halt payments to government workers in order to build a wall that will not promise that illegal immigration will decrease, that the jobs taken by immigrants will go back to American citizens, or that crime and violence will decrease.

Undocumented immigrants commit less crime than native-born citizens

Criminal conviction rates in Texas, per 100,000 population, 2015

■ Native-born ■ Undocumented immigrants ■ Legal immigrants



Source: Cato Institute, 2018

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Clearly, the nation is, once again, on the brink of making major changes to its immigration policy. The 1965 Immigration Act, which has been on the books for over 50 years and is still the structure for immigration today, appears to be falling out of favor with conservatives in power. The 1965 law brought huge changes that no one foresaw. As a result of

¹³ “US Gov’t Shutdown: How Long? Who Is Affected? Why Did It Begin?” Al Jazeera. Accessed March 21, 2019. <https://www.aljazeera.com/news/2019/01/gov-shutdown-long-affected-190107150120233.html>.

these unintended consequences – an increasingly diverse population from Asia, Africa, and Latin America – the question of America’s identity is called into question. The nation’s identity – a tug-of-war between civic nationalism and racial nationalism – may be sliding back towards the racial nationalism end, where it sat from 1790 up until the end of the Second World War. The 1965 law made citizenship more accessible to a wider range of people, displaying a more inclusive side of American policy that the world had never yet seen, but now it feels as if the nation is going back in time. Public opinion shows that Trump’s policies are not actually representative of the nation. When asked the same question that citizens were asked in 1965 about whether immigration should remain at its current level, be increased, or be decreased, most people responded that it should remain at its current level.¹⁴ Indeed, in January of 2019, thirty-seven percent of respondents reported that immigration should remain at its present level, thirty percent advocated for an increase in the level of immigration, thirty-one percent thought the immigration level needed to decrease, and only three percent had no opinion on the matter.¹⁵ These results are not what Trump is reporting the nation is “feeling.” Today, conservatives are once again, trying to restrict immigration and shut the golden door, which is greatly reminiscent of the early 20th century when nativism and xenophobia were at their peaks. The future of America and the people that comprise this nation has the potential to drastically change with any alteration of immigration policy. So, the question still stands, who gets to be an American?

¹⁴ Gallup Poll Online, “Immigration,” Accessed on April 2, 2019.
<https://news.gallup.com/poll/1660/immigration.aspx>.

¹⁵ Ibid.

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