



Transcript of Migration Policy Institute Symposium: The Immigration Act of 1965 Then and Now

September 30, 2015
Dirksen Senate Office Building
Washington, DC

Commemorating the 50th anniversary of passage of the Immigration Act of 1965, this Migration Policy Institute (MPI) symposium featured distinguished experts discussing the political and policy dynamics that came together to make the law possible, how it changed the U.S. legal immigration system and the country's demographics, and what these and other changes mean for the nation's future. The symposium was moderated by MPI Senior Fellow Doris Meissner, and featured:

- *Mark K. Updegrave, Director of the Lyndon Baines Johnson Presidential Library*
- *Tom Gjelten, National Public Radio correspondent and author of A Nation of Nations: A Great American Immigration Story*
- *Paul Taylor, author of The Next America: Boomers, Millennials, and the Looming Generational Showdown*
- *Hiroshi Motomura, Susan Westerberg Prager Professor of Law, UCLA School of Law, and author, Immigration Outside the Law*
- *Muzaffar Chishti, Director of MPI's office at NYU School of Law.*

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Doris Meissner: Good morning. And welcome to this commemoration of the enactment of The Immigration Act of 1965 which actually occurred 50 years ago, Saturday, October 3rd. The Act of course is a legacy to the incredibly productive presidency of Lyndon Baines Johnson. Given his many well-known accomplishments, this act certainly at that time and sometime since has been referred to as a minor domestic effort. But as we

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Will see in the discussion this morning and in the presentations that you'll hear, it's a classic example of the law of unintended consequences. The discrepancy between how it was perceived at that time and the actual longer-term outcomes of the Act are dramatic. My name is Doris Meissner. I'm a Senior Fellow at the Migration Policy Institute, very pleased to be able to moderate this session this morning. Those of you who follow MPI's work know that typically we do our programs in our conference facilities but we felt that given this topic, it would be fitting to be here on the Hill where the actual action took place. And so, we're very grateful to Senator Reid for making it possible to use this hearing room and particularly to Tyler Moran, his senior policy adviser, who did the heavy lifting for us. Tyler, where are you? Tyler, in the back? Thank you so much.

In addition to that, I want to mention that this date coincides in a very happy way with another important historical event and that is the release of the Edward M. Kennedy, Senator Kennedy archives of oral history that was opened to the public 12:01 a.m. this morning. Today is the official release date for those archives and you will find there transcripts of all kinds of Senator Kennedy conversations but there is a long transcript of his recollections of the Act and of becoming a member of the Senate Judiciary Committee at that time. It's really worth reading, particularly his description of Senator Eastland from Mississippi who was the chairman of the committee at that time and how it is that they worked out his membership on that committee.

So, let me move now to introducing our speakers. It's a very distinguished panel. I'm very, very pleased that these people have been willing to come together for this occasion this morning. First on my immediate left is Muzaffar Chishti who is my colleague and Director of the MPI office at NYU School of Law.

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Next, Tom Gjelten, who you all know as an NPR correspondent that we listen to regularly. He is the author of what's just coming out, a book, *A Nation of Nations*, which talks about the '65 Act and the results of the Act.

Next to Tom is Mark Updegrave. I'm very, very pleased that he could come and be with us from Austin where he is the Director of the LBJ Presidential Library, the author of quite a number of books, one which is right in front of him, *Indomitable Will: LBJ in the Presidency*.

And then, our good friend, Hiroshi Motomura, who is the -- let's see, it's one of those long professorial names -- the Susan Westerberg Prager Professor of Law at the UCLA School of Law; also the author of a recent book, *Immigration Outside the Law* and somebody that we've all worked with over many years, an outstanding legal scholar in the immigration arena.

And finally, Paul Taylor, who has been for many years at the Pew Research Center, is now Senior Fellow at Pew and also the author of a recent book on these issues, *Millennials and the Looming Generational Showdown*.

So, what we're going to do, where we're going to run this is that the speakers with the exception of Paul, who had an unfortunate accident a little while ago and is going to stay seated, speakers will use the podium for opening comments and then will come back to the table and after the opening comments we'll try to generate some crosstalk within the panel, because I think there will be lots of interesting comments and points made and I'd like to encourage the speakers to pick up on each other's points or ask each other questions for a while, and then following that of course we'll open to audience Q&A. So, with that, my

colleague Chishti is going to set the stage here and with that we will begin. Again, thank you for being here.

Muzaffar Chishti: Thank you, Doris, and good morning to all of you. If it wasn't clear from Doris's introduction, my assignment here this morning is essentially to purely perform low-skilled work so that these master artisans can come later and provide the rich conversation that all of us are waiting for. That essentially means to spare them from having to provide a backdrop or the background to the Immigration Act of 1965 so that I'll do it but that doesn't mean that you'll be spared from my tedious job of presenting the background of the 1965 Act.

I think no matter what your view of the '65 Act is, whether you think it was the dumbest thing we did as a country or the smartest thing we did as a country, I think most historians will agree that it was one of the most far-reaching revisions of immigration policy in our nation's history. But to appreciate why it was that far-reaching, one has to look back as to what preceded it. So, let me in one minute give you the brief history of United States immigration until we came to 1965.

Essentially until 1875 we had an open-door policy towards immigration. Beginning in 1875 legislation and then again in 1882 legislation, Congress started putting qualitative limits on immigration. We said "We don't like certain kinds of people. We don't like convicts, we don't like prostitutes, we don't like idiots, we don't like lunatics, we don't like paupers," which then came to be known as the public charge test for arriving in the United States. You could also say that in enacting the Chinese Exclusion Act in 1882 and the Asiatic Barred Zone which provided a ban for migration from the Asia-Pacific Triangle, Congress was also providing some element of qualitative limits on immigration. It was also to remind

you that the Asiatic Barred Zone was enacted by Congress over President Wilson's veto. These kinds of things had already started becoming contentious by then. But it was only in 1921 and then followed by the 1924 Quota Act that Congress started establishing quantitative limits on immigration. And how they did it in '21 and '24 then was to establish a quota for each country by looking at the foreign-born population of that nationality and putting 2 percent of that based on the 1890 census. So, we started limiting the number of people based only on the quota system. Again, President Wilson, just to remind you of history, pocket vetoed that bill. It was only when President Harding came to power that he called a special session of Congress to enact the 1921 legislation.

In 1952 Congress enacted the Immigration and Nationality Act which by all means is the current architecture of our immigration selection system. What it did was that it established priorities based on family unification and employment needs of the country but it retained the national-origin quota system over the veto of President Truman, indeed in one of the most strong veto messages by President Truman. He thought we were sending a wrong message to the country in the post-World War II era. President Kennedy promised the repeal of the national-origin quota system in his campaign for presidency. He did obviously not live to see the promise. President Johnson, soon after he became president, made it one of his most important priorities. Indeed it was one of the things he related to in the very first State of Union Address. Tom Gjelten in his book reminds us all that President Kennedy actually did not do that in any of his State of Union messages in the first three years of his presidency.

President Johnson, with a strong push, asked for the enactment of the repeal of the national-origin quota system. The bill was actually introduced by the name of the Hart-

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Celler Act on January 15th of 1965. It was enacted, as Doris said, on October 3rd of 1965 but was actually passed by both chambers of the Congress on September 30th, so we're actually celebrating the 50th Anniversary of the passage by both Houses of Congress. What it did was it repealed the national-origin quota system finally. Instead, it did two or three things. It established a quota of 170,000 for the Eastern Hemisphere of the world and with 20,000 per-country quota for the countries of the Eastern Hemisphere. It also very importantly for the first time established a quota of 120,000 for the Western Hemisphere of the world. And it established a selection system based on family unification, employment needs, and at the final stages of compromise then heavily in favor of the family preferences. In fact, three-fourths of the immigrant visas were reserved in the category for family unification. It also included parents of U.S. citizens and the immediate relatives so that they could come uncapped in numbers. Most importantly about 24 percent of the family-based visas were reserved for the siblings of the United States. That's why jokingly many people used to call it a Brothers and Sisters Act of 1965. But family unification obviously remained the primary goal of the 1965 Act.

The impact of the 1965 Act, let me quickly mention, cannot be fully appreciated unless you see the context of other pieces of legislation which happened in and around the same time. First of all, the Western Hemisphere quota that I mentioned did not go into effect until 1968. Congress in 1976 established the 20,000 per-country limit also for the Western Hemisphere, which was not there before then. The 1978 Congress finally put the two hemispheres together and established one 90,000 quota for the entire world. But most importantly, the least appreciated and I think less known fact is that Congress also repealed the Bracero program in 1965. So, when you look at the combination of the end of the

Bracero program, and the imposition of the Western Hemisphere quota system, many historians argue that created the roots of the current growth of the unauthorized population as we have seen since 1965.

Now let me conclude by saying that the reason to do this exercise is not to just engage in nostalgia. I think important as this legislation is on the 50th Anniversary of it, it is important to understand what the lessons of the 1965 Act are for the future. From my perspective, I lay out only five questions that have been raised by students of the '65 Act over the years.

Number one is if 1965 Act was such momentous legislation, how did it happen so quickly? I mean, as I said earlier, it was passed from the introduction to the signing in less than nine months. And why is it so hard to get anything done on immigration these days? We've been trying to do immigration reform for the last 10 years and haven't gotten anywhere. Was there something unique about the process of lawmaking at that time which we don't have today and was there something different about the roles the presidents play in making legislation happen?

The second question for me: Was the Act driven by the sort of the idealism of the '60s, the narrative of the civil rights struggle or was it driven principally by the foreign policy concerns of the country?

The third question for me is [[unintelligible]] was it purely symbolic for the authors or did they really think they were doing something revolutionary? And, as Doris pointed out, if they kept the family unification intact, thinking that they would probably retain the racial demography of the country, why were their estimates so wrong in few short years?

The fourth question to me is that how has the post-'65 migration, both legal and unauthorized, affected or established the relationship between civil and constitutional rights and immigration law.

And the final, fifth, question for me is that finally we have 50 years of experience with the post-1965 waves of immigrants. How have these new post-'65 immigrants fared in our country and how have we fared by them?

So, these are the five important questions and we have the star panel here to answer them and I'll go back to Doris, our own star, to introduce the discussion. Thank you.

Doris Meissner: Okay. Thank you so much, Muz. Those are questions that we hope we'll have much more understanding of within the next hour, and to start that off, Mark Updegrove is going to talk to us about the politics and the LBJ presidency and can you answer the question, how in the world could they do it then and we can't do it now?

Mark K. Updegrove: Thank you, Doris. Thank you, Muz.

I was telling Tom Gjelten a moment ago that for a historian of the presidency, you almost have to write on Lyndon Johnson because there's so much to sink your teeth into. He's such a fascinating character. And one of the great parts of my job is that I get to hear these great stories about Lyndon Johnson and I just heard one last night that I had never heard before and it doesn't have to do with Lyndon Johnson but it has to do with his administration. His social secretary was a woman named Bess Abell, who's still alive and well and lives around the District here. And LBJ knew how to get lawmakers to see his way on things and he just had an uncanny knack of reading people, and as a consequence, this great ability to get things done.

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He also knew that a great way to get to somebody is through their children, so he decided in 1965 to throw a carnival on the South Lawn of the White House and invite lawmakers and their families to enjoy the day with carnival rides and horse rides and all kinds of things. So, it fell to Bess Abell, the White House Social Secretary, to organize the carnival, and so she's calling the guy who does the Ferris wheel and she's calling the guy who brings the ponies and she has to figure out a way to make a fortune teller tent, so she needs to call somebody to provide crystal balls for the fortune teller tent. She calls this gentleman and the gentleman hears what she needs and he asks, "Where do you want these shipped?" And she says, "To the White House." And there's a pregnant pause and the guy says, "The President knows these don't work, right?"

If Lyndon Johnson had that crystal ball and he could see clear to 2015, I think he would be very pleased with the multicultural society we've become and the changing face of America since his time in office. He came into 1965, the year that he had that carnival, with 64 percent of the popular vote ensuring that he earned the presidency in his own right after having taken it accidentally from John F. Kennedy a year before. Johnson had an extraordinarily ambitious legislative agenda as he took the presidency in 1965. And he had really been a student of the New Deal; he came to Congress in 1937 and saw what government was capable of doing through Franklin Delano Roosevelt, and he saw his presidency less as finishing what Kennedy had begun than finishing the New Deal and what Franklin Delano Roosevelt had begun during the Great Depression and into World War II. So, he had an enormously progressive agenda and a tailwind coming into the year.

But Lyndon Johnson, ever the political pragmatist, knew the ephemeral nature of political capital. He would say to his aides, "When a president is first elected, he's a giraffe.

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Six months later, he's a worm." So, he was going to do as much as a giraffe as he possibly could. So, 2015 is really the 50th Anniversary of what I see as being the most important legislative year in American history or at least in modern American history, because the laws that Johnson put on the books in 1965 in so many ways create the foundation for modern America.

Think about it. In that one single year, we get the Elementary and Secondary Education Act and a Higher Education Act which puts a profusion of federal aid into education for the first time. We have Medicare and Medicaid. We have a Highway Beautification Act and the Clean Air Act. We have the Voting Rights Act, the most sweeping civil-rights reform, and we have the Immigration Act. By the way, we also have the creation of the National Endowment for the Arts and the National Endowment for the Humanities. We had the 50th Anniversary of that yesterday. We have implementation of Head Start and we have the creation of [[the Department of]] Housing and Urban Development. This is one single year. Not many presidents would stake their entire domestic reputation on one or two of those laws.

And while ostensibly those laws are about health care and education and environmental protection, in so many ways, they are about civil rights. The Elementary and Secondary Education Act was about putting federal aid into education in order to prop up those schools for primarily African American and Latinos to be on a more even keel with the primarily white schools that were getting a disproportionate amount of funding from state governments, particularly in the South. Medicare was in some ways about the desegregation of American hospitals. The Voting Rights Act was of course a pure civil rights act ensuring that people of color had equal access to the ballot box, and indeed Lyndon

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Johnson considered that his greatest legislative triumph. But along those same lines, the Immigration Act is really a civil rights act. Because LBJ knew that just as bigotry stood within our borders, it also stood at our gates for the reasons that Muz suggested, the National Origins Act was in place preventing people of color from migrating to the United States in great numbers and giving great favor to those principally in Northern European countries and in particular, the British Isles.

So, make no mistake about it, the Immigration Act of 1965 is a civil rights act. The complement, the trilogy of civil rights acts that LBJ would put on the books throughout the course of his presidency. He started with the 1964 Civil Rights Act which broke the back of Jim Crow. Of course, he followed it with the Voting Rights Act of 1965, and then he ended his presidency in 1968 with the Open Housing Act. In so many ways, the Immigration Act of 1965 is the fourth of those civil rights acts.

And if you look at Lyndon Johnson's record, he is not one you expect will be progressive in the area of civil rights. Of course, he came from Texas which was not particularly progressive in the area of civil rights, but he has this very formative experience in his youth which he carries with him the rest of his life. In 1927, 1928, which what would have been his senior year at Southwestern Texas State Teachers College, he teaches Mexican American school children in the small town of Cotulla, Texas. He does so in order to finish college. He doesn't have enough money to finish college, so he takes this job to get money to finish college. And he sees in these Mexican-American kids bigotry and hatred, racial injustice for the first time. And it is that experience that is seared in his consciousness. He never forgets those kids and what it is to be poor and disenfranchised

and to have little help. And he remembers those kids. And while he has to remain a viable candidate in Texas politics, he never forgets those kids and those like them.

And so, when Johnson rises through the ranks of the House and ends up getting a Senate seat, becomes Minority Whip and then Majority Whip, and then Majority Leader, he begins to become his own man in the area of civil rights. He realizes he can do something meaningful in civil rights as he gains power. He doesn't for instance sign the Southern Manifesto. He champions the Civil Rights Act of 1957, largely impotent but for the fact that it is symbolic insofar as it's the first civil rights legislation since Reconstruction. And then, when he becomes president in the wake of the assassination of John Fitzgerald Kennedy, he knows he has an opportunity to do something truly meaningful in the area of civil rights. And his aides say, "Mr. President, hold off on this. Wait until you earn the presidency in your own right and then push for civil rights and breaking the back of Jim Crow and ensuring that separate but equal no longer exists in this country." And Johnson hears them out and he says, "What the hell is a presidency for? I've got this moment. I'm going to seize this opportunity."

So, he earns the presidency in his own right. Johnson has a very proactive agenda that he's already laid out. Muz I believe mentioned that Johnson has already suggested that he's going to take aim at the National Origins Act in his State of the Union Address in 1964, a year before he pushes the bill out, and he says to the assembled body and to the American people, "We should be asking those who want to gain admittance to our country, what can you do for our country, not what country do you come from." So, Johnson takes aim at the National Origins Act at that very pivotal moment in 1965, and I believe we have a clip -- I'll tell you, the crown jewels of the LBJ presidential library which just houses all the records of

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the Johnson administration are the tapes of telephone conversations of Johnson doing the business of his presidency, of which there are 643 hours. So, this is a conversation that Johnson has with Ted Kennedy, he was the floor manager for the bill in the Senate, had just taken his brother's seat in the Senate in 1963 and Johnson appoints him to ensure that the bill will get through in the Senate. And this is a conversation between LBJ and Ted Kennedy about the Immigration Act.

[Start of audio recording]

Lyndon Johnson: There's not a member of the Senate that I'd go as far to meet as I will you, because I just think that you've been fair and decent and fine as anybody, and I think your area has. And you can just count me in. And if you quote me a little bit too far, I'll stand up and say, "Yes, sir."

Ted Kennedy: Well, I won't do that. [Indiscernible].

Lyndon Johnson: Well, fine. I just -- I want to make clear my position to you.

Ted Kennedy: I understand. Well, that's awfully kind, and I -- listen, I'm sorry to bother you --

Lyndon Johnson: This business about my being at crossways with the Kennedys is just a pure lot of crap.

Ted Kennedy: Yeah. Well, I --

Lyndon Johnson: I started out here to keep faith, and I'm going to do it. And I think that New England is next in line, and I want to do anything that I can for it. And I think you know something about how I feel about you. And I have no antagonisms and no antipathy and no wars to settle with anybody else.

Ted Kennedy: Well, I --

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Lyndon Johnson: And I just don't want you to let the damn press do that. And there's not anything else I want. I've got everything, more than I can take care of right now. All I want to do is do what's right. And I think that we can do it here and I think we can do it through you, and you just go on and make your speech and write your ticket, and I'll do my damndest to make good on it.

Ted Kennedy: Well, I appreciate that, Mr. President. I want to thank you. I -- sorry to bother you [indiscernible].

Lyndon Johnson: No, you don't bother -- don't you ever -- I've told you to call me anytime you want to, because I want to be true to the trust that's placed in me.

Ted Kennedy: We've had some good hearings on the immigration. They're going --

Lyndon Johnson: Yes, you have. And I heard Bobby made a hell of a good statement the other day, and that it looks like it might be a possibility to get it out of both houses. Do you think so?

Ted Kennedy: It's -- well, I think in the Senate we're in better shape over than that House. That Feighan is --

Lyndon Johnson: Well, we've got to work on him a little bit.

Ted Kennedy: Yeah. He's a tough cookie.

Lyndon Johnson: [indiscernible].

Ted Kennedy: But I think it's coming along.

[End of audio recording]

Mark K. Updegrave: So, what sounds like a heartbeat in that conversation is actually the Dictabelt technology that was used to tape the conversation at that time. The Dictabelt would go around these two belts and that's what you hear during the course of that

conversation. But of course, like any other conversation, the person with whom Johnson's talking doesn't get in a word edgewise.

Johnson used that call for two reasons: Number one, I think Ted Kennedy was the most collegial of Kennedys as far as Johnson was concerned, and there was a more antagonistic relationship between him and Bobby Kennedy. We could have a whole session on the relationship between LBJ and the Kennedys, which is fascinating and very complicated. But he had a very good working relationship with Ted Kennedy, and as I mentioned appointed him to ensure that the bill got through the Senate. Johnson micromanaged every single bill that was on his agenda. And because he had this great mastery of the legislative process, he had an idea or two about strategies in order to do just that. But Johnson says in that speech, "I want to do what's right," and I think he used his presidency to do that greatest good for the greatest number. That's how he measured the success of his presidency. And I think if you judge Johnson by that measure, he's one of our greatest presidents and the Immigration Act of 1965 is just one example of that. Thank you so much.

Doris Meissner: All right. Well, thank you very much. It's amazing to listen to those voices and think about what a different style of getting things done that represents from what it is that we are accustomed to reading about today.

Let me turn now to Paul Taylor. Paul, on this point of unintended consequences and whether or not this was just viewed to be symbolism, maybe many who were passing this piece of legislation thought that they were just doing some tweaks. Tell us what really happened. Who were we then? Who are we now? What are we becoming?

Paul Taylor: Thank you, Doris. Last week when Pope Francis was here, he talked about immigration and he urged all of us Americans not to be "taken aback by the numbers but instead to look at the faces of immigrants, hear their stories, and remember that these immigrants, like immigrants throughout human history, want a better lives for themselves and especially for their children and grandchildren."

Point well taken but we are at a moment in our discussion of immigration where I can't remember a public issue where the gap between the politic rhetoric on the one hand and the realities on the ground on the other are as wide as they are right now. And one way I think to illuminate, and I hope eventually narrow, that gap is to use some numbers. And as luck would have it, my colleagues at the Pew Research Center a day before yesterday put out a massive study on looking 50 years backward and 50 years forward, and to look at how the country has changed as a result of this momentous Act.

I'm going to give you, with apologies to Pope Francis, some numbers. These are numbers that will perhaps give some comfort to immigration restrictionists, they will certainly give comfort I think to immigration supporters and I think they will help ground this discussion in reality.

Here is number one. Since 1965, in the last 50 years, 59 million immigrants have come to this country. They're not all still here. Some of them returned, some of them have passed on -- 43 million of them are now here. This is a huge number. It is a huge number in our own history; if you look at the 80-year period of almost entirely European immigration which begins in the middle of the 19th century and proceeds to the early 1920s, 32 million immigrants came over 80 years. Today 59 million have come over 50 years. Our population base was smaller then. So, this is a very, very large number. It's a large number not only in

relation to our own history but in relation to the rest of the world. The U.S. has four times more immigrants than any other country in the world. There are other countries that have a larger share of their population of immigrants — Canada and Australia — and some other English-speaking countries stand out, but we are 5 percent of the world's population, we have about 20 percent of the world's immigrants. So, that's number one.

This population since 1965 has changed our ratio of foreign born. We were down -- really, immigration, for all intents and purposes, stopped in the middle of the 20th century with the laws of the 1920s, with the World War, with the Great Depression. We were down to just about 5 percent of our population foreign born when this law passed. Today we're back up to 13.9 percent, near our historic heights of the European immigration wave.

The impact of this wave on our population increase has been extraordinary. Over the last 50 years, 55 percent of the increase in our population has been driven by immigrants or their children, or, in some cases now, grandchildren. And projecting forward, if current rates continue and laws don't change dramatically, between now and the middle of this century, 88 percent of our population growth will be driven by immigrants who haven't yet arrived but will over the next 50 years and their children. So, this is just in terms of who we are demographically in the pure numbers; this is a very, very big deal indeed.

Immigrants and their descendants since 1965 have changed our country's racial and ethnic makeup. By and large, that first wave was the mid-19th, early 20th century, nine in 10 were white Europeans; today one in 10 are white Europeans. This is an immigration wave that is driven largely by Latin Americans and Asians, about half Latin America and nearly three in 10 Asian. So, when we go back to 1965, the Asian population of this country

was less than 1 percent, it is now 6 percent. The Hispanic population was 4 percent, it is now 18 percent. These are both projected to increase because immigrants -- one of the things immigrants have done for our human history is have a lot of kids. In many ways, that's the whole point. They are optimists. They express that in terms of having a lot of kids.

Immigrants are also making the boundaries of race more porous. When Barack Obama's parents were married -- and Donald Trump notwithstanding, let us stipulate that, that event happened in the United States and not in Kenya -- in 1961, something on the order of magnitude, best guess from census estimates are that marriage something like one-tenth of 1 percent of all marriages in 1961 was like that marriage between a black person and a white person, and 2-2.5 percent of marriages like that marriage was still illegal in about a third of our country and about 2.5 percent of all marriages were across the lines of race and ethnicity we use today. Today 16 percent of all recent marriages are across lines of race and ethnicity, a trend very much led by our modern immigrants — Latin Americans and Asians — of whom when they marry in the modern year, now about a quarter of them "marry out." The fastest growing racial group in our country is they're not Hispanics or not Asians, they are multiracial or mixed race Americans. About 10 percent of children today are mixed race. What are we going to call them five, 10, 20 years down the road? Do the current categories even make sense anymore? This is a cultural drama that is playing out even as we speak. I may return to that at the end if I get through these numbers.

Next number is illegal immigration, which is of course at the heart of the current political and legislative and policy controversy because of the 44 million, 45 million immigrants who are currently here, almost exactly a quarter of them are here illegally. Illegal immigration has flat lined. You wouldn't believe it listening to the political rhetoric,

but today according to my colleague, Jeff Passel, who is the originator of a method for calculating this, and we can get into the weeds on this, today an estimated 11.3 million immigrants are here illegally. That is almost exactly the same number who were here illegally in 2009. So, there's been virtually no change. That's not to say people don't continue to come illegally or overstay their visas illegally -- yes, but there's always been a circularity to this. And unlike the '80s, '90s, and '00s when the number of illegal immigrant arrivals was overwhelming and very few people were going back so we were gaining millions and millions, we have basically flat lined there.

There's a lot that's behind that story. The biggest thing behind that story are the changing demographics and economics of Mexico. Mexican women stopped having kids 20 or 30 years ago so there's a much smaller cohort of young males who are the likeliest people to become unauthorized immigrants. The Mexican economy has actually been doing very well despite the horrors of the drug trade. When our economy went into a tank six or seven years ago, suddenly the magnet that drew a lot of those unauthorized immigrants lost some of its power. And frankly, despite the inability of this chamber to do anything, there have been incremental steps, both legislative and executive, in terms of border enforcement, in terms of employer sanctions. So, less push, less pull, less illegal immigration.

So, in the last 65 years, as I mentioned, about half of our immigrants have been from Latin America and nearly about 27, 28 percent from Asia. But that has flipped now. Since 2011 immigration from Asia has surpassed immigration from Latin America. Mexico was far and away the dominant country of origin during this 50-year period. It is no longer. India and China are both sending on an annual basis more immigrants to our country today

and Asia as a region is sending more. And again, if you project forward, and the demograph is a little bit the future we already know, and it's fertility, it's mortality, and it's immigration, and you project based on current trends and your best guess but there are unknowns and certainly immigration is the biggest unknown because there can be policy changes that will influence this. But if you just look around the world and if you just look where the population bases are and the current structure of our immigration laws, there is every reason to believe that going forward the majority of our immigrants will be Asian and that Jeff's report the other day projects that by something like 2040 or 2050, Asian immigrants will outnumber Hispanic immigrants and that will play out in a number of ways.

Our modern-era immigrants are the best educated cohort of immigrants in our history. They are better educated than our native-born American citizens. This is especially true of the cohort arriving from Asia which, in part because of the way we've written our laws and part because of the selectivity that draws people here, something on the order of magnitude of recent Asian immigrants who are 25 or older, north of 60 percent of them have a B.A. degree or more compared with about 30 percent of Americans that age.

Now part of this is educational attainment is going up all over the world so there's some secular trends here that describe this, but there's never been by education attainment a better educated cohort certainly than the immigrants arriving from Asia. The immigrants arriving from Latin America have tended to bring lower education skills, less human capital, but even those numbers are rising a little bit.

So, these modern-era immigrants are well educated. When we ask surveys of them, and the Pew Research Center has done a lot of surveys of the immigrants and the sons and

daughters, the children of immigrants, second generation, on how much do you think hard work leads to success, how important is family to you, and we look at their demographics where we see that immigrants in this country today are much more likely than native-born Americans to live in a two-parent home with children underfoot. That's a parlor game I've been playing ever since we put out this report six or eight years ago -- which family would you say is more likely to have a married mother and a father and children underfoot: U.S.-born Americans, legal immigrants, or unauthorized immigrants? And the surprising answer is unauthorized immigrants, and that partly has to do with their age, they tend to arrive when they're young, and they tend to have the kids.

So, one of the worries that we know from our surveys about public attitudes towards -- listen, Americans have been a mix of "give me your tired, your poor," and also, "Oh my God, you're bringing the worst of humanity here," and we have been doing this for 150 years and we're doing it again today. But one of the things you hear about people's response to the modern way was, well, they're not white, they're not European, they're bringing different cultures. They're going to somehow ruin the Anglo-Saxon culture that made this country great," and when I look at their attitudes and behaviors vis-à-vis family, vis-à-vis work, vis-à-vis education, the conclusion I can come to, what is it about American values that they don't seem to share? They have them in greater numbers on every one of these indicators other than the native one.

Let me conclude with an aspect of this that I find completely fascinating and I'll return to Pope Francis in his very pro-immigrant message -- as he pointed out, he, himself, is the child of immigrants -- he said to immigrants in one of his speeches the other day, "Don't be ashamed of your heritage. Be who you are." And this goes to, I think, some of the

drama and some of the genius and some of the fascination about immigration. And I don't think there's a country in the world that has done a better job or has been better served, warts and all, by opening its arms to immigrants and starting a process that is sort of magic at both ends, whether you call it integration, whether you call it assimilation, these words have certain freighted qualities to them, but that process in the 20th century was summarized by the metaphor melting pot -- you come from different cultures, over the course of new generations you become like us and that's the genius of the system.

My sense is, looking at who these modern immigrants are and the attitudes they bring, I think a better 21st century metaphor for this process is mosaic, in part because frankly getting rid of dark skin is not the same as getting rid of a thick accent. You can't do it with a lot of practice, nor frankly what I see in our survey data do most modern-era immigrants really particularly feel the need to. And this is in response to what Pope Francis said. I think we are at a place where mosaic is the ideal. It's a beautiful whole but not by each individual piece losing its distinctive identity. This generation of immigrants and their children has that attitude towards tolerance, towards exclusiveness, towards the notion different is not bad, different is good. I think we see it playing out not just in issues around race and immigration. I see it paralleled in issues around same-sex marriage and other things. This generation of young adults, they are a transitional generation to a majority non-white country and their attitudes towards tolerance and inclusiveness I think in some ways as an outgrowth of who we are now, if we can manage that well, if we can embrace that for all that it brings, my own sense is whatever the numbers wind up being, our immigration future has every chance to be as every bit as glorious as our immigration past.

Doris Meissner: Certainly different outcomes than were expected at the time however. We're going to turn now to Hiroshi Motomura because this was a new law of course and therefore it intersected with other legal issues and constitutional issues in some very interesting and complicated ways, and Hiroshi has been a student of these issues and is going to now talk to us about that.

Hiroshi Motomura: Thank you. It's an honor and it's a thrill to be here, especially because my own family history is sort of so much tied up with the '65 Act. Under the National Origins Act, Japanese immigration was very, very strongly restricted, but there was a loophole and the loophole was so-called non-quota immigrants for spouses and children of U.S. citizens, and so I was brought to this country as a three-year-old through that loophole. But if that loophole hadn't existed, I'm not sure I'd be here today or maybe I'd be giving this talk in Japanese.

So, I've been asked to talk about how the '65 Immigration Act changed things from a legal perspective and how it changed the law, and maybe also to talk about how it changed how we think about the laws that relates to immigrants. And so, it's a big topic but let me give you a few basic answers and then try to elaborate on them in the time that I have. And I'll list these four major effects.

I think the first one is the most clear, and that is that it ended explicit discrimination in U.S. immigration law. And of course, as Paul mentioned, this really led to tremendous changes in the demography of this country.

The second thing it did though is something that Muz mentioned which is that it laid the foundation for the undocumented or unauthorized migration that would take place over the last 50 years.

The third thing it did is that it led to a proliferation of in-between statuses between the lawful and the unlawful -- I'll talk about that -- and combined with that it led to a lot of complexity in the power sharing, who makes decisions about lawfulness and unlawfulness. That's the third one, in-between status and power sharing.

And the fourth thing it did is that it gave a civil rights framing to immigration issues. That's something that Mark mentioned.

I want to talk about each of these four but with an emphasis on the last three, because I think that the change in the demography resulting from the end of explicit discrimination is the most clear, it's been very well documented even if we're not quite sure what people exactly were thinking in 1965.

So, the first thing I should do is explain a little bit more what Muz mentioned with regard to the effect on unauthorized migration. The key here is to realize before 1965 immigration from Latin America, especially from Mexico, but from Latin America it was not completely uncontrolled but the caps that were imposed were through qualitative restrictions — likely to become a public charge restriction — through various protections for American labor, but there was no numerical cap. The other thing is that we had the Bracero program that brought hundreds of thousands of farm workers to this country in its peak years. And the third thing that happened, which is sort of a consequence of the first two is to think about the enforcement apparatus that existed before 1965 and that is an enforcement apparatus that would not be anything near the type of enforcement apparatus that we would be talking about 30 or 40 years later as would be necessary to enforce the border against a lot of unauthorized migration as it would grow. In fact at that time there was no federal prohibition on hiring unauthorized workers, for example.

So, what happens after '65 and this does take a little bit of time to emerge but you have numerical limits on Latin America immigration for the first time, you have a cap on Western Hemisphere immigration that had not been capped before, and then in the '70s you have a per-country cap on Mexico, and it was a per-country cap that was uniform for all countries in the world. There was a bit of a push to expand that for Mexico but that never got put into place. It's still 20,000 and now it's gotten up to 25,000. And there're significant exceptions to that for immediate relatives, but nonetheless there's a per-country cap. So, per-country cap. In addition you have the end of the Bracero program in 1964 and so you have that replaced by other temporary worker programs but not of the same scale. And the third is that you have enforcement's slow response to these changes, and so what happens is people keep coming, people keep coming unlawfully that may have come under the Bracero program before, may have come lawfully through an uncapped system before. And so, that lays the foundation for the unauthorized population to grow steadily over 50 years. So, to some extent it's demographic change but it's also a change in the application of immigration law. So, that's the second effect. The first one being demographic changes, the second one being laying the foundation for unlawful migration as we know it.

So, the third effect is the complex issues of in-between statuses and power sharing in immigration law. And this is probably the most complicated aspect of what I'm going to talk about but I think it's worth thinking about because I'm not sure if it's unintended or unforeseen but it's certainly subtle and yet profound. What happens is that we have set in motion a series of events that laid the foundation for 11 million people eventually by the time you get to the middle or first decade of this century, 11 million people. And what that reflects in my view is the growing gap between law on the books and law in action. Law on

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the books says that 11 million people are not supposed to be here but the law in action says that we do not have an enforcement apparatus that deals with that, and I think that a lot of it has to do with a degree of tolerance or acquiescence based on the needs of the economy for the labor provided by the undocumented. But the growing gap between law on the books and law in action is significant and the law in action, what actually happens is that 11 million people are here, being parts of communities, getting jobs, having families within the United States, families with children who are U.S. citizens and paying taxes in various ways, direct and indirect, and would emerge at least for many people to be a strong claim to some recognition, some claim to be treated as lawful immigrants.

So, what does this do to the law? And I just want to point out a couple of examples of this because these are examples of this in-between status that emerges in law and really proliferates over the last 50 years.

This is a case called *Plyler vs. Doe*, Supreme Court 1982. It basically involved the state of Texas and authorization by the state of Texas for local school districts to either exclude or charge what would've been prohibitive tuition to children who were in the country unlawfully. And the Supreme Court says it's unconstitutional for Texas to do this. It's a landmark case and it's important from the perspective of this in-betweenness that I'm trying to describe because the court recognized a couple of things that are highly significant. One is that it was very -- they didn't say very unlikely but it said that it was unlikely or certainly quite uncertain whether they would ever be deported. The court recognized that it had been the practice of the American economy to essentially rely on unauthorized labor and it recognized that they would be likely to grow up in the United States. And so, in striking down this Texas statute, it cited *Brown vs. Board of Education*

and said that education is the foundation of good citizenship. So, now from a strictly constitutional point of view, the effect of Plyler has been limited, limited to education to K through 12, to children, but it really a sign of many other aspects of the law where the claims of people to be in the country, even if they're not supposed to be here, are recognized in law.

And I'll give you an example which will seem like a counter example but it turns out not to be. There is case that's decided about 13 years ago called Hoffman Plastic Compounds. It's a case that involves labor law and it says that if you are an unauthorized worker, you cannot get back pay if for example you've been fired and that firing is an unlawful labor practice. You can't get back pay. So, that would seem to say, "Okay. This is taking the law seriously in that sense." But the fact is if you look at labor law protections across a wide variety of rights and wide variety of remedies, it turns out that there are many, many places in the law where unauthorized workers do have labor rights and labor remedies in various aspects under the National Labor Relations Act, Fair Labor Standards Act, a lot of state law claims, and so, there are many cases that recognize the labor rights and remedies despite unlawful presence.

So, you have an emergence in the law of a number of not just Supreme Court cases but really all the way down to administrative decisions, federal and state, where the unlawful status all of a sudden is not the end of the analysis, it's just the bare beginning of the analysis. And that proliferates in a different way and that is the growth of twilight statuses, gray area statuses, and so you have a number of statuses that are not quite legal and not quite illegal. And we see this in different variety of things. We have -- there's a lot of pressure put on the asylum system because of turmoil in various parts of the world and so

we have some things like temporary protected status. The emergence of Deferred Action for Childhood Arrivals, the DACA program, is really a reflection of this drive to recognize this in-between status and law.

And to generalize, you even have a case like I mentioned briefly, *Padilla vs. Kentucky* is a case from 2010 involving the right to counsel, and that's a case involving a permanent resident. And so, it would seem not to fit into what I'm laying out as sort of the effects of undocumented immigration on the law. But in a way, *Padilla* is, because *Padilla* really emphasized the drastic consequences of deportation, and to me that really reflects this notion that, "Hey, wait a minute. You're not supposed to be here maybe but deportation is really significant and needs to be taken seriously and it's not just illegality that matters but that's just the start of the enquiry." And so, *Padilla*, by recognizing that effective criminal counsel includes some advice about immigration consequences, *Padilla* in that sense is part of this.

So, let me generalize on this. I'm still on this third effect here of sort of the in-between statuses but let me generalize about this in two ways that this has really profoundly affected the law. One is that I think that a lot of the debate about immigration policy today is really a debate about what the rule of law means. Because from one perspective *Plyler* got it wrong. From one perspective, the rule of law meant to enforce the immigration law in the state of Texas was doing that. But to the extent that it had become in a way a system -- I use the word "system" advisedly because no one's sort of sat down and planned it this way, but if there was going to be such a -- if we were going to lay the foundation for migration to essentially continue to meet the perceived needs of the American economy, then you have another view of the rule of law emerging which is the

rule of law is much more complicated. It's not just in voicing the law. It's saying that if you have 11 million people in this country whose presence in this country is acquiesced in in some sense, then the rule of law means treating them fairly. And what does that mean? It's a much more complicated question that involves what is the limit of an undocumented child's equality claim. When are unauthorized workers protected? What due process rights they have?

The other thing that I'll mention is that once you start having this effect on the law and the creation of the in-between statuses, then you have a tremendous contest about who makes these decisions. Returning to another aspect of Plyler: Plyler involved the state of Texas, right? Well, so that becomes the question of if you have these in-between statuses, what is the rule of state and local government in the complex world in which it's not just a matter of who is here lawfully or unlawfully under federal law? And so, that path from Texas in 1975, that statute was in '75, then you have Plyler vs. Doe in '82, then you have a whole generation of contests that include Proposition 187 in, California, 1994 and then in Hazelton, and Arizona as S.B. 1070. And today we see this not just on the enforcement side but we also see this with in-state tuition, driver's licenses in places like California that are pushed back against federal law from the other direction.

Okay. So, in short, the '65 Act, by laying the foundation for undocumented immigration as we know it, led the law to make accommodations that recognize national acquiescence in a larger unauthorized population, and these accommodations make the rule of law and the rule of states and cities into a very contested zone that then lawyers and then policymakers, of course, are arguing.

The last thing I'll mention, and I'll be brief about this in the interest of time, and partly because some of this is admittedly speculative on my part, but effect number four is the civil rights framing of immigration law issues. And this is something that's very profound. And maybe it's so profound that we take it for granted. And as Mark mentioned, I guess the '65 Immigration Act is a civil rights act. But this gives rise to several tensions here. One is it really raises the question of what's the relationship of immigration law and immigrant groups to affirmative action, that is the inclusion of not just immigrants but the undocumented. This is where effect number three comes in.

Once you have some recognition of the undocumented and then you had some application of civil rights framing to immigration law, once you have that, then is the inclusion of the undocumented more than the civil rights framework can bear? That'll be one way to think about. On the other hand, the civil rights framing is a very effective way to deal with some of the rule of law issues that emerge in effect number three. In other words, civil rights is a very effective way of dealing with what the rule of law might mean in a discretionary enforcement regime — who are going to be the few of the 11 million who are arrested, detained, and deported. The civil rights framing is a very effective way to bring the rule of law to bear on that particular problem. On the other hand, the civil rights framing I think complicates the search for deeper solutions. Because in '65 we've been in the idea of favoring some sending countries over others. This is an anti-discrimination norm but it really raises this question, how do we think about Mexico? Some simple proposals: Eliminate the per-country cap for Mexico. Temporary worker program just for Mexico. Invest more heavily in economic development in Mexico. Are those things unfair? Are they discriminatory against other countries? From one perspective, one might say yes.

So, just to wrap up, I think that the civil rights framing does complicate the search for solutions because there're really three basic concepts here. One is freedom of movement which is immigration law, one is national citizenship, and the third is economic integration. The immigration citizenship box is to think about freedom of movement and national citizenship together and to think about economic integration as separate, but the other way to think about it is that you pair freedom of movement with economic integration and think of national citizenship as the third thing that's separate, which in a way is a way to think about the European Union. So, I think we've come full circle here. The intended effect of '65 is to dismantle the national-origin systems; it lays the foundation for unauthorized migration today, that's effect numbers two; the third is the legal complexities to accommodate unauthorized migration and then it gives us a civil rights frame. The civil rights framing really raises the question of what is discrimination, what is equality, and those are the questions that led to the '65 Act in the first place. Thanks.

Doris Meissner: Thank you so much, Hiroshi. That was very thought-provoking and certainly brings us very much into the current setting and the current issues that are confronting all of us in the morphing of this historical experience to where we are today.

So, Tom, today you've written about in your current book which is just being released, *A Nation of Nations*. You've looked at this historically, you've also looked at it in terms of several families that are currently here. There is the dimension that we haven't gotten to very much about how this immigration picture that we now represent as a country project internationally, what it's done in terms of the character of the country. So, pick and choose among many things to do as a set of final comments. Thanks so much.

Tom Gjelten: Thanks, Doris. We talked about this before. I didn't make any notes preparing for this because our agreement was that I would consider what everybody else had to say and then sort of find if there were any gaps or if there's anything left to say. I don't want to duplicate anything. So, if it sounds like a little bit hit-and-miss, it's because I'm filling in some of the things that I thought I found were really interesting about this story.

You can tell -- you know, when I wrote this book, as Doris said, one of the things I wanted to do was to identify some families who were here as a result of the 1965 Act, and one of the things that I found, Hiroshi, was it's actually very difficult because I found very few people who could explain exactly what law it was that enabled them to come here. Because they hire immigration lawyers who sort of pick from various laws, and you have explained it very well, the legal structure affecting immigration is so complicated that it's very hard to identify some families as coming from the '65 Act as opposed to something else. So, that was very helpful that you said that.

From Mark, Mark gave you a quick overview of the role of Lyndon Johnson in this. I too, and we were talking about this before, I found the role of Lyndon Johnson really fascinating in the story. And one of the things that Mark left out is that Lyndon Johnson, the 1952 McCarran-Walter Act, the forerunner of the '65 Act which Muz described kept in place the national-origin quotas and as Muz said, President Truman vetoed that. The veto was overridden and Lyndon Johnson was actually one of those who voted to sustain the Act, to override the veto. So, his position on this changed dramatically in those 13 years, from overriding President Truman's veto to being the principal force behind the '65 Act. One of the things that makes him such a fascinating figure is to sort of follow the evolution of his

thinking. And as Muz quoted before, actually even though John Kennedy was really the original driving force behind this reform, he never mentioned it in his three State of the Union Addresses. It fell to Johnson to really push it. And Johnson gave on numerous occasions a very eloquent defense of why this Act was needed. So, that was I thought a very interesting story.

Now to pick up on the big question that sort of hangs over this Act is it's so often been described as Doris did in the beginning, as an Act that had unintended consequences. And that's actually true. If I went back and I read the news articles on October 4th, the day after it was signed, or October 1st, the day after it passed the Congress, it got almost no attention. I don't even think it was on the front page of the newspapers. And you know, it was never debated on the floor. Very, very cursory debate. Almost all the work was done in committees. So, it means people didn't have a sense that what they were doing was something really important.

My sense to answer a question that Muz laid down in the beginning is I do think that people thought for the most part that this was a symbolic move. But there is an exception to that. The hard-core opponents of the reform said, "You know, if we pass this Act, we're going to be inundated by immigrants from the Third World. We're going to have Asians and Africans and Middle Easterners, Arabs coming, and it's going to completely change the country." Well, it's kind of an irony that this kind of semi-racist critique of the Act actually turned out to be more correct than what the supporters were saying. Because the supporters were saying, "No, no. It's not going to happen. It's really not going to really change the profile of the country that much. It's a civil rights measure. We shouldn't be discriminating against people on the basis of their ancestry."

But I sort of fault the great liberal reformers at that time because instead of answering those objections from the right wing and saying, "Yeah. Maybe it will bring in more immigrants of color, but what's wrong with that? Why shouldn't we bring in more -- why should our policy favor white immigrants as opposed to immigrants of color?" They didn't do that. Instead they simply denied that it was going to happen. And it was left to the hard-core critics to actually correctly anticipate what the changes of this law would bring about.

Nevertheless it was I think in the end most people didn't realize that this was going to have quite the effects that it would have. I think there is a simple explanation for this which I think has often been overlooked. If you go back to the quote that Mark gave you from Johnson's January '64 State of the Union, he said we should ask a potential immigrant: "What can you do for the country, not in what country were you born?" The important point there is that he said the question was, "What can you do for our country?" In the original version of this bill proposed by Johnson, the top preference was given to those immigrants who would have skills and trainings that were "especially advantageous to the United States." That was the reason that Johnson framed that quote that way, the issue was what can potential immigrants do for our country.

Well, that was in January '64. The hearings didn't actually get started until a year later in '65 and the reason was there was a very ornery congressman from Ohio named Michael Feighan, who was chairman of the House Immigration Subcommittee, and he did not want this reform to go through and he just refused to hold hearings. It might've just gone in one ear and out the other. But in that tape clip from President Johnson, Teddy Kennedy says we're doing well in the Senate but the House is a bit of a problem because of

this guy, Feighan. Well, this guy Feighan was Michael Feighan, chairman of the House Immigration Subcommittee. He was allied with these right-wing groups, basically a motley assortment of far-right groups that were completely opposed to ending the national-origins quotas, and for that reason he didn't like that reform.

Well, he finally in '65, under pressure from Johnson, agreed to hold hearings on this reform but the condition that he put was that the law be changed. Instead of giving top preference to those workers who had skills that were especially advantageous to the U.S., he insisted on family unification being the top preference. And as Muz said, he came up with some new categories that weren't even in the original version, including brothers and sisters provision whereby adult siblings of U.S. citizens, naturalized U.S. citizens could come and gain legal residency. And as Muz said now three-quarters of the new immigrants are coming under family unification provisions, and if I'm not mistaken it's only about 10 percent or so who are actually coming in under the original premise which was that they had jobs or skills that were advantageous to the United States.

Now, why did Feighan make this change? Why did he insist on this change? He thought that he wanted to preserve the ethnic profile of the country as it was at that time. He did not want immigrants of color coming in, which was the whole idea of the national-origins quota. He figured that if you gave preference to people who had relatives already here, you would just replicate the existing ethnic structure of the country. In fact, there's a very interesting article in the *American Legion* -- *American Legion* was steadfastly opposed to eliminating the national-origins quota. Feighan worked on them and there was an article, a commentary in the *American Legion* magazine that reflected Feighan's thinking and it was that if we give preference to people who have relatives already here, we're going to have

more of the same. In fact, emphasizing that family unification would constitute, and this is a direct quote, "a naturally operating national-origins system."

So, Feighan thought that he had come up with a way to maintain the national-origins system in fact if not in law. Well, that completely backfired. And this is actually the reason -- you know, some of the people who were pushing for the elimination of the national-origins quotas the hardest, particularly Asian American groups were really furious that the administration went along with Feighan's amendment because they were convinced just like the right wing was convinced that if he had family unification, they would continue to be disadvantaged because they had so few relatives in the country, so they were very upset by this change. And that is actually one of the main reasons why so few people thought that this law was going to have much of a difference in the ethnic structure of the country, because of this last-minute change to emphasize family unification.

Well, in fact, -- and one interesting thing is that it didn't have much of a change for a long time. It took a while for this family unification dynamic to really kick in, because once you become a legal permanent resident, you have to wait five years to become a citizen. So, if you had for example a Korean war bride or somebody coming from India on a student's scholarship, student visa, who then actually got a job and because he or she got a job could become a legal resident, that person had to then wait five years before he or she could bring in brothers and sisters. So, it took a while for this kind of new mechanism to kick in. But once it did, it really kicked in in a big way, because you had this kind of then exponential increase in immigration.

Now theoretically this would apply to all countries in the world equally, so why was there this surge of immigration from the so-called developing world? You know, nine out of

10 immigrants these days are coming from outside Europe. Well, there were geopolitical changes taking place in the world that really favored immigration from those countries -- you all know about push factors and pull factors, well, all the push-and-pull factors were operating in favor of immigration from the developing countries. And just to take one example, in Africa, the countries from Africa had measly quotas under the national-origins system, 100 visas a year. Well, the interesting fact is that throughout the 1950s, even those -- there were visas that went unfilled. There were so little demand for immigration from Africa that even with that little quota of 100 visas a year, most of them went unfilled because there was just no movement from Africa.

Well, you know, in the mid-'60s you had decolonization in Africa, you had a lot of changes, you had growing prosperity, you had wars, you had conflicts, so much more demand to immigrate from Africa. And to the benefit of Africans finally just as the time came historically for them to start to migrate, those quotas were removed. So, you had these changes taking place in the world. Same thing for Latin America, there was no quota on immigration from Latin America up until 1965 but on the other hand there wasn't a huge demand to immigrate from Latin America through those years. So, that's I think one of the reasons that we saw this big change taking place after 1965 that nobody foresaw.

Now finally I just wanted to mention my view of some of the consequences of this. I think the most interesting one to me is the fact that we -- and we've alluded to it all morning, the fact that the composition, the complexion of the country has changed so dramatically. The right wing back in the '60s -- and it's sad to say I think some of this argument is coming back, basically objected to immigrants of color, did not like the idea that immigrants of color would be coming to this country. "We are an Anglo-Saxon country,

we are a European country, we're a Christian nation, a Judeo-Christian nation and we need to maintain that heritage." That of course now some of those arguments are, as I say, coming back now.

Then there was a sort of a little bit more of a liberal version of the same argument and it was actually best expressed by Arthur Schlesinger, who was we think of him as, a great liberal historian and an advisor to the Kennedys. He wrote a book in the 1990s very critical of multiculturalism and the line that sort of summed it up for me in his argument was we have – "our motto is 'E pluribus unum,' out of many one, but we have too much pluribus and not enough unum." He wasn't critical of people coming here from different racial and ethnic backgrounds. He felt that they weren't putting enough effort into creating a sort of a single nationality, that they were sort of focusing on their differences instead of focusing on what could bring them together. Well, as Paul said, it's all very fine to sort of expect immigrants of color to embrace unity but there's only so much they can do about the fact that they have a different religious background, the fact that they have a different skin color, the fact that they come from a different historical cultural tradition. I mean, it's unrealistic to expect people to sort of give that all up and sort of somehow embrace -- if you're an immigrant from Sudan or Ghana, to sort of all of a sudden embrace some Anglo-Saxon identity. It's just not possible for you to do that.

So, nevertheless I think and just to conclude, I do think that this surge of immigration from non-European countries does present a challenge to the country because it is important to have some kind of unity, some sense of national identity that is more than just an assortment of different colors. And I think that what this moment has meant for us as a nation is that we've had to come up with a new sense of we. It's important to have a

sense of we but that sense of we has to be elaborated in such a way that it is inclusive, not just fragmentary, not just a bunch of different we's but a single we. But it has to be elaborated in a way that does not exclude those people who for reasons obvious cannot fit into a kind of a white Anglo-Saxon model. That is to me a really interesting challenge.

It's what I really focused on in much of my book. I picked out several families from Fairfax County, and I can talk if you have questions about that and why I chose Fairfax County, it's a county that's been dramatically transformed by immigration. I focused in particular on a Libyan family, a Korean family, a Bolivian family, and an El Salvadoran family, and one of the things that I am trying to explore in this book is how they have been able to, in their own minds, become American and what does it mean to them to be American considering that they're coming from these nontraditional backgrounds. So, thank you very much.

Doris Meissner: Thank you, Tom. Thank you very much. Well, we've had an incredibly rich array of thoughts and perspectives in all of this, and I am going to turn to the audience for questions in a moment. But I'm just wondering before that whether any of you want to pick up on any points that others have made in terms of either adding to them or asking questions of each other.

Mark K. Updegrave: I'd ask one question, Doris, and that is to the panel. As a nation, we seem to leap forward aggressively on so many different issues. Sometimes we take steps back but we ultimately irrevocably go forward. And we've seen that in civil rights, for instance. We've seen that on women's rights. But xenophobia seems to be a constant. It seems to always resonate. We're seeing that in this election cycle once again. Why can we

not overcome xenophobia in this country? Why does that issue continue to resound so effectively?

Doris Meissner: Who would like to take that on? And several of you are invited to do so.

Paul Taylor: Well, I think being a glass half-filled... I think I take a little bit of a challenge on the premise. Of course, yes, there is a xenophobic strain that has been with us throughout our history. When we, the Pew Research, did a fairly deep look at attitudes towards immigration this spring, this was before Trump kind of threw a lot of stuff into the pot and the numbers may be different, but I was pretty impressed. There were trend questions we asked about immigration, a lot of different ways of asking it but there are a couple of basic questions: "Generally speaking would you say immigrants are good for this country over the long haul or bad for this country?"

Fifty years on to this very large immigration wave that has changed our racial and ethnic complexion and challenge some of our sense of who we are, the American public tilted, it was mixed but it tilted positive at that -- 50 percent generally good, 40 percent generally bad. Other ways of asking it — "do they strengthen our country because they bring new workers or do they weaken us because they challenge our core values" — on that question as well we ticked more positive than negative, although overall mixed.

I think if you go throughout human history, we are not alone in being xenophobic. Most cultures and nations that I know of have a hard time absorbing immigrants. My own sense is in 2015, warts and all, and a fairly ill-informed public debate and a Congress that has been hamstrung on the issue for a decade, the American public is not up in arms about this. And another thing we ask every January is, what are the most important issues facing

the country today? Immigration has been at the bottom of the list. It's actually even at the bottom of the list of all things, among Hispanic Americans for whom you would think it's the most important issue because they're the ones who are more than anybody else living in the shadows of this system. It's number five on that list. So, there's a lot that's going right with immigration because it is enriching us and is I think giving us a broader perspective. I don't like the term multiculturalism but I do like the term inclusion and tolerance and it does seem to me that as a track that we are on.

Tom Gjelten: I have one quick little story. I spent about two years immersed in the Bosnian War and learned a lot, I think, about the idea of ethnic conflict from that experience. And you know, the former Yugoslavia had a very diverse population but did not have inter-ethnic conflict for years and years and years while Tito was the president of Yugoslavia, and one of the reasons for that is because Tito was sort of an independent -- I'm going to bring this back to immigration in a moment -- but Tito was considered to be an alternative to Moscow and China and therefore Western countries showered loans and credits and aid to Yugoslavia in order to sort of keep it as a separate thing.

Well, what happened after 1989 when the Soviet Bloc collapsed, we didn't have to worry about the Soviet Union anymore and there was an immediate cutoff of all of that Western assistance to the former Yugoslavia, and across the entire country you had economic crisis, you had skyrocketing unemployment, inflation, the economy basically went to hell all across the former Yugoslavia. And along came Slobodan Milošević who was a follower of Tito, a communist apparatchik who needed to maintain his hold on power. And what he did is what demagogues typically do. He came up with a scapegoating analysis, basically convinced people that the reason that they were miserable was because some

other ethnic group was cheating them, and it worked and it produced a terribly bloody inter-ethnic war. So, I don't want to sort of go too far with that analogy but I think there is no question that when people feel stressed, it is very easy for them to blame the other.

Hiroshi Motomura: So, Mark, you raised a really important question and here is what I think about it. That immigration literally involves *in*-migration and if you have a country that is committed to some strong sense of national citizenship, then *in*-migration poses a challenge of integration. And that's gone under different labels ranging from integration to assimilation, but at any rate incorporating people into this country. And when you have that process, then you have the challenge of dealing with people who seem different and some people from that perspective will seem more different than others and different reactions will emerge to that and some of that at one end is going to be the xenophobia. And so, we see this. And then you have the political cycles that Tom just mentioned because it becomes an easy thing to exploit for certain parts of the political spectrum.

But if you look at this more in sort of generational perspective and not think about immigration law as a snapshot, I mean often we think of this as a snapshot in time but if you think about this in cycles of history -- someone asked me once, when was the golden age of immigration and it turns out I think that the golden age of immigration was always one generation ago for a lot of people. And as long as that's true, maybe that's not so bad.

I'm reminded of something that Mark Twain repeated to us, that history doesn't repeat itself but it often rhymes. It turns out that this is one of many things that Mark Twain I don't think actually said but it sounds like him. So, if you think of this in more dynamic... it's part of the cycle that we've been through but the targets of xenophobia 50 or

100 years ago are somehow becoming the people who invoke it or are the examples of it today and as long as that keeps happening maybe that's the second best we can have.

Doris Meissner: Other points people on the panel would like to raise? Muz?

Muzaffar Chishti: There is this one point that I think just intrigues me more about the relevance of this '65 Act today, is that if we could spend a little more time as to how lawmaking happened in '65 as against today, why was so little debate on the floor of the Senate or the House on the '65 Act? Was it peculiar about that or was this all the substantive discussions used to happen in the committees and subcommittees and they were respected for their expertise and a larger body just accepted that expertise, and how different is that today?

Hiroshi Motomura: I'm going to leave the fuller answer to people who know this much better than I, but when you said that it happened quickly, my reaction is that Manny Celler would say it took 50 years.

Doris Meissner: It depends on your framing. Mark, you want to try that? Tom, [indiscernible] look at this too.

Mark K. Updegrave: I think like the Civil Rights Act of 1964, it was an idea whose time had come. And Lyndon Johnson wins 64 percent of the popular vote, he has this enormous electoral mandate, he has significant majorities in the House and Senate and so he could push through this progressive reform where others could not. And again, I think that mastery of the legislative process has an awful lot to do with it as well. Tom, you might have some thoughts.

Tom Gjelten: Well, this is almost a cliché but there was a lot more bipartisanship in that time than there is today and the best evidence of that is believe it or not, this is hard to

imagine nowadays, the 1965 Immigration Act had a larger share of the Republican vote than of the Democratic vote in 1965, and that's because the main opposition -- well, the Republicans were very small minority but the main opposition was from Southern Democrats, just as the main opposition to the civil rights reforms were from Southern Democrats. And there were many more moderate Republicans in Congress at that time and they largely supported these reforms. So, it was just a very different Congress.

Muzaffar Chishti: That's so intriguing because the lesson from that is the opposite of the Hastert Rule. It was the majority of the minority actually that passed the '65 Act than the majority of the majority.

Paul Taylor: Well, just to jump in on that. So, yes, this was a messy compromise and a messy compromise that had unintended consequences but a lot of great consequences. We don't have messy consequences in this chamber anymore because our political leaders are so polarized. One of the reasons they are so polarized is our demography has changed as profoundly as it has, in part driven by the immigration wave, and so the demographics of the Democrats have moved in a certain direction and the demographics of the Republican Party have moved in a certain direction, in some ways in backlash to the cultural, social, and racial changes they see all around them. So, it's not just that members of Congress don't know how to make a deal and are blinded by ideology. It is that the public that is sending them there is more polarized. And in some ways, that is one of the fruits of the 1965 Act.

Mark K. Updegrave: One point I would make and it reinforces the very good point that Tom made -- there was predictable Southern Democratic opposition to the Immigration Act of 1965 just as there was for the Voting Rights Act of '65 and Civil Rights

Act of '64, but one of the central figures in civil rights legislation is Everett Dirksen. We sit today in the Dirksen Senate Office Building. And just a quick story about Johnson. Johnson knew he needed to curry the favor of Dirksen in order to get the Civil Rights Act of 1964 passed and he would call him and say -- Dirksen did not have an insignificant ego, neither did Johnson, but Johnson would call him and he'd say, "You know, Everett, I was just in your home state of Illinois and it's the land of Lincoln and you're worthy of being in the land of Lincoln. And I'll tell you what, 100 years from today schoolchildren will look back and they'll just know two names of folks from Illinois -- Abraham Lincoln and Everett Dirksen." And I'll be damned if it didn't work.

But you'll notice when Johnson signs the Civil Rights Act of 1964, he does so in the East Room of the White House. It's nationally televised, an enormously important and seminal event in our history, Johnson realizes that, and that first pen -- he used 72 pens to sign the Act -- giving them to all those who helped to make it come to fruition, but that first pen did not go to Martin Luther King or Hubert Humphrey or Ralph Abernathy, it went to Everett Dirksen. The Northern Republicans were instrumental in pushing forward all of the progressive reform of the Great Society.

Doris Meissner: So, let me pick up on that point in terms of what you said, Paul, about the country being more polarized and your point, Tom, about "what's the 'we' with all of the pluribus?" Because it does go to this issue that we pride ourselves on as a country that there is strength in diversity, and that's an article of faith that comes with this whole topic, but these issues of fragmentation and of differences and of backlash and reaction are paralyzing us today. So, what is the we that you find, that you think about in the work that

you did? How does this become some kind of a practical way of moving forward with all of the differences?

Tom Gjelten: Well, I think the guy who has written most eloquently about this is the late Seymour Martin Lipset who has written several books on American exceptionalism, and basically he said that America is an ideological concept. It's not a cultural concept, it's an ideological concept. And he actually lays out in his books what the elements of that ideology are. But basically there is a creed, there is an American creed that has to do -- it begins with the Declaration of the Independence and the Constitution, and there's a whole political culture, and if you would accept and embrace that political culture and live by it and believe in it, then you are in a sense a model American. And that's what I found in talking to people when you really press them on what does it mean to be American, it inevitably comes back to sort of ideas, not traditions, not religions, not languages, but political ideas.

Doris Meissner: Yes. It's the civic values and the idea of democracy. Well, that's probably a very good note to open to the audience on and so I invite your questions. Do we have a mic for questions, Lisa? Okay. Right here and then Alan on the aisle and then Lisa.

Amanda Bergson-Shilcock: Thank you. Good morning.

Doris Meissner: And tell us who you are.

Amanda Bergson-Shilcock: Amanda Bergson-Shilcock. And thank you to the whole panel for your many great remarks this morning. My question is for Professor Motomura. You talked about this twilight in-betweenness and there are millions of Americans that have now personal lived experience of that twilight in-betweenness, but our policymakers mostly don't. So, what does that mean for immigration discussion in Congress when

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millions of Americans who may not be undocumented themselves nevertheless have experience of this 20 years, 25 years of twilight in-betweenness and yet the folks who are making policy may not?

Hiroshi Motomura: I think a lot of what has happened if we think about one of the most recent prominent examples of this is the controversies surrounding the DREAM Act in Congress and then the executive actions that reflect similar impetus resulting in DACA. It's been interesting that so much of that was driven by people who somehow brought the personal stories into Congress and into the executive branch. And I'm not sure that fully answers your question but it seems to be an area where that's where some of the politics has been. And maybe that is also more generally challenged with legislation to have laws made by people whose personal lived experience needs to be expanded with channels like that.

Doris Meissner: I have a good chance to test that with the possible new speaker in the House who comes from a much more diverse district than some of the other members have, see whether there's any reflection. I think Alan, you have the mic next?

Alan Kraut: Alan Kraut. I teach history at American University and I'm a Non-Resident Fellow with MPI. My question concerns this issue of unintended consequences. Because certainly one aspect of that which we haven't discussed this morning is the reaction of other nations to the '65 Act. Section 3 of the law has occupational preference. That created in effect the kind of brain drain from a number of countries that intended to take advantage of the Act and I was wondering if the panel would comment on the response of other governments to what we did in 1965.

Doris Meissner: [Indiscernible].

Hiroshi Motomura: This is a more general comment about brain drain so I'll keep it short because it may not be entirely responsive. But I think that the brain drain concept has become much more complicated than it was in '65, and I put it that way because of it's become through technology and travel much easier for people to be part of a sort of almost a diaspora and this means that sending countries have become much more engaged in one what might call even diaspora management, ranging from making sure that their citizens in the United States even get to vote sometimes in parliamentary elections and then also to look to the Philippine government, you see quite a bit of training for people to leave. And so, there is some sense of trying -- one way to think about this is to think about managing brain drain so that it isn't really brain drain but rather a foothold in that country both in terms of remittances on the one end of the spectrum and on the other end of the spectrum some loyalty to the sending country. And this is also a question for empirical researchers, is to how that hold or that connection fades over time.

Doris Meissner: Tom, do you have some comments on that?

Tom Gjelten: Well, Hiroshi mentioned remittances which I think is a huge factor so sort of that's the payoff to the sending countries, that they benefit financially even if some of their best educated people leave. But the other point is that -- and this is also echoing Hiroshi -- the brain drain phenomenon is not a real simplistic phenomenon. I mean, it's a dynamic. And if you look -- one of the best examples to look at is South Korea. I mean, we have had tremendous -- there was tremendous outmigration from South Korea particularly in the 1980s, and South Korea at that time was a very poor country and there was a lot of political problems. Well, lately we have seen more and more Korean immigrants returning to Korea and they're returning because it's a booming economy, they have the language,

they now have the skills, they're going back to make money in Korea. And Korea is now benefiting from the experience and the education that these people had in the United States and now they are seeing it in their interest to return to Korea and start businesses and expand businesses and create jobs. And so, from the Korean government's point of view, this has actually been a brain drain that worked out.

Doris Meissner: Muz, you have a perspective on this too.

Muzaffar Chishti: Well, I guess Alan knows more about this than a lot of people. I guess I'm accused of being a part of the brain drain. It's a complicated discussion in the Third World. A lot of people say that you see a lot of brains getting drained in the country.

Tom Gjelten: But you left your family there, didn't you?

Muzaffar Chishti: There was no chain of migration that followed mine. But I think the point you've just made about South Korea, basically made very, very effectively especially about India. I mean, you could say that the synergy between the Silicon Valley and Bangalore is one of the most important global migrations that we have seen. That people came from Bangalore as H1-B workers to stay on as skilled workers and then went back. And the connections they had built actually between Silicon Valley had proved to be the most important element in the growth of India's IT sector, that has become a giant [indiscernible]. So, I think there are examples of that that abound all over. I think it's just taking more time for other countries to catch up with that.

China is fast catching up with that. I mean, it's very difficult to retain Chinese graduate students in the U.S. now. They find much more important opportunities in China and they're going for it. And I think that is likely to be the trend. In fact, about the point that Paul made about at some point India and China are going to outpace all Latin American

countries, I mean our understanding is that Chinese migration actually will go down and Indians go up because there's just much more opportunities for Chinese to go back and do well in that economy.

Doris Meissner: Lisa?

Lisa Roney: Hi. I'm Lisa Roney and I was actually hired by INS in 1970 to look at the Immigration Act and what the impacts had been. And I'm wondering if in looking at this, if you've come across the fact that I think the administration had to know what was going to happen because there were backlogs in the 1952 Act, and so what happened is that the countries with large quotas had no backlogs because they could come whenever they wanted, the quotas weren't filled. And Southern and Eastern Europe, Italy and Greece in particular, there were huge numbers of family members and the quotas were medium size and so they were ripe to come as soon as they could. And in Asia, there were people that wanted to come in the employment categories and then on preference category in line and Africa had no one in line, no one here, they had to come later.

But what happened is that the backlogs were worked off and you got a lot of Italians and Greeks initially and Asian workers and then the Italian and Greek backlogs were worked off and never reappeared and the Asians sort of took off as workers came and then families came. And this was all very predictable if you knew what the backlogs were, what was going on in the system. And this was looked at very carefully then in '74 and '76, so what would happen with the Western Hemisphere. So, there were a lot of things that went on. And then there was unintended consequence of the Philippines using, I think, 90 percent of all worker visas until a provision was put in to issue visas in a different manner. So, I just wondered if you've come across anything like this in looking at the impact.

Doris Meissner: Fascinating history and I think that it's a good example of at a technical level there generally are people that know things that don't necessarily penetrate the political discussion and the overall perceptions by decision-makers of what it is that they're doing or what the public expects based on what the predictions have been.

Tom Gjelten: The one thing I would add is I think there always has been, and certainly was at that time, a tendency to rely on looking backward rather than forward and there were a lot of projections based on backward looking at that time. And I quote in my book Dean Rusk saying that he did not think that there were a lot of people that were just straining to move to the United States. And there certainly was a lot of testimony about Latin America that in fact there hadn't been a great demand to move from Latin America. And so, there were assumptions. They made assumptions about immigration from Latin America that were totally based on looking back to 1920 where from 1920 to 1965 how many Latin Americans had taken advantage of the non-quota aspect and come and there weren't very many so they just sort of assumed that that was a trend that would continue? I mean, it's a mistake policymakers do all the time, right, Doris?

Doris Meissner: Yes. We only know what we know. And in the meanwhile, there are a set of independent variable that were changing that were not connected to immigration but that had to do with the shift in income and future chances in Europe, vis-à-vis Latin America and Asia and all of those things played into it. So, that's what happens when a dynamic becomes unleashed.

Hiroshi Motomura: One thing that makes me think about is how people make immigration decisions and the idea of measuring from a quota line suggests that people really plan ahead and people get in line and are willing to be patient and I'm thinking in

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that timeframe. And I think about Asian immigration post '65 and I think much of it is not spontaneous in a sense of on the spur of the moment but more spontaneous than would've been picked up by a decision to get into a quota line that was extremely short. And just my own sense of things, maybe it's a bit of my own history but that's just the speculation of how there's quite a bit of a gap between getting into line before '65 and a decision to take advantage of an opportunity that presents itself that's new.

Doris Meissner: Lisa says in the back. And then Phil. Okay.

Arnold Torres: Arnold Torres. Taking up the point that you made about Johnson's transformation, the comment that America is more of a concept and ideology and the issue of today's xenophobes are yesterday's immigrants. The Act was, as many of you have said, more of a civil rights act. Johnson made a very important statement in the tape that you played which was, "I just want to do the right thing," which is something that you don't really hear and haven't heard in American politics for a long time. In comparison to today, do you all have any different expectations of the leadership that minority members of Congress should be playing in this debate? Are they doing, in your opinion, what is expected? Would they have done anything differently in '65? In other words, you talk about a lot of things that most members of Congress haven't read about any of it including Latino members and other ethnic minority members of Congress. Do you feel comfortable that they're providing that leadership to deal with this issue today, which is how much a civil rights issue and how much an immigration issue?

Doris Meissner: And when you say minority, you're not talking political minority, you're talking Latinos, Asian, ethnic minorities? Okay. Any views on that?

Paul Taylor: I can offer some numbers and they're intriguing to me. I don't know quite what they mean. I'm particularly interested in the underrepresentation of Asians in government. Asians are overrepresented in almost any kind of high-end profession that we can think of, and given their educational attainment and whatnot, that's not surprising. But they're underrepresented at all levels of government. And so, to the extent that that community wants to express itself politically, I think there is some political development yet to happen. I think the picture was different within the Latino community which has begun to show its political muscle in the way that immigrant groups have throughout history. Although with the Latino immigrants a big issue is around what do we do with the 11 million unauthorized. Will they eventually become legal? Will they eventually be on that, have a pathway to citizenship and they may become part of our electorate? And that's clearly part of the calculation, one of the reasons that makes it so difficult.

But among Latino immigrants who are here legally, a very low share have chosen to become citizens and therefore have full political rights led by Mexican Americans, and I think the figure is something like just 36 percent of Mexican Americans were here legally. They're not unauthorized. They are legal citizens but they had not taken the step to naturalize. And that's a whole different issue that may have to do with proximity to the home country and other factors. But I would say of those two major groups that their numbers are large politically so far anyway they have punched below their weight. Their numbers are getting so large that even if they punch below their weight, the political leaders are going to have to start to pay attention to them and maybe at some point their political participation will catch up with their number.

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Tom Gjelten: I think it's not only lower rates of naturalization but lower voting rates on citizens.

Paul Taylor: Yes, all of the above.

Doris Meissner: Okay. I think we're going to be able to just take two more questions. There is one here and then Phil who's had his hand up for a while.

Nemata Blyden: Thank you. My name is Nema Blyden. I'm a professor of history at George Washington University and I write about African immigrants, so thank you, Tom, for bringing them up. And I want to ask a question -- immigrants of African descent are typical a sort of under-the-radar immigrant group and I'd like some comment on how some of this immigration legislation deals with this particular group.

Doris Meissner: Okay. And then I'm going to ask for Phil to ask his question and we'll do them at the same -- maybe this gentleman's -- we'll take one more. We'll take three of them and then we'll allow you to choose on the answers. Phil?

Philip Martin: Thank you. I'm Phil Martin, University of California, Davis. Just two quick questions, one is on the civil rights thing. Cesar Chavez used to say ending the Bracero program was civil rights for Mexican Americans. And remember, he got a 40-percent one-year wage increase in 1966 which he attributed to the end of the Bracero program. So, to what extent when we talk about civil rights for Mexican Americans, my understanding from the people who were there was that ending the Bracero program was explicitly intended to help especially rural Mexican Americans.

And then on the second point about unintended consequences, several of you made the point a seamless transition from Braceros to unauthorized Mexicans, and that's not the way -- I wasn't there but that's not the way the people who were there see it at all. Wages

jumped. There was a fear of automation in the 1960s. Huge government studies that predicted agriculture will be completely mechanized by 1975. And as I understand the history, it's the interstate highway system, the water projects, and beginning in the '70s, not the '60s, the toleration of unauthorized migrants. In other words, at the time of the end of the Bracero program, California had 10,000 acres of strawberries, it takes two workers per acre. Now there's 40,000. So, there was a pause in this labor intensive agriculture, lots of automation, but then when it became clear that we weren't going to enforce the immigration laws, that's when it took off.

I mean, remember during the Bracero program, there were more Mexicans apprehended than were ever admitted legally. So, they always went hand in hand. There was actually really a law between the mid '60s and the mid '70s before it took off. I mean, you can go back and relook at it but I think the people who were there would have a given a very different perspective than what was suggested here. A seamless transition from legal Braceros to unauthorized Mexicans. It did happen but I think it took 10 years. Thank you.

Doris Meissner: Okay. We'll take a final question up front and then we'll respond.

Jim McDonald: Thank you. My name is Jim McDonald. I'm from Alexandria, Virginia. And J.J. Goldberg reported on a buildup preparing for the 1965 Act that Rabbi Isaiah Minkoff established basically the huge national coalition which for 10 years then lobbied and so on and so on and leafleted, planted articles in magazines, held public meetings on the racist nature of the immigration quota system and he did that for 10 years, and then they were eventually successful. So, my question is, is there anything to counter that what Minkoff was actually using was kind of this moral standard that we're correcting a racism problem when in fact really his objective was to create a pluralistic multicultural society,

change the complexion of the country simply because he felt that would make the nation a safer place for Jews? Is anything to counter that?

Doris Meissner: Is anything to counter that, you're saying? Is that the question, anything to counter that?

Okay. So, we have a question on African migration, on the seamlessness from Bracero or not seamlessness to the unauthorized population, and then this final question about Minkoff.

Paul Taylor: I will weigh in with some numbers on African migration. In 1965 when this law was passed, 1 percent of the African American population in this country was foreign born. Today, 10 percent of the African American population in this country is foreign born. And projecting forward, again given dynamics and population change in those regions, that is likely to continue and I think it's going to be a profound change within the African American community and the nation as a whole, and it'll rise, it'll rise onto the radar screen before long.

Doris Meissner: Okay. Hiroshi, do you want to add anything on any of these points?

Muzaffar Chishti: May I say something on the African [cross-talking].

Hiroshi Motomura: I think the question of African migration and this treatment in the national-origin system I think as the question suggests which were treated with extremely low quotas in the same order of 100 per year, and so what happens is that -- and that actually was -- I don't know the legislative history of attention to that particular provision but that was certainly an effect of the National Origins Act. But as several of us here have mentioned, that even that quota was undersubscribed at that time. So, one of the ways to think about the '65 Act was not just to open opportunities for Southern and

Eastern Europeans but also to Asian immigrants and to African immigrants in a way that was quite parallel as to Asian immigrants and African immigrants, and that really is an important thing to say.

In response to Phil's question about the Bracero program, I mean, of course I'm compressing quite a bit here and one of the things I'm glad that Muz mentioned in his opening remarks is that the per-country limit to Mexico, it really doesn't come in until about a decade after the '65 Act. And so, I'm not sure what's seamless and what's not seamless but there're two ways in which I can see the picture is more nuanced than I put forward in, I don't know, whatever the two-and-a-half minutes I allocated myself for that issue. One is that it did take that 10 years. Some of that has to do with the gradual imposition of limits, some of that has to do with the emergence of enforcement regimes not ramping up -- although I would say a lot of it was a continuity of enforcement regimes that predated '65 but also that the Bracero program was only one element here in what proved to be the expansion. And so, it's both more than just one factor and it does take time.

Doris Meissner: Muz, on the African point?

Muzaffar Chishti: I was just going to make a point. The African migration is another example of this unforeseen consequences. I mean, I didn't have time to do the entire trajectory of all our immigration laws but in a very odd way when Congress enacted in the 1990 the Diversity Program, it was doing it as a reaction to the 1965 end of the national-origin quota system, because in 1990 people were arguing that look, we had this big dramatic thing we did in '65 and it really reduced European migration, that that was not our intent, could we now do something to pull back European migration. So, Congress introduced the diversity visa. The intent of that was to increase Irish migration. And once it

was done on a non-discriminatory basis, it did increase Irish migration a little but the significant beneficiaries of the diversity programs have been Africans and Bangladeshis, frankly. So, to the extent that the foreign-born African population increase is much more to do with the diversity visas than it did with the 1965 Act.

Doris Meissner: Okay. Any other comments on any other points?

Tom Gjelten: Well, I would just point out that -- and this is actually to agree with a comment that the end of the Bracero program was supported by liberals at that time. I mean, that was in 1964 which is in the midst of this avalanche of progressive legislation and the civil rights movement and so forth, and the abolition of the Bracero program was considered at that time to be a civil rights move. And Peter Rodino for example who was one of the most outspoken supporters of the '65 Act was also one of the most outspoken supporters of the need to eliminate the Bracero program.

And then, about Jewish support for immigration reform, it's clear when you read the historical record that one of the major forces driving immigration reform in the '50s or the immigration reform agenda in the '50s was the feeling that the United States and other Western countries had really betrayed the Jews in the Second World War and not brought in people when there was an opportunity to bring in people who were trying to escape from Nazi Germany. And obviously that feeling was especially strong in the American Jewish community and that was a major force behind the immigration reform. You know, John Kennedy's book, *A Nation of Immigrants*, was actually drafted by the Anti-Defamation League, and Herbert Lehman, a senator from New York was one of the strongest supporters of immigration reform in the '50s. So, there certainly was that link and I think it historically makes sense given what happened in the Second World War.

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Doris Meissner: I think on that note we're going to need to end but I want to certainly thank all of you for your attention and more importantly thank our wonderful panel for a terrific array of perspectives and presentations, and invite you all to come forward if you'd like to talk further. Thank you.

[End of transcript]