Department of Justice

STATEMENT

BY

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BEFORE THE

IMMIGRATION AND NATIONALITY SUBCOMMITTEE

OF THE

HOUSE JUDICIARY COMMITTEE

ON

H.R. 2580, AN ACT TO AMEND THE IMMIGRATION AND NATIONALITY ACT

WEDNESDAY, MARCH 3, 1965

I am pleased to testify today on behalf of H. R. 2580, the Administration immigration bill.

This bill was transmitted to Congress by President Johnson in a special message on January 13, 1965. The President urged the Congress to give it priority and I wish today to stress the urgency of that view. There are few areas in which prompt Congressional action is more urgently needed.

I say urgency for three reasons, any of which alone justifies prompt remedy. The first is the reason of elemental humanity. Under present law, we are requiring the separation of families -- indeed, in some cases, calling on mothers to choose between their children and America.

The second reason is one of domestic self-interest. Under present law, brilliant and skilled residents of other countries are prevented or delayed from coming to this country. We are depriving ourselves needlessly of their talents. As President Johnson observed in his immigration message, "This is neither good government nor good sense."

The third reason for urgency is our self-interest abroad. Under present law, we choose among potential immigrants not on the basis of what they can contribute to our society or to our economic strength. We choose, instead, on the basis of where they -- or in some cases even their ancestors -- happened to be born.

There is little logic or consistency in such a choice, when we proclaim that our system of freedom is superior to the rival system of fear; when we proclaim to all the peoples of the world that every man is born equal and that in America every man is free to demonstrate his individual talents.

H. R. 2580 would eliminate such illogic and such injustice to immigrants. And it would do so without creating unemployment or hardship for Americans. The bill would permit the admission of only 7,700 more immigrants than are now authorized. More practically speaking, it would result in an actual increase of approximately 60,000 more immigrants than are now admitted each year.

If I were to illustrate this point on a chart and compare 60,000 with our internal growth of nearly three million each year, it would be nearly invisible. It amounts to two one-hundredths of one per cent. Reform often exacts a price and that is the price of legislation -- an increase of two one-hundredths of one per cent in our rate of population growth.

When it is considered fairly and in proper perspective, this is an infinitesimal price to pay for our own advancement and advantage.

THE EXISTING SYSTEM

This Committee heard extensive testimony on the Administration's proposed immigration measure last year. Let me therefore confine my description of H.R. 2580 to a brief summary of its provisions, against the background of existing law.

Present immigration law establishes a scale of preferences by which to choose among potential immigrants from a given country. Half the immigration vacancies for a particular country are set aside for persons whose specialized skills are "urgently needed" here. The other half is apportioned among relatives of Americans, depending on the closeness of their ties.

This preference system is generally logical and it is largely retained in H.R. 2580. But its administration under present law is inescapably unjust because it rests on a lopsided foundation. That foundation, the basis of our entire immigration law, is the national origins quota system.

This system was devised some 40 years ago -- and even then was sharply disputed. It established an annual limitation on quota immigration -- now 158,361.

The basis for allocating portions of that total among various countries is not ability, family ties, or even chance. It is rather birth -- the national and racial origins of our population in 1920.

The result of application of this system is heavy favoritism in favor of Northern European countries and heavy discrimination against countries in Southern and Eastern Europe and Asia. Only three countries account for fully seventy per cent of the total annual quota.

Such a system ought to be intolerable on principle alone. I cannot believe that any American would want to defend a system which presupposes that some people are inferior to others solely because of their birthplace.

The truth is, such a system cannot be defended. And yet it exists, creating incalculable harm to our Nation and to our citizens.

These evils of principle in the national origins system are compounded by its cruelties in practice, cruelties so needless that they alone provide abundant reason for changing this system.

There are countless examples of these cruelties: the man who could bring a domestic to this country in weeks, from any one of several countries, but who could not bring his own mother for years, or the laborer who could be admitted immediately, versus the scientist for whom it was a waste of time even to register.

But I do not think it is necessary for me again to detail such instances of outrageous treatment. Numerous examples are already a matter of record before this committee.

The point which should not, however, be omitted, is that these injustices occur in small-quota countries while some large-quota countries consistently fall far short of using their annual allotment. The present law does not allow these unused quota numbers to be reassigned to other countries, no matter how urgently they may be needed. Fully a third of the total authorized quotas are thus wasted each year.

THE PROPOSED CHANGES

These are the elements of present law which H.R. 2580 would correct. It purpose is not to increase immigration -- although it plainly would result in an increase of some 60,000 immigrants. Its purpose rather is to eliminate the warped criteria for admission imposed by the national origins system.

Except for technical changes, this bill is essentially the same proposal on which hearings were held last year (H.R. 7700). Thus let me only outline its provisions now.

1. This measure would abolish the national origins system. In its place it would establish a standard which is clear, fair, and understood the world over. Within a total limit on quota immigration to this country each year, that standard would simply be first-come, first-served.

2. To impose this new system abruptly, however, could create as many injustices as it would remedy. Therefore, the bill provides for the gradual elimination of the quota system over a five-year period, with an additional 20 percent of total immigration each year to be administered under the new system.

3. We would retain essentially the present preference system. We would retain all present security safeguards and other restrictions designed to exclude undersirables such as those with criminal records. And, with two minor changes, we would retain present health regulations.

One of these changes would remove the absolute prohibition against the entry of epileptics. We all recognize the medical advances that have made epilepsy controllable and curable. Our immigration laws should recognize them also.

The other change is one of utmost compassion -- to allow close relatives of Americans to come here, subject to appropriate controls and restrictions, even though they might be mentally retarded or have been treated for mental illness -- so long as their relatives can assure their care.

4. The bill also would seek to provide some immediate relief for minimum quota areas by increasing their annual quotas from 100 to 200. It is this increase which would account for the 7,700 rise in total authorized immigration annually.

There are other provisions in the bill designed to insure that the introduction of the new system of selection would not cause undue hardship. For example, to insure that no single country would receive a disproportionate share of total immigration, the bill would limit any one country to a maximum of 10 per cent of total immigration.

Without this ten per cent limitation, all of our immigration would be taken up for several years by two or three countries that now have extremely long waiting lists. All immigration from the rest of the world would be shut off -- a result that we could not permit as a matter of foreign relations, and that in any event would not be fair. I believe the bill's solution to this problem is eminently reasonable and equitable.

This bill provides additional measures to insure that transition to the new system will not impose hardship on our close allies by abruptly curtailing their immigration. It would authorize the President, after consultation with a joint Congressional-Executive Immigration Board, to reserve up to thirty per cent of the new pool for the purpose of restoring cuts in present quotas. This authority could be exercised only where undue hardship would otherwise result from the transition and where the reservation is in the national security interests of the United States -- but no country could receive more quota numbers than it does now.

The bill also provides similar authority to reserve up to ten per cent of the reserve for refugees fleeing from catastrophe or oppression.

The sole substantive difference between this bill and that introduced in the last Congress lies in the percentages authorized to be reserved

pursuant to these provisions. Studies made subsequent to introduction of the bill last year showed that the reservations for national security interests could be lowered from 50 to 30 per cent and the reservations for refugees lowered from 20 to 10 per cent. The lower figures are embodied in the present bill.

CONCLUSION

The Administration has given the provisions embodied in H. R. 2580 the most careful study. We believe they are effective, sound and necessary.

Our present system of choosing future Americans cannot in conscience be permitted to endure. We must be concerned with the quality of persons, not of pedigrees. We must be concerned with diligence, not with residence. And we must be concerned, above all, with justice.

Without injury or cost, we can now infuse justice into our immigration policy. I urge the Committee and the Congress to do so with speed.