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The United States Senate

Report of Proceedings

Hearing held before

Subcommittee on Immigration and Naturalization
of the
Committee on the Judiciary

S. 500

TO AMEND THE IMMIGRATION AND NATURALIZATION ACT

Wednesday, February 10, 1965

Washington, D. C.

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United States Senate,

Subcommittee on Immigration and Naturalization,

of the Committee on the Judiciary,

Washington, D. C.

Such is being said and written these days about the pending bill to eliminate the national origins quota system of selecting immigrants -- S. 500. A basic theme of this discussion dwells on Kennedy, presiding.

Present: Senators Kennedy (presiding), McClellan, Ervin, and Dirksen.

Also present: Fred M. Mesmer, Staff Director.

First, our cities will not be flooded with a million immigrants annually. Under the proposed bill, the present level of immigration remains substantially the same. S. 500 authorizes only a small increase, some 7,700, in annual quota numbers. In addition, the bill authorizes the issuance of the unused quota numbers -- some 35,000 annually -- to countries with heavy backlogs of applicants. The quota immigration would increase by some 62,700 persons annually. The annual increase in non-quota admissions under S. 500 is estimated at 18,000. This results from eliminating the Latin American Triangle, and according non-quota status to parents of U.S. citizens and the island nations of Jamaica, Trinidad, and Tobago.

Senator Kennedy. The Subcommittee will come to order. The Subcommittee welcomes Senator Ervin and Senator Hart, who are with us this morning.

In opening hearings of the Senate Immigration Subcommittee on proposed changes in the present immigration laws, I want to extend a cordial welcome to the Honorable Nicholas deB. Katzenbach, the new Attorney General designate who is appearing as the first witness

In view of the widespread interest in the major overhaul of our present basic quota system as is proposed, we expect to get a wide cross section of opinion.

I am sure, therefore, that in having Mr. Katzenbach as our immigration, is less than 81,000. The actual increase, however, is

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Much is being said and written these days about the pending bill to eliminate the national origins quota system of selecting immigrants -- S. 500. A basic theme of this discussion dwells on what the bill will do.

Out of deference to the critics, I want to comment on the other side of the coin -- what the bill will not do.

First, our cities will not be flooded with a million immigrants annually. Under the proposed bill, the present level of immigration remains substantially the same. S. 500 authorizes only a small increase, some 7,700, in annual quota numbers. In addition, the bill authorizes the issuance of the unused quota numbers -- some 55,000 annually -- to countries with heavy backlogs of applicants. Thus quota immigration would increase by some 62,700 persons annually.

The annual increase in non-quota admissions under S. 500 is estimated at 18,000. This results from eliminating the Asia Pacific Triangle, and according non-quota status to parents of U.S. citizens and the island nations of Jamaica, Trinidad, and Tobago.

The total for both categories, that is, quota and non-quota immigration, is less than 81,000. The actual increase, however, is

less than 60,000. Approximately 21,000 immigrants are admitted each year under special legislation to circumvent the rigidities of the Immigration and Nationality Act of 1952. Enactment of S. 500 would eliminate the periodic need of these special measures.

Secondly, the ethnic mix of this country will not be upset.

The actual increase in immigration is insignificant when measured against our birthrate, which is now 4,000,000 new Americans each year.

Contrary to the charges in some quarters, S. 500 will not inundate America with immigrants from any one country or area, or the most populated and economically deprived nations of Africa and Asia.

The bill is designed to establish the principle of equality and fair play for the people of all nations. To safeguard this principle, and prevent disproportionate benefits to any one country, no country can be given more than 10 per cent of the total annual quota -- that is, 16,600 immigrants visas.

To avoid undue hardship in those countries whose present quota exceeds this number, the President, during the initial stages of implementing the bill, is authorized to waive the 10 per cent limitation. Three countries are affected -- Great Britain, Germany, and Ireland.

The principal beneficiaries of the new system are those countries which have large backlogs of applicants for immigration, but have relatively small quotas. Included here are China, Greece,

Hungary, Italy, Japan, Poland, Portugal, Spain and Yugoslavia.

In the first analysis, the ethnic pattern of immigration under the proposed measure is not expected to change as sharply as the critics seem to think. The cumulative effect of special legislation, administrative relief, and private immigration bills, has, over the last decade, radically revised the immigration envisioned by the Act of 1952. From this standpoint, S. 500 merely updates our present law to conform more fully with our actual practice.

Thirdly, the bill will not permit the entry of subversive persons, criminals, illiterates, or those with contagious disease or serious mental illness.

S.500 rightly retains the general health, literacy, security, and public charge screening provisions of present law. The exceptions suggested in the bill are reasonable and humane. The first removes the bar against epileptics, since that condition is now effectively controllable. The second exception gives the Attorney General discretionary authority -- subject to appropriate conditions and controls -- to permit the entry of certain persons afflicted with mental conditions. These persons must accompany a member of their family, or be spouses, children, or parents of citizens or resident aliens. Similar authority already exists with respect to persons suffering from tuberculosis.

Finally, the bill will not aggravate unemployment, nor flood the labor market with foreigners, nor cause American citizens to lose their jobs. These are myths of the first order.

As I noted a moment ago, no immigrant visa will be issued to a person who is likely to become a public charge. Further, the bill specifies that no persons will be admitted to perform any labor, if the Secretary of Labor has determined that (a) sufficient workers are available in the United States, or (b) the employment of such aliens would adversely affect the wages and working conditions of American workers.

Selective immigration can, however, meet urgent manpower needs in various segments of our economy. That is why S. 500 accords first preference to persons of "high education, technical training, specialized experience, or exceptional ability" whose services would be "especially advantageous" to the United States. The Secretary of Labor, other officials in the executive branch, and members of Congress on the proposed Immigration Board, will, on the basis of expert data, jointly measure our ability to absorb, effectively, potential specialized immigrants in various fields of activity.

The economic impact of the pending bill is of legitimate concern to all Americans. Its keen attention to national needs and its safeguards to protect the jobs of American workers, should, however, encourage us to anticipate new opportunities for economic growth, creative strength, and cultural enrichment.

Expert testimony has been given by the Secretary of State, the Secretary of Labor, and the Attorney General before this committee and its counterpart in the House of Representatives. Anyone who takes the time to study these statements will realize that S. 500 is

a creative bill to serve our national needs in this decade of development.

Contrary to charges in some quarters, the bill will not flood our cities with immigrants. It will not upset the ethnic mix of our society. It will not relax the standards of admission. It will not cause American workers to lose their jobs.

Responsible discussion is expected on the provisions of any bill. The charges I have mentioned are highly emotional, irrational, and with little foundation in fact. They are out of line with the obligations of responsible citizenship. They breed hate of our heritage, and fear of a vitality which helped to build America.

I am confident the good sense of Congress and the bulk of our citizens will prevail and accomplish the objectives set forth in S. 500.

I personally support the bill because it selects our immigrants fairly, facilitates the reunion of families and the entry of specially skilled immigrants, and provides a continuing authority for the admission of refugees.

S. 500 accomplishes immigration objectives sought by four successive Presidents -- of both political parties. It represents a long sought consensus on the kind of reform that is needed.

My interest in this bill stems from several sources, not the least of which is the positive experience of Massachusetts in immigration. The long line of immigrants who have come to Massachusetts -- creative, industrious, unafraid. Their mutual concern and

cooperative effort in building a free society reflects the unquestioned genius of the American experience. Few states reflect the full composite of national backgrounds that is our Nation. Massachusetts is one of these states. And its citizens point with pride and accomplishment to the history of this state and its contributions to our country. They sense the drama in the simple fact that immigration is the oldest theme in American history, and that, historically, immigrants are the nation's true wealth.

Today, over 2,000,000 people, nearly 40 per cent of the state's population are of foreign stock, immigrants and children of immigrants. Boston, alone, claims more than half this number. Ethnically these individuals are Italian, Polish, Irish, English, Russian, Portuguese, Chinese, German, Swedish, Dutch and others. More importantly, they are individual Americans who, with their fellow citizens of Massachusetts, contribute to the democratic process, stimulate our culture, teach in our schools, use their talents in research, practice in our hospitals and apply their skills in our trades and industries.

Immigration has been of benefit to Massachusetts throughout its history. And I am sure the story is repeated across the country.

But let us not rest on this record. S. 500 gives this nation new opportunities to energize our society, to practice more fully our democratic traditions, and to accomplish an international purpose in our relations with other countries.

Today is a time for action on the oldest theme of our history. Toward that end I pledge my full support and cooperation.

Senator Javits. I would like the privilege, if I may, of making a very brief statement.

Senator Kennedy. That opportunity will be provided, Senator, after Senator Hart makes a brief statement.

As delighted to join the subcommittee in its deliberations. As has been Senator Kennedy and Senator Javits, ever since coming to the Senate, I have been interested in seeing the elimination of a mistake that was made in the 20's and has lived with us ever since in this business of the national origins quota system. No matter how you slice it, it is impossible to defend and it is offensive to anyone with a sense of the right of an individual to be judged as a good or a bad person, not from which side of the tracks it comes. This just does not make sense and should offend those of us here at home as much as we know it offends peoples all around the world. That is the principle effort behind the Administration bill.

As I read the incoming mail and some of the news columns and talk to people not alone in Michigan but elsewhere in the country, I sense that the most useful effort, the most useful contribution these hearings may make is to explode some of the current distortions as to just what this bill really will do and our chairman has very effectively sketched some of those scarecrows and red herrings.

It is very nice to have you, Mr. Attorney General, and your distinguished colleague with us this morning. I know that you, as well as those of us in Congress who deal with this problem on a