

# Reflecting on the Immigration Act of 1965

*50th anniversary of the landmark transformation of the United States*

By DAVID SIMCOX

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

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

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

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## POPULATION CONSEQUENCES UNFORESEEN—OR IGNORED

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

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

## MORE IMMIGRATION ENACTED DESPITE U.S. POPULATION BOOM

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

It is remarkable that a U.S. government confronted with finding jobs, education, and infrastructure for such a vast number of new citizens would so easily enact major increases in immigration. Therein lies Washington's efforts to present the Act as just a demographically benign advancement of international civil rights and racial acceptance. Decades of intense immigration fraud and smuggling in China and other Asian countries were then a matter of record—hardly consistent with the assurances of such notables as Attorney General Robert Kennedy that Asian immigration demand in response to the more generous quotas would be modest. Asia's population has been growing at over 2.0 percent annually since 1950, increasing two and a half times by 2000.

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

### **DESPITE QUOTA LIMITS, LATIN AMERICAN IMMIGRATION SOARS**

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

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

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

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

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

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

All in all, the U.S. absorbed some 6.0 million

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

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

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

### **THE ACT'S TROUBLING MIGRATION MYSTIQUE: AD HOC POLICIES AND EXCEPTIONS INFLATE THE NUMBERS**

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

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

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

- Just one year following the Act (1966) Congress passed the Cuban Adjustment Act to ease the resettlement of several hundred thousand exiles already present or yet to come.
- 1970 saw the enactment of what would be several pieces of legislation facilitating the flow of skilled temporary workers for long-term stays.
- In 1980 a new Refugee Act codified, consolidated, and expanded U.S. refugee programs.
- In the 1986 Immigration Reform Act, Con-

gress amnestied 3 million unlawful immigrants—the first of several such amnesties that it would legislate in ensuing years.

- In 1990 Congress legislated further major reforms and expansion of the legal immigration system, along with expanded intake of long-term temporary workers and their families. The 1990 Act also established an additional refugee admission scheme, which offers “temporary” protection, in effect permanently to migrants from troubled countries.

Clearly, the U.S. began a decades-long immigration binge in 1965. It continues today. Total immigration in 1965 was less than 300,000 per year—an amount which, if maintained, would have led to population stability.

Legal (“Green Card”) immigration in America is now over one million a year—not including the 300,000 to 400,000 added from illegal entrants and admission of long-term “temporary” workers and refugees.

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

### **A HALF CENTURY OF RISING IMMIGRATION, WITH WASHINGTON FAVORING EVEN MORE**

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

- The continuing explosive demand for family reunification visas, to the neglect of immigration to meet legitimate labor needs;
- The incessant perception of “labor shortages” (even as unemployment rose), and the resulting demand for admission of “temporary” workers at all skill levels for long stays

to fill permanent jobs in the U.S.;

- The explosion of illegal immigration, with rapid rise in the numbers in the 1970s. Many illegal aliens then gained eligibility to bring in their own family members;
- The politicization and institutionalization of the refugee and asylum processes—which grew out of the management of the outflow of Cubans, Southeast Asians, Central Americans, and Soviet religious minorities.

Driving this trend has been a steady broadening of the definition of “persecution” through court decisions or relentless pressures from ethnic, religious, and human rights lobbies.

Those trends—and the political advocacies they nourish—have given rise to interest-group-driven, fragmented, quick-fix immigration policies that admit favored populations outside of the terms of the basic legal immigration system. Among them are parole, deferral or cancellation of deportation, special amnesties, special “temporary visas” for those who will stay permanently, and in recent years an increasing refusal of Washington to act against illegal immigration.

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

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

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