



# Department of Justice

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FOR RELEASE 7 P.M. EST  
SATURDAY, APRIL 3, 1965

ADDRESS  
BY

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CULTURAL HERITAGE DINNER  
SAN FRANCISCO HILTON HOTEL  
SATURDAY, APRIL 3, 1965

It is, as always, a pleasure to come to San Francisco. It is also an honor, recognizing that so many different organizations of such importance and stature have joined together for this event.

Even beyond being a pleasure and an honor, however, San Francisco is a warmly appropriate place to talk about immigration. Your city, after all, is the site of one of the most symbolic events in the long, proud history of immigration in our nation.

It took place only a few years ago, when Robert Briscoe, then the Lord Mayor of Dublin, came here to visit. You had a great parade for him and a little old lady, seeing the crowd, walked up to a spectator and asked what all the commotion was about.

"It's a parade for the Jewish Lord Mayor of Dublin," he informed her.

"The Jewish Lord Mayor of Dublin!" she exclaimed, her eyes growing misty. "It could happen only in America."

There is little need for me to come to San Francisco and describe to you, who live in the lacy shadow of the Golden Gate, the significance of immigration to America. But there is need, throughout the nation, to understand the injustice and the cost which present immigration law needlessly inflicts on all of us.

At the beginning of this session, President Johnson called on the Congress, in a special message, to pass the Administration's immigration reform bill and to do so promptly. I have come to join with you tonight to emphasize the urgency of the Administration's view.

There is urgency first of all in terms of simple humanity:

Under present law, we are forcing families to be separated -- indeed, in some cases, forcing mothers to choose between America and their children.

There is urgency in terms of our self-interest at home:

Under present law we are depriving ourselves of skilled and brilliant residents of foreign countries who want to bring their talents here. As President Johnson observed in his Immigration Message, "This is neither good government nor good sense."

And there is urgency in terms of our self-interest abroad:

In the present world-wide conflict between freedom and fear, we proclaim that our central precept is that all are born equal -- and free thereafter to demonstrate their talents to the best of their individual abilities. Yet under present law, we choose immigrants not for what they can contribute to our society, but on the basis of where they -- or, even, in some cases, their ancestors -- happened to be born.

The central purpose of the Administration's immigration bill is to undo this discrimination. It is to help us choose among potential Americans according to standards that are fairer to them and more beneficial to us. To do this, we must eliminate the cause of the present warped standards -- the national origins quota system.

#### I.

This system embodies a 40-year old method for limiting immigration from outside the Western Hemisphere. A maximum for such immigration is set; it now totals 158,361. This total is allocated among different countries according to the supposed national origins of the American population in 1920.

In general, the present system favors immigration from Northern Europe and discriminates heavily against immigration from southern and eastern Europe and Asiatic countries. Three countries alone receive seventy percent of the total annual quota of 158,361.

A system of preferences is designed to give priorities to those whose skills are needed here, or who have close family ties with American residents. But in innumerable cases, these priorities cannot apply. Many countries have quotas so small that even preference visas are not available for years. Meanwhile, some large-quota countries consistently fall far short of using all their annual quota allotments.

The present law does not permit these quota numbers to be reassigned to countries where they are sorely needed. As a result, fully one-third of the total authorized quota numbers are wasted each year.

Such a system ought to be intolerable on principle alone. I do not know how any American could fail to be offended by a system which presumes that some people are inferior to others solely because of their birthplace. These evils of the national origins system in principle are compounded by

its cruelties in practice -- cruelties so needless that they alone provide abundant reason for changing this system.

An American citizen with a mother in Greece must wait at least five years -- and often longer -- to secure a visa which would allow her to join him here. An American citizen with a brother or sister or married child in Italy cannot obtain a visa without a wait of many years.

Yet immigrants from favored countries, who have no family ties and no particular skills to offer to our country, can enter without difficulty and without delay. According to one employment service, it takes four to six weeks to bring domestics to the United States from the United Kingdom and Ireland. For Sweden, Belgium and Germany the period is eight to twelve weeks.

In other words, to bring his mother to this country, an American citizen may have to wait five years. But he can bring in a total stranger, to be his maid, in weeks.

The system thus clearly implies that one kind of ancestry is better than another, that a person from England is nine times more acceptable than one from Poland or twelve times more acceptable than one from Italy. It judges men not as individuals but as part of a mass.

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A second damaging result of the present national origins system is that it deprives us of persons whose skills can be of inestimable benefit to the United States. Again, the present preference system is designed to benefit such persons. But again, the priorities apply only to existing vacancies in quotas. When quotas are full or over-subscribed, priorities can do no more than reduce the waiting time. Often, skilled applicants still must wait several years.

There are innumerable cases like that of a brilliant surgeon from India engaged in important research in heart surgery. His services are urgently sought by an American hospital. Although he has secured first preference status, the tiny Indian quota of 100 is so heavily over-subscribed that it will be several years before he can be granted admission to the United States.

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The national origins system harms the United States in still another way: it creates an image of hypocrisy which can be exploited by those who seek to discredit our professions of democracy.

Perhaps the single most discriminatory aspect of existing law is the so-called Asian-Pacific Triangle provision. This clause requires persons of Asian stock to be assigned to quota areas not by their place of birth,

but according to their racial ancestry. It is a depressing remnant of the Chinese exclusion laws which were finally abolished twenty years ago when Congress established a Chinese quota.

Even despite periodic modifications, a person of Asian ancestry is still charged to an Asian quota, even if born halfway around the planet.

There is the case of a young man in Columbia, who is eligible to come here freely on a non-quota basis because he is from an independent Western Hemisphere country. His wife is also a native and citizen of Columbia. But she is the daughter of a Chinese father. As a result, this young woman must be considered half-Chinese and thus is admissible only under the quota for Chinese persons of 105.

This does not mean she cannot come to the United States. It only means that if her husband chose to come ahead to the United States, he would have to wait for his wife. How long he would have to wait would depend on whether or not he became a citizen.

If he did not, his wife's turn on the Chinese persons quota would not come until the year 2,048.

If he did become a citizen, however, he would have a shorter wait. He and his wife could be reunited in a mere five years.

I wonder what our friends in Columbia, or in the scores of other countries in which similar situations exist, can say in our defense against those who accuse the United States of discrimination, bigotry, and hypocrisy?

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The three factors I have just described are the major objections to the present national origins system of choosing among potential Americans. There are, however, other provisions of present law which cause cruelty and hardship.

There is the case of the young man, of Italian descent, who met and married an Italian girl while he was on duty with the United States Navy in the Mediterranean. They had a daughter, who is an American citizen because her father is. The Navy now has transferred the young father to a new assignment in the United States and he has consequently made plans to take his family with him. But he cannot do so.

Several years ago, because of a nervous breakdown, his wife was hospitalized. She recovered fully and was discharged. But the present law takes no notice of medical advances in treating mental disturbances and makes mental disability -- whether present or past -- the mandatory basis for permanent exclusion from the United States.

Consider the alternatives faced by this young serviceman. He could leave his wife and child in Italy, or he could leave the Navy and give up living in America in order to live with his family abroad. What kind of Solomon do we ask him to be?

It is because of such cruelties that every Administration since President Truman's has strenuously urged the revision of present law. It is because of such cruelties that President Johnson's administration bill was drafted and submitted to Congress. It is because of such cruelties that this measure must be enacted speedily into law.

## II

The purpose of the Administration's immigration bill is not to increase immigration already authorized by Congress, but to eliminate the national origins quota system as our method of choosing among potential immigrants. In its place, this measure would establish a system which is clear, simple and fair.

We would retain a limit on total quota immigration. Within that limit, the United States would declare to those who seek admission to this country that, "We don't care about the place or circumstances of your birth -- what we care about is what you can contribute."

This measure would abolish the national origins system and replace it with a system for choosing among potential immigrants based on a standard understood the world over -- first come -- first served.

To assure an orderly and fair transition to this new system, the bill provides for the gradual elimination of the quota system over a five-year transition period.

Under the new system, immigrants would be chosen -- within health and security safeguards -- exclusively on the basis of personal talents and family relationships, not on ancestry or residence. In other words, we would retain essentially our present preference system, but we would free it from the constricting effect of the national origins system.

The Asia-Pacific triangle provision would be eliminated outright. Such merciless provisions of the present law as those which flatly bar epileptics or mentally retarded children, would be tempered with humanity.

The bill would provide some immediate relief for minimum quota areas by raising their annual quotas from 100 to 200. The resulting increase -- of less than 8,000 -- is the only change proposed in the present ceiling on authorized quota immigration, bringing the total from about 158,000 to about 166,000.

Actual immigration would increase by a larger amount, however, since the bill provides for the use of the approximately 55,000 quota vacancies now wasted in countries which do not fill their quotas.

III.

I am happy to be able to report to you that the reforms I have outlined have been well received among both Democrats and Republicans in Congress. We have welcomed the support of Senator Kuchel and Representatives Cohelan, Edwards, Burton, Corman, Roosevelt, Cameron, and others. In all, 33 Senators have joined as sponsors of the Administration bill.

We have now had hearings in both the Senate and the House. I am hopeful and confident that the measure will soon be acted on favorably in both houses. At the same time, we have been disturbed by some levels of criticism and skepticism.

I do not mean the compulsive, mechanical response of those who define immigration as a vast horde of aliens swarming over the country, plotting and subverting. We have survived such prophecies from the beginnings of our history. What should concern us, however, are some more responsible types of criticism.

One reservation about the bill concerns its effect on employment. Why, the argument goes, should we permit 60,000 immigrants to enter the country and compete for jobs when we are already plagued with considerable domestic unemployment?

The simple answer to such criticism is that the effect of this level of immigration would be negligible. First, of the 60,000 additional immigrants, only about a third -- perhaps 24,000 -- would be workers. Our present labor force, however, is 77,000,000. We are talking, thus, about an infinitesimal amount; 24,000 is about three one-hundredths of one percent of 77,000,000.

Second, while only a third would be workers, all would be consumers. They would thus create as many jobs as they filled -- and probably more. In short, to talk merely in statistical terms, such immigration would have virtually no visible impact on employment -- and if it did, it would likely be beneficial.

There is a more philosophical and more disturbing area of skepticism about the immigration bill. We have heard unfavorable comment even from a few liberal commentators who would normally be expected to understand and support the kind of reform we have proposed.

These critics have evolved what might be called a "maturity" thesis:

Why should America, they ask, feel guilty about settling down for a time, and digesting the races we already have?

Why do we need to feel obligated, they say, to a policy of open immigration when other enlightened countries like Israel or Japan have become far more exclusive?

Why should we, in the words of one columnist, be "writing immigration laws to suit the hungry camel drivers of Upper Malaria"?

I think the most accurate and the most telling response to such criticisms is that they are, simply irrelevant.

It is unquestionable that our attitude toward immigration must be different now than it was a century ago. When we were a younger and more open country, we wanted, needed, and welcomed the mind and muscle of millions of immigrants. Today, our Great Plains are peopled; our great industries are manned. Today, our concern is not seeking men to man machines, but seeking jobs for men displaced by machines.

The measure we are talking about, however, is not a measure to increase the volume of immigrants. It will result in a small increase in total immigration, but even that increase is already authorized in existing law. The aim of this measure, rather, is to stop, at long last, the discrimination against immigrants from some countries and the discrimination in favor of immigrants from other countries.

We do not acknowledge that people from a particular country or a particular strain have made the greatest contribution to the United States. Father Junipero Serra, who founded the mission of San Francisco in 1776, was from Spain, not northern Europe. Immigrants of later generations -- Fermi, Szilard, Toscanini, Pei, Sarnoff -- brought greatness to our nation without the advantages of Anglo-Saxon birth.

It is choosing, not volume, which concerns us today. The lesson, the plain lesson, is that our present system of choosing among potential Americans should not endure.

In such a system of selection, personal pedigree is an intolerable standard. Inhumane rigidity is an intolerable method. National self-deprivation is an absurd sacrifice.

It is these factors, not immigrants, which are most alien to America. It is these factors which must speedily be changed. We can, without injury or cost, bring justice to our immigration policy. With your support, we hope to do so now.