

The Immigration & Naturalization Act of 1952 (McCarran-Walter Act)

The Immigration and Nationality Act of 1952 upheld the national origins quota system established by the Immigration Act of 1924, reinforcing this controversial system of immigrant selection. It also ended Asian exclusion from immigrating to the United States and introduced a system of preferences based on skill sets and family reunification.

Situated in the early years of the Cold War, the debate over the revision of U.S. immigration law demonstrated a division between those interested in the relationship between immigration and foreign policy, and those linking immigration to concerns over national security. The former group, led by individuals like Democrat Congressman from New York Emanuel Celler, favored the liberalization of immigration laws. Celler expressed concerns that the restrictive quota system heavily favored immigration from Northern and Western Europe and therefore created resentment against the United States in other parts of the world. He felt the law created the sense that Americans thought people from Eastern Europe as less desirable and people from Asia inferior to those of European descent. The latter group, led by Republican Senator from Nevada Pat McCarran and Democrat Congressman from Pennsylvania Francis Walter, expressed concerns that the United States could face communist infiltration through immigration and that unassimilated aliens could threaten the foundations of American life. To these individuals, limited and selective immigration was the best way to ensure the preservation of national security and national interests.

Remarkably, economic factors were relatively unimportant in the debate over the new immigration provisions. Although past arguments in favor of restrictionism focused on the needs of the American economy and labor force, in 1952, the Cold War seemed to take precedent in the discussion. Notably, the American Federation of Labor and the Congress of Industrial Organizations took opposite sides in the debate, demonstrating that there was not one, clear pro-labor position.

At the basis of the Act was the continuation and codification of the National Origins Quota System. It revised the 1924 system to allow for national quotas at a rate of one-sixth of one percent of each nationality's population in the United States in 1920. As a result, 85 percent of the 154,277 visas available annually were allotted to individuals of northern and western European lineage. The Act continued the practice of not including countries in the Western Hemisphere in the quota system, though it did introduce new length of residency requirements to qualify for quota-free entry.

The 1952 Act created symbolic opportunities for Asian immigration, though in reality it continued to discriminate against them. The law repealed the last of the existing measures to exclude Asian immigration, allotted each Asian nation a minimum quota of 100 visas each year, and eliminated laws preventing Asians from becoming naturalized American citizens. Breaking down the "Asiatic Barred Zone" was a step toward improving U.S. relations with Asian nations. At the same time, however, the new law only allotted new Asian quotas based on race, instead of nationality. An individual with one or more Asian parent, born anywhere in the world and possessing the citizenship of any nation, would be counted under the national quota of the Asian nation of his or her ethnicity or against a generic quota for the "Asian Pacific Triangle." Low quota numbers and a uniquely racial construction for how to apply them ensured that total Asian immigration after 1952 would remain very limited.

There were other positive changes to the implementation of immigration policy in the 1952 Act. One was the creation of a system of preferences which served to help American consuls abroad prioritize visa

applicants in countries with heavily oversubscribed quotas. Under the preference system, individuals with special skills or families already resident in the United States received precedence, a policy still in use today. Moreover, the Act gave non-quota status to alien husbands of American citizens (wives had been entering outside of the quota system for several years by 1952) and created a labor certification system, designed to prevent new immigrants from becoming unwanted competition for American laborers.

President Truman was concerned about the decisions to maintain the national origins quota system and to establish racially constructed quotas for Asian nations. He thought the new law was discriminatory, and he vetoed it, but the law had enough support in Congress to pass over his veto.

Commentary

"I believe that this nation is the last hope of Western civilization and if this oasis of the world shall be overrun, perverted, contaminated or destroyed, then the last flickering light of humanity will be extinguished. I take no issue with those who would praise the contributions which have been made to our society by people of many races, of varied creeds and colors. America is indeed a joining together of many streams which go to form a mighty river which we call the American way. However, we have in the United States today hard-core, indigestible blocs which have not become integrated into the American way of life, but which, on the contrary are its deadly enemies. Today, as never before, untold millions are storming our gates for admission and those gates are cracking under the strain. The solution of the problems of Europe and Asia will not come through a transplanting of those problems en masse to the United States.... I do not intend to become prophetic, but if the enemies of this legislation succeed in riddling it to pieces, or in amending it beyond recognition, they will have contributed more to promote this nation's downfall than any other group since we achieved our independence as a nation" (Senator Pat McCarran, Cong. Rec., March 2, 1953, p. 1518).

"Today, we are protecting ourselves as we were in 1924, against being flooded by immigrants from Eastern Europe. This is fantastic... We do not need to be protected against immigrants from these countries on the contrary we want to stretch out a helping hand, to save those who have managed to flee into Western Europe, to succor those who are brave enough to escape from barbarism, to welcome and restore them against the day when their countries will, as we hope, be free again...these are only a few examples of the absurdity, the cruelty of carrying over into this year of 1952 the isolationist limitations of our 1924 law. In no other realm of our national life are we so hampered and stultified by the dead hand of the past, as we are in this field of immigration." (President Harry Truman's veto message).

Truman vetoed the McCarran-Walter Act because he regarded the bill as "un-American" and discriminatory. Truman's veto was overridden by a vote of 278 to 113 in the House, and 57 to 26 in the Senate. Parts of the McCarran-Walter Act remain in place today but much of it was overturned by the Immigration and Nationality Services Act of 1965.

Source: U.S. Department of State (<http://www.state.gov/r/pa/ho/time/cwr/87719.htm>)