Along with the civil rights and voting rights acts, the Immigration and Nationality Act of 1965 is one of the most important bills of the civil rights era. The Act's political, legal, and demographic impact continues to be felt, yet its legacy is controversial. The 1965 Act was groundbreaking in eliminating the white America immigration policy in place since 1790, ending Asian exclusion, and limiting discrimination against Eastern European Catholics and Jews. At the same time, the Act discriminated against gay men and lesbians, tied refugee status to Cold War political interests, and shattered traditional patterns of Mexican migration, setting the stage for current immigration politics.

Drawing from studies in law, political science, anthropology, and economics, this book will be an essential tool for any scholar or student interested in immigration law.

Gabriel J. Chin, a professor at the University of California, Davis School of Law, is a "paper grandson," descendant of an unauthorized migrant during Chinese Exclusion. Author of many articles on Asian American legal history, he is the coeditor with Carissa Hessick of Strange Neighbors: The Role of States in Immigration Policy, addressing recent state immigration restrictions. He has worked with students to lobby for the repeal of Jim Crow laws still on the books, including anti-Asian land laws in Kansas, New Mexico, and Wyoming, and for the posthumous admission to the California bar of Hong Yen Chang, excluded because of his race in 1890.

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The Immigration and Nationality Act of 1965

LEGISLATING A NEW AMERICA

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As a son of parents who immigrated from Mexico in the 1920s, my interest in immigration comes naturally. And as an attorney who lived and practiced law by the Mexican border in Imperial County, I have witnessed the changes since 1965. My practice included clients who immigrated from Mexico. My appointment in 1979 by President Jimmy Carter to the Select Commission on Immigration and Refugee Policy provided me with a precursor to today’s controversial issue of undocumented immigration.

The essays in this book underscore the historic changes the Immigration and Nationality Act of 1965 has brought. These changes were groundbreaking in abolishing racial and national origin discrimination in the admission of immigrants. Prior immigration laws had favored Western and Northern European countries, which contributed predominantly white, Protestant immigrants. After 1965, the majority of immigrants have been people of color, bringing ethnic and linguistic changes to the nation as a whole.

Not surprisingly, in the half-century since 1965, the United States has evolved into a very different country. Never before have I studied a collection of essays that so convincingly explain the effect of the 1965 Act and subsequent changes in the law. In my own state of California, the presence of Asians and Latinos, and particularly their children and grandchildren, have made minorities of color a majority of our residents. According to the 2010 Census, approximately 38.4 percent and 14.1 percent of the population in California are Latinos and Asians, respectively. Citizenship by birth and change of legal status has brought Asian Americans and Latinos into political prominence in state legislative and constitutional statewide offices, as well as in the U.S. Congress. National political observers credit their vote in the results of recent presidential races. And a majority of public school children are of color. Nor have the changes been limited to California; they are nationwide. I was recently invited to Knoxville, Tennessee, which is a community I have
known for more than fifty years. Back then, there were no Latinos in Knoxville, or if they lived there, they were socially invisible. Today, there are tens of thousands of Latinos who have established at least three nonprofit organizations including a Latino Chamber of Commerce and a socially active organization that has recruited seventy-five volunteers to teach English, citizenship classes, computer skills courses, and similar practical courses. I was told that there are more than 80,000 Latinos in East Tennessee alone. Similar growth has been seen in many states that a few years ago had few Latinos. Nationwide, the number exceeds 10 million.

The changes the 1965 Immigration Act has caused were not always positive, however. In particular, the Act imposed restrictions on immigration from anywhere in the Western Hemisphere. The limitations might seem fair because the same restrictions are applied to other nations outside the Western Hemisphere. However, due to proximity, economics, and safety realities, immigration from Mexico and Central America has not subsided. They still come, but many without documents, to the point that we have millions who reside in the shadows. In 2014, Senate proposed a “comprehensive” immigration bill; unfortunately, the House of Representative has not acted. Thus, Congress has been unable to respond to the push/pull reality as represented by the Mexican and Central American immigrant situation. The political pressure to curtail the numbers has caused the federal government to deport hundreds of thousands of undocumented immigrants, often dividing families that include both citizen and noncitizen members.

The arrival of young children from Central America has brought forth some public protests seeking their immediate deportation. These are children who risked their lives by leaving their Central American neighborhoods, villages, and cities endangered by criminal gangs, poverty, war, and corruption. That some Americans have no heart to help those young children puzzles me.

The aim of family reunification and nondiscrimination (in the spirit of the Civil Rights Movement) in the 1965 Act is laudatory. But even that aim has been partially frustrated by per-country restrictions. Despite gains, gay couples and others similarly situated continue to experience discrimination. And potential immigrants from Africa, for example, have not profited from family reunification as have others.

On a personal basis, the work that has yet to be done takes me back to my youth and the Imperial Valley. I recall the calendars we had at home when I was a child during the Second World War. On display were the Mexican and American flags and photographs of President Roosevelt and President Camacho. There was a sense of brotherhood. In 1959, when I arrived in Imperial Valley, the border to Mexico seemed open. Workers from Mexicali crossed the border daily to work or shop. Residents of Imperial Valley, too, crossed daily to visit relatives, to shop, or to patronize an excellent Chinese restaurant. Others, like a fellow attorney and I,
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There was a sense of community between the Imperial and Mexicali valleys. How strange was my feeling when I recently visited Imperial Valley and came upon a high darkened fence separating the two countries, as the Berlin Wall had once divided that city. Unlike Berlin, commerce makes Mexico one of America’s top three trading partners. But the wall is too tall for people. The Act of 1965 was a gigantic step forward, but since then our immigration policies have not kept up with today’s reality. As the essays in this volume suggest, there is much work to be done.

Cruz Reynoso
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