

THE CONGRESS PROJECT

Assignment Prompt Sheet

The Immigration and Nationality Act of 1952

Overview

Act Titles: Immigration and Nationality Act of 1952;
McCarran-Walter Act

Congress: 82nd Congress (1951-1952)

Session/Sessions: 1-2

Statute No: 66 Stat. 163-282

Public Law No: 82 PL 414

Eid: 820414

Gid: 231-008

Bill: HR 5678

Sponsor: Rep. [Francis Walter \(D-PA\)](#)

House Committees: Judiciary

Senate Committees: Agriculture and Forestry

Companion Bill: S 2550

Related Bills: S 2055; HR 2816

House Rules: Hres 554

Past Bills: 81 S 3455

Introduced Date- Law Date: October 9-June 27,
1952

House Floor Days: 5

Senate Floor Days: 9

Roll Call Votes: 4 (1 in the Senate on HR 5678; 1 in
the House; 2 in the Senate on S 2550)

Issues: immigration; social welfare

Procedures: open rule; Senate recommit; substitute
amendment; veto; veto override; failed yeas; division vote

Last Updated: 12/11/24



*(Above) The Sponsor of the Immigration and Nationality Act of 1952, Rep. Francis Walter (D-PA). Walter was known for his parliamentary expertise, his opposition to broad immigration and his intense hatred of communism. A former chairman of the House Un-American Activities Committee, he also chaired the subcommittee on Immigration and Naturalization and was considered "a czar over immigration legislation" by many in the House. Walter once famously presented President Franklin D. Roosevelt (D-NY) with a letter opener made from a bone taken from a dead Japanese soldier. He passed away in 1963. – See e.g. "Rep. Francis Walter, 69, Dies." *New York Times*, June 1, 1963; "Francis Walter Dies; Served in House Since '33: Expert Parliamentarian." *Washington Post*, June 1, 1963.*

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Legislative History Comments

The *McCarran-Walter Immigration and Nationality Act of 1952* (82 PL 414) “[r]evised and codified immigration, naturalization and nationality laws and regulations adopted since 1798 (Stathis 2014, 288).” Prior to the 1952 act, U.S. immigration policy was set by a wide variety of laws, the 1924 Immigration Act being the most prominent. The 1952 measure was partially motivated by concerns “the blatantly racist [1924] act undermined U.S. foreign policy interests and tarnished the country’s image abroad (Marinari 2016, 9).” Despite this, while the Immigration and Nationality Act of 1952 eliminated racial immigration quotas, it retained quotas for regions and religion. As [CQ Almanac \(1952\)](#) noted: “Opponents of the bill charged that it discriminated against minority races and was not sufficiently generous in its immigration quotas.”

The measure was ultimately enacted over a veto from President Harry S. Truman (D-MO) who argued that “some of the provisions of the bill were “worse than the infamous Alien Act of 1798 ([CQ Almanac 1952](#)).” Marinari (2016, 9) argues the measure unraveled “under the constraints of McCarthy-Era Cold War politics, entrenched restrictionists in Congress, and disagreements among ethnic groups over priorities and what constituted reform.” The 1952 Act was significantly altered by the *Immigration and Nationality Act of 1965 (89 PL 236)* (see [CQ 1965; CRS 2018](#)). The McCarran-Walter Immigration and Nationality Act of 1952 was rated as a landmark piece of legislation by Stathis (2014) and Mayhew (2005) and ranked as the most important piece of legislation enacted by the 82nd Congress by Clinton and Lapinski (2006).

For broader background on U.S. immigration policy, I’d recommend taking a look at both of these *Last Week Tonight* pieces:

- <https://www.youtube.com/watch?v=tXqnRMU1fTs>
- <https://www.youtube.com/watch?v=9fB0GBwJ2QA>

The Immigration and Nationality Act of 1952 is a little bit more challenging from a process standpoint, simply because it includes a rare veto override. Despite this, it shouldn’t be that difficult. Just four recorded votes, it passed the House after two days of amendments on a 206-68 division vote. It is a rare instance where a bill was passed despite aggressive opposition from the underlying committee chairman, Rep. Emanuel Celler (D-NY). Just before final passage Rep. Kenneth Keating (R-NY) offered a motion to recommit the measure, which fell by a 62-195 division vote.

In the Senate, liberals led by Sen. Hubert Humphrey (D-MN) attempted to recommit Sen. Pat McCarran’s (D-NV) companion measure, S 2550. This [failed by a 28-44](#) vote. A substitute amendment was then rejected [27-51 on a somewhat ideological vote](#). The measure passed that chamber by voice. Conference consideration was fairly straight-forward. The House overrode the Truman veto [278-113](#) (a margin of 18 votes) and the Senate did [so 57-26](#) (by two votes).

Consult [CQ Almanac \(1952\)](#) for process questions or e-mail me directly! This is a really interesting measure.

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Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1. Open

#2. Open

#3. Open

Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress?

The Stathis (2014) piece might worth a citation here.

2. What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify?

Basically, give the reader a workable discussion of U.S. immigration policy here. What is the quota system? A refugee? What is asylum? Why are these distinctions important? CRS should help with a [discussion of the bill](#) and [immigration policy more broadly](#).

3. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this? Had Congress considered similar legislation unsuccessfully in previous congresses? If so, why did those bills fail? Discuss them in greater detail here.

How had U.S. immigration policy shifted in recent decades? Marinari (2016) should be helpful on this point.

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Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins. The second session indices for S 2550 & HR 5678 are available below:

S. 2550—To revise the laws relating to immigration, naturalization, and nationality; and for other purposes.
Mr. McCarran, from Committee on the Judiciary (S. Rept. 1137), 563.—Ordered placed on Senate Calendar, 553.—Objected to, 1293.—Minority views (S. Rept. 1137, pt. 2), 2229.—Debated, 4830, 4986, 4998, 5003, 5088, 5100, 5149, 5162, 5184, 5207, 5209, 5216, 5228, 5314, 5326, 5408, 5425, 5441, 5603, 5615, 5637, 5756, 5777.—Indefinitely postponed (H. R. 5678 passed in lieu), 5803.

H. R. 5678—To revise the laws relating to immigration, naturalization, and nationality; and for other purposes.
Reported with amendment (H. Rept. 1365), 1053.—Made special order (H. Res. 554), 4301.—Debated 4301, 4399, 4422.—Amended and passed House, 4443.—Ordered placed on Senate calendar, 4450.—Objected to, 4665.—Amended and passed Senate (in lieu of S. 2550), 5803.—Senate insists on its amendments and asks for a conference, 5803.—Conferees appointed, 5803.—House disagrees to Senate amendments and agrees to a conference, 5862.—Conferees appointed, 5862.—Conference report (No. 2096) submitted in House and agreed to, 6947.—Conference report submitted in Senate and agreed to, 7016.—Examined and signed, 7128, 7167.—Presented to the President, vetoed, (H. Doc. 620), 8082.—Passed House over Presidential veto, 8214.—Passed Senate over Presidential veto, 8253.—[Public Law 414].

#1. House Consideration of HR 5678 (April 23-25, 1952)

Prior to considering HR 5678, the House took up Hres 554. Hres 554 provided for consideration of HR 5678 under an open rule. The rule and previous question motion were adopted with little debate via voice vote.

Debate over HR 5678 began shortly afterwards.

In his opening remarks, Walter asserted that the measure had “been given as much consideration as has been given any measure that this House has ever considered (*Congressional Record*, 82nd Congress, April 23, 1952, 4301).”

The Judiciary Committee Chair, Rep. Emanuel Celler (D-NY) took issue with a number of provisions of the bill. For example, he argued: “There is provided in this omnibus immigration bill, a very, very broad provision empowering the President of the United States willynilly, on good grounds, or-if I may be facetious-on coffee grounds, to suspend totally any immigration into this country (*Congressional Record*, 82nd Congress, April 23, 1952, 4301).”

Debate and amendments occurred over the next several days. All of Celler’s proposed amendments were rejected. Just before final passage Rep. Kenneth Keating (R-NY) offered a motion to recommit the measure, which fell by a 62-195 division vote.

HR 5678 passed the House after two days of amendments on a 206-68 division vote. Rep. Jacob Javits (R-NY) requested recorded votes on both the motion to recommit and final passage. Both were refused.

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#2. Senate Consideration of S 2550 & HR 5678 (May 9, 13-16, 21-22, 1952)

S 2550 was sponsored by Sen. Pat McCarran (D-NV). Debate on the measure began on May 9, 1952.¹

Over the next few weeks, opponents debated both S 2550 and an opposing measure offered by Senators Hubert Humphrey (D-MN) and Herbert Lehman (D-NY) as substitute amendment. Lehman argued the measure was “essential to take the jokers out of the omnibus measure as well as to remedy, in part, the unreasonably restrictive features of our present immigration laws (*Congressional Record*, 82nd Congress, May 13, 1952, 5106).”

McCarran accused Lehman and Humphrey of engaging in a filibuster, which Lehman denied. Specifically, Lehman stated: “We have not filibustered. We have expressed our opinion in a vacuum because there were no opponents. We have expressed our opinion for the past 4 or 5 days. I have stated not once, but 20 times, on the floor of the Senate, that I abhor filibusters (*Congressional Record*, 82nd Congress, May 16, 1952, 5319).”²

Humphrey offered a motion to recommit the bill to the Senate, which was rejected on May 19th on [28-44 vote](#). The Humphrey-Lehman substitute was defeated on May 19, 1952 rejected [27-51 on a somewhat ideological vote on May 21, 1952](#). Supporters had argued the amendment would make the measure “‘liberal and humane’ instead of ‘harsh and discriminatory.’”³

S 2550 passed the Senate by voice on May 22, 1952. Newspaper accounts suggested a veto was likely.

#1. House Consideration of the Conference Report of HR 5678 (June 10, 1952)

The House considered the conference report on HR 5678 on June 10, 1952.

Walter urged the House adopted the measure, noting: “In the spirit of splendid cooperation with the group representing the other body, after a free exchange of opinions and arguments, we have achieved our common purpose, namely, the preparation of a refined and perfected version of a fair and equitable code of all our immigration and nationality laws (*Congressional Record*, 82nd Congress, June 10, 1952, 6987).”

Javits spoke out against the bill, declaring he “would be less than Congressman and less than a man if [he] did not oppose what [he] thought was wrong (*Congressional Record*, 82nd Congress, June 10, 1952, 6987).” He moved to recommit the bill to the conference committee, a motion that was rejected by voice vote.

¹ See e.g. “Lehman Loses in Senate: Debate on Immigration Bill is Voted Despite his Protests.” *New York Times*, May 8, 1952.

² See also “Aliens Bill Stirs Filibuster Charge: Foes of McCarran Measure to Revise Immigration Laws Offers 136 Amendments.” *New York Times*, May 14, 1952.

³ “Senate Rejects Liberal Substitute for McCarran’s Immigration Bill.” *New York Times*, May 22, 1962.

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The conference report was then adopted via division vote by a 203-53 margin. A request by Javits for the yeas and nays was refused.

#2. Senate Consideration of the Conference Report of HR 5678 (June 11, 1952)

The Senate considered the conference report on June 11, 1952.

Lehman acknowledged that the conference report was likely to pass and asserted the measure's opponents would not waste time on the issue. Instead, he announced they "intend [to make their fight] in support of a possible veto of the bill by the President (*Congressional Record*, 82nd Congress, June 11, 1952, 7018)."

The conference report was agreed to shortly afterwards by voice vote.

#3. House Consideration of the Presidential Veto of HR 5678 (June 26, 1952)

Truman vetoed HR 5678, arguing that "some of the provisions of the bill were "worse than the infamous Alien Act of 1798 ([CQ Almanac 1952](#))."

The House considered the veto on June 26, 1952. They successfully overrode it on a [278-113](#) vote (this was a margin of 18 votes). Democrats voted to override by a 109-93 margin; Republicans 174-23.

#3. Senate Consideration of the Presidential Veto of HR 5678 (June 27, 1952)

The Senate overrode Truman's veto [57-26](#) (by two votes).

Member Spotlight

Choose one of the following for your member spotlight:

#1. Rep. Francis Walter (D-PA); Rep. Emanuel Celler (D-NY); Rep. Kenneth Keating (R-NY); Rep. Jacob Javits (R-NY); Rep. Peter Rodino (D-NJ); Rep. Clement Zablocki (D-WI)

#2. Sen. Pat McCarran (D-NV)⁴; Sen. Hubert Humphrey (D-MN); Sen. Herbert Lehman (D-NY); Sen. Karl Mundt (D-SD); Sen. John Sparkman (D-AL); Sen. William Benton (D-CT)

#3. Sen. Paul Douglas (D-IL); Rep. Franklin D. Roosevelt, Jr. (D-NY); Rep. Mike Mansfield (D-MT); Sen. Blair Moody (R-MI); Rep. John McCormack (D-MA); Sen. Wayne Morse (R-OR)

⁴ In 2020, members of the Nevada congressional delegation called for McCarran's statue to be removed from the U.S. capital ([Sanchez 2020](#)).

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Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing?

How relevant is this issue currently? What about this act specifically? Are there additional issues related to it that reformers have been pushing to change?

2. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation?

What happened with the Immigration and Nationality Act of 1965? What did it do to the 1952 measure?

3. What have scholars said about U.S. immigration policy? What have contemporary legislative debates over changing immigration laws looked like?

Has this law been linked to contemporary controversial immigration policies?

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