
THE CONGRESS PROJECT

Assignment Prompt Sheet

Immigration and Nationality Act of 1965

Overview

Act Title: Immigration and Nationality Act of 1965

Congress: 89th Congress (1965-1966)

Session/Sessions: 1

Statute No: 79 Stat. 911-22

Public Law No: 89 PL 236

Eid: 890236

Gid: 213-016

Bill: HR 2580

Sponsor: Rep. [Emanuel Celler](#) (D-NY)

House Committees: Judiciary

Senate Committees: Judiciary

Companion Bill: S 1093

Related Bills: S 500; HR 5324

House Rules: Hres 533

Past Bills: 84 HR 6888; 88 S 1932; 88 HR 7700

Introduced Date- Law Date: January 13-October 1, 1965

House Floor Days: 2

Senate Floor Days: 6

Roll Call Votes: 4 (3 in the House, 1 in the Senate)

Issues: immigration; sop

Procedures: recommit; conference; open rule; amendment

Last Updated: 11/6/23



(Above) The sponsor of the Senate's Immigration and National Act, Sen. Phil Hart (D-MI) was famously known as "the Conscience of the Senate."

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Legislative History Comments

The bulk of U.S. immigration policy was set by the *Immigration and Nationality Act of 1965 (89 PL 236)*. As [CQ \(1965\)](#) notes, that measure “abolished the existing system of country-by-country quotas which had fixed a legal maximum of about 158,000 persons who could enter annually on a quota basis from non-Western Hemisphere areas, and which, by assigning over two-thirds of all the quota numbers to Britain, Ireland and Germany, had sharply limited immigration from Southern Europe, Asia and Africa.” The INA sets up the “four major principles of U.S. policy on legal permanent immigration: the reunification of families, the admission of immigrants with needed skills, the protection of refugees and asylees, and the diversity of immigrants by country of origin ([CRS 2018, 1](#)).”

Its passage was hailed as ending a “40-year campaign by minority groups for reform of the federal immigration laws ([CQ 1965](#)).” Contemporary newspaper coverage suggests views of this law are mixed. On one hand, it has been praised for “transforming” American immigration policy and replacing an “overtly racist immigration regime of the mid-20th century ([Vox 2015](#)).” Other work has argued it unintentionally “created illegal immigration ([Massey 2015](#)).” One point of this law that has a really interesting legal aspect is that it included a legislative line item veto. This provision was struck down in the Supreme Court case *INS v. Chadha*, though scholars have argued that Congress often ignores that ruling.

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>

While the INA contained controversial policies (see e.g. the Senate amendment that established a quota on immigration from the Western Hemisphere), the bill’s passage was relatively straightforward. It was initially considered in the House under an open rule. It passed the chamber [318-95](#). It passed the Senate via a similar margin. Debate over the conference report was also relatively quick. Most of the opposition seemed to be from Southern Democrats.

Take a look at the CQ piece linked above and don’t hesitate to e-mail me with questions!

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.

#2.

#3.

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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 part of the President's agenda? What did existing federal policy look like in this specific issue area? Why did reformers feel it needed to be changed?

Basically, give the reader a workable discussion of U.S. immigration policy here. What is 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? 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?¹

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.

#1. House Consideration of HR 2580 (August 25, 1965)

On August 24, 1965, Rep. James Delaney (D-NY) called up Hres 533, which he noted would “provide for consideration of HR 2580” under “an open rule with five hours of debate (Congressional Record, 89th Congress, August 24, 1965, 21571).”

After some debate, the previous question and rule were both adopted by voice vote.²

HR 2580 passes the House [318-95](#). Notably, Voteview does a garbage job on this vote. PRE of .62? Ooof. Looks like a regional split.

¹ On this question, consult the CQ (1965, 218) background links. It notes: “For stories on general and special immigration legislation in past years, see the following CQ Almanacs: 1945 p. [83](#), [695](#); 1946 p. [743](#); 1947 p. [637](#); 1948 p. [193](#); 1949 p. [371](#), [387](#), [400](#); 1950 p. [218](#), [225](#), [236](#), [240](#), [242](#); 1951 p. [213](#), [237](#), [239](#); 1952 p. [154](#), [174](#); 1953 p. [241](#), [242](#); 1954 p. [283](#); 1955 p. [312](#); 1956 p. [479](#); 1957 p. [670](#); 1958 p. [60](#); 1959 p. [198](#); 1960 p. [304](#); 1961 p. [345](#), [347](#); 1962 p. [349](#), [353](#); 1963 p. [323](#); 1964 p. [324](#). See also “Congress and the Nation.”

² Rule is adopted on page 21584.

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#2. Senate Consideration of HR 2580 (September 16-17, 20-22, 1965)

On September 16, 1965, Senate Majority Leader Mike Mansfield (D-MT), asked for, and received “unanimous consent that the Senate proceed to consider [HR 2580] (*Congressional Record*, 89th Congress, September 16, 1965, 24144).”

HR 2580 passed the Senate [76-18](#).

#3. House Consideration of the Conference Report on HR 2580 (September 30, 1965)³

In arguing for the conference report, Celler stated: “We need immigration in order to magnify the uses of our great resources (*Congressional Record*, 89th Congress, September 30, 1965, 25656).”

Rep. Henry B. Gonzalez (D-TX) took issue with the quota on immigration from the Western Hemisphere, arguing “it seems as if we are erecting a wall, rather than reducing walls, which we originally intended to do (*Congressional Record*, 89th Congress, September 30, 1965, 25657).”⁴

He moved to recommit the bill back to conference with instructions to reject the Senate amendment providing for a cap on immigration from the Western Hemisphere. This was rejected by voice vote.

The conference report was adopted [320-70](#).

#3. Senate Consideration of the Conference Report on HR 2580 (September 30, 1965)

Conference report is agreed to by voice vote.⁵

³ Floor debate runs from 25651-25663.

⁴ Looks like this was an issue in the initial House debate as well.

⁵ Very limited floor discussion in the Senate. Two page speech by Kennedy on pages 25615-25616.

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Member Spotlight

Choose one of the following for your member spotlight:

#1. Rep. Emanuel Celler (D-NY); Rep. James Delaney (D-NY); Rep. Clark MacGregor (R-MN); Rep. Durward Hall (R-MO); Rep. Michael Feighan (D-OH); Rep. Peter Rodino (D-NJ)

#2. Sen. Phil Hart (D-MI); Sen. Mike Mansfield (D-MT); Sen. Ted Kennedy (D-MA); Sen. Jacob Javits (R-NY); Sen. Strom Thurmond (D-SC); Sen. James Eastland (D-MS)

#3. Rep. Henry Gonzalez (D-TX)⁶; Rep. John McCormack (D-MA); Rep. Richard Poff (D-VA); Sen. Sam Ervin (D-NC); Sen. Robert Kennedy (D-NY); Rep. Gerald Ford (R-MI)

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

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 the controversial family separation policy?

3. Contemporary debate over this law often centers on “family” versus “merit”-based immigration. The family-based immigration included in the INA is often attributed to an amendment insisted on by conservative House Immigration subcommittee Chairman Michael Feighan (D-OH) (see e.g. [NPR 2015](#); [Yang 2020](#); [Gjelten 2015](#)).

Is the contemporary coverage arguing that family-based immigration was an “unintended consequence” correct? What impact has it had on U.S. immigration policy? What have scholars said?

⁶ Super interesting political figure. Favorite anecdote from his obituary: “In a San Antonio restaurant, he heard himself referred to as a Communist by a much younger man. Mr. Gonzalez, who was 70 at the time, gave the man a black eye. He was later unrepentant.”

<https://www.nytimes.com/2000/11/29/us/henry-gonzalez-84-served-37-years-in-house.html>

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Suggested Sources

Scholarly Articles

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Anker, Deborah E., and Michael H. Posner. "Forty Year Crisis: A Legislative History of the Refugee Act of 1980, The." *San Diego L. Rev.* 19 (1981): 9.

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Merolla, Jennifer, S. Karthick Ramakrishnan, and Chris Haynes. "'Illegal,' 'undocumented,' or 'unauthorized': Equivalency frames, issue frames, and public opinion on immigration." *Perspectives on Politics* 11.3 (2013): 789-807.

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Muste, Christopher P. "The dynamics of immigration opinion in the United States, 1992–2012." *Public opinion quarterly* 77.1 (2013): 398-416.

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Lawlor, Andrea, and Erin Tolley. "Deciding who's legitimate: News media framing of immigrants and refugees." International Journal of Communication 11 (2017): 25.

Walker, Hannah, Kassra Oskooii, and Sergio Garcia-Rios. "Here's what the Democrats need to do to get the DREAM Act through Congress." USApp-American Politics and Policy Blog (2018). <https://core.ac.uk/download/pdf/159070153.pdf>

Matos, Yalidy. "The “American DREAM”: Understanding White Americans’ Support for the DREAM Act and Punitive Immigration Policies." Perspectives on Politics: 1-20.

Newspaper Pieces

- <https://www.vox.com/2015/10/3/9446613/immigration-america-change>
- <https://www.vox.com/2015/3/19/8219765/immigration-chart-history>
- <https://www.washingtonpost.com/posteverything/wp/2015/09/25/how-a-1965-immigration-reform-created-illegal-immigration/>
- https://www.washingtonpost.com/outlook/the-long-fights--and-hasty-decisions--that-shape-immigration-policy/2020/07/30/183a91c8-c524-11ea-a99f-3bbdfb1af38_story.html
- <https://www.washingtonpost.com/politics/2021/03/19/how-immigration-created-america-we-see-today/>
- https://www.washingtonpost.com/opinions/the-unintended-consequences-of-a-50-year-old-us-immigration-bill/2015/09/25/8ba42cda-622f-11e5-8e9e-dce8a2a2a679_story.html
- <https://www.nytimes.com/2020/06/13/sunday-review/immigration-history-us.html>
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- <https://history.house.gov/Historical-Highlights/1951-2000/Immigration-and-Nationality-Act-of-1965/>
- <https://www.npr.org/2019/01/16/685819397/how-the-1965-immigration-act-made-america-a-nation-of-immigrants>
- <https://www.npr.org/2015/10/03/445339838/the-unintended-consequences-of-the-1965-immigration-act>
- <https://www.washingtonpost.com/news/posteverything/wp/2018/02/05/family-based-immigration-has-merit-too/>

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- <https://www.nytimes.com/2021/02/10/us/politics/trump-biden-us-immigration-system.html>
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