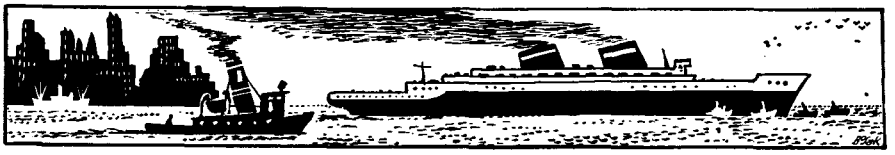


Immigration: Quotas vs. Quality

PAUL DUKE and STANLEY MEISLER

EVER SINCE Congress passed the Immigration and Nationality Act, usually called the McCarran-Walter Act, over President Truman's protest and veto in 1952, there has been pressure for a fundamental overhaul of our discriminatory immigration laws. President Kennedy's book *A Nation of Immigrants,* prepared shortly before his death, was intended to build public support for liberalization, and President Johnson showed during the election campaign that he is also committed to reform. A serious debate on immigration policy almost certainly will be high on the agenda of the new Congress.

While the McCarran-Walter Act brought up to date hundreds of laws governing the entry of foreigners, it also reaffirmed the cornerstone of American immigration policy—the much-criticized national-origins quota system—and imposed new restrictions on visa applicants. As a result, critics regard U.S. immigration regulations as a hodgepodge of rigid and cruel absurdities that flagrantly discriminate against countries in Southern and Eastern Europe, Asia, and Africa, thereby undermining our foreign-policy objectives. Furthermore, for all its stress on keeping out Communist sympathizers, the McCarran-Walter Act makes no provision for helping those who escape from the Soviet orbit. Only through special acts were refugees from Hungary and Cuba admitted.

The administration plans to resubmit a bill along the same broad lines suggested by Kennedy in a special message to Congress in July, 1963. The new recommendations probably would add no more than fifty thousand to the annual average of 273,000 who have come in each year during the last decade under current regulations. These immigrants, however, would differ to some extent in nationality and skills from those arriving today. The coming battle over immigration reform is likely to center not on the number but on the kind of immigrants. To rebut charges that more immigrants would put Americans out of work, the administration has carefully framed its proposals so that the impact on employment will be minimal.

THE REVISIONS, moreover, would give greater emphasis to attracting persons needed to fill shortages and having exceptional abilities. Under the administration's proposal, their admission would be granted if their services were adjudged to be "especially advantageous" to the United States. The formulation of the preferred lists (which certainly would include physicians, engineers, physicists, teachers, and many types of technicians) would be left to a new seven-member immigration board. The board would work closely with the Labor Department to refuse visa awards to persons who might take jobs capable of being filled domestically. With some slight reservations, the AFL-CIO has endorsed the administration's proposals. An exception is labor's leading role in ending the "braceros" program whereby Mexican workers were imported seasonally to harvest crops in Western states, at rates that kept down pay scales of domestic workers and seriously impeded union organizing efforts.

The proposals envision the gradual abolition of the national-quotas system over a five-year span. This system, which has been in existence for forty years, in 1964 allotted a total of 158,161 to most of the countries of the world in proportion to their share of the national origins of the American white population in 1920. Thus Britain, Germany, and Ireland now get seventy per cent of the quota. Britain and Ireland leave many places unfilled, and the law does not permit transfers to other countries. In the last ten years, quota immigration has annually fallen from fifty to sixty thousand below the prescribed quota. The administration bill would create a pool that, in effect, would admit 165,000 immigrants from anywhere, with preference going to those with skills or special talents and to relatives trying to join their families already in the United States.

The immigrant flow from a number of European nations would rise sharply. Administration experts estimate that 63,332 persons would come from Greece in the next five years compared to 1,540 under current policy, 82,090 from Italy compared to 18,330, and 31,000 from Portugal compared to 2,100. Liberalization almost certainly would increase the number of applicants, but this does not worry U.S. officials. As Secretary of State Dean Rusk said, "It would not bother me at all to say to anyone outside the United States, 'We are sorry that we cannot admit you because we have run out of numbers,' but it does make it difficult from a political and psychological point of view to say, 'I am sorry but we have run out of numbers for Greeks.' "

The administration bill would make no change in the laws which allow nonquota immigration from countries in the Western Hemisphere and which make special provisions for refugees from Communism. In the last ten years, in fact, two-thirds of the total immigrants have entered under these nonquota regulations. But although the administration bill would deal only with a third of the immigration complex, it would abolish the whole national-origins concept, which, in the words of John F. Kennedy, "is an anachronism" that "neither satisfies a national need nor accomplishes an international purpose."

Feighan vs. Celler

Despite the improved prospects, the battle for reform will be a touchy one with several obstacles to be hurdled. One is a bitter feud between Emanuel Celler (D., New

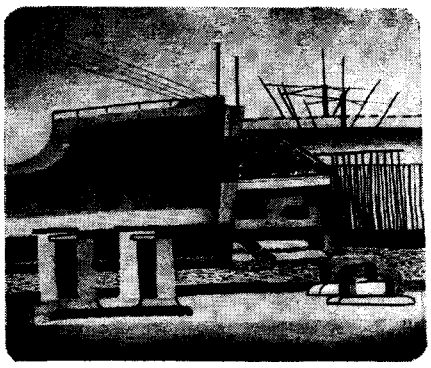
York), the chairman of the House Judiciary Committee, and Michael A. Feighan (D., Ohio), the chairman of the committee's subcommittee on Immigration and Nationality. The feud flared into the open when Feighan succeeded to the subcommittee chairmanship in June, 1963, upon the death of Francis E. Walter (D., Pensylvania), the czar of immigration legislation in Congress. Feighan soon found that seniority had gained him Walter's title but not Walter's power. Celler, moving to assert his own authority over immigration legislation, decided to take a greater role in the subcommittee's work and made it quite clear that he would not permit Feighan to operate independently.

At first it was believed that Feighan, an obscure veteran of more than twenty years in Congress, would be more conciliatory toward revising immigration policy than Walter ever had been. But he soon began making headlines that dispelled these illusions. He charged that Soviet spies had infiltrated the Central Intelligence Agency. He demanded that the State Department keep Richard Burton out of the country because of immoral conduct with Elizabeth Taylor. And he talked of rumors about huge payoffs to fix immigration cases. None of this inspired confidence in Feighan's capacity to lead a campaign for reform, in which he had never shown much interest anyway.

Some of Feighan's friends ascribed his antics to Celler's refusal to let him hire his own staff, use subpoena powers, and otherwise conduct the subcommittee as he wished. At one point, Feighan charged that Celler had threatened to depose him. If Celler did make the threat, he never attempted to translate it into accomplishment. Judiciary Committee sources say that Celler did consider switching subcommittee assignments to take away Feighan's jurisdiction over the immigration unit but was dissuaded when he realized that he might be outvoted by the full committee.

Despite his troubles with Celler, Feighan almost outflanked the seventy-six-year-old Brooklyn congressman when he unexpectedly activated the Joint Senate-House Committee on Immigration and Nationality Policy and maneuvered himself into the chairmanship. The Joint Committee had been created in 1952, and consisted of the chairman of the House and Senate Judiciary Committees and the members of the Senate and House Immigration subcommittees. In twelve years it had met only once, for eight minutes, the principal reason for its inactivity being Walter's reluctance to share any of his authority. But a few weeks after Walter's death, Feighan quietly sent all members of the Joint Committee a resolution denoting himself as chairman. A majority of the members perfunctorily signed the resolution, and Feighan legally was elected chairman of a unit that ostensibly would do nothing.

FEIGHAN quickly shattered this illusion and indicated he meant to build the Joint Committee into a personal power base. His first act was to appoint Dr. Edward M. O'Connor, an assistant in his office and an official of the Displaced Persons Commission during the Truman administration, to be staff director of the joint group. Feighan next asked the House Appropriations Committee to increase the Joint Committee's annual appropria-



tion from a token $20,000 to $160,460, a rise he said was needed for a comprehensive investigation of immigrant activities and the reports of "widespread bribery and corruption" in the handling of immigration cases. Until such an investigation was made, Feighan said, he had no intention of considering reform legislation.

The Appropriations Committee rejected his request, denying Feighan life-and-death power over immigration matters. As a result, Feighan took his battle to the floor last April and asked his colleagues to overrule the Appropriations Committee. In the process, he accused Celler of hampering the cause of reform by opposing the Joint Committee's activation and by unduly restricting Feighan's movements in the subcommittee. Celler in turn accused Feighan of making "unwarranted fulminations against me," adding that he had no intention of "diluting" his prerogatives as chairman of the Judiciary Committee.

The House ultimately supported Celler, but by the barest of margins. With fewer than half the members on the floor, Feighan's amendment was defeated by a 69-69 tie vote. Feighan drew most of his support from ultraconservative Republicans. "They were delighted," said a Democratic congressman, "with the idea of putting some money into the hands of someone who wanted to look for Communists in government and might embarrass the administration."

The main effect of all this skirmishing was to rule out any chance of Congressional action on the administration's reform proposals in the 1963 and 1964 sessions. But Feighan, rebuffed at every turn, was hardly of a mind to co-operate with Celler, the chief House sponsor of the administration bill. And within the Immigration subcommittee, there was little initiative for drafting legislation.

The Embattled Xenophobes

Then, last June, Feighan unexpectedly began to hold hearings on the administration's measure. There was speculation that he had been frightened by a surprisingly tough Democratic primary race against an opponent who accused him of procrastinating on immigration reform. Still, Feighan made it clear that he did not support the administration bill by introducing one of his own. While retaining the national-origins concept, it proposed to reassign the unused quotas of Britain, Ireland, and a few other countries during the next two years to the Greeks, Italians, Poles, and others on long waiting lists. But it became clear that the subcommittee's majority regarded even Feighan's bill as too big a change. As Frank Chelf (D., Kentucky) had re-

marked at an earlier session: "I have been on this subcommittee now for some eighteen years. I have always been a rather strong believer in the national-origin theory. It was the law when I came here. It is the law of the land today, thank heaven."

Pilgrim Fathers

There is even less liking for reform within the Senate subcommittee on Immigration, which is headed by the xenophobic James O. Eastland (D., Mississippi). This hostile subcommittee, after some pressure by the White House, held a few perfunctory hearings on immigration last year but never seriously considered the administration bill. Eastland has been content to let the House struggle with the issue. Now, however, the mounting pressure for liberalization makes it unlikely that either the House or the Senate subcommittee can do much more than wage a delaying battle in 1965. If need be, administration forces can probably bypass both panels. Thus the real question appears to be: How much liberalization will Congress approve?

Faced with the new realities—the pro-administration majorities and a genuine Presidential push—some opponents are concluding that their best course lies in supporting a compromise plan that would relax restrictions to some extent while preserving the national-origins system largely intact. The reformers obviously expect much more, and it seems probable that Congress will consent to increase the immigrant totals substantially and sanction greater quotas for countries with waiting lists. It is likely, too, that significant alteration in the national-origins system will occur—perhaps with 1960 instead of 1920 used as a basis in allocating quotas.

But the primary goal—the abolition of the national-origins concept—may prove unattainable because of entrenched resistance. Even among some reformers there remains more than a trace of the feeling voiced by Finley Peter Dunne's Mr. Dooley: "As a pilgrim father that missed th' first boats, I must raise me claryon voice agin' th' invasion iv this fair land be th' paupers an' arnychists iv effete Europe. Ye bet I must—because I'm here first."

Religion and the FCC

MARCUS COHN

While the U.S. Supreme Court has been gradually strengthening Jefferson's "wall of separation between church and state," the Federal Communications Commission has been doing its best to persuade people to go to church.

Ever since its creation thirty years ago, the FCC has required an applicant for a new radio or television station to give detailed information concerning the quantity and quality of the various types of programs he intends to broadcast. Prominently listed in second place on its application form are religious programs. In fact, the applicant is required to submit a program schedule that sets forth the exact times when religious programs will be carried and whether the sponsoring churches will be required to pay for their time.

When the time comes around to renew his license, every three years, the station owner is required to state, among other things, the precise amount of time he devoted to religious programming during the preceding three years and the quantity and nature of such programming he intends to broadcast in the future. He is also frequently requested to supply additional programming information—including further details concerning past and proposed religious programming. The commission then proceeds to decide whether the station has served and will continue to serve the "public interest, convenience and necessity."

Although it is difficult to estimate the exact weight the FCC gives to religious programming in its decision processes, there can be no doubt that it is significant. The commission has held, for example, that the proposed religious programming of one applicant for a television station in Evansville, Indiana, was superior to another because it afforded a "more positive proposal for providing time to diverse religious faiths." In another case, it gave a comparative—although not a disqualifying—demerit to one of two competing applicants because its proposed program schedule failed to include "any strictly religious programs" and thus left a "void in [its] over-all program structure."

In 1960 the commission issued a decision concerning two applicants for a radio station at Oswego, New York. One of the applicants intended to broadcast three hours of sustaining—that is to say, free—religious