

**IMMIGRATION REFORM IN CANADA AND THE UNITED STATES:
A COMPARATIVE ANALYSIS**

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It is not surprising that most public policies in Canada and the United States are fairly similar, nor is it surprising that innovations in public policy have often occurred at about the same time in the two countries. Similar economic, social and cultural conditions in the two countries might be expected to produce such a result. It is also a fact, although not always acknowledged by Canadians, that American innovations in policy have often been copied in Canada within a few years. John A. Macdonald's National Policy was based on policies implemented by the United States in the 1860s. More recent examples would include anti-combines legislation in the early 20th century, the largely abortive Bennett New Deal of the 1930s, P.C. 1003 of 1944 (modelled on the Wagner Act), the formation of Via Rail (modelled on Amtrak), the deregulation of the transportation industries in the 1980s, and even the Charter of Rights and Freedoms.

Immigration is one area of public policy in which the two countries have followed somewhat similar, although not identical, paths. Both accepted large numbers of immigrants from European sources during the century that followed the war of 1812. Both sought to limit Asian immigration by overtly discriminatory means beginning in the latter part of the 19th century. Both, by more subtle means, limited immigration from southern and eastern Europe in the first half of the 20th century. And both eliminated explicit discrimination on grounds of race, ethnic origin or nationality from their immigration policies in the 1960s.

This paper examines and compares the last of these episodes in public policy: the immigration reforms of the 1960s. It outlines what happened in both countries, the reasons why it happened, the impact of domestic politics on immigration reform, and the processes by which reforms were brought into effect. A concluding section of the paper compares the impact of past policy and experience on the reforms, the motives behind them, and the institutions and processes that shaped them in the two countries.

The USA: Ending the Quota System

For more than a century after the adoption of the U.S. Constitution, almost any European who wished to do so was free to settle in the United States. Until about 1890 Great Britain, Ireland, the Scandinavian countries, and Germany accounted for the vast majority of European immigration to the United States, but thereafter most came from southern and eastern Europe. In the 1920s, however, Congress imposed what was known as the national origins quota system, designed not only to restrict immigration but to ensure that such immigration as did occur would alter the ethnic composition of the country as little as possible. Total immigration from overseas was capped at a level lower than what had been typical of the years before 1914, and each nationality or ethnic group was assigned a quota based on its share of the total population of the United States according to the census.¹ Between 1921 and 1924 the quotas were based on the

¹ Roger Daniels, *Coming to America* (2nd edn. New York: Harper Collins 2002), 280-4

census of 1910, between 1924 and 1929 on the census of 1890, and thereafter they were based on the census of 1920.² These arrangements, which were primarily directed against immigrants from eastern and southern Europe, supplemented even more severe restrictions on Asian immigration which had been imposed somewhat earlier, while African immigration had been virtually non-existent since the abolition of the slave trade. Independent countries of the western hemisphere, but not the British, French and Dutch colonies in the Caribbean, were exempted both from the quota system and from the overall ceiling on the number of immigrants, an arrangement whose principal beneficiaries were the large numbers of Canadians seeking higher wages and milder winters in the United States.

In 1943 the *Chinese Exclusion Act*, which dated from the nineteenth century, was repealed as a gesture to a wartime ally.³ It was replaced by an annual quota of 105 immigrants—not exactly generous for a country comprising almost a quarter of the world’s population. In 1948 President Harry Truman in separate messages to Congress urged the removal of ethnic and racial barriers to naturalization and also to the admission of “displaced persons” (refugees) from Europe. In 1952 Congress adopted the *McCarran-Walter Act*, which made incremental changes to immigration and naturalization policies but retained in a slightly modified form the quota system based on the census of 1920. The *McCarran-Walter Act* also adopted an overtly racist concept known, rather obscurely, as the “Asia-Pacific triangle”. This provided that prospective immigrants living outside of Asia and the Pacific islands whose ancestry was half or more Asian could not benefit from the quotas assigned to the countries where they actually lived, but would have to be included in the very small quotas assigned to the countries where their ancestors had lived. (Asia was defined in such a way that it did not include Israel, Turkey, Iran, the Asian parts of the USSR, or the Arab countries, while the Pacific islands were defined so as not to include Australia and New Zealand) President Truman vetoed the bill, mainly on the grounds that the quota system was “insulting to large numbers of our finest citizens, irritating to our allies abroad, and foreign to our purposes and ideals”, but his veto was easily overridden by two-thirds majorities in both houses of Congress.⁴ One future president, John F. Kennedy, took Truman’s

² 89th Congress, Senate, report no. 748, September 15, 1965 (Mr. Kennedy)

³ Daniels, *op. cit.*, 304

⁴ Lyndon B. Johnson Presidential Library, LBJ papers, Legislative Background, Immigration Law 1965, folder 1, “four presidents urge reform”.

side on this issue, but three others (Lyndon B. Johnson, Richard M. Nixon, and Gerald R. Ford) voted with the majority to override his veto.⁵

⁵ *Congressional Record*, June 26, 1952, 8225-6, 8267.

A Gallup Poll three years after this event suggested that most Americans knew nothing about the contents of the McCarran-Walter Act but that the minority who did were inclined to favour a more liberal policy.⁶ Although President Eisenhower's first State of the Union message requested Congress to "review" unjust and discriminatory aspects of immigration legislation, he provided little leadership on the issue and almost nothing was accomplished over the next decade. The quota system was becoming increasingly unworkable because the large quotas assigned to Britain, Germany and Ireland exceeded the number of prospective immigrants from those countries while countries where there was significant demand for immigration visas developed long waiting lists because of the very small quotas they were assigned. Ad hoc measures to benefit refugees, particularly from Hungary, reduced the pressure for change to some extent.

President John F. Kennedy had repeatedly called for immigration reform before his inauguration and had introduced several immigration bills while serving in the Senate. In 1957 one of his bills became law; it provided for the admission of more than 60,000 backlogged applications and provided that persons admitted as refugees would no longer be counted against the future quotas of the countries from which they came. In a press release from his office Senator Kennedy commented that the bill would provide "much-needed relief in pressing problem areas" but that he and several of his colleagues would continue to strive for a more fundamental review of immigration policy.⁷ He also informed the American Committee on Italian Migration (ACIM) that he was disappointed in the limited scope of his bill but promised "I intend to make strong efforts to bring about a more comprehensive revision of our

⁶ Neil James George, "The Interplay of Domestic and Foreign Considerations in United States Immigration Policy", Ph.D. dissertation, Case Western Reserve University, 1975, 196-7.

⁷ John F. Kennedy Presidential Library, JFK papers, Senate Files, Legislation Introduced or Co-Sponsored, Box 630, press release dated August 29, 1957.

immigration policy.”⁸ In 1958 the future president published a pamphlet celebrating the multicultural origins of Americans and making the case for reform.⁹ A year later he introduced a plan to eliminate the national origins quota system entirely.¹⁰

⁸ JFK papers, Senate Files, Box 695, Kennedy to Caesar Donozan, November 7, 1957.

⁹ John F. Kennedy, *A Nation of Immigrants* (New York: B'nai Brith 1958) In the last months of Kennedy's life, when his administration's immigration bill was before Congress, the pamphlet was expanded into a book which appeared after his death. (Revised and enlarged edn., New York: Harper and Row 1964)

¹⁰ JFK papers, Senate Files, Box 630, “Kennedy Introduces Three Point Immigration Program”, press release, May 18, 1959.

Soon after taking office as president, Kennedy promised the ACIM that he would support legislation to reallocate unused immigration quotas to countries such as Italy whose quotas were inadequate to deal with the number of outstanding applications.¹¹ However, he failed to mention immigration in any of his state of the union messages in 1961, 1962 and 1963. In January 1963 he was asked about immigration reform at a press conference and indicated merely that his administration would introduce legislation to redistribute unused quotas. In June he repeated this promise at a symposium sponsored by the ACIM, a body composed largely of Italian-Americans. Apart from his preoccupation with other issues, his hesitancy to propose more fundamental reform may have reflected his reluctance to offend Congressman Francis Walter, a personal friend and political ally who had co-sponsored the McCarran-Walter act and who was the most influential member of Congress on matters related to immigration. Walter's death after a lengthy illness on May 31, 1963 eliminated this obstacle.¹²

Within the administration the Justice Department, which actually administered immigration policy, and the State Department, which had an obvious interest in it, took somewhat different approaches to reform. Justice proposed to reduce the national quotas by ten per cent each year for five years and redistribute the additional visas thus made available on a basis of first come first served with no ethnic discrimination. The State Department disliked this proposal because it would actually reduce immigration from NATO allies in northern and western Europe. Their own measure would redistribute only the unused portions of the quotas (mainly from Britain, Ireland and Germany) to countries where there was actual demand for them, would exempt newly-independent Jamaica and Trinidad-Tobago from the quota system, and would repeal the invidious "Asia Pacific Triangle" provisions. An alternative proposal, suggested by Congressman Emmanuel Celler (D-NY), included the latter two features of the State Department proposal but would have abolished the quota system entirely. (Celler, one of the most senior members of Congress, had served in the House of Representatives since 1922 and had actually voted against the quota system when it was introduced in the 1920s.) Abba P.

¹¹ *The New York Times*, May 9, 1961

¹² Stephen T. Wagner, "The Lingering Death of the National Origins Quota System: A Political History of United States Immigration Policy 1952-1965", Ph.D. dissertation, Harvard University, 1986, 376.

Schwartz of the State Department, a determined proponent of immigration reform within the administration, appeared to sympathize with the Celler proposal, since he included it, along with the department's own proposal, in a message to the White House in June 1963.¹³ Secretary of State Dean Rusk, reflecting the attitudes of the deep South from whence he came, was much less enthusiastic about reform and reportedly defended the quota system in private on the grounds that "we are an Anglo-Saxon country".¹⁴

¹³ LBJ Papers, National Security File, files of Gordon Chase, immigration: Schwartz to Feldman, June 14, 1963

¹⁴ Abba P. Schwartz, *The Open Society* (New York: William Morrow 1968), 119.

In July 1963 five liberal Republican senators (not an oxymoron in those days) joined with liberal Democrat and former Republican Wayne Morse to sponsor an immigration bill that would eliminate overt discrimination against Asian immigrants and would base the national origins quotas on the census of 1960.¹⁵ Three weeks after this initiative, President Kennedy finally sent his own immigration proposal to Congress. In the accompanying message he stated that:

The use of a national origins system is without basis in either logic or reason. It neither satisfies a national need nor accomplishes an international purpose. In an age of interdependence among nations, such a system is an anachronism, for it discriminates among applicants for admission into the United States on the basis of accident of birth.¹⁶

¹⁵ *The New York Times*, July 3, 1963

¹⁶ Full text of Kennedy's message to Congress proposing the bill is in *The New York Times*, July 24, 1963

The proposal which Kennedy sent to Congress suggested reducing existing quota allocations by 20 per cent a year for five years, a compromise between the more cautious approach favoured by the Department of Justice and Congressman Celler's plan to abolish the quotas immediately. In place of the quota system, preference would be given to prospective immigrants with skills that would benefit the U.S. economy, to relatives of persons already residing in the United States, and to others on the basis of first come, first served. No more than ten per cent of immigrants in any year could be from a single country. Kennedy proposed abolishing the Asia-Pacific triangle provisions, giving Jamaica and Trinidad-Tobago the same status as other Western Hemisphere nations, and allowing specially talented persons to enter the country without securing a job in advance. His bill also proposed to allow persons with mental health problems to enter the United States as immigrants. It provided for a seven-member immigration board, with three members appointed by the President, two by the Speaker of the House of Representatives, and two by the President pro tempore of the Senate, to advise the president on how to allocate unused quota numbers. A file of newspaper editorials collected by Abba Schwartz suggests that Kennedy's proposal was favourably received in the northeastern states but less so in the midwestern and western states, while editorial comments from the southern states were predominantly hostile.¹⁷ The Executive Council of the AFL-CIO issued a statement warmly supportive of the Kennedy proposal.¹⁸ A strong endorsement of Kennedy's "historic step" and his "outstanding leadership" in the field of immigration reform came from a coalition of 72 ethnic, religious and labour organizations.¹⁹ However, like much else in his legislative program, Kennedy's immigration bill was not acted upon by Congress before the president's assassination on November 22, 1963.

Although President Lyndon Johnson, like most politicians from the southern states, had shown little or no previous interest in immigration reform, he agreed at Schwartz's suggestion to take up the cause and met with representatives of pro-reform groups in January 1964.²⁰ The immigration bill which he submitted to Congress soon afterwards was almost identical with Kennedy's. The Secretary of State, despite his private reservations, testified on behalf of the measure before the congressional sub-committee that was considering it, as did Attorney General Robert Kennedy. Rusk pointed out that the majority of immigrants were already admitted outside of the quota system, indicating that "we are not quite as prejudiced as we sometimes appear."²¹

¹⁷ John F. Kennedy Presidential Library, Abba Schwartz papers, Box 7, Immigration Legislation 1963.

¹⁸ John F. Kennedy Presidential Library, AFL-CIO papers (microfilm), Reel 9, statement on Immigration Reform, August 15, 1963.

¹⁹ JFK papers, White House Central Files, Box 483, LE/IM, Edward J. Ennis to Kennedy, August 7, 1963.

²⁰ Schwartz, *op. cit.*, 118.

²¹ LBJ papers, Legislative Background, Immigration Law 1965, folder 2, "Johnson administration redoubles the effort". Rusk's statement was made to the judiciary committee of the House of Representatives on July 2, 1964.

The Attorney General emphasized that the purpose of the bill was to make immigration policy more fair, not to increase the total number of immigrants.²²

²² LBJ papers, Legislative Background, Immigration Law 1965, folder 3, "The road to final passage, part 1", proposed immigration legislation 89th Congress, January 1965, exhibit B. Kennedy's statement was given on July 22, 1964.

Despite this and other testimony, the bill made little progress in 1964. The main obstacle appeared to be Congressman Michael Feighan of Cleveland, Ohio, who had succeeded Francis Walter as the chairman of the Immigration Sub-Committee in the House of Representatives. Although he was a Democrat with close ties to organized labour, Feighan was not regarded as friendly by either the Kennedy or the Johnson administrations.²³ On one occasion in 1963 he is said to have called Kennedy a “communist sympathizer” and a “nigger lover”.²⁴ Feighan refused to report the bill from the sub-committee which he chaired unless the administration agreed to fund a joint congressional committee on immigration which had been authorized in 1952 but had never actually operated. Supporters of reform feared that this committee, likely to be co-chaired by Feighan and the right-wing Senator Eastland of Mississippi, would become a platform for anti-immigrant agitation. Johnson, at the urging of Congressman Celler, refused to give Feighan what he wanted.²⁵ Feighan responded by introducing a much weaker immigration bill of his own which the administration considered totally inadequate.

By 1965 the election of a much more liberal Congress, and the overwhelming mandate given to President Johnson in his electoral victory over Barry Goldwater, seemed to improve the prospects for immigration reform. The administration re-submitted its bill with only slight changes.²⁶ In the Senate, responsibility for steering the bill was assumed by Edward Kennedy, the youngest brother of the late president. In the lower house, Congressman Feighan, possibly chastened by a hard fight to be renominated in his district, indicated a willingness to put some

²³ Schwartz, *op. cit.*, 116. See also James Gimpel and James Edwards, *The Congressional Politics of Immigration Reform* (Needham Heights: Allyn and Bacon 1999), 102-3.

²⁴ Schwartz, *op. cit.*, 19; Wagner, *op. cit.*, 381.

²⁵ LBJ papers, handwriting file, Box 3, Valenti to LBJ, July 1, 1964.

²⁶ Full text of Johnson’s message to Congress proposing the bill is in *The New York Times*, January 14, 1965

water in his wine by publicly supporting the end of the national origins quota system, a reform which he had previously opposed.²⁷ However, his price for this major concession was that an overall ceiling on immigration, albeit a higher one than before, should apply to the entire world and not just to the Eastern Hemisphere. This suggestion was anathema to the State Department, which feared that it would be resented by Latin American governments and peoples and would thus interfere with U.S. foreign policy objectives in the Western Hemisphere. Johnson's invasion of the Dominican Republic in May, which had predictably stirred up anti-U.S. sentiments in Latin America, provided an additional reason to avoid any change in immigration policy that would further antagonize the region. No one seems to have worried about the response of Canadians, although Canada was still at that time the largest source of Western Hemisphere immigrants to the U.S.

²⁷ LBJ papers, office files of White House aides, Bill Moyers, box 1 (immigration) memo for the President from acting attorney general re. Congressman Feighan's immigration proposals, February 4, 1965.

Despite this problem, Vice-President Humphrey sent a congratulatory message to Feighan, describing the latter's new position as "most encouraging" and urging him to make President Johnson happy by passing the bill before the end of the year, which was still eight months away.²⁸ Feighan responded by requesting a meeting with Johnson, a request which was granted. The State Department continued to be unhappy about Feighan's demand for a cap on Western Hemisphere immigration but Johnson asked his Secretary of State to consider whether Feighan's proposal of an overall ceiling could be acceptable. Rusk suggested a compromise: amend the administration's bill to provide that if total immigration from all sources exceeded 400,000 in any year, the President would be required to make a recommendation to Congress for further restrictive action. A later version of the proposal reduced the ceiling to 350,000 but Feighan indicated that this was still too high and held out for a maximum of 325,000. Although the numbers were not far apart, neither side seemed inclined to compromise. Jack Valenti, a White House advisor who later became chief lobbyist for the motion picture industry, suggested that it was probably not satisfy Feighan and "his right wing friends" and advised Johnson to fight for the original bill since "we could probably win."²⁹ Two weeks after providing this assessment of the situation, Valenti seemed more optimistic about winning Feighan's support, described the congressman as "friendly", and suggested that the administration's bill might be reported by Feighan's sub-committee within a few days. Feighan however soon added a new demand that the admission of any immigrant not falling into certain narrowly defined categories should require a statement by the Secretary of Labor that it would not adversely affect the interests of American workers.

In an effort to move the debate over immigration reform outside of Congress, the administration encouraged the formation of a National Committee for Immigration Reform which represented a large, although not entirely representative, section of elite opinion. Robert Murphy, a former diplomat who was the chairman of the board of Corning Glass, was instrumental in getting this project off the ground, but a number of other prominent businessmen, mostly based in New York, joined it, as did former presidents Harry Truman and Dwight Eisenhower, retired generals Carl Spaatz and Alfred Gruenther, Father Theodore Hesburgh of Notre Dame University, classical musicians Leonard Bernstein and Yehudi Menuhin, and Dr. Jonas Salk, the inventor of the polio vaccine. More to the point, politically speaking, the Committee recruited some of the most prominent spokesmen for organized labour: George Meany of the AFL-CIO, I. W. Abel of the Steel Workers, Walther Reuther of the Auto Workers, and David Dubinsky of the Garment Workers. The members of the Committee were invited to a meeting with President Johnson at the White House on June 16.³⁰

Despite these efforts to mobilize opinion in favour of reform, a Louis Harris poll

²⁸ LBJ papers, WHCF, legislation, Box 73, Humphrey to Feaghan, April 30, 1965.

²⁹ LBJ papers, Legislative Background, Immigration Law 1965, folder 5, "The road to final passage, part 3", Valenti to LBJ, May 8, 1965.

³⁰ Documents pertaining to the Committee are in LBJ papers, WHCF, confidential file, Box 63, folder LE/Hi to LE/LE3 (1 of 2).

published in May indicated that only 24 per cent of Americans favoured increasing immigration while 58 per cent were opposed.³¹ Support for immigration was particularly low among Protestants (18 per cent) and southerners (12 per cent) but was higher among Catholics (33 per cent), Jews (41 per cent) and residents of the northeastern states (37 per cent). The most popular countries as sources of immigrants were, in order, Canada, Britain, Scandinavia, Germany and Ireland.. Immigrants from Asia, the Middle East and Mexico ranked near the bottom. The only mildly encouraging finding, from the administration's point of view, was that 36 per cent of those polled favoured selecting immigrants on the basis of their skills and education, compared with 29 per cent who favoured selecting them on the basis of nationality; the remainder expressed no preference or were not sure of their opinions.

³¹ "U.S. public is strongly opposed to easing of immigration laws", *The Washington Post*, May 31, 1965.

Soon after this poll was published, the national commander of the American Legion sent a telegram to President Johnson indicating that the Feighan bill was closer to the views of the legion than the bill sponsored by the administration. Earlier, the Arizona chapter of the Daughters of the American Revolution had sent the president a copy of a resolution adopted by that organization affirming support for the McCarran-Walter act and alleging that immigration reform would aggravate unemployment and allow more Communists to enter the country.³²

On the other side of the debate, the ACIM, and the Italian-American community more generally, continued to promote the cause of reform. In May President Johnson thanked the ACIM for its support of the cause, congratulated it on a successful symposium which it had recently held in Washington, and urged it to continue the fight.³³ Italian-Americans were a significant block of voters, particularly in Rhode Island, New York, and New Jersey, and were not firmly committed to either party, with some tendency to favour the Republicans. Italy was also an important NATO ally whose public opinion had been an American preoccupation since the beginning of the cold war, owing to its large and vigorous Communist Party

Feighan's sub-committee had still not reported the administration's bill in early July, when a presidential advisor reported that Secretary of State Dean Rusk "absolutely could not live with a numerical ceiling of any kind on the Western Hemisphere. That is now the official

³² Both letters are in LBJ papers, WHCF, LE/IM, Box 73.

³³ LBJ papers, WHCF, legislation, Box 73, LE/IM (executive file), LBJ to Juvenal Marchisio, May 18, 1965.

position.”³⁴ A new poll by the Gallup organization found a bare majority (50 per cent) in favour of replacing the national origins quota system with a system of selection based on skills. On the other hand only seven per cent of respondents thought the volume of immigration should be increased, while 32 per cent thought it should be reduced and 40 per cent favoured maintaining it at the existing level.³⁵

³⁴ LBJ papers, WHCF, Immigration, Box 1, Barber to Valenti, July 8, 1965.

³⁵ LBJ papers, Office Files of the White House Aides, Box 8, Mike Manatos, Rodman to Manatos, July 21, 1965.

On July 16, eight weeks after he had predicted that Feighan's sub-committee would likely report the administration's bill within a few days, Jack Valenti repeated the same prediction in another memo to President Johnson. This time he was right, and six days later he was able to inform the President that the bill had been reported.³⁶ Furthermore, it included no ceiling on immigration from the Western Hemisphere. Instead there was a provision that no single country could supply more than 20,000 immigrants to the United States in any calendar year, in addition to an overall annual limit of 170,000 immigrants from countries outside the Western Hemisphere. At the last moment Feighan tried to reinsert the ceiling on immigration from the Western Hemisphere, but he was outvoted and gracefully accepted defeat on this issue, at least for the time being. The national origin quotas would be phased out over a three-year period. The bill then went to the Judiciary Committee of the House of Representatives, where it faced a new amendment that would give the Secretary of Labor the authority to prevent admission of agricultural workers. This threatened to prevent adoption of the bill by Congress for another year but the administration persuaded Andrew Biemiller, the AFL-CIO's lobbyist on Capitol Hill, to use his influence against the amendment.³⁷ The Judiciary Committee reported the bill, without the amendment, in early August. On August 25 the House of Representatives passed the bill by a vote of 318 to 95, with 19 members not voting.³⁸

There was still the Senate to be considered, and although that house contained fewer spokesmen for the protectionist sentiments of blue-collar Americans than did the House of Representatives, it also over-represented the western and southern states where support for removal of the quota system was lower than in the more ethnically diverse northeast. In a message to the Speaker of the House, President Johnson expressed the hope that Congress would act speedily and without "crippling amendments" on the immigration bill, which he said was more demanding of passage "in terms of decency and equity" than any other piece of legislation before Congress.³⁹ However, it soon became apparent that the issue of placing a ceiling on immigration from the Western Hemisphere was far from extinct, and that the Johnson administration would have to accept a compromise on this issue before the Senate Judiciary Committee would report the bill. Senate minority leader Everett Dirksen of Illinois was particularly insistent that a limit on Western Hemisphere immigration would be the price for his support of the bill. After consultations between the Attorney General and the State Department, the latter reluctantly, and "as a last resort" accepted the idea of an overall limit on immigration from all sources, including the Western Hemisphere.⁴⁰ Nonetheless, the debate in the full Senate

³⁶LBJ papers, Legislative Background, Immigration Law 1965, folder 6, "The road to final passage, part 4", Valenti to LBJ, July 16 and July 22, 1965.

³⁷ LBJ papers, WHCF, legislation, LE/IM, Box 74, O'Brien to LBJ, July 30, 1965.

³⁸ *Congressional Record, House*, August 25, 1965, 21820-1.

³⁹ LBJ papers, Legislative Background, Immigration Bill 1965, folder 6, LBJ to McCormack, August 25, 1965.

⁴⁰ LBJ papers, Legislative Background, Immigration Bill 1965, folder 6, Valenti to LBJ, August 25, 1965.

extended over five sitting days, compared with only two days in the House of Representatives. On September 22, exactly four weeks after the bill had passed in the lower house, the Senate approved it by a vote of 76 to 18 with six members not voting.⁴¹ Most of the leading Republicans in both houses supported the bill, including Senate Dirksen, House of Representatives minority leader Halleck, and future president Gerald R. Ford. The last-ditch opposition in both houses consisted mainly of right-wing legislators from the former Confederate states, most of whom in 1965 still wore the Democratic party label.

⁴¹ *Congressional Record, Senate*, September 22, 1965, 24783.

The bill that President Johnson finally signed in October 1965, Public Law 89-236, differed in certain respects from the one that his administration had submitted to Congress.⁴² There would be an annual limit of 120,000 immigrants from the independent nations of the Western Hemisphere, in addition to the annual limit of 170,000 from the rest of the world, no more than 20,000 of whom could be from any single country. The limit on Western Hemisphere immigration would take effect on July 1, 1968, unless Congress enacted otherwise prior to that date. On the other hand, the national origins quotas would be eliminated completely on July 1, 1968, rather than gradually over a period of five years as the administration had originally suggested. In selecting immigrants, priority would be given to close relatives of persons already residing in the United States, rather than to persons selected on the basis of their skills and occupations. The Secretary of Labor would be given some authority to regulate and restrict immigration, in addition to the authority given to the Attorney General, a provision which the administration had resisted because the Department of Labor was more sensitive to the protectionist instincts of American workers. The final version of the bill also provided for a commission to review the question of Western Hemisphere immigration and report its findings by 1968; the commission would include five members of the House of Representatives appointed by the speaker, five senators appointed by the president of the Senate (Vice-President Hubert Humphrey), and five other persons appointed by President Johnson. The limit on Western Hemisphere immigration would take effect unless Congress decided otherwise.

One price which the administration paid for the approval of its bill was the abolition of the bureau headed by Abba Schwartz within the Department of State. It was said that this decision would save \$250,000 per annum but the real reason for it was apparently that Schwartz, a holdover from the Kennedy administration, had been a tireless advocate of immigration reform within the department, and had become a *bete noir* for Congressman Feighan and other opponents of reform on Capitol Hill. Feighan apparently made certain accusations against Schwartz which Jack Valenti judged to have “no substance” but Valenti nonetheless recommended, and President Johnson agreed, to abolish Schwartz’s bureau, and his position.⁴³

⁴² The full text is in *Laws of the 89th Congress, 1st session*, October 3, 1965, 883-97.

⁴³ LBJ papers, Confidential File, Box 57, Immigration, Valenti to LBJ, September 1, 1965. It is not known what the accusations were, but given the remark that Feighan is alleged to have made about President Kennedy, as quoted above, it is unlikely that they deserved to be taken seriously.

Schwartz in his memoirs suggested that Secretary of State Dean Rusk was not sorry to see him go; Schwartz also pointed out that the reorganization plan was not actually implemented following his resignation, suggesting that the departure of Schwartz, rather than the alleged reduction of spending, was its real motive.⁴⁴

⁴⁴ Schwartz, *op. cit.*, 1-21.

The long-awaited bill was finally signed by the President in a ceremony held at the Statue of Liberty. There had been some debate about the choice of a site which would be both symbolically appropriate and convenient in other respects. Plymouth (Massachusetts) and Jamestown (Virginia) were rejected because of their Anglo-Saxon associations.⁴⁵ Ellis Island, where millions of immigrants had arrived before the imposition of the quota system, was apparently the president's first choice but was rejected because the facilities were in a derelict state. The decisive argument for the Statue of Liberty was probably a reminder to Johnson that his hero, Franklin Delano Roosevelt, had been the last president to visit the statue while in office.⁴⁶

As anticipated, the new legislation had an immediate effect on the geographical distribution of immigrants to the United States, although the overall level of immigration remained so low in relation to the size of the U.S. population that this effect was scarcely noticeable to most Americans. Comparing the winter of 1965-66 with the same time period a year earlier, the number of immigrant visas issued in Ireland fell from 1036 to 82, in Britain from 4108 to 2192, in the Federal Republic of Germany from 3813 to 515, and in Canada from 9691 to 2652. On the other hand the number of visas issued to Italians rose from 1744 to 12,058, so that Italy replaced Canada as the principal source of immigrants to the United States.⁴⁷

The sequel to the adoption of the new legislation was the establishment and report of the fifteen-member select committee on Western Hemisphere immigration, as provided in the statute. Senators Dirksen, Eastland, Hart, Hruska and Ted Kennedy represented the upper house of Congress while the members from the House of Representatives were Celler, Feighan, McCullough, Moore and Rodino. Richard Scammon, one of the five presidential appointees served as chair; none of the other four presidential appointees served for the full term of the committee's existence, although vacancies were filled as they occurred.

The majority of the committee approved a report recommending the postponement until

⁴⁵ LBJ papers, WHCF, LE/IM, Rosenthal to Moyers, August 31, 1965.

⁴⁶ LBJ papers, WHCF, Le/Im, Udall to LBJ, September 23, 1965

⁴⁷ *The New York Times*, May 26, 1966.

1969 of the imposition of the annual ceiling of 120,000 on Western Hemisphere immigration. This recommendation was approved by the House of Representatives but not voted upon in the Senate, largely at the insistence of Minority Leader Dirksen, so the committee's report had no effect.⁴⁸ In 1976 Congress amended the legislation to provide that the limit of 20,000 immigrants per annum from any one country be applied to Western Hemisphere countries (i.e. Mexico) as well as to those in other parts of the world. Two years later a further amendment replaced the separate annual limits for the two hemispheres with a single limit of 290,000 immigrants from all parts of the world, but this limit has been honoured more in the breach than in the observance, owing to the many exceptions and loopholes in the statute.⁴⁹

⁴⁸ LBJ papers, Oral Histories, AC 75-15, Richard M. Scammon (interviewed March 3, 1969)

⁴⁹ Reed Ueda, *Postwar Immigrant America: A Social History* (Boston and New York: Bedford and St. Martin's Press 1994, 45.

Supporters of immigration reform in the Truman-Eisenhower-Kennedy-Johnson era had assumed, or at least asserted, that the total volume of immigration would not increase significantly and the principal beneficiaries of reform would be prospective immigrants from European countries such as Italy and Greece. Neither prediction proved to be accurate. Between 1971 and 1980 the United States admitted nearly 4.5 million immigrants, the largest total for any decade since before the imposition of the quota system, and only 17.8 per cent of them were from Europe. In the following decade the total number of immigrants rose to more than 7.3 million, which was about equal to the total number admitted in the four decades between 1931 and 1970. Only 10.4 per cent of the immigrants admitted between 1981 and 1990 were from Europe. The percentage of U.S. residents born outside of the country, which had reached an all-time low of 4.7 per cent at the time of the 1970 census, reached 10.4 per cent by 2000, the highest percentage in any census since 1930.⁵⁰

Canada: Reform without Legislation

To those accustomed only to the multiracial Canada of today it may seem incredible how uniformly white and, outside of Quebec, uniformly Anglophone a country Canada was in the not too distant past, and how determined its leaders were to keep it that way. For several years after the Second World War, Canadian officials seriously considered instituting a quota system on the American model, designed to maintain the same proportional distribution of ethnic groups in Canada's population that already existed. An undated cabinet document, almost certainly drafted in 1947 and labelled "Confidential", proposed such a measure and outlined how it would work.⁵¹ British and American immigrants, as well as the spouses and unmarried children of Canadian citizens, would be admitted regardless of the quota, with the explicit proviso that "British" referred only to the United Kingdom itself and not to its non-white colonies and dominions. (Curiously, nothing was said about excluding Afro-Americans, probably because few of them were expected to be interested in moving to Canada.) Immigration from other sources would be fixed at a maximum level of 40,000 per year, distributed among the countries of the world in accordance with the proportions of various non-British ethnic groups in the entire population according to the 1941 census..

In contrast to the American quota system, which gave a free pass to immigrants from the Western hemisphere, the proposed Canadian version would have imposed quotas on Latin

⁵⁰ Daniels, *op. cit.*, 410.

⁵¹ Library and Archives Canada, RG26, Vol. 100, file 3-18-1, part 1

American countries. The rationale for this was that if immigrants from Latin American countries were not subject to quotas, it would be difficult to justify assigning a quota to France. Since almost one third of Canadians in 1941 were of French ancestry, the quota for France would of course be very large, and far in excess of the number of French people who were likely to be interested in moving to Canada. The advantage of this fact, according to the anonymous author of the document, was that the large French quota would not come close to being filled, but its existence would make the quotas assigned to other European nations much smaller than they would be if France were to be excluded from the calculation. Thus the goal of keeping the country “British” would be facilitated without actually saying so. With the French quota amounting to 24,588 out of 40,000, according to the author’s calculation, other quotas would range from 3280 for Germany and 2804 for the USSR down to 520 immigrants from all of Asia and 156 “Negroes” from all of Africa. (The latter figure was based on the fact that Canada had contained 22,174 persons of African ancestry in 1941, very few of whom, of course, had ever seen Africa.)

The proposal for a quota system was not adopted, but Mackenzie King’s policy statement on immigration, delivered to the House of Commons in the same year, stated explicitly that the government had no intention of presiding over a significant change in the composition of Canada’s population.⁵² Nonetheless, King conceded that Canada’s population was too small and that immigrants were needed. Even that view was apparently contested by his minister of labour, Humphrey Mitchell, who complained a year later about British immigrants coming to Canada when there were no jobs awaiting them on their arrival.⁵³

An order-in-council adopted by the St. Laurent government in 1950 outlined the main parameters of Canada’s immigration policy. Preference would be given to citizens of the United Kingdom, Ireland, Australia, New Zealand, South Africa, the United States or France, as well as anyone else who could satisfy the responsible minister that he or she would be suitable to Canadian conditions and “not undesirable owing to his peculiar customs, habits, modes of life,

⁵² Canada, *House of Commons Debates*, May 1, 1947, 2644-7.

⁵³ Mitchell’s memo dated June 12, 1948 is in LAC, RG26, Vol. 100, file 3-18-1, part 2.

methods of holding property” or probably inability to adapt to Canadian ways.⁵⁴ (The reference to methods of holding property was designed to exclude European religious sects, such as the Hutterites, that believed in collective farming, a practice resented by Canadian prairie farmers and one that in 1942 had been the target of the last provincial statute ever disallowed by the federal government.) The order-in-council also explicitly provided “that the provisions hereinabove set out shall not apply to immigrants of any Asiatic race.”

⁵⁴ P.C. 2856, June 9, 1950.

Immigration from Asia had been a controversial subject in Canada for decades, and the first of several statutory measures to restrict it had been adopted as soon as the first Canadian transcontinental railway, the western part of which had been largely built with Chinese labour, was completed in 1885. It was at this time that the infamous “head tax” was imposed on Chinese immigrants who arrived subsequently.⁵⁵ In 1923 the *Chinese Immigration Act* abolished the head tax but made immigration from China nearly impossible. Seven years later an order-in-council, P.C. 2115, limited immigration of any “Asiatic race” to the wives and unmarried children of Canadian citizens. As a result of these measures Chinese immigrants, who had numbered 43,483 in the first three decades of the twentieth century, declined in number to a grand total of 37 between 1931 and 1948. (This select group included a future Governor General of Canada, Adrienne Clarkson) Total immigration from the rest of Asia in the same period of time amounted to 2504 persons.⁵⁶

The *Chinese Immigration Act*, which the order-in-council had made superfluous in any event, was repealed in 1947, four years after similar action was taken in the United States, but the prospect that more “Asiatics” would somehow find their way onto Canadian soil continued to cause anxiety in postwar Ottawa. One problem identified in a memorandum to the cabinet committee on immigration policy was that organizations representing Canadians of Lebanese, Syrian, and Armenian ancestry complained of being classified as “Asiatics” and insisted that they were “of Aryan stock”.⁵⁷ The use of this unfortunate phrase at a time when the Nuremberg trial of major war criminals was actually in progress is astonishing, but it is not clear whether it should be blamed on the anonymous author of the memorandum or on the ethnic associations to which he referred. In any event, the author of the memorandum declared that the people in question were indeed Asiatics, since their ancestors had lived in Asia since ancient times.

In addition, a certain Dr. Pandia, speaking on behalf of “East Indian” residents of Canada, submitted a request for “East Indians” to be given the same privilege enjoyed by European Canadians who could sponsor their relatives as immigrants. Again, the author of the memorandum was not prepared to make any concessions. “While the difficulties and objections to controlling immigration from Asia on a racial basis are recognized, it would be almost impossible to effect a proper control on any other basis.” Not long afterwards Canada signed

⁵⁵ Canada, *Statutes*, 48-49 Victoria, ch. 71.

⁵⁶ Data from an unsigned memo to cabinet on immigration policy dated September 1, 1948. LAC, RG26, Vol. 100, file 3-18-1, part 2.

⁵⁷ The memo is the same one referred to in note 46.

agreements with the newly independent governments of India, Pakistan and Ceylon (Sri Lanka) which placed quotas on the annual number of immigrants to be admitted from each of those three countries. The quotas were hardly generous: 300 for India, 100 for Pakistan, and 50 for Ceylon, but they were a step in the right direction.

Chinese and Japanese immigration, or the possibility thereof, continued however to be the main preoccupation. In 1947 the Deputy Minister of Mines and Resources, Dr. Hugh Keenleyside, warned the cabinet that the repeal of the *Chinese Immigration Act* might bring about an influx of the wives and children of Chinese Canadians, as P.C. 2115 allowed this.⁵⁸ In the following year a body called the Committee for the Repeal of the Chinese Immigration Act, which had remained in existence after the achievement of its original objective, petitioned for Chinese residents of Canada who were not citizens to be allowed to bring in their wives and children on the same basis as Chinese-Canadian citizens. The petition claimed that P.C 2115 violated Canada's obligations as a member of the newly formed United Nations and expressed the hope that at some future date Chinese would be allowed to enter Canada under the same terms as Europeans. The Director of Immigration, A. L. Jolliffe, advised the cabinet that allowing non-citizens of Chinese ancestry to bring in their wives and children would encourage non-citizen residents of other "Asiatic races", including Japanese, to request the same privilege. He recommended only that 21 Chinese-born children who were already in Canada should be formally admitted by order-in-council as a special privilege.⁵⁹

In 1952 a new *Immigration Act* effectively delegated to the cabinet the power to make immigration policy by providing that it could make regulations prohibiting or limiting the immigration of persons on various grounds including nationality, citizenship, ethnic group, occupation, class or geographical area of origin, peculiar customs, habits, modes of life or methods of holding property, and "probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their admission."⁶⁰ Although the statute clearly (and accurately) implied that racial discrimination would continue, the use of delegated legislation ensured that the details would largely escape public scrutiny.

In 1956 the Supreme Court of Canada, in the *Brent* decision, overturned the deportation of an American woman on the grounds that the minister's ruling-making powers under the *Immigration Act* could not be delegated to subordinate officials.⁶¹ This led to a redrafting of the regulations but not to any fundamental change of policy. Regulations adopted by the Liberal government later that year established a hierarchy of nations with the white Commonwealth,

⁵⁸ Cabinet committee on immigration policy, minutes of meeting May 27, 1947, in LAC, RG26, Vol. 100, file 3-18-1, part 1.

⁵⁹ LAC, RG26, Vol. 100, file 3-18-1, part 2, memo to cabinet from A.L. Jolliffe, April 12, 1948. The petition from the Committee for the Repeal of the Chinese Immigration Act is attached to this memo.

⁶⁰ Canada, *Revised Statutes (1952)*, ch. 145.

⁶¹ *A.G. Canada v. Brent*, S.C.R. [1956], 318.

Ireland, France and the United States in the most preferred category, the rest of Europe in the second, and Egypt, Israel, Lebanon, Turkey, and Latin America in the third. Immigrants from countries in the third category could only be admitted if they had close relatives already in Canada, while immigration from the rest of the world remained almost impossible.

In 1957 John Diefenbaker took office at the head of a Progressive Conservative government, ending twenty-two years of uninterrupted rule by the Liberals. Diefenbaker, a Red Tory in the original sense of the term, had been a persistent critic of the Liberals' immigration policy. In 1947, more than a decade before he became Prime Minister, he had pointed out that the racism of the Mackenzie King government's immigration policy probably violated Canada's obligations under the Charter of the United Nations.⁶² In 1955 he had soundly criticized the Liberal minister, J.W. Pickersgill, when Pickersgill notoriously alleged that a Canadian-born baby was more likely to become a good Canadian than an immigrant.⁶³ Earlier in the same year Diefenbaker had mocked Pickersgill's approach to his portfolio as "immigration if necessary but not necessarily immigration" after Pickersgill expressed concern that growing prosperity in Europe would make it harder for Canada to attract "the people we would most like to get because we think they would fit best into the kind of society we have, and the kind we want to continue to have."⁶⁴

Diefenbaker was a sincere opponent of racial or ethnic discrimination and had a strong interest in Canada's relations with the Commonwealth; both of these concerns would have an impact on his government's immigration policy. Immediately after taking office he attended a conference of Commonwealth prime ministers, at which immigration was apparently discussed in private conversations. Diefenbaker reported to cabinet that the prime ministers of Asian and African Commonwealth countries would not demand wholesale admission of their nationals to Canada, provided that the barriers to their admission were not based on the criterion of race.⁶⁵

On taking office, Diefenbaker appointed Ellen Fairclough as Canada's first female cabinet minister and within the following year he gave her the portfolio of Citizenship and Immigration. Both before and after her appointment, some incremental changes in immigration policy were made by order-in-council. Immigrants admitted under the small annual quotas allowed to the Commonwealth countries of South Asia (India, Pakistan and Ceylon) were allowed to bring in their dependents, who would not be counted as part of the quotas.⁶⁶ Pleas from the South Asian community in Canada for an increase in the quotas were turned down, however, although 398 persons who had already applied for landed immigrant status without success were admitted by order-in-council.⁶⁷

⁶² Canada, *House of Commons Debates*, February 11, 1947, 319-21.

⁶³ Canada, *House of Commons Debates*, April 29, 1955, 3319-20.

⁶⁴ Canada, *House of Commons Debates*, February 17, 1955, 1254-5.

⁶⁵ LAC, Cabinet Conclusions, July 25, 1957.

⁶⁶ P.C. 18958-7, January 2, 1958

⁶⁷ LAC, Cabinet Conclusions, October 24, 1958. See also LAC, RG2, Vol. 2741, cabinet

There was more hesitation about changing the regulations that applied to Chinese and Japanese immigrants, partly because China was a Communist country that had recently been at war against Canadian troops in Korea. On the other hand the government was under some pressure from the Chinese-Canadian community to liberalize the regulations and, for the first time in history a Chinese Canadian had been elected to the House of Commons in the person of Douglas Jung, a Progressive Conservative from Vancouver. A cabinet committee headed by Fairclough proposed only that Chinese and Japanese immigrants be allowed to bring in their married as well as unmarried children under the age of 21, but the cabinet deferred action on this recommendation.⁶⁸

document 237/58, August 11, 1958.

⁶⁸ *ibid.*

Immigration from the Commonwealth Caribbean was also considered by the cabinet. Most of the immigrants from that source were either female domestic servants admitted under a special program or relatives of persons already in Canada. A quota system like that for the South Asian countries was considered but after discussions with the government of the newly created West Indies Federation, which was still a British dependency, the idea was abandoned on the grounds that it would be unnecessarily restrictive. A cabinet document noted that in 1958, for the first time, more than half of the immigrants from the West Indies had been of African ancestry, and that the number of Afro-Caribbean immigrants had increased steadily from 122 in 1954 to 661 four years later.⁶⁹

These changes attracted less attention than an ill-advised decision in March 1959 to restrict the categories of relatives that could be sponsored as immigrants by Canadian citizens who had emigrated from Europe, the western hemisphere, or selected countries of the Middle East. Egypt, which Canadian Conservatives considered a hostile country since the Suez crisis of 1956, was removed from the preferred category, and the siblings or married children of naturalized Canadians from any country could no longer be sponsored.⁷⁰ The latter change caused an outcry in Canada's ethnic communities, disturbed the newly elected Conservative government in Manitoba, and embarrassed the Italian ambassador, who had not been able to inform his government of the changes before they were leaked to the media. The cabinet therefore limited the damage by rescinding the new regulations only five weeks after they had been adopted.⁷¹

Later in 1959 the Diefenbaker government, which had won an overwhelming majority in the general election the previous year, considered introducing a completely new immigration act. A first draft was prepared by D.H. Christie, the legal advisor to the deputy minister of citizenship and immigration, who had visited New York and Washington in 1957 to investigate immigration policies and practices in the United States. The proposed Canadian act would have given immigrants from all Europe access to Canada on the same easy terms already enjoyed by citizens

⁶⁹ LAC, RG2, Vol. 2742, Cabinet document 127-59, April 23, 1959

⁷⁰ P.C. 1959-310, March 19, 1959.

⁷¹ P.C. 1959-507, April 23, 1959. For the background, see LAC, Cabinet conclusions, April 14, April 20, and April 23, 1959.

of the United Kingdom and France. For the rest of the world it recommended a quota system, with the quotas for each country to be established by order-in-council. In contrast to the American model, the quotas would not be based on the proportions of different ethnic groups in the existing population but on a more subjective criterion: “the likelihood of the prospective immigrants becoming readily integrated and assuming the duties and responsibilities of Canadian citizens.” This language was borrowed from the *Immigration Act* of 1952, except that the bar would be lowered significantly by substituting “integrated” for “assimilated”⁷².

⁷² LAC, RG2, Vol. 2743, cabinet document 386-59, November 26, 1959, a memorandum from Fairclough to the cabinet, attaches a copy of the draft.

On being shown this draft the Department of External Affairs indicated its disapproval on several grounds. Establishing quotas for individual countries would be “a complicated and delicate task” and there would be constant pressure to revise them. Favouring “Europe” would give most of the Communist countries preference over members of the Commonwealth, including even Australia and New Zealand. It also was unclear whether “Europe” would include Turkey (a NATO ally), Algeria (technically part of France) or Cyprus (a British dependency). Finally, the proposal appeared likely to make Canadian immigration policy more rigid at a time when the United States (in 1952) had moved at least slightly in the opposite direction.⁷³

The belief that legislative change should be delayed until after a thorough investigation of immigration policy was expressed in the following year by a special committee of the Canadian Welfare Council, which had been invited to comment on the proposed legislation. The committee included Dr. Eugene Forsey of the Canadian Labour Congress, as well as representatives of the Canadian Council of Churches, the Canadian Jewish Congress, the Catholic Immigrant Aid Society, and various other groups.⁷⁴ Growing opposition to the idea of proceeding immediately with legislation placed the government in a bind, since a new *Immigration Act* had been promised in the speech from the throne. This appeared less of an obstacle subsequently after it was ascertained that the previous Liberal government had several times failed to introduce legislation that had been promised in a throne speech.⁷⁵

Only a few days after she recommended to the cabinet that new legislation on immigration be introduced at the next session of Parliament, Minister Fairclough had submitted another proposal that would have delayed the process by several years: the appointment of a Royal Commission on Immigration.⁷⁶ Apparently she was asking the cabinet to choose between two courses of action. The memorandum suggesting a Royal Commission noted that something should be done to revise immigration policy since “The present norms of admissibility are often the subject of criticism.” Eugene Forsey, a member of the committee that had criticized the draft legislation, was suggested by the minister as a possible member of the Royal Commission. The idea of establishing a Royal Commission was referred to a special committee of Cabinet which failed to reach a consensus on the issue. Most members of the committee liked the idea but the Minister of Justice, Davie Fulton, worried that the Royal Commission would become “a forum in which disaffected groups and subversive organizations would make accusations and sensational statements, which would be hard to answer because of security considerations.” The discussion of the committee’s report in cabinet led to the voicing of various other objections, including the perception that immigration was unpopular in Quebec. (The recent deaths of Premiers Duplessis

⁷³ LAC, RG26, Vol. 99, file 3-15-1, part 6 contains the Department’s views, with a cover letter signed by Norman Robertson on December 31, 1959.

⁷⁴ LAC, RG26, Vol. 99, file 3-15-1, part 7. Davidson to Fairclough, November 15, 1960.

⁷⁵ LAC, RG26, Vol. 99, file 3-15-1, part 7. Cross to Davidson, March 22, 1961. Davidson passed this letter to the minister with a handwritten note saying that it supported his view that legislation should not be introduced.

⁷⁶ LAC, RG2, Vol. 2743, cabinet document 386-59, November 30, 1959.

and Sauvé had made the government's position in that province precarious.) The cabinet therefore decided that no Royal Commission would be established.⁷⁷

Meanwhile the government remained torn between the view that at least the appearance of racial discrimination in immigration policy must be eliminated for the sake of Canada's reputation and the conviction in some quarters that this might not be popular. As the director of immigration wrote to the Deputy Minister early in 1961:

...it is believed nonetheless that there is no general desire amongst the Canadian public at large to increase—or at least increase substantially—the proportion of coloured or Asiatic persons in the immigration flow....Canadians generally prefer to see those

⁷⁷ LAC, Cabinet conclusions, January 6 and January 20, 1960, contain unusually frank and extended accounts of the discussions.

of their own ethnic origins come in as immigrants.”⁷⁸

This argument presumably carried some weight, with the government’s popularity in decline and an election little more than a year away. On the other hand, the government had introduced the Canadian Bill of Rights in 1960, and Diefenbaker had suggested that the Commonwealth adopt a Declaration of Rights based on the Canadian document. As the Deputy Minister of Immigration, George Davidson, explained to Minister Fairclough in March, a Commonwealth declaration of rights would almost certainly include the right to move freely from one Commonwealth country to another, and this would have obvious implications for immigration policy.⁷⁹ A private citizen in Montreal wrote to Fairclough inquiring about discrimination in Canada’s immigration policy. In reply, the minister’s executive assistant denied that anyone was barred from Canada on grounds of race, colour or creed and asserted that 3215 persons “of Asiatic or Negro origin” had been admitted to Canada in 1960, along with more than 100,000 white immigrants. However, he said experience had shown that people from the United States or from northern and western Europe integrated more easily into Canada than immigrants from other places.⁸⁰

⁷⁸ LAC, RG26, Vol. 99, file 3-15-1, part 7. Baskerville to Davidson, January 20, 1961. The quotation is from an attached document, apparently written by Baskerville’s executive assistant, D. Sloan.

⁷⁹ LAC, RG26, Vol. 99, file 3-15-1, part 7. Davidson to Fairclough, March 10, 1961.

⁸⁰ LAC, RG26, Vol. 99, file 3-15-1, part 7. Collins to Telford, April 6, 1961.

The Prime Minister also received several letters on the same subject from Douglas Jung, MP, who pointed out that landed immigrants from Europe could still sponsor more of their relatives as immigrants than could Canadian citizens of Chinese origin. (As noted above, the cabinet had considered this issue almost three years earlier.) Fairclough, to whom one of Jung's letters was referred, admitted that Canada's immigration policy appeared to discriminate on racial grounds although she denied that it actually did so. She promised to introduce changes that would respond to some of Jung's concerns.⁸¹ In a subsequent letter to Diefenbaker, Jung repeated his demand that Chinese Canadians should have the same rights as other Canadians to sponsor a wide range of relatives as immigrants, and pointed out that existing regulations in that regard were contrary to Diefenbaker's Bill of Rights. Jung warned that the Progressive Conservative party was still unpopular among Chinese Canadians because of P.C. 2115, which had been adopted by an earlier Conservative government, and because of excessive zeal in prosecuting illegal immigrants.⁸²

By the fall of 1961 it was evident that any changes would take the form of new regulations under the existing act rather than a new act of Parliament. In October Fairclough submitted new draft regulations to the cabinet, along with a memorandum noting that Canada's immigration policy was being criticized on the grounds that it discriminated on racial grounds and admitting that "There is no doubt that this criticism is to some extent justified."⁸³ This problem, she indicated, could be removed by changing the regulations, particularly regulation 20 which outlined the grounds on which immigrants could be excluded. She proposed to remove from regulation 20 any reference to geographical origin while substituting references to education, training and skills. Another regulation provided that immigrants would be tested for literacy, although literacy could be in their own language rather than English or French. Furthermore, the range of relatives that could be sponsored by Canadian citizens or landed immigrants would be the same regardless of race or geographical origin.

The proposed new regulations did not escape criticism. The citizenship branch of Fairclough's department disapproved of literacy tests, noting that they were probably unnecessary and could potentially be administered in a discriminatory way and that such a test had been adopted by the U.S. Congress only by overriding President Wilson's veto in 1917.⁸⁴ Several of the government's supporters in the House of Commons also disliked the idea, and it was dropped from the final version of the regulations at the suggestion of the Deputy Minister.

On the other hand the director of immigration in the department, W. Baskerville, was still worried about admitting "unassimilable immigrants". He asked "How do we avoid the impression that we are suddenly going to accept large numbers of other races, but without giving

⁸¹ LAC, RG26, Vol. 99, file 3-15-1, part 7. Fairclough to Diefenbaker, July 4, 1961.

⁸² LAC, RG26, Vol. 99, file 3-15-1, part 7, Jung to Diefenbaker, October 18, 1961.

⁸³ LAC, RG26, Vol. 100, file 3-15-1, part 8, Fairclough memo to cabinet, October 16, 1961.

⁸⁴ LAC, RG26, Vol. 100, file 3-15-1, part 8, memo from Citizenship branch to deputy minister, October 27, 1961.

the impression that the new regulations are meaningless?” Baskerville suggested that to resolve this dilemma the government should make clear that it would still discriminate on geographical grounds although not explicitly on racial grounds.⁸⁵ In effect this was an argument to maintain the *status quo* while pretending to change it. A few months later Davidson, the deputy minister, rather cryptically noted on a copy of this memo “As of this date we have got off to a reasonably good start.”

⁸⁵ LAC, RG26, Vol. 100, file 3-15-1, part 8, Baskerville to Davidson, November 10, 1961.

Some Conservative members of Parliament noted that the proposed uniform regulations for sponsoring close relatives regardless of race would actually narrow the range of relatives that could be sponsored by European-born Canadians or landed immigrants. Yet allowing the same sponsorship privileges to non-Europeans was considered unthinkable even by the relatively liberal Davidson.⁸⁶ In response to this problem a change was made so that Canadians from Europe and the Western hemisphere as well as those from Egypt, Israel and Lebanon would continue to retain the same sponsorship privileges as before, privileges which were not extended to Canadians from other parts of the world. Fairclough informed the cabinet that this was “the only part of the Regulations where any element of preferential treatment or discrimination in favour of European and Western Hemisphere countries remains.” (Emphasis in original) She added that, rather than taking existing privileges away from those countries, “It is considered preferable to move the less favoured groups forward, by progressive stages, to a position where they will eventually be on a basis of complete equality with the more favoured groups...” The revised regulations were approved by cabinet on January 18, 1962.⁸⁷

In reply to a query from the Prime Minister, Fairclough had assured him in November 1961 that the new regulations would indeed “provide for all applications to be dealt with on the basis of exactly the same criteria without discrimination on grounds of race, colour, ethnic origin or on any other grounds.”⁸⁸ She added that the government’s next task would be to ensure that there would be no valid grounds for accusations of discrimination in the application or administration of the regulations.” In her statement to Parliament announcing the new regulations Fairclough asserted that “This means that any suitably qualified person, from any part of the world, can be considered for immigration to Canada entirely on his own merit, without regard to his race, colour, national origin or the country from which he comes.” She predicted that the chief beneficiaries of the changes would be “Asians, Africans, and nationals of Middle Eastern countries.” Also, she said that the special quota agreements with India, Pakistan and Ceylon would no longer be necessary, but would remain in effect pending discussions with

⁸⁶ LAC, RG26, Vol. 100, file 3-15-1, part 9, Davidson to Fairclough, January 3, 1962.

⁸⁷ LAC, Cabinet Conclusions, January 18, 1962.

⁸⁸ LAC, RG26, Vol. 100, file 3-15-1, part 8, Fairclough to Diefenbaker November 23, 1961.

those countries.⁸⁹

⁸⁹ Canada, *House of Commons Debates*, January 19, 1962, 9-11.

. About a month after the introduction of the new regulations, a Liberal member and former immigrant from eastern Europe, Leon Crestohl, complained that the Diefenbaker government had violated the rights of Parliament by making major changes in immigration policy which the elected representatives of the people had been given no opportunity to debate.⁹⁰ Fairclough replied that the Canadian practice of changing immigration policy by order-in-council had certainly not been invented by the Diefenbaker government. She admitted that the government “ran into difficulties in attempting to revise the act” but indicated that it was still planning to introduce a new immigration act some time in the future.⁹¹ However, the near-defeat of the Diefenbaker government in the 1962 election and its final departure from office the following year prevented any such plans from being implemented. The Liberals, when they returned to office, would continue the practice to which Crestohl had objected

In the short term at least, the new regulations did not produce any dramatic change in the ethnic distribution, or the numbers, of persons entering Canada as immigrants. Two years and two elections later a new Minister of Immigration, the Liberal Guy Favreau, presented a memorandum to cabinet on immigration policy which approvingly cited Mackenzie King’s statement to the House of Commons in 1947 that immigration was a privilege, not a right, and that it should not make a fundamental change in the character of Canada’s population. Favreau asserted that “it appears to be in the Canadian interest to continue to observe these principles today as in 1947.”⁹² He added that two objectives should guide the reformulation of Canada’s immigration policy: to match immigrant flows with the needs of the Canadian economy for manpower and population and to remove discrimination among various groups of Canadian citizens with regard to their privileges of sponsoring relatives as immigrants.

⁹⁰ Canada, *House of Commons Debates*, February 27, 1962, 1326-30.

⁹¹ Canada, *House of Commons Debates*, February 27, 1962, 1333-6.

⁹² LAC, RG2, Vol. 6259, cabinet document 14-64, memo to cabinet on immigration policy and programmes by Guy Favreau, January 14, 1964.

In March 1964 René Tremblay, the second of four ministers who successively held the immigration portfolio in Lester Pearson's Liberal government, proposed a reformulation of immigration policy with two objectives: to match the policy with Canada's economic needs and to eliminate discrimination in sponsorship privileges between different groups of Canadian citizens. A list of specific proposals for actions towards this end was approved by cabinet with apparently little debate.⁹³ Later in the year, Tremblay proposed an amendment to the regulations allowing the sponsorship of male fiancés of Canadian citizens regardless of their country of origin. (Female fiancées could already be sponsored regardless of origin.) An additional amendment would broaden the list of relatives that could be sponsored by any Canadian citizen.⁹⁴ The cabinet approved these changes almost immediately.⁹⁵

⁹³ LAC, Cabinet Conclusions, March 5, 1964.

⁹⁴ LAC, RG2, Vol. 6261, cabinet document 359-64, memo to cabinet by René Tremblay, August 10, 1964.

⁹⁵ LAC, Cabinet Conclusions, August 13, 1964.

Following the 1965 election, Jean Marchand took over the Department of Citizenship and Immigration, simultaneously with an announcement that it would become the Department of Manpower and Immigration, with responsibility for citizenship being transferred to the Secretary of State. A rather brief White Paper on Immigration, largely prepared before Marchand arrived at the department, was approved by cabinet and published in October 1966.⁹⁶ The White Paper was more a defence of existing policy than a blueprint for innovation. It affirmed that immigration was desirable but emphasized the need for immigrants with skills that would contribute to Canada's urban and industrial economy. It also noted that Europe's increasing prosperity was making it harder to attract desirable immigrants from that continent and that "immigrants of the quality required by Canada are relatively scarce."

Although short on specific proposals, the white paper promised that "More will be done to maintain and improve international relations by removing the last vestiges of discrimination from immigration legislation and regulations." In particular, the rules regarding sponsorship as immigrants by relatives already in Canada would finally be made completely uniform for all parts of the world. However, it expressed concern that about 40 per cent of recent immigrants to Canada had been sponsored by relatives already in Canada, that such immigrants tended to have fewer skills than those who were not sponsored, and that those admitted as sponsored immigrants could then sponsor other relatives and so on *ad infinitum*. In response to these perceived problems it recommended that the right to sponsor relatives should henceforth be limited to those immigrants who had lived in Canada five years and acquired Canadian citizenship. Landed immigrants already in Canada when the white paper was tabled would retain their existing privileges in this regard for six years.

The White Paper was approved by the cabinet in October 1966.⁹⁷ It was then tabled in Parliament and referred to a parliamentary joint committee which considered it from November 1966 until May 1967. Marchand advised the cabinet that he expected the committee to give general approval to the White Paper.⁹⁸ However, the document inspired little enthusiasm on the

⁹⁶ Hon. Jean Marchand, *White Paper on Immigration* (Ottawa: Queen's Printer 1966)

⁹⁷ LAC, Cabinet Conclusions, October 4, 1966.

⁹⁸ LAC, RG2, Vol. 6320, cabinet document 687-66, memo to cabinet by Jean Marchand, November 25, 1966.

part of either the committee or the various individuals and groups that appeared before it. Marchand then asked his Deputy Minister, Tom Kent, to develop a more comprehensive and innovative proposal for immigration reform with the help of some senior officials in the department. The result was the invention of the point system, whereby each potential immigrant would be evaluated according to a number of numerically weighted criteria such as education, work experience and knowledge of official languages.⁹⁹ It was hoped that this system would finally lay to rest the ghost of “any discrimination by reason of race, colour or religion”, a goal which Marchand had emphasized in a memorandum to cabinet shortly after the joint parliamentary committee began its operations.

⁹⁹ The origins of the points system are described in Tom Kent, *A Public Purpose* (Kingston and Montreal: McGill-Queen’s University Press 1988), 409-13.

Although Marchand, like previous ministers, had suggested proceeding by way of amendments to the Immigration Act and had introduced amendments to cabinet in March 1967, the point system was actually introduced in the form of regulations which the cabinet approved in August.¹⁰⁰ This procedure avoided the need for a potentially controversial debate in the House of Commons, where the Liberals did not have a majority. There was little controversy about it in cabinet, where most of the discussion of the new regulations revolved around concerns that communists or persons with criminal records might be admitted. (During this discussion Prime Minister Pearson rather oddly indicated that communist party members from countries with strong communist parties, such as France or Italy, would be admissible while British or American communists would not be.)¹⁰¹ The new regulations took effect in October 1967 but a completely new Immigration Act, replacing that of 1954, was not adopted by Parliament until 1977, almost two decades after the Diefenbaker government had begun to consider the idea.

Although racial, ethnic and religious discrimination was thus ended, and replaced by a system based on objective criteria, changes in the geographical and ethnic pattern of Canadian immigration took place only gradually. In 1968 about 77 per cent of Canada's immigrants came from Europe or the United States.¹⁰² Thereafter the percentage of Canada's immigrants who came from those traditional sources declined steadily. As the White Paper had anticipated, this trend was probably as much because of the declining interest in moving to Canada on the part of Europeans and Americans as because of the change in policy. Canada obviously needed immigrants for economic reasons, regardless of where they came from. The number of immigrants admitted from Asia exceeded the number arriving from Europe for the first time in 1979.¹⁰³ (Contrary to the myth of Canada's greater diversity and "multiculturalism", this was about a decade after the same thing happened in the United States.)

¹⁰⁰ LAC, Cabinet Conclusions, August 10, 1967.

¹⁰¹ *Ibid.*

¹⁰² Canada, Manpower and Immigration, *Immigration Statistics 1968* (Ottawa: Queen's Printer 1969)

¹⁰³ See graph on p. 3 of Statistics Canada, *Tracking immigration trends (using CANSIM data dating back to 1955)*, www.statcan.ca/english/Estat/guide/track.htm

Conclusion

The fact that the United States and Canada eliminated racial discrimination from their immigration policies during the same decade was more than coincidental, not because one country influenced the other, but because both were responding to social and cultural changes in North America and in the world. (It is somewhat ironic that Kennedy and Diefenbaker, who notoriously disliked one another, were both instrumental in promoting the cause of reform, and for similar reasons.) One reason why immigration reform eventually succeeded was that existing policy seemed increasingly incongruous with the formal commitment of both countries to racial equality, as represented in Canada by Diefenbaker's Bill of Rights and in the United States by the Civil Rights Act of 1964.

Both countries had entrenched various kinds of ethnic discrimination in their existing policies, although in somewhat different ways and for somewhat different reasons. Both had made entry exceedingly difficult for most persons of non-European ancestry, but this was qualified in the United States by the exclusion of Western Hemisphere immigrants from the quota system and in Canada (much less significantly) by certain limited special arrangements for Commonwealth countries. Both had sought to perpetuate the distribution of ethnic origins in their respective populations that had existed at an earlier time, but in Canada this was done by explicitly favouring residents of certain countries (English speaking countries and France) while in the United States it was done by assigning quotas to Eastern Hemisphere nations based on U.S. census data, a practice that looked more impartial in form even if it was not so in fact. These existing and familiar patterns of policy created path dependence which was not easily overcome. The quota system survived for decades despite its increasing unworkability, its absurdity, and its incongruity with the national myth of the "melting pot". Canada's preference for the "charter groups" (British and French) is still perpetuated more subtly by the point system, which gives a significant advantage to those who can speak one of the two official languages.

The motives that led to change were quite similar in the two countries. Neither expected the changes to produce a major increase in the volume of immigration, although such an increase in fact followed, particularly in the United States which since 1920 had admitted far fewer immigrants, relative to the size of its population, than Canada had done. Neither seems to have anticipated the rapid decline in birth and fertility rates that began just as the reforms were introduced and that would soon make large-scale immigration a necessity, whether the existing population liked it or not.¹⁰⁴ Demographic issues were almost totally absent from the discussion of immigration policy in the 1960s, when the postwar "baby boom" had come to be regarded as a permanent fact of life. Economic issues also did not loom very large in either the American and Canadian immigration debates, although in both countries there were occasional references to the need for various kinds of skills that seemed to be in short supply in the existing population.

In both countries the two motives for reform that seemed to be the most significant were (1) considerations of foreign policy and international reputation and (2) the desire to appease ethnic groups within the existing population that either wished to sponsor relatives and former neighbours as immigrants or that simply viewed existing policies as invidious.

As regards the first motive, the United States was particularly concerned with the way

¹⁰⁴ Tom Kent does claim in his memoirs to have foreseen this. Kent, *op. cit.*, 412-3.

immigration policy was viewed in NATO allies, especially Italy and Greece. Both countries were obviously disadvantaged by the quota system and both contained significant anti-NATO and anti-American sentiment, particularly on the left. Asian allies like South Korea and the Philippines were also a factor in the change of policy, for similar reasons. In Canada concern for Canada's relations with fellow-members of the Commonwealth was an important consideration, especially when Diefenbaker was Prime Minister.

As regards the second motive, the main domestic groups involved were those with origins in southern Europe, eastern Europe and eastern Asia. The ACIM was important in the American case, but the large and influential Jewish community, and individual Jewish Americans like Emmanuel Celler and Abba Schwartz, played an even more decisive role. In Canada the Chinese-Canadian community, and particularly Douglas Jung, played an important role.

In both countries significant ethnic conflicts and cleavages played a central role in the politics of the 1960s, both at the federal and at the state/provincial level. The reference of course is to the resurgence of Quebec nationalism during the Quiet Revolution and the Afro-American struggle for civil rights and human dignity in the United States. These developments attracted far more attention than immigration reform, but they neither influenced nor were influenced by the immigration debate to any significant extent. Quebec did not become seriously interested in immigration or its impact on the demographics of the province until about 1968, while Afro-American misgivings about the increased economic and political power of immigrant groups such as Mexicans and Koreans were an even later development. It is true, however, that southern politicians who were the major obstacle to progress on civil rights were also almost unanimously opposed to immigration reform.

Institutional differences, which have accounted for much although not all of the difference in public policy between the United States and Canada, were important. Canada had a minister responsible for immigration, while in the United States responsibility was divided between the departments of State, Justice, and Labor. Even more important was the fact that in Canada immigration policy could be changed, both for better or for worse, by order-in-council, an option not available in the United States. This made change in Canadian policy not only easier than change in American policy, but much less conspicuous and less likely to arouse public opinion. The Diefenbaker government's changes in immigration policy were barely noticed by the general public and neither added to nor detracted from its popularity to any significant extent. The Kennedy-Johnson reform bill, culminating in a ceremony at the Statue of Liberty, was far more conspicuous, although the amazing number of legislative achievements during the 89th Congress made it less conspicuous than it deserved to be or would have been otherwise.

The most obvious institutional difference between the two countries is the contrast between congressional government with a separation of powers and responsible government on the Westminster model. This clearly influenced both the timing and process of reform. President Truman could not prevent the 82nd Congress from adopting an immigration bill of which he disapproved, and the adoption of the Kennedy-Johnson bill by the 89th Congress was perhaps only made possible by the Democratic landslide in the 1964 election, which produced the most liberal Congress of modern times. Even then, the administration had to accept some changes in its original proposal.

In Canada the concentration of power in the executive under a system of responsible government was lessened to some extent by the series of minority Parliaments elected in 1962, 1963 and 1965. This probably discouraged the Diefenbaker and Pearson governments from proposing any immigration legislation, particularly as the Social Credit party, which held the balance of power throughout this period, was considered hostile to immigration. However, as noted above, the possibility of making changes by order-in-council provided a convenient alternative, to which both governments resorted so as to make the changes they considered necessary.

Constitutional law, federalism and the courts did not much influence the development of immigration policy in either country. Although the Canadian constitution gives the provinces some authority over immigration, they did not express much interest in the subject during the period under discussion, with the partial exception of Manitoba. As for the courts, the *Brent* decision did not require substantive changes in immigration policy, although it did require procedural changes in its implementation.

In both countries, the reforms of the 1960s paved the way for the massive changes in patterns of immigration that followed in later decades. However, the reforms were not really the cause of those changes. Declining birth and fertility rates, the aging of the population, demands for labour in the service sector of the two economies, and the scarcity of potential immigrants from western Europe as European birth rates declined and as European living standards approached those of North America all combined to make massive increases in non-European immigration inevitable. Neither this development nor the circumstances that led to it seem to have been foreseen by many people in the 1960s or to have contributed significantly to the changes in policy that took place at that time.