

3.5 - Immigration and Nationality Act of 1965 – Civil Rights Movement Era

The Asian American Education Project

Grade Level(s)	Grades 5-12
Lesson Overview	In 1965, President Lyndon B. Johnson signed into law the Immigration and Nationality Act which replaced the quota immigration system that had been in existence since the 1920s, with a preference system based on labor skills needed by the United States, and those who had a pre-existing family tie in the country. This lesson will explore past U.S. immigration laws that affected Asian immigration and naturalization, how the Immigration and Nationality Act of 1965 came about because of the Civil Rights Movement, and how the 1965 Act changed the demographics of the country over the next twenty years and beyond.
Lesson Objectives	<ul style="list-style-type: none">• Learn it was the struggle for civil rights led by African Americans that led to the change of immigration law in U.S. from the quota system to family reunification system.• Students will learn about the Immigration and Nationality Act of 1965, how it impacted Asian Americans, and transformed the makeup of America’s population.• Students will learn about past immigration laws that restricted Asian immigration to the United States and their eligibility for naturalization.• Students will learn about different points of view on immigration during the 1800s, 1960s, and today.

Immigration and Nationality Act of 1965 Essay:

From the early 1800s to 1965, Asian Americans’ rights to immigration and citizenship in the United States were severely limited by a series of immigration laws that focused on Asians. Fears about the influx of Chinese labor led to the 1882 Chinese Exclusion Act, which explicitly banned Chinese immigrants from entering the country, and prevented current Chinese residents from becoming citizens. Later it was expanded to exclude all Asians, and became the first law in the United States to limit immigration based explicitly on ethnicity.

The Emergency Quota Act (1921) implemented a quota system based on nationality that overwhelmingly favored immigrants from Western Europe and barred immigrants from the vast majority of Asia and Africa. The annual quota from Europe was 356,081, compared to 1,261 from Asia, and 122 from Africa. When China became a key ally of the United States against Japan, Japan used the Chinese Exclusion Act as a propaganda for China to break with the United States. The United States can no longer justify the exclusion. In 1943, Congress repealed all exclusion acts, and provided current Asian residents a route to seek naturalization, but the stringent quota system and anti-immigration sentiment remained firmly unchanged.

The Civil Rights Movement in the 1960s, spearheaded by Dr. Martin Luther King, Jr. and the long-fought efforts of African Americans, led to the passage of the Civil Rights Act of 1964, outlawing discrimination on the basis of race, color, religion, sex, or national origin. Subsequently, immigration laws based on national origin came under serious review. The quota system regarded immigrants from certain nations to be less desirable. The passage of the Immigration and Nationality Act of 1965 (Hart-Celler Act) completely removed the quota system, and instead opted for a system that relied on “preferences” for immigrants who were highly skilled in fields that the Department of Labor deemed understaffed, or had existing family relationships within the United States.

Legislators at the time believed that the Immigration and Nationality Act of 1965 was symbolic rather than consequential. Upon signing it, President Lyndon B. Johnson remarked, “This bill that we will sign



today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly to either our wealth or power.” Though the bill was signed under the guise of progressivism, many legislators, including Senator Hiram Fong of Hawaii, still had to placate xenophobic anxieties about Asian immigration and that those arriving would still remain majority European.

That however was not the case as the family unification clause led to a mass influx of Asian immigrants. Ten years after the signing of the Immigration and Nationality Act of 1965, the population of Asian immigrants doubled, and by the 21st century, 80 percent of immigrants to the United States came from Asia or Latin America, effectively transforming the demographics of American society.

Works Cited:

- “Chapter B. Population Characteristics and Migration: (Series B 1-352), page 35. *United States Census Bureau*. https://www2.census.gov/library/publications/1949/compendia/hist_stats_1789-1945/hist_stats_1789-1945-chB.pdf. Accessed 04 Dec., 2020.
- Gibson, Campbell, Kay Jung. “Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 2000.” *United States Census Bureau*. 01 Feb., 2006. <https://www.census.gov/library/working-papers/2006/demo/POP-twps0081.html#trends>. Accessed 04 Dec., 2020.
- Guskin, Jane; David L. Wilson. “Immigration and the Law.” *The Politics of Immigration, WordPress*, <https://thepoliticsofimmigration.org/immigration-and-the-law-a-chronology/>. Accessed 9 Dec. 2020.
- “Handbook of Labor Statistics, 1929 edition : Part 1 : Bulletin of the United States Bureau of Labor Statistics, No. 491.” Federal Reserve Bank of St. Louis. https://fraser.stlouisfed.org/title/handbook-labor-statistics-4025/handbook-labor-statistics-1929-edition-493214/content/pdf/bls_0491_1929_pt1. Accessed 04 Dec., 2020.
- “Immigration and the Law.” *The Politics of Immigration*. <https://thepoliticsofimmigration.org/immigration-and-the-law-a-chronology/>. Accessed 04 Dec., 2020.
- “No. 104.—IMMIGRATION QUOTAS ALLOTTED AND QUOTA ALIENS ADMITTED, BY COUNTRY OF BIRTH: YEARS ENDED JUNE 30, 1925 TO 1938.” Federal Reserve Bank of St. Louis. https://fraser.stlouisfed.org/files/docs/publications/stat_abstract/pages/52753_1935-1939.pdf. Accessed 04 Dec., 2020.
- “Population of Chinese in the United States, 1860-1940.” *University of Illinois*. http://teachingresources.atlas.illinois.edu/chinese_exp/resources/resource_2_9.pdf. Accessed 04 Dec., 2020.

Vocabulary:

- **Exclusion:** preventing someone from entering a place or taking part in an activity¹
- **Movement** - a gradual development or change of an attitude, opinion, or policy; often a result of collective organizing²
- **Naturalization** – the process of becoming or making someone a citizen of a country that they were not born in³
- **Solidarity:** unity or agreement of feeling or action, especially among individuals with a common interest; mutual support⁴
- **Xenophobia** – fear and hatred of strangers or foreigners or of anything that is foreign⁵

¹Definition adapted from the Collins Dictionary

²Definition adapted from the Collins Dictionary and Encyclopedia Britannica

³Definition adapted from the Cambridge Dictionary

⁴Definition adapted from the Lexico Dictionary

⁵Definition adapted from the Merriam-Webster Dictionary

Discussion Questions:

1. What events in the United States led to the creation of the Immigration and Nationality Act of 1965? What was its original intent?
2. How did Black Americans help Asian immigration?
3. How did the Immigration and Nationality Act of 1965 affect Asian immigration and naturalization?
4. How did the 1965 Immigration Act change the makeup of the U.S. population?
5. What were some past laws that affected Asian American immigration and naturalization in the United States? Why were these laws created?
6. What were some of the different viewpoints on immigration by activists, politicians and intergovernmental agencies during the 1800s, 1960s, and today?

Activity 1:

The impact of the Immigration and Nationality Act of 1965

After watching the video and reading the essay, ask students to search for articles on the impact of the Immigration and Nationality Act of 1965, with the following question in mind: How has the Immigration and Nationality Act of 1965 changed the ethnic makeup of America today?

Discussion questions:

1. In the video clip, it mentions that Asian American civil rights translated to immigration and naturalization rights. How did the Civil Rights Movement by African Americans assist Asian Americans in changing laws that restricted their immigration and ability to become U.S. citizens?
2. What were the top seven countries immigrants to the U.S. came from after 1965?
3. Which continent had the highest percentage increase in immigration to the U.S. after 1965? What was the percentage increase?
4. How did the Immigration and Nationality Act of 1965 change the ethnic composition of the United States?

Activity 2:

Understanding impact of past immigration laws on Asian Americans

During the mid-1800s, Chinese immigrants came to the United States looking for opportunities to send money back home to their families. Many worked on building the Transcontinental Railroad, often at lower wages than white Americans, causing fear that they would lose their jobs to these new immigrants. After the U.S. excluded the Chinese from entering the country, other Asian groups began coming. Fear of these new Asian groups led to their exclusion and the creation of a quota system that limited the number of people from each country that could immigrate. During World War II, China became an ally of the United States. Japan used the Chinese Exclusion Act as propaganda that the U.S. was racist for China to break with the U.S. This led to the U.S. ending the Chinese Exclusion Act. Thus the immigration of Asians defaulted to the quota system. Through the Civil Rights Movement, in 1965, immigration based on a quota system was determined that it favored the Western European nations over others. The U.S. Congress changed the immigration system from a quota system to a preference system including family reunification.

A. How Black Americans Help Asian Immigration

1. Distribute the *How Black Americans Help Asian Immigration – Cause Effect* fill-in-the-blanks handout. (Answer key provided.)
2. Have students work in teams to fill in the blanks using the words in the Word Bank at the bottom of the page.

B. Jigsaw discussion on immigration laws on Asian Americans

Form four teams of students. Each team pick one of the following laws that affected Asian immigration to the United States and eligibility to become naturalized citizens:

- 1882 Chinese Exclusion Act (later expanded to exclude all Asians)
- The Emergency Quota Act (1921), and Immigration Act of 1924 (quota system)
- Chinese Exclusion Repeal Act of 1943 (allowed 105 visas from China per year)
- Immigration and Nationality Act of 1965 (preference system: family reunification and skilled workers)

- a) Jigsaw discussion is a cooperative learning strategy in which students become “experts” on a single topic or text and then teach it to their peers.

Each team research on the following topics on the law they have picked:

1. When the Emergency Quota Act (1921) was enacted, what was immigration to the United States based on? Was this fair? Why or why not?
2. Why did the U.S. repeal the 1882 Chinese Exclusion Act in 1943? What was happening around the world around 1943?
3. After repealing the 1882 Chinese Exclusion Act, what immigration law did Asian immigrants then fall under?
4. What role did the Civil Rights Act of 1964 play in changing immigration laws based on a quota system?
5. Why did many Asian lawmakers, including Senator Hiram Fong of Hawaii, support the Immigration and Nationality Act of 1965?

- b) Each team helps answering the above questions and explain their answers.

Activity 3:

Analyzing Primary and Secondary Sources by Frederick Douglass, President Lyndon Johnson, United Nations

- Article on Frederick Douglass’ 1867 “Composite Nation” lecture on immigration <https://longislandwins.com/columns/immigrants-civil-war/ban-chinese-proposed-frederick-douglass-spoke-3/>
- President Lyndon B. Johnson's Remarks at the Signing of the Immigration Bill (1965), <http://www.lbjlibrary.org/lyndon-baines-johnson/timeline/lbj-on-immigration>
- United Nations Global Compact for Migration, <https://refugeesmigrants.un.org/migration-compact>

A. Have students read and annotate the article on

- Frederick Douglass’ lecture where he advocates for Chinese immigration
- President Lyndon B. Johnson’s speech during the 1965 bill signing
- United Nations’ agreement on international migration.

- B. Have students compare/contrast Douglass' and President Johnson's views on immigration, or which rhetorical strategies they use to persuade their audiences, and how their views/strategies compare to the objectives in the U.N. Global Compact for Migration.

(Note: For differentiation, you may pre-select quotes from each of the sources, post them on chart paper around the room, and turn the activity into a [Gallery Walk Conversation](#).)

C. Have students discuss the following:

1. What are Frederick Douglass and President Johnson's views on the value of immigration? (Cite examples from the sources if any.)
2. What are their views on the principles of immigration? (Cite examples from the sources if any.)
3. In your opinion was the Immigration and Nationality Act of 1965 consistent with America's values and principles? Why or why not?
4. How do the views/strategies of Frederick Douglas and President Johnson on immigration compare to the objectives for better managing migration in the U.N. Global Compact on Migration?

D. Photo-Analysis:

Have students analyze the photo below from the documentary and reflect on what they notice. Utilize a protocol such as "[See, Think, Wonder](#)" from Harvard's Project Zero to help scaffold student thinking. Prompt students to think about how the people in the photo might feel about each other, and ask them whether or not they see people from different backgrounds expressing solidarity like this today.



Extension Activity:

Have students conduct independent research on the Naturalization Act of 1790, the first law established to define who was eligible for naturalized citizenship in the United States, limited at that point in time to just free white persons that have lived in the country for two years. Have students write an essay addressing the following items:

- Who was not eligible for naturalized citizenship under the Naturalization Act of 1790? Why were they not eligible? How did this change later in 1870?
- How did the Naturalization Act of 1870 and 1906 affect the decision of *Ozawa v. United States* in 1922 in determining whether Japanese immigrants were eligible for naturalized citizenship, and later lead to the Immigration Act of 1924 that stopped all immigration from Japan?

- Discuss how the Naturalization Act of 1790 set the tone for today’s current discussion on immigration and naturalization in the United States. How did only allowing free white persons to become a naturalized citizen in 1790 later shape and legally justify future exclusion laws against Asian Americans, including the 1882 Chinese Exclusion Act, and other non-white immigrants in the United States?

Students can visit *Densho Encyclopedia* for their research:
https://encyclopedia.densho.org/Naturalization_Act_of_1790/

Further Information

- Barber, Rebekah, et al. “How the Civil Rights Movement Opened the Door to Immigrants of Color.” *Facing South*, 3 Feb. 2017, www.facingsouth.org/2017/02/how-civil-rights-movement-opened-door-immigrants-color.
- Chow, Kat. “As Chinese Exclusion Act Turns 135, Experts Point To Parallels Today.” *NPR*, NPR, 5 May 2017, www.npr.org/sections/codeswitch/2017/05/05/527091890/the-135-year-bridge-between-the-chinese-exclusion-act-and-a-proposed-travel-ban.
- Chung, Jezzika. “How Asian Immigrants Learn Anti-Blackness From White Culture, And How To Stop It.” *HuffPost*, HuffPost, 7 Sept. 2017, www.huffpost.com/entry/how-asian-americans-can-stop-contributing-to-anti-blackness_b_599f0757e4b0cb7715bfd3d4.
- Davies, Dave. “How The 1965 Immigration Act Made America A Nation Of Immigrants.” *NPR*, NPR, 16 Jan. 2019, www.npr.org/2019/01/16/685819397/how-the-1965-immigration-act-made-america-a-nation-of-immigrants.
- Gjeltén, Tom. “How the Immigration Act of 1965 Inadvertently Changed America.” *The Atlantic*, Atlantic Media Company, 2 Oct. 2015, www.theatlantic.com/politics/archive/2015/10/immigration-act-1965/408409/.
- “The Immigration Act of 1924 (The Johnson-Reed Act).” *Office of the Historian*, U.S. Department of State, <https://history.state.gov/milestones/1921-1936/immigration-act>.
- “Repeal of the Chinese Exclusion Act, 1943.” *Office of the Historian*, U.S. Department of State, <https://history.state.gov/milestones/1937-1945/chinese-exclusion-act-repeal>.
- Zeitz, Josh, et al. “The 1965 Law That Gave the Republican Party Its Race Problem.” *POLITICO Magazine*, 20 Aug. 2016, www.politico.com/magazine/story/2016/08/immigration-1965-law-donald-trump-gop-214179.

