

LAW AND CONTEMPORARY PROBLEMS

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FOREWORD

Despite some initial vacillation and vagrant starts, the United States, at an early date, firmly embraced, as a national policy, the principle of free immigration. To a militarily weak and vulnerable people, fired as well by a "manifest destiny" to populate and develop an unexplored continent of vast size and promise, there was no feasible alternative. Furthermore, as the natural extension of the democratic and humanitarian values of the Enlightenment, in the name of which the Revolution purportedly had been fought, such an immigration policy enjoyed a philosophical as well as a functional sanction. Accordingly, apart from sporadic, fringe-group outbursts, proposals to curtail immigration were neither seriously advanced nor entertained for almost a hundred years.

By the close of the nineteenth century, however, this felicitous conjunction of national needs and ideals began to show signs of obsolescence and strain. With the disappearance of the frontier and the stabilization of our boundaries, "manifest destiny" appeared to have run its course. Moreover, a burgeoning industrialism, largely nourished by the swelling stream of immigration, was giving rise to a growing concentration of economic and political power, an accelerated urbanization, and a more marked social stratification—all of which seemed further to attenuate the justification of a free immigration policy. And apparently epitomizing these profound developments that were rapidly transforming the face of the country, was the altered ethnic composition of the new immigration.

Here, then, in the stranger in our midst, was found a convenient focus for the apprehensions and resentments engendered by the changing times—a symbol of all the disturbing events that were transpiring. Around the banner of immigration reform, therefore, there rallied, in growing numbers, disaffected groups and individuals, united only by their fear and distrust of the alien and by their clamorous insistence on legislation that would stay the immigrant hordes. And, thus, diversity of origin, long celebrated as a distinctive hallmark of our national character and as a source of our strength and vitality, was gradually transmogrified into a threat to our American way-of-life, our institutions, and our culture.

This, of course, is not to say that some revision of our traditional policy of free immigration was not indicated—nor even that the form and direction that it has

taken have necessarily been unsatisfactory. It merely suggests that the highly emotional, ethno-religious overtones that the subject has acquired have not conduced the objective and intelligent planning that articulation of a rational immigration policy demands. Indeed, some of the considerations most critical to this end appear largely to have been obscured, if not completely ignored. It is with an examination and assessment of several of these relevant factors and with a critique of our existing immigration legislation in this light, therefore, that this symposium is concerned.

Assuming general agreement that there must be some absolute quantitative limitation, the basic problem of determining the permissible number of immigrants presents itself: What is our economic absorptive capacity, our manpower supply and requirements?

Then, assuming the possibility of calculating an optimal, or at least innocuous, figure, there is the further problem of its apportionment: On what basis should immigration quotas be allocated? How valid are the assumptions that underlie the application of ethnic criteria? What inferences, if any, may be drawn from the social, political, and cultural consequences of our earlier immigration experience? Should any weight be attached to the demands imposed by our pretensions to world leadership, moral and otherwise? And how sincere and consistent has been our adherence to our professed standards in the past?

Finally, there is the problem of critically assessing the philosophical and functional sufficiency of our existing immigration legislation: In light of the foregoing, what are the virtues and defects of and the possible alternatives to the McCarran-Walter Act? What are the factors militating for or against its revision, and what are their prospects of realization?

To these and many other questions, our contributors have directed their submissions. Their conclusions are not, do not pretend to be, in fact, could not be definitive. Nor, indeed, are they completely free of evidences of personal bias—and in such a highly charged area, it would have been fatuous to expect otherwise. Nevertheless, it is hoped that these shortcomings—if such they be—will not unduly derogate the value of this symposium, but rather that its essentially factual and honest approach will, to some extent, clear the air and thus contribute to the formulation of an immigration policy genuinely geared to our national needs and interests.

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