

**NORMATIVE CONTEXTS, DOMESTIC INSTITUTIONS AND THE
TRANSFORMATION OF IMMIGRATION POLICY PARADIGMS IN
CANADA AND THE UNITED STATES**

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Prepared for presentation at 83rd meeting of the Canadian Political Science Association,
Wilfrid Laurier University, Waterloo Ontario, May 16-18, 2011.

Forthcoming in Grace Skogstad, ed. *Policy Paradigms, Transnationalism and Domestic Politics*.
Toronto: University of Toronto Press, 2011.

For much of the nineteenth and twentieth centuries, liberal-democratic countries relied on racially discriminatory criteria for judging the suitability of would-be immigrants. Discriminatory approaches to the regulation of immigration drew inspiration from scientific theories of race and were buttressed by patterns of colonial domination premised on Europeans' "civilizing mission." The United States' National Origins Quota Act transposed the hierarchical logic of scientific racism into public policy by closely regulating the admission of European "races" according to their putative assimilability. Other laws, such as the Chinese Exclusion Act, barred the door to "inassimilable" non-Europeans altogether (Ngai 1999; Zolberg 2006). In the same spirit, Canada developed an immigration policy paradigm oriented toward maintaining Canada's identity as a "white man's country" (Huttenback 1976; Roy 1989; Ryder 1991).

Although immigration remains a contentious issue, there has been a fundamental shift in what count as legitimate criteria of exclusion among liberal-democratic countries in the post-World War II era (Joppke 2005a; Triadafilopoulos and Schönwälder 2006). Restrictions based on racial and ethnic categories are no longer acceptable and exclusions aimed at preserving national homogeneity are subject to scrutiny and contestation (Joppke 2005b). Consequently, states such as Canada and the United States that had used immigration policies to fashion national identities based on a white, Northern European "core" population have experienced a profound demographic reorientation through the admissions of previously excluded groups (Bélanger and Malenfant 2005; Shrestha 2006).

This paper examines the postwar transformation of immigration policy-making in Canada and the United States. I argue that paradigm change in both countries was driven by shifting norms pertaining to race and human rights that cast discriminatory paradigms in a new, sharply critical light. Opponents of racial discrimination in immigration policy took advantage of this new normative context to highlight the lack of fit between Canada's and the United States' commitment to liberal norms and human rights, on the one hand, and their extant policy paradigms, on the other. This pressure set in motion comparable processes of paradigm change, which I capture through the concepts of paradigm "stretching," "unraveling" and "shifting."

Paradigm change in the two countries was subject to quite different political dynamics. Canada's institutional configuration granted the executive branch and bureaucracy considerable autonomy, allowing policymakers to experiment with new ideas. A new paradigm that eschewed racial discrimination while maintaining a degree of selectivity based on immigrants' potential contributions to the Canadian economy emerged out of a process of trial and error led, in the main, by bureaucrats (Dirks 1995; Hawkins 1988; Kelley and Trebilcock 1998). Conversely, the greater openness of the American political system resulted in a more politicized process (Tichenor 2002; Zolberg 2006). As a result, the executive branch's effort to recast immigration policy in terms similar to Canada's was compromised. The end result was a patchwork solution, aimed at mollifying distinct and conflicting interests by granting preference to family members of American citizens and legally permanent residents as against immigrants with work related skills (as presidents Kennedy and Johnson had proposed).

I begin by outlining my argument regarding the interplay of shifting normative contexts and domestic politics and go on to apply the resulting analytical framework to better understand postwar immigration policymaking in Canada and then the United States. I conclude with a brief summary of the implications of the paper's findings for understandings of internationalization and policy paradigm change.

Global Norms, Domestic Politics and Paradigm Change

The division of the world into sovereign nation-states makes international migration an anomalous process, as border crossing inevitably raises questions of membership. This is true of all international migrants, including temporary foreign workers, refugees, undocumented “aliens,” and immigrants carefully selected according to their potential contributions to receiving states’ economies (Carens 1987; Walzer 1981; Zolberg 1981; Zolberg 1987). In traditional settler countries built on immigration, admissions policies serve as the initial gate of entry into both the territory of the state and its polity. Immigration policies thus define the boundaries of membership in nation-states. Who “we” are depends in part on who we admit into our national space (Shuck 1985).

Decisions as to who should be admitted into the national space and on what terms are shaped by a host of factors, including traditions of nationhood, economic requirements and perceived demographic need (Castles 1995; Hollifield 1992; Messina 2007). Limiting our attention to these domestic variables, however, obscures encompassing ideational structures that influence policymakers’ positions on immigration policy across states. In particular, we must be sensitive to the influence of what the Stanford School sociologists term “global culture” – the broadly encompassing normative contexts that inform understandings of what constitutes appropriate conduct among states (Elliot 2007; Koenig 2008; Meyer, Boli, Thomas and Ramirez 1997; Finnemore 1996; Katzenstein 1996). In the sense employed in this paper, normative contexts ground a particular era’s moral foundations; who we admit and on what grounds will have much to do with how we think about the morality of exclusion.

Two very different normative contexts shaped thinking on immigration policy in the twentieth century. The period running from the turn of the century to the end of World War II featured a normative context shaped by scientific racism, imperialism and intense nationalism (Fredrickson 2002; Füredi 1998; Lake and Reynolds 2008; Lauren 1996; Mazower 2008). These broad and deeply engrained philosophic ideas and attendant practices influenced thinking on immigration across states. Immigrant selection was predicated on notions of racial “suitability” understood in a biological sense, whereby certain inferior peoples were deemed incapable of contributing to the development of “civilized” nations. Racial discrimination in immigration policy was defensible from the standpoint of both science and nation-building; healthy nations depended on the admission of racially suitable immigrants and the strict control or exclusion of unsuitable races. Immigration policy complemented eugenics policies, such as sterilization (Hansen and King 2001). Both sought to protect the nation from threatening (because inferior) groups: domestic in the case of eugenics, external/foreign in the case of immigration policy.

The coherence and validity of this normative context and the policy paradigms it sustained was challenged at the midpoint of the twentieth century by a series of transformative events and processes, including the discrediting of scientific racism as a result of the war against fascism and revelations of Nazi atrocities; the related emergence of a global human rights regime; and decolonization. The postwar normative context established a new logic of appropriateness for states claiming a liberal-democratic identity, as the group-centered racism of the prewar period gave way to an individualist ethic holding that all persons were endowed with fundamental rights regardless of their race, ethnicity and nationality (Cairns 1999; Lauren 1996; Kymlicka 2007; Skrentny 2002). As a result, established policy paradigms came under pressure, as individual rights-based claims for equal treatment clashed with the rights-denying policies and practices they informed. As self-identifying liberal democracies, Canada and the United States

were especially vulnerable to charges of hypocrisy made by domestic and international critics; prewar policies that relied on discrimination no longer fit with the prevailing normative context.

Yet, policymakers in Canada and the United States did not respond to this emergent dissonance by quickly reforming their immigration policies. On the contrary, as theories of path dependence would lead us to expect (Pierson 1993; Pierson 2000; Thelen 1999), they continued to engage in what Peter Hall has usefully termed “normal” policymaking,” “adjust[ing] policy without challenging the overall terms of [their established] policy paradigm[s]” (Hall 1993, 279). The changes that were introduced were limited to “first and second order change”: adjustments to the settings of policy instruments and, on occasion, more substantive changes to the instruments themselves (Hall 1993, 281-283). Nevertheless, prewar policy paradigms continued to inform policymakers’ understandings of immigration policy.

Yet, *pace* Hall, normal policymaking did not reinforce existing paradigms – it undermined them. Normal policymaking under changed normative contexts may usefully be thought of as paradigm “stretching”: small-scale first and second order changes undertaken by policymakers to co-opt critics represent efforts to bring established paradigms into line with new normative realities – to square paradigms based on a prior logic of appropriateness with that generated by a new order. Yet, stretching fails to address the fundamental lack of fit between established paradigms and new normative contexts. Indeed, stretching may hasten the demise of the established order, as cautious gestures made to mollify critics concede the fundamental validity of their claims. This recognition of the incompatibility of the old order and the new emboldens critics, leading to more frequent and far-reaching demands for reform. As per Thomas Risse’s “spiral model” of norm diffusion (1999; 2000; Risse and Sikkink 1999), a process of discursive “self-entrapment” drives the reform process onward, engendering what Seyla Benhabib (2009, 698-699) has usefully termed “democratic iterations[:] complex processes of public argument, deliberations, and exchanges through which universalist claims are contested and contextualized, invoked and revoked, posited and positioned.” Subsequent adjustments of the existing paradigm undertaken during the course of democratic iterations further diminish its coherence, gradually undermining its utility as a guide for policymaking. The consequent unraveling of policy paradigms that comes as a result of this recurrent stretching opens space for the introduction of new ideas in line with the ascendant normative context, grounding universalist principles in a new paradigm.

Hence, paradigm change is an incremental, evolutionary process (Thelen 2006; Peng and Wong 2008), albeit one instigated by profound changes in context during critical historical junctures (Capoccia and Keleman 2007; Hay 2002, 162-163). Using Hall’s terms, we may say that normatively-driven first and second order changes are necessary precursors to third order change. While the kinds of change involved are indeed distinctive, they bear a common source: the lack of fit created when a paradigm developed under the terms of a historically specific normative context drifts into a new one. It is this “friction” of clashing orders that drives paradigm change (Lieberman 2002; Orren and Skowronek 2004, 78-119).

How paradigm change proceeds will depend on the political context shaping policymakers’ responses to lack of fit. In cases where executives and bureaucrats are insulated from the partisan arena, paradigm change may be very much in the spirit of “puzzling” and “social learning” – processes of trial and error shaped by the pursuit of relatively well defined goals (Hecl 1974). Conversely, paradigm change is more likely to be driven by “powering” where institutions give rise to a more politicized policymaking context. With regard to the cases at hand, divided government and the unique role of congressional committees in the American

system led to a politicized process, in which defenders of the discriminatory paradigm could exploit veto points and joint decision traps to wage last ditch efforts to preserve some vestiges of the old system (Tichenor 2002, 211-216). The lack of any comparable source of institutional leverage made such opposition in Canada futile. In the absence of credible opposition, Canadian policymakers enjoyed wide latitude in crafting an internally coherent immigration policy paradigm through a process of trial and error.

These differences in institutional configuration had important consequences. Most notably, American restrictionists' success in pushing through a strong preference for family reunification in the 1965 Immigration Act thwarted the Kennedy and Johnson administration's efforts to base immigration admissions on the United States' economic needs. Critics of American immigration policy have since argued that the 1965 Act's privileging of family reunification has led to a "precipitous decline...in the average skills of the immigrant flow reaching the United States," helping to rekindle debates over immigration policy (Borjas 1999, 8). Conversely, Canadian policymakers were able to fashion a new policy paradigm premised on the notion that newcomers would be selected according to their ability to contribute to the country's economic needs. Their success in this regard has helped maintain a remarkable degree of acceptance for mass immigration in Canada, so much so that Canada's "points system" has become a model for other countries formulating organized immigration policies (Shachar 2006).

In what follows I apply the analytical framework sketched above to explain the course of immigration policy paradigm change in Canada and the United States. As I will demonstrate, change was instigated by shifts in normative context which prompted policy stretching and unraveling. Political institutions shaped the course of paradigm change, such that outcomes in the two cases differed in important respects.

Dismantling White Canada, 1947-1967

Stretching: 1947-1952

Prime Minister William Lyon Mackenzie King presented the first important statement on Canada's postwar immigration policy in a speech before Parliament on May 1, 1947. According to King, Canada was intent on structuring its immigrant admissions policies as it had in the past: "Asiatic" and other non-white immigration would be avoided so as to preserve Canada's white-European identity (Canada, House of Commons 1947, 2644-2546).

Yet, officials understood the changed normative conditions made such an approach problematic. Canada's membership in the UN carried with it an "obligation to eliminate racial discrimination in its legislation," by "promoting and encouraging human rights and...fundamental freedoms for all without distinction as to race, sex, language or religion."¹ Furthermore, Canada's positions in the General Assembly regarding the competency of the UN to intervene in the domestic affairs of member states indicated that it favoured a "wide interpretation" of the provisions of the Charter. Yet, there was no serious consideration given to opening Canada up to immigrants from "non-traditional" (i.e. non-European) source regions. Thus efforts were made to avoid or at least minimize charges of hypocrisy by "revising [Canada's] immigration legislation so as to avoid the charge of racial discrimination [while] effectively limiting Asiatic immigration."²

This strategy of paradigm stretching defined Canadian immigration policymaking in the early postwar period. First and second order changes in instrument settings and choice were

advanced while maintaining the overriding goals of the established immigration policy paradigm. Thus, while pressure from the Committee for the Repeal of the Chinese Immigration Act moved the government to strike the law in 1947, the range of admissible “Asiatics” set out under a new regulation (P.C. 1930-2115) was restricted to the wives of Canadian citizens and their children under eighteen years of age; other immigrant groups could sponsor a much broader range of relatives after they secured legal residency. Similar efforts to staunch charges of discrimination against nationals from Canada’s Commonwealth partners in south Asia led to the establishment of a symbolic quota system allowing 150 Indians, 100 Pakistanis, and 50 Ceylonese access to Canada on a yearly basis (Canada, House of Commons 1955, 301). Immigrants from European countries did not face quotas of this kind.

The new 1952 Immigration Act’s provisions on immigrant admissions were similarly rooted in the logic of the established policy paradigm. The Governor-in-Council was empowered to prohibit or limit the admission of persons by reason of their

1. Nationality, citizenship, occupation, class, or geographical area of origin
2. Peculiar customs, habits, modes of life, or methods of holding property
3. Unsuitability vis-à-vis climatic, social, industrial, educational, labor, health, or other conditions or requirements existing temporarily or otherwise, in Canada or in the area or country from or through which such persons came to Canada
4. Probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship, within a reasonable time after admission (Hawkins 1988, 102)

As in the past, immigration was to be closely regulated to ensure that Canada’s “national character” remained unchanged.

Unravelling: 1952-1962

The lack of fit between Canada’s prewar immigration policy paradigm and the emerging postwar normative context was acutely obvious to Canada’s diplomatic corps. While officials in the Department of Citizenship and Immigration continued to insist that “immigration must not have the effect of altering the fundamental character of the population,”³ invocations of official policy became increasingly difficult to maintain in light of developments in Canadian foreign policy. The postwar transformation of international relations led Canada to take increasingly liberal positions in the UN and the British Commonwealth. Decolonization in Africa and Asia had transformed power relations in both organizations, placing racial discrimination at the top of their agendas. By 1961, African, Asian, and Latin American members constituted two-thirds of the UN General Assembly and anti-racist resolutions were becoming sharper and more frequent (Freeman 1997, 19). As Canada’s ability to play an independent role in world affairs depended on the preservation and functioning of both organizations, it could not be a neutral party in debates over racial justice.

South Africa’s membership in the commonwealth was a particularly thorny issue. Non-white member states came out strongly against apartheid, demanding that South Africa be expelled if it maintained its grossly illiberal system of racial segregation (Bothwell 2007, 143). Canada’s Prime Minister John Diefenbaker responded to their demands by condemning the principle of racial discrimination at the Commonwealth’s 1961 Conference in London, effectively placing Canada on the side of reform (Blanchette 1977, 302-306; Freeman 1997, 25).

Diefenbaker's position made the already difficult job of administering Canada's immigration policy abroad even trickier. Canadian consular officials understood that the Prime Minister's strong stance against racism internationally invited questions concerning Canada's maintenance of discriminatory admissions policies at home.⁴ These questions were frequently posed by prospective immigrants in the British West Indies and other "non-traditional" source regions.

Domestic critics, such as the Canadian Council of Churches, the Canadian Jewish Congress, the Negro Citizenship Association, and the Canadian Congress of Labor also challenged the government's continuing use of racial categories, questioning its commitment to anti-discrimination, civil rights, and liberal democratic principles. They highlighted the discrepancy between the government's progressive rhetoric and the reality of ongoing discrimination against "Asiatics," "Negroes," and individuals of "mixed-race," appealing to Canada's obligation to live up to its commitment to international human rights and the elimination of discrimination based on race, color or creed.⁵

The Canadian government reacted to these demands by making minor changes to policy while endeavoring to meet the objectives of King's 1947 statement. Thus India's annual quota was increased from 150 to 300 persons, an annual quota of female domestic workers from the British West Indies was introduced, and previously rejected sponsorship applications for immigrants from China and other non-preferred countries were reconsidered by the minister of Immigration (Corbett 1963, 173).

These attempts to co-opt critics' demands while avoiding more fundamental reforms compounded the government's problems. The doubling India's annual immigration quota prompted Pakistan to demand that its quota also be doubled.⁶ Given that rejecting Pakistan's demand would likely lead to accusations of discrimination, Canadian officials had little choice but to comply.⁷ Similarly, the use of ministerial discretion to increase the number of approved sponsorship applications from China failed to satisfy domestic advocacy groups, who now challenged the very maintenance of a discriminatory double standard.⁸ In short, the strategy of stretching Canada's immigration policy paradigm to fit a changed normative context had reached an impasse. It was becoming increasingly apparent that more fundamental changes would be required if Canada was to successfully respond to accusations of hypocrisy. Normal policymaking had succumbed to extraordinary demands.⁹

Shifting: 1962-1967

The Diefenbaker government's 1962 immigration regulations marked a decisive break with the past, in that they rejected the prewar paradigm's emphasis on race and sought instead to found Canadian immigration policy on individuals' satisfaction of universal criteria based on education, skills and training (Canada, House of Commons 1962, 10). In her memorandum to Cabinet, Minister of Citizenship and Immigration, Ellen Fairclough, noted that the revised regulations' principal objective was "the elimination of any valid grounds for arguing that [Canadian immigration policy] contain[s] any restrictions or controls based on racial, ethnic or color discrimination."¹⁰

Whether the 1962 reform marked the beginning of paradigm shifting is debatable. The Diefenbaker government's decision to limit the sponsorship rights of non-Europeans suggests that the prewar policy paradigm continued to shape policymakers' understanding of immigration policy, particularly as it related to flows of family members. Officials feared that granting full sponsorship rights to migrants from Asia and Africa would prompt a sharp increase in non-white immigration and create a negative backlash among white Canadians (Hawkins 1988, 131).

Similar anxieties stood behind the decision to interpret the 1962 reforms passively; while the door was opened to well qualified migrants from non-traditional sources, only immigrants from the United States and Europe were actively recruited.¹¹ In retrospect, the 1962 reform stood somewhere between normal policymaking and third order change.

This 'in-between' period created space for the development of new approaches to immigration which would serve as the foundations of a new policy paradigm. These novel programmatic ideas were developed over the course of the early-1960s and presented in relatively distilled form in the 1966 White Paper on Immigration Policy, commissioned by Liberal Prime Minister Lester B. Pearson. The White Paper offered a two-pronged strategy: first, Canada would accentuate its effort to recruit well-educated and highly skilled immigrants; second, remaining discrimination in the realm of sponsorship rights would be ended. Rather than discriminating according to national background, the White Paper proposed making sponsorship rights for all landed immigrants equal (Canada, Department of Manpower and immigration 1966). For the first time, all landed immigrants would enjoy the right to sponsor the same array of dependents and "eligible relatives."

While the White Paper's call for the elimination of remaining discrimination in the Immigration Regulations was applauded, critics continued to question how criteria relating to education and skills could be applied without a clearly defined set of standards (Canada, Special Joint Committee 1967, 407). The "points system" – developed by a working group of senior bureaucrats under the guidance of the then Deputy Minister of Manpower and Immigration, Tom Kent – was advanced in response to such questions. According to the scheme, prospective immigrants would be assigned a score based on their age, education, training, occupational skill in demand, knowledge of English or French, relatives in Canada, arranged employment, and employment opportunities in area of destination. A score based on a personal assessment made by an immigration officer in an interview would be added to the total. Applicants meeting the threshold set by the government (initially 50 assessment points) would be admitted as independent immigrants and would enjoy the right to sponsor dependents (spouses and minor children) as well as more distant "nominated relatives." Nominated relatives were also subject to the points system but would be evaluated on a narrower set of criteria. Although the broadening of sponsorship rights would lead to increases in sponsored flows, officials believed the points system could be used to control this movement by regulating the number of nominated relatives granted entry according to labour market conditions.¹²

The new regulations came into effect in October 1967. Other reforms introduced at this time secured the institutional prerequisites for an immigration regime open to qualified applicants regardless of their "race." Canadian policymakers thus succeeded in crafting a non-discriminatory immigration policy paradigm that opened Canada to large-scale immigration from Asia, Africa, the Middle East and other "non-traditional" sources, while also offering officials a means of regulating the sponsored stream and harnessing immigration for economic needs. Their ability to arrive at a solution which met these objectives was facilitated by Canada's institutional configuration. While the bureaucrats responsible for developing the new paradigm responded to criticisms of the 1966 White Paper made during the course of public consultations, they did so in a way that retained the government's objectives. The points system was thus the product of puzzling among a relatively narrow group of policymakers insulated from partisan political pressures. The ability to implement these changes via regulations rather than the passage of a new Act also dampened opposition, enabling a smooth transition from Canada's

discriminatory prewar immigration policy paradigm to the universal system based around the 1967 points system

Immigration Reform in the United States: 1945-1965

Stretching: 1945-1952

As was the case in Canada, changes in normative context in the postwar period challenged the core premises of the United States' established immigration policy paradigm. Even before the war ended, national security concerns prompted the Roosevelt administration to eliminate the Chinese Exclusion Act in an effort to neutralize Japanese claims that the United States' bar on Chinese immigration made American positions on human rights hypocritical and empty (Ong Hing 1993, 110). At home, the Citizens' Committee to Repeal Chinese Exclusion also made the case that the laws stood in the way of America fulfilling its wartime mission to defeat fascism. While the exclusion laws were repealed in December 1943, they were replaced with a symbolic quota authorizing the admission of only 105 Chinese immigrants annually. Similar quotas were established for India and the Philippines (Skrentny 2002, 39-44). Asian exclusion was thus repealed in name but not in spirit.

After the war, critics continued to argue that the outright exclusion of most non-white migrants and tight controls against southern and eastern Europeans stipulated under the National Origins Quotas made a mockery of American leaders' claims that their country was a beacon of liberty. Conscious of the United States' increasingly important role in stabilizing the postwar world, President Harry S. Truman agreed that racial discrimination was hampering America's efforts to counter the influence of its ideological rival, the Soviet Union in Europe and the newly independent states of the "Third World." Truman thus supported the abolition of the quota system and other racially discriminatory policies, arguing that failure to act aggressively would assist "those with competing philosophies...prove our democracy an empty fraud and our nation a consistent oppressor of underprivileged people" (cited in Tichenor 2002, 179).

While most American politicians agreed that America's immigration and naturalization policies required modification, they rejected Truman's calls for radical reforms, insisting instead that the goals of established policies were legitimate. In its 1950 report on immigration policy, the Senate Judiciary Committee's subcommittee rejected theories of "Nordic superiority" while simultaneously reserving the United States' right to restrict immigration "in such a manner as to best preserve the [country's] sociological and cultural balance" (cited in Bennett 1966, 129-130).

The subcommittee's report thus recommended that the established immigration policy paradigm be adjusted in response to a changed normative context. The spirit of the report was captured in the 1952 Immigration and Nationality Act, also known as the McCarran-Walter Act, after its sponsors, Senator Pat McCarran (D-NV) and the chair of the House Immigration Subcommittee, Representative Francis E. Walter (D-PA). While the 1952 law formally abolished racist criteria in immigration and naturalization policy, it maintained the fundamental features of the national origins quota system and thus granted preference to immigrants from northwestern Europe (King 2000, 240). The "Asiatic Barred Zone" was eliminated, but only 2000 visas per year were allotted to individuals born within the so-called "Asia-Pacific Triangle" – a region spanning India, China, Japan, and the Pacific Islands. The law also blocked the admission of "Asiatics" from countries outside the Asia-Pacific Triangle by stipulating that individuals "of as much as one-half Asian blood born outside the Triangle be charged against the

quota of his country of Asian-Pacific ancestry” (Bennett 1966, 131; Daniels 2004, 116). The lifting of barriers to naturalization for immigrants from Asia was deemed a symbolic concession of little consequence, as “the vast majority of non-citizens entering the country [would continue to come] from Europe” (Tichenor 2002, 196).

The passage of the 1952 Immigration and Nationality Act highlighted the durability of the United States’ established immigration policy paradigm. While America’s new role as a global superpower made the negative repercussions of discriminatory policies clear, policymakers in Congress opted to limit their response to first and second order changes in the hope that this minimal response would diffuse criticism while preserving the ethnic composition of the American nation.

Unraveling: 1952-1958

Changing norms helped propel the realignment of domestic forces, as ethnic groups, organized labor, religious organizations, civil liberties groups, and the liberal wing of the Democratic Party formed an influential coalition dedicated to the pursuit of immigration policy reform (Joppke 2005a, 55). Critics of discriminatory immigration admissions policies, which included the National Association for the Advancement of Colored People, organized labor and prominent senators such as Herbert Lehman (D-NY) and Hubert Humphrey (D-MN), argued that the maintenance of an immigration system based on national origins quotas gave lie to the United States’ commitment to fundamental liberal-democratic norms (King 2000, 237; Zolberg 2006, 314). President Truman went several steps further while campaigning for the Democratic Party’s nominee in the 1952 presidential election, arguing that conservative Republicans’ continuing support of the national origins quota system perpetuated “a philosophy of racial superiority developed by the Nazis, which we thought we had destroyed when we defeated Nazi Germany and liberated Europe.”¹³ Truman also argued that the Republicans’ presidential nominee, Dwight Eisenhower and his running mate, Richard Nixon, supported the McCarran-Walter Act,¹⁴ leading Eisenhower to insist that he too rejected the principles underlying the national origins quotas. This marked a significant setback for restrictionists in Congress.

The discrediting of scientific racism in the postwar period played an important role in this regard (Tichenor 2002, 179-80). The Presidential Commission on Immigration and Naturalization, appointed by Truman in September 1952, challenged the “scientific” bases of the quota acts. The Commission’s report (1953), *Whom We Shall Welcome*, concluded that “the best scientific evidence available today is that there [are] no...inborn differences of personality, character, intelligence, or cultural or social traits among races. The basic racist assumption of the national origins system is invalid.” The Presidential Commission’s report was in line with similar pronouncements on race at the time, including UNESCO’s influential 1951 statement on race and racial differences.

Organized labour joined the movement to scrap the national origins quota system in 1955 (Tichenor 2002, 203-204). Labour’s shift reinforced the Democratic Party’s support of immigration reform – a trend reinforced by northern Democrats’ strong support for the nascent Civil Rights Movement. High profile statements, such as Senator John F. Kennedy’s *A Nation of Immigrants* and Hubert Humphrey’s *The Stranger at Our Gate*, helped “frame a pro-immigrant narrative...that further eroded the early-twentieth-century ‘policy paradigm’ legitimating quotas” (Tichenor 2002, 205; Zolberg 2006, 297). Slow but steady progress in the area of domestic anti-discrimination legislation also “undermined the legitimacy of the national origins system posted on America’s door” (Zolberg 2006).

Foreign policy considerations complemented domestic political pressures. President Eisenhower argued that the national origins quotas made it difficult for him to offer sanctuary to refugees “fleeing Communism” and this, in turn, hampered the United States’ efforts in the Cold War. Eisenhower thus demanded and received special powers to override quota limits, enabling a quick response to the 1956 Hungarian Refugee Crisis (King 2000, 239; Markowitz 1973; Skrentny 2002, 47-48). Although restrictionists in Congress viewed these concessions as a necessary price to pay in order to maintain the national origins quota system, each exception undermined the coherence and effectiveness of the established immigration policy paradigm. By the end of the 1950s, most newcomers entered the United States as a result of special exemptions to the McCarran-Walter Act (Joppke 2005a, 54; Gerstle 2001). Incremental responses to domestic and international pressures drove the unravelling of the national origins quota system, opening space for the emergence of new ideas in line with the prevailing normative context.

Shifting: 1958-1965

The Democrats’ success in the 1958-midterm elections and John F. Kennedy’s victory in the 1960 presidential election increased momentum for immigration reform. The Democrats sought the support of ethnic voters in both campaigns and employed language that emphasized civil rights and respect for cultural pluralism (DeLaet 2000, 39). The prospects of paradigm change increased when Kennedy introduced and helped pass a bill that authorized the immigration of 18,000 foreign relatives outside the quota system (Zolberg 2006, 325). The 1961 Act also granted quotas to the newly independent states of the Caribbean and gave non-quota status to many close relatives of American citizens who were on waiting lists in Italy, Greece, Portugal and elsewhere (Bennett 1966, 135-36).

While liberal Democrats were ascendant in the early-1960s, immigration restrictionists still exercised a great deal of power in Congress. Conservative Republicans and southern Democrats held the chairmanships of important congressional committees, which allowed them to block initiatives and otherwise manipulate the legislative process. President Kennedy remained wary of provoking these “committee barons” and waited for nearly two years before submitting his comprehensive immigration reform bill to Congress (Tichenor 2002, 209).

The legislation Kennedy introduced included sweeping changes, including the abolition of the national origins quota system, the elimination of the Asia-Pacific Triangle, and the granting of preferences to immigrants with work-related skills (Reimers 1982). The bill envisioned transferring individual countries’ quotas to a world quota pool, of which 50 per cent would be reserved for persons with special skills and training. The other 50 percent would be reserved for spouses and children under twenty-one and married sons and daughters of US citizens over the age of twenty-one. The proposal rejected any limits to immigration from the Western Hemisphere and made special allowances for the reception of refugees (Schwartz 1968, 114; Skrentny 2002, 50-51).

The Kennedy bill enjoyed the support of the American Immigration and Citizenship Committee, a group that included the American Civil Liberties Union, religious organizations, trade unions, ethnic associations, and groups campaigning on behalf of refugees (Togman 2002, 37). High-ranking administration officials, including Secretary of State Dean Rusk, also supported of the bill (Skrentny 2002, 50). Despite this broad support, restrictionists used their control of congressional committees to block the bill’s progress through the legislative process. It remained mired in Congress until Kennedy’s assassination in 1963.

President Lyndon Johnson sought to rescue the moribund bill after assuming office. Although Johnson had supported the McCarran-Walter Act in 1952, like Truman and Eisenhower before him, he now believed that the national origins quota system was hindering America's foreign policy interests. Johnson drew on his considerable political skills and capital to surmount congressional resistance, making immigration reform a part of his broader civil rights agenda. Restrictionists in the House and Senate responded by resisting Johnson's demand for a non-discriminatory admissions system. The Democratic chair of the House Immigration Sub-committee rejected giving preference to immigrants with special skills and training and demanded that preferences be granted instead to family members of American citizens and permanent residents. His position was supported by Senate conservatives and other restrictionists, who believed that it would favour nationalities already in the United States – i.e. white Europeans. In an effort to limit the entry of non-whites from the Caribbean and Central and South America, Congressional restrictionists also demanded a ceiling on immigration from the Western Hemisphere – a region that had previously been exempt from numerical limits and was set to remain so under both the Kennedy and Johnson bills (Zolberg 2006, 332-33). Johnson opted to strike a deal with his opponents, concluding that the switch in preferences from skilled immigrants to family members and limitations on Western Hemisphere immigration was a necessary price to pay for the elimination of the national origins quota system (Kennedy 1966, 147).

The amended Act provided for 170,000 visas for immigrants originating in the Eastern Hemisphere (with no country receiving more than 20,000 spots) and 120,000 visas for immigrants from the Western Hemisphere (with no country limits). Spouses, minor children and parents of American citizens were exempted from the numerical limits. As a result of the compromise forged between Johnson and his congressional opponents, 74 per cent of yearly visa allotments were dedicated to family reunification, with preference granted to brothers and sisters of American citizens; only 20 per cent were reserved for immigrants with occupational skills. Refugees – defined as people fleeing persecution from Communism or the Middle East and victims of natural disasters, as specified by the President – received six per cent of the yearly visa allotment (Zolberg 2006, 133).

Johnson signed the new Immigration Act on October 3, 1965, in an elaborate ceremony held at the base of the Statue of Liberty in New York Harbour. In his speech, Johnson noted that although the bill he was signing was not revolutionary, it did “repair a deep and painful flaw in the fabric of American justice.... The days of unlimited immigration are past. But those who come will come because of what they are – not because of the land from which they sprung” (cited in Reimers 1982, 38).

Conclusion

President Johnson and his contemporaries grossly underestimated the impact of the 1965 Immigration Act. The abolition of strict controls on immigration from the Asia-Pacific Triangle allowed for an increase of Asian immigration from 1.5 million in 1970 to 13.1 million in 2000 (U.S. Census Bureau 2004). Immigration from Central and South America, Africa, and the Middle East also increased sharply, transforming America's cities and making the United States a diverse, multicultural society. Similarly, Canada's demographic profile was transformed as a result of increasing migration from so-called “non-traditional sources” made possible by the

introduction of the points system in 1967. Whereas the vast majority of immigrants arriving in Canada up to the late 1960s came from Europe, by 1971, 36 percent of total migration originated from the “Third World”; by 1980 this figure had reached 81 per cent. By 2002, immigrants from Mainland China represented the largest single group entering Canada and were followed by immigrants from India, Pakistan, and the Philippines (Citizenship and Immigration Canada 2003). Changes in Canada’s immigration policy paradigm ensured that the vision of a predominantly white European Canada defended in Prime Minister Mackenzie King’s 1947 speech to Parliament was effectively overturned.

This chapter has explored how shifts in broadly encompassing normative contexts challenged the taken for granted beliefs animating Canada’s and the United States’ pre-WWII immigration policy paradigms. The discrediting of scientific racism and concomitant rise of global human rights after World War II cast paradigms that relied on notions of racial hierarchy in a new light. The resulting glare—magnified by domestic and international critics—hampered Canada’s and the United States’ efforts to pursue domestic and foreign policy objectives in the postwar period. Changes in norms led to a reappraisal of interests, as racial discrimination took on a very different meaning after the war.

Paradigm change proceeded incrementally, as the deeply entrenched logic of established paradigms continued to inform policymaking. Yet, rather than serving as a tool of continuity and stability, normal policymaking, marked by first and second order change, prompted the stretching and unravelling of established policy paradigms, diminishing their intellectual coherence and administrative efficacy and creating space for the introduction of new ideas and approaches. Acknowledging the normative validity of critics’ demands gave rise to an iterative process of normative contestation, whereby the very foundations of prewar immigration policy paradigms were challenged and ultimately overturned.

Differing domestic institutional contexts affected the pace and depth of third order change and paradigm shift. The executive’s need to strike compromises with restrictionist defenders of the national origins quota system in Congress meant that paradigm change in the United States was contested and not entirely coherent; while racially discriminatory admissions criteria were ultimately jettisoned, the preference granted to family members in the 1965 Act echoed concerns animating the prewar paradigm. Conversely, the more insulated environment in which Canadian policymakers operated facilitated their efforts to reform immigration policy, such that it effectively responded to charges of racial discrimination while also meeting Canadian interests in the areas of sponsored migration and labour market need. While Canadian policymakers were not completely free of constraints, political institutions offered no comparable source of leverage to opponents of reform. Thus broadly similar processes of normatively-driven immigration policy paradigm change followed distinctive, institutionally structured political pathways with consequences that continue to inform immigration politics in Canada and the United States.

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Notes

¹ “Asiatic Immigration into Canada.” Canadian National Archives, RG 76, VOL. 854, File 554-5 pt.1.

² “Asiatic Immigration into Canada.” Canadian National Archives, RG 76, VOL. 854, File 554-5 pt.1.

³ Confidential Letter from Director of Immigration, C.E.S. Smith, to Under-Secretary of State for External Affairs, G. McInnes, January 17, 1957. National Archives of Canada RG 76 VOL. 830, File 552-1-644, pt. 2.

⁴ Telegraph from Canadian Trade Commissioner in Port-of Spain to Department of External Affairs, Ottawa, March 20, 1961.

⁵ “Immigration by Discrimination,” *The Black Worker*, March 1952. National Archives of Canada, RG 26, VOL. 123, file 3-32-24; National Archives of Canada, Box 266, RG 76 VOL. 830 File 552-1-644, pt. 2.

⁶ Memorandum to Cabinet: Immigration Agreements with Pakistan and Ceylon, October 23, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

⁷ Memorandum to Cabinet: Immigration Agreements with Pakistan and Ceylon, October 23, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

⁸ Memorandum to Cabinet: Immigration Policies and Procedures (Immigration from China and Japan), August 8, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

⁹ Illiberal policies in other issue areas proved quite durable. Alberta’s Sexual Sterilization Act was not repealed until 1972, in large part because of the very limited nature of public criticism. See Grekul, Krahn and Ondynak (2004).

¹⁰ Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

¹¹ “[A]lthough our policy is not racially biased we do concentrate our main operations in those countries (Europe and the United States) which have traditionally given us most of our immigrants. While our immigration intake has since 1962 been becoming less European and more racially varied, we have proceeded with some caution in order to avoid a too-rapid change which might result in adverse reaction by the Canadian public which in turn could weaken the whole concept of a universal and non-discriminatory policy.” Memorandum from Assistant Deputy Minister to Deputy Minister, Department of Citizenship and Immigration, January 21,

1966. National Archives of Canada, RG 26, VOL. 145, File 3-33-6; cited in Satzewich, 'Racism and Canadian Immigration Policy,' 84.

¹² Memorandum from the Assistant Deputy Minister (Immigration) to the Deputy Minister on the Parliamentary Committee on Immigration, February 19, 1968, 6. National Archives of Canada, RG 76 VOL. 966, File 5000-14-2, part 14.

¹³ "Truman Assails Eisenhower as Supporting Isolationists," *The New York Times*, October 18, 1952.

¹⁴ "Eisenhower Accepts 'Nazi' Racial Views, Truman Declares," *Washington Evening Star*, October 17, 1952.