

The Catholic Lawyer

Volume 6
Number 4 *Volume 6, Autumn 1960, Number 4*

Article 7

Catholic Views on Immigration

Joan Christie Davis

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#), and the [Immigration Law Commons](#)

This Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

CATHOLIC VIEWS ON IMMIGRATION†

JOAN CHRISTIE DAVIS*

“**M**EN WITHOUT LAND have the right to cultivate land without men,” counseled Pope Pius XII in 1958 through a letter addressed to Bishop Albino Gonzales y Menendes Reigade of Cordoba, President of the commemoration “Spanish social week.” But the immigration laws of most countries would not agree.

In the United States, prevailing thought has viewed immigration as a privilege rather than a right. It follows that Congress owes no apologies to anyone for establishing limits on the number and kind of persons who may enter the United States.

Through the first comprehensive immigration law, the Immigration and Nationality Act of 1924, and its later restatement (with many administrative improvements and a few policy changes) in the Immigration and Nationality Act of 1952, Congress spelled out the theory that the United States can absorb each year a number of quota immigrants equal to one-sixth of one per cent of the number of persons living in the United States in 1920 who derived from the particular nationality. This statistical formula is the basis of the controversial “national origins” system. Within this system, northern Europeans are preferred over southern Europeans and Asiatics are held to an absolute minimum.

The present annual quota for immigration to the United States is 155,987. 65,361 quota numbers, more than 40% of the annual allowance, are reserved for Great Britain. Greece gets 308; the Philippines, 100; and the entire Asia-Pacific Triangle, which includes China, Indonesia, India, Japan and the Pacific Islands, has a total allowance of 2,000 with no single country within the Triangle to exceed 100.

Congress regularly enacts legislation to authorize exceptions to the

†The timely quotations contained in this article reflect the need for an immediate revision of our national immigration laws.

*Secretary, Committee on Immigration, National Conference of Catholic Charities.

Immigration and Nationality Act. In the session following passage of the Act, 3,669 private bills were passed to admit individuals or groups which would not be eligible under the basic law. There also have been a series of emergency measures to grant asylum to refugees — such as the Displaced Persons Act of 1948, the Refugee Relief Act of 1952 and the most recent Public Law.¹

One of the most extraordinary convolutions was the interpretation of the “parole” section of the Immigration and Nationality Act to cover the Hungarian refugees. More than 30,000 Hungarians fleeing the revolution in their home country were admitted on that little-known section formerly used for a handful of special cases.

Still, basic attitudes remain little changed since 1924. At that time, congressional leaders had no inhibitions about referring to “inferior” and “superior” races. Since then, scientific findings have repudiated the idea of fundamental biological differences; so later rationales emphasize a distinction between nationalities “easily assimilated” within American culture and those not so qualified. In spite of the assurance by President Eisenhower, the AFL-CIO and other authorities that the national economy could absorb 250,000 immigrants a year, there still are cries that we are being overwhelmed by an “avalanche of immigrants.”

The disparity between actual needs of other countries and their quota allowances is highlighted by reports of the Immigration and Naturalization Service that Great Britain uses less than half of its assigned num-

bers each year, while Italy has a waiting list running many years into the future. Attempts in Congress to “pool” the unused quota numbers and make them available to countries with waiting lists have met with solid opposition growing out of the idea that we should not “dilute” the Anglo-Saxon character of the American people.

Opposing these narrow concepts of immigration, there is a wealth of statements by Catholic leaders developing the view that God gave the earth to all mankind and that men have a natural right to move from one country to another when this becomes necessary to support themselves and their families. Theirs is a claim in justice, not charity. While nations have the right to regulate immigration, this right is limited by the human rights of underprivileged peoples throughout the world.

Pope Pius XII summarized this view in a letter of December 24, 1948, addressed to the American Bishops:

You know indeed how preoccupied We have been and with what anxiety We have followed those who have been forced by revolutions in their own countries or by unemployment or hunger to leave their homes and live in foreign lands. The natural law itself, no less than devotion to humanity, urges that ways to migration be opened to these people. For the Creator of the universe made all good things primarily for the good of all. If then, in some locality, the land offers the possibility of supporting a large number of people, the sovereignty of the State, although it must be respected, cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people from other nations.

In his message on the Vigil of Christmas, 1952, His Holiness admonished:

¹ Pub. L. No. 648, 86th Cong., 2d Sess. (July 14, 1960).

The natural right of the human person not to be hindered in emigration and immigration is not recognized, or is annulled in practice under the pretext of a common good falsely understood or falsely applied, yet sanctioned and made mandatory by legal provisions or administration.

More directly, to a group of visiting American Congressmen, he said:

We dare say that the further question has risen more than once in your minds, if not to your lips: Is the present immigration policy as liberal as the natural resources permit in a country so lavishly blessed by the Creator as the challenging needs of other countries would seem to demand?

Again, addressing himself to members of the United States Senate Committee on Immigration:

Yet it is not surprising that changing circumstances have brought about a certain restriction being placed on foreign immigration. For in this matter not only the interests of the immigrant but the welfare of the country must be consulted. However, it is not too much, we are sure, to expect that in the process of restriction, Christian charity and the sense of human solidarity existing among all men, children of the one Eternal God and Father, will not be forgotten. Immigration can help in solving one of Europe's saddest human problems.

In an address to members of the International Congress of Social Studies, June 3, 1950:

One must face up, in the broader sense, to the duty of giving to innumerable families in their natural, moral, juridical and economic unity, an equitable living space, equal in however modest a manner to at least the demands of human dignity.

The Bishops of Australia sounded the same theme in their message of September 6, 1952:

There is a natural right to immigration and emigration which may not be morally denied or nullified by the acts of governments. Reasonable regulation of migration is legitimate; to use apparently reasonable regulations in fact as a means of denying the right is not legitimate.

Professor L. Susterhenn, Minister of State, Koblenz, writes in *Migration Digest* published by the International Catholic Migration Commission:

The right of migration is not established or determined by a state or by a community of countries, but is a natural heritage of man and need only be recognized, protected and promoted in its practical application by the State and by the community of nations.

In the recent controversy about overpopulation, many Catholic spokesmen took the position that there was no total overpopulation of the earth's surface, but rather there was faulty distribution of people and goods. Migration would be a necessary part of any corrective plan. This excerpt from the 1952 Christmas message of Pope Pius XII gains new timeliness:

When these people wish to remain faithful to the sacred laws of life established by the Creator and seek to break loose from the straightened circumstances which shackle them in their own country, and find no other solution but emigration — then they run up against the provisions of organized society as against an inexorable law, against pure mathematics which have already determined how many persons in such and such circumstances a given country can or ought to support.

His Holiness said further:

What an error it would be to blame the natural law for the present miseries of the world, when it is clear that these derive

(continued on page 310)

IMMIGRATION

(continued)

from the lack of mutual solidarity of men and peoples!

Catholics face a special responsibility in making known these principles which should be determining factors in immigration laws. Most Reverend Edward E. Swannstrom, Auxiliary Bishop of New York and Executive Director of Catholic Relief Services, National Catholic Welfare Conference, said in his address to the Third Interna-

tional Catholic Migration Congress held in Assisi, Italy in September, 1957:

We as Christians cannot dare be behind governments, nor is it sufficient to be on a par with the thinking of governments. We must be far ahead of governments and official bodies of all types. Too often, political bodies aim only at what is expedient or temporarily possible. We, as groups of Christians acting out of immutable and clear moral principles in the international scene, must act as the never-silenced conscience of mankind on such issues — even though our objectives are not immediately realizable.