

## **American Immigration History from Colonial Times to the 1965 Immigration Act**

From the third through the sixth of July 1986, America celebrated the centennial of the Statue of Liberty, located in New York City. The events surrounding what *Time* magazine dubbed "The Part of the Century" were organized by Hollywood television docudrama impresario David L. Wolper (whose credits include *Roots* and *North and South*). New York Mayor Edward Koch declared the winners of his Liberty Award for ethnic Americans, and a coalition of 40 ethnic groups announced the creation of its own "Honor Ethnic America Award." The occasion was employed by special interest groups and politicians alike to remind Americans that their country comprises one big "melting pot" of ethnic factions – a veritable "mirror of the world."

Amidst the references to what was called our "traditional policy" of providing an asylum and haven of refuge for the poor and oppressed of every land, all sight was lost of what, in fact, is the American "tradition" regarding immigration.

Far from being a thing of the past, or alternately, a recent development, American opposition to immigration dates back to early Colonial days. Yet, as Napoleon observed, "History is a lie agreed upon." Too often, our traditional policy of restriction has been neglected in discussions of this subject. The current immigration control movement is the product of more than 200 years of study and thought by the American people.

### **Colonial Restrictions on Immigration**

Colonization of North America began in the early seventeenth century at a time when England was experiencing remarkable social and religious changes. The Church of England was at war with various dissenters, agricultural interest vied with nascent capitalists for economic leadership and the aristocracy was forced to deal with demands for the extension of representative government. For many Englishmen, change did not come quickly enough. For others, what reforms did occur did little to improve their lot in a country that was overpopulated. The newly created American colonies became an outlet for the ambitious and discontented – as well as some who were viewed as undesirable surplus.

Attempts by Sir Walter Raleigh and Sir Humphrey Gilbert to found colonies ended in failure. However, with the establishment of the Jamestown Colony in 1607, emigration from England to the North Atlantic seaboard began in earnest.

Virginia, Maryland, New England, New Jersey, Pennsylvania, Georgia, and the Carolinas were founded by Englishmen and populated almost entirely by English settlers. English customs and laws prevailed. In 1640, the population of the colonies was 25,000. By 1660, their population had increased to 80,000, and totaled some 200,000 by 1689.

By the eighteenth century, "non-English" colonists began to arrive in appreciable numbers, but they were, with rare exception, from the British Isles, and included Welshmen, Scotch, Irish, and Scotch-Irish.

The southern colonies attracted the younger sons of aristocratic families, doctors, lawyers and others from whom large estates provided both a livelihood and social distinction. The northern colonies were primarily settled by Separatists and Puritans, whose motive for leaving England was largely religious, as well as by middle-class townspeople, who had gained a

measure of political experience during the Cromwellian Revolution. They and their descendants led the colonies in the areas of trade and manufacturing.

In 1623, the Dutch took possession of Manhattan, which lay between the northern and southern English colonies. New Amsterdam remained in Dutch hands for only fifty years. Following a war with Holland, England seized control of this central region, dividing it into the colonies of New Jersey and New York.

William Penn was granted the right to colonize what became known as Pennsylvania in 1681. By this time, English influence extended along the Atlantic Coast from Canada to Florida. Although the colonies were founded and largely populated by the English, other western Europeans began to arrive, including the Scotch-Irish, Germans (particularly from the Rhineland-Palatinate) and French Huguenots.

The eighteenth century was marked by more immigration from the British Isles, as the English Parliament passed discriminatory legislation directed against Scotch-Irish linen, manufacturers of woolen goods and Presbyterians. Entire Presbyterian congregations embarked for North America. In Boston alone, 54 ships arrived from Northern Ireland between 1714 and 1720. Following a famine in 1740, an average of 12,000 arrived annually from Ulster. As many as 200,000 Scotch-Irish came to North America in the fifty years preceding the American Revolution, and constituted a sixth of the population of the colonies by 1776.

As the Atlantic coastal region was already well-settled by the time they began to arrive in great numbers, Scotch-Irish immigrants moved into New Hampshire, Vermont, western Massachusetts, Maine and Pennsylvania, and the foothills of Virginia and the Carolinas. From there, they pushed on into Ohio, Kentucky, and Tennessee. Historian E. A. Ross said of them, "They fought the Indians, fought the British with great unanimity in two wars, and were in the front rank in the conquest of the West. More than any other stock has this tough, gritty breed ... molded our national character" (*The Old World in the New*, p. 13).

In 1683, religious refugees from the Rhineland founded Germantown, near Philadelphia, and other German communities were established in nearby counties. Among the German religious groups were Mennonites, Dunkers (a Baptist sect which apparently didn't leave any of their numbers back in Germany) and Moravians (noted for their missionary zeal and pacific nature).

William Penn, who operated his colony both as a refuge for Quakers and as a real estate venture, sent agents to Germany, who persuaded many German Quakers and Pietists to emigrate to Pennsylvania.

After the French under Louis XIV seized the Palatinate at the beginning of the eighteenth century, thousands of Germans fled to England, where the government encouraged them to migrate to North America. More than 30,000 Germans arrived in America in 1708-1709.

Large numbers of Germans became indentured servants, contracting with ship owners for passage in return for service for a term of years. When the ships arrived in America, captains auctioned these indentured servants off to already established settlers. After 1717, a new breed of unscrupulous agents, called "new-landers" and soul-stealers," lured thousands of German peasants to America. The shipmasters paid a commission to the agents and, once the emigrants arrived, the newcomers were sold to "soul-drivers," who in turn, indentured them to

farmers. After serving a term of three to five years service, these redemptioners usually received fifty acres of land.

With the revocation of the Edict of Nantes by Louis XIV in 1685, thousands of French Protestants fled to England and Holland, from which countries many came to America. They tended to concentrate in South Carolina, Virginia, New York, Rhode Island, and Massachusetts, and became leaders in the professions and business life of the colonies.

The English government often shipped "idle poor" to its North American colonies. In 1663, Parliament passed an act which empowered the colonies. Dr. Samuel Johnson came to view Americans as "a race of convicts," who "ought to be content with anything we allow them short of hanging."

During the first century of colonization, convicts were often given the choice of servitude in colonial plantations as an alternative to execution. Some opted to be hanged instead. In 1717, the English government began a policy of penal transportation and thereafter shipped certain classes of felons to the colonies. From 1717 until the American Revolution, an estimated 50,000 criminals were sent to America from the British Isles, 20,000 of them to Maryland between 1750 and 1770.

The colonies often protested against the landing of criminals and some indentured servants. But as long as they had no independent standing, all they could do was complain.

In 1639, the Pilgrims of Massachusetts called for the expulsion of foreign paupers, setting fines for shipmasters who discharged criminals and paupers. Virginia and other colonies followed suit. Pennsylvania passed a law "for imposing a duty upon persons convicted of heinous crimes and imported into the Province," and another "for laying a duty on foreigners and Irish servants, etc.; imported into the Province." These laws were viewed as too weak and were repealed in 1729 and replaced by a more stringent ordinance.

Pennsylvania, in 1722, imposed a tax on every criminal landed and made ship owners responsible for the good conduct of their passengers. This was followed by other laws designed to control immigration. An act of 1727 required shipmasters transporting immigrants to declare whether or not they had the express permission of the British government to bring their fares, and required all immigrants to take an oath of allegiance to the King and promise to respect the laws of Pennsylvania. In 1729, the colony imposed a head tax of forty shillings on each immigrant, an early instance of the use of a tax to restrict immigration. In order to prevent carriers of disease from landing, the colony came to require ships to anchor a mile offshore until a port physician could make an inspection.

The General Assembly of Maryland tried to reduce the number of criminals dumped on its shores with a 1676 law requiring all shipmasters to declare whether they had any convicts on board, and attempted to prohibit them from landing if they did. A fine of 2,000 pounds of tobacco was imposed on anyone attempting to illegally import criminals, half going to the government and half to informers.

In 1700, Massachusetts passed an immigration law requiring shipmasters to furnish lists of passengers and prohibiting the landing of lame, impotent or infirm persons, or those incapable of earning their own keep. Shipmasters were required to return those proscribed persons to their home country.

In tracing the development of immigration control, it is worth noting that even from the outset of the American national experience, efforts were made to encourage the settlement

only of those who were most likely to make a positive contribution to society. For the most part, early settlers assimilated easily, so that, "by the time of the Revolution, there was a definite American population, knit together by over two centuries of toil in the hard school of frontier life, inspired by common political purposes, speaking one language, worshipping one God in diverse manners, acknowledging one sovereignty, and complying with the mandates of one common law," as S. P. Orth observed in his history of colonial America.

E. E. Proper, in his book, *Colonial Immigration Laws*, attributes the political and religious spirit of the colonies, in part, to the restrictions and prohibitions that the different governments enacted prior to the American Revolution. Contrary to the claims expressed by some historians, Colonial America did not welcome any and all who tried to enter.

### **Immigration Regulation from 1775 to the Civil War**

During and after the American Revolution, many states continued to legislate on matters pertaining to immigration. In 1783, Massachusetts prohibited the return of refugees, a measure copied by several other states. In 1790, Congress passed a law that expressly forbade the naturalization of refugees without the special consent of those states which had prohibited their return. Shortly thereafter, Congress unanimously passed this resolution: "Resolved, That it be, and it is hereby, recommended to the several states to pass laws for preventing the transportation of convicted malefactors from foreign countries into the United States."

States quickly passed laws to discourage the landing of criminals. Virginia was the first to do so, in 1788, forbidding masters of ships from landing convicts upon penalty of a £50 fine. New York, Georgia and South Carolina passed similar laws the same year.

During the Revolution, the Continental Congress established the policy of employing only native-born citizens in the foreign service of the country. As far as practicable, this was followed by General George Washington, whose famous July 7, 1775, instruction ordered "no man shall be appointed as a sentry who is not *a native* of this country." And in 1778, Washington wrote to Gouverneur Morris, "I do most devoutly wish that we had not a single foreigner amongst us, except the Marquis de Lafayette."

The importance of nativity to the Founding Fathers is evidenced by the specific requirements in the Constitution that the President (and the Vice-President) be "a natural-born citizen" and have resided in the country for at least 14 years.

In his first annual message to Congress, President Washington declared, "Various considerations render it expedient that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization." He continued to oppose the retaining of foreign-born citizens in public service, as he had during the Revolution.

Regarding the question of immigration, Washington wrote to John Adams in 1794, "My opinion with respect to immigration is, that except of useful mechanics and some particular description of men and professions, there is no use of encouragement." He repeated this view in a letter to Sir John St. Clair: "I have no intention to invite immigrants, even if there are no restrictive acts against it. I am opposed to it altogether."

John Adams held similar views. In a letter to Christopher Gadsden, he wrote, "Foreign meddlers, as you properly denominate them, have a strange, a mysterious influence in this country ... . Americans will find that their own experience will coincide with the experience of

all other nations, and foreigners must be received with caution, or they will destroy all confidence in government."

Benjamin Franklin favored immigration restriction and rejected proposals that the U.S. government offer positive inducements to immigrants, starting in 1787 that "the only encouragements which this government holds out to strangers are such as are derive from good laws and liberty." He also observed that the country has a right to restrict immigration and warned states against the practice of some European governments of transporting criminals to the United States – an alarm that should have been recalled during the Mariel boatlift of 1980, when President Jimmy Carter welcomed "with open arms" the inmates of Fidel Castro's prisons.

Thomas Jefferson was also opposed to immigration, and asserted that states had the right to prohibit and regulate it. In his *Notes on Virginia* (1782), Jefferson argued that immigrants from countries with absolute monarchies should not be encouraged to come because "They will bring with them the principles of the governments they have, or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as usual, from one extreme to the other. It would be a miracle were they to stop precisely at the point of temperate liberty."

He wrote on another occasion, "I hope we may find some means in the future of shielding ourselves from foreign influence – political, commercial, or in whatever form attempted. I can scarcely withhold myself from joining in the wish of Silas Dean, that there were an ocean of fire between this and the old world!"

As the leading advocate of states' rights, Jefferson was uncompromisingly opposed to legislation on immigration by the federal government. He favored restriction, but felt it should be handled by the states.

Alexander Hamilton held similar views. On January 12, 1802, he spoke at length on the subject:

The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias, and prejudice; and on that love of country which will almost invariably be found to be closely connected with birth, education, and family.

The opinion advanced in [Jefferson's] *Notes on Virginia* is undoubtedly correct, that foreigners will generally be apt to bring with them attachments to the persons they have left behind; to the country of their nativity, and to its particular customs and manners ... . There may, as to particular individuals, and at particular times, be occasional exceptions to these remarks, yet such is the general rule. The influx of foreigners must, therefore, tend to produce a heterogeneous compound; to change and corrupt the national spirit; to complicate and confound public opinion; to introduce foreign propensities. In the composition of society, the harmony of the ingredients is all-important, and whatever tends to a discordant intermixture must have an injurious tendency.

The United States has already felt the evils of incorporating a large number of foreigners into their national mass; by promoting in different classes different predilections in favor of particular foreign nations, and antipathies against others, it has served very much to divide the community and to distract our councils. It has been often likely to compromise the interests of our own country in favor of another. The permanent effect of such a policy will be, that in time of great public danger, there will be always a numerous body of men, of whom there may be just grounds of distrust, the suspicion alone will weaken the strength of the nation, but their force may be actually employed in assisting an invader ... . It appears from the last census that

we have increased about one third in ten year; after allowing for what we have gained from abroad, it will be quite apparent that the natural progress of our own population is sufficiently rapid for strength, security, and settlement.

The Alien and Sedition laws, passed in 1798, during the administration of John Adams, gave the President the power to deport all such aliens as he judged dangerous to the peace and safety of the country, or that he had reason to think were plotting against the government. Sea captains were required to report, in writing, the name, age, and place of birth of all foreigners brought over in their ships. Another law enacted that same year gave the President, in case of war or threatened invasion, the right to seize, secure or send away all resident aliens, whether natives or adopted citizens, of the hostile nation.

Congress clearly did not feel that immigrants had an absolute right to participate in the highest offices of government. The period required for naturalization was set at two years by the Act of 1790 and then raised to five years in 1795. The Act of 1798 required a residence of fourteen years, with a declaration of intent at least five years before being admitted to citizenship. Aliens arriving in the United States after the passage of the act had to be registered. Upon the recommendation of President Jefferson, the residence requirement was reduced to five years in the naturalization law of 1802.

Concerning the vital question of naturalization legislation, President James Madison once declared, "[W]hen we are considering the advantages that may result from an easy mode of naturalization, we ought also to consider the cautions necessary to guard against abuses ... . I do not wish that any man should acquire the privilege or citizenship, but such as would be a real addition to the wealth or strength of the United States."

James Jackson of Georgia favored a long residence prior to naturalization and opposed liberal levels of immigration, arguing, "I am clearly of the opinion, that rather than have the common class of vagrants, paupers, and other outcasts of Europe, we had better be as we are, and trust to the natural increase of our population for inhabitants."

Naturalization continued to be a hotly debated question well after passage of the Naturalization Act of 1802. The Hartford Convention of 1814 recommended that every person naturalized thereafter be ineligible to hold any federal office. The convention held that the population of the United States was then "amply sufficient to render this nation in due time sufficiently great and powerful."

On June 1, 1844, Senator James Buchanan of Pennsylvania presented the Senate a memorial from the citizens of Philadelphia, which called for amending the laws to require all foreigners to reside in the U.S. for twenty-one years before they could enjoy the same rights as native-born citizens. A similar petition was presented six days later by Senator W. S. Archer of Virginia. Later that year, Daniel Webster, in an address to a Whig meeting in Boston, called for a revision in naturalization laws, saying, "the result of the recent elections, in several States, has impressed my mind with one deep and strong conviction; that is, that there is an imperative necessity for reforming the naturalization laws of the United States."

The following year, Buchanan, in a Fourth of July message to the citizens of Lancaster, Pennsylvania, discussed the sort of policy the United States should pursue toward foreign nations, stating, "Above all, we ought to drive from our shores foreign influence, and cherish exclusively American feelings. Foreign influence has been in every age, the curse of republics."

The growth of manufacturing created a demand for skilled laborers. Many native-born Americans were attracted to land ownership, rather than becoming hired workers for someone else, so there was a demand for foreign workers. Nevertheless, after 1820, various states passed laws to restrict certain types of immigrants.

In 1824, the state of New York enacted a law providing that shipmasters docking at the port of New York had to provide a written list of foreign passengers and requiring that any alien who ventured ashore with the intention of taking up residence had to report to the mayor or recorder of the city within twenty-four hours of arrival, giving his name, age and occupation, as well as the ship on which he had arrived.

Massachusetts passed "an act to prevent the introduction of paupers from foreign ports of places." Shipmasters had to provide the name and place of residence of foreign passengers and to post bonds against passengers liable to become charges to the commonwealth, the bond not to exceed \$500 per passenger.

Maryland adopted "an act relating to the importation of passengers" in 1833. This law was similar to those passed by New York and Massachusetts, and applied to shipmasters docking at the port of Baltimore.

But these laws did not prevent criminals and paupers from entering the United States. By the mid-1830s, this situation had forced several large American municipalities, including Boston, New York, Baltimore and New Orleans, to take additional measures in an effort to halt the practice.

In 1836, the Massachusetts legislature passed a resolution calling on Congress to prevent the introduction of foreign paupers into the country. Senator John Davis of Massachusetts submitted a report on the problem, which included the following information:

In 1833, the King of England appointed a commission, with large powers, to collect evidence and report to Parliament [on pauperism] ... . The commissioners discovered that some of the parishes had, of their own accord, and without any authority in law, adopted the plan of ridding themselves of the evil by persuading the paupers to immigrate to this side of the Atlantic. And whom, Mr. President, did they send? The most idle and vicious; furnishing them with money, besides paying their passage, and then leaving them on this continent, either to reform or to rely on the people here for support. The commissioners strongly recommended to Parliament to adopt it, and to authorize the parishes to raise money by taxes for this purpose. They proposed, too, that the most idle, debauched, and corrupt – the incurable portion – should be selected for this purpose ... . Pauper immigrants have been repeatedly found in the House of Industry in Boston, with the very money received from the parish concealed about them, and in some instances, to prevent detection, sewed in their clothes. Out of 866 persons received into that place during the last year, 516 were foreigners ... . Massachusetts has attempted to modify the evil by countervailing legislation, by requiring bonds from the masters of vessels bringing foreign passengers, conditioned that for a period they shall not become chargeable to the public. This, however, proves inadequate ... .

Now, sir is it just? Is it morally right for Great Britain to attempt to throw upon us this oppressive burden of sustaining her poor? Shall she be permitted to legislate them out of the kingdom, and to impose us a tax for their support, without an effort on our part to countervail such a policy? And above all, sir, shall we fold our arms and see this moral pestilence sent among us to poison the public mind and do irremediable mischief?

The city of New York discovered in 1837 that three-fourths of the residents of the municipal almshouse were foreign nationals. A report to the mayor stated, "In fact our public

charities are principally for the benefit of these foreigners; for of 1,209 persons admitted into the hospital at Bellevue, 982 were aliens."

On January 19, 1839, a crowd of paupers arrived in New York, their passage paid by the overseers of the poor of the city of Edinburgh, Scotland. The majority of them were still wearing the uniform of the poorhouse. This incident caused such an angry reaction by New Yorkers that the shipmasters were forced to take the passengers back to Scotland and reimburse the city of New York for expenses incurred on their account.

On July 4, 1836, the United States Senate passed a resolution directing the Secretary of the Treasury to collect such information as could be obtained concerning the deportation of paupers from Great Britain and other countries. In 1838, the House of Representatives asked to be informed about what measures, if any, the President and Secretary of State had taken to prevent the introduction of foreign paupers into the country.

In response to this request, President Martin Van Buren provided the House with copies of information obtained by U.S. consulates overseas. The consulate in the district of Kingston-upon-Hull-Teeds (England), reported that, "The officers of the customs are well aware that paupers do proceed both to the United States and Canada; and that it has been admitted by the owners of several vessels sailing there, that their passengers are paid by the overseers of the parishes to which they belong."

An 1837 report from the U.S. consulate in Leipzig, German, revealed:

Not only paupers, but even criminals, are transported from the interior of the country to the seaports in order to be embarked there for the United States. A Mr. De Stein has lately made propositions to the smaller cities of Saxony for transporting their criminals to the port of Bremen, and embarking them there for the United States at \$75 per head, which offer has been accepted by several of them ... . It has of late, also, become a general practice in the towns and boroughs of Germany, to get rid of their paupers and vicious members, by collecting means for effectuating their passage to the United State ... . This practice is highly injurious to the United States, and also deters the better and wealthier class of the inhabitants of this country Germany from immigrating to the United States.

In 1845-46, the Senate Judiciary Committee held hearings concerning the problems caused by the continuing practice of foreign governments of transporting some of their poor and criminals to the U.S.

An 1847 report of the corporation of the city of New York revealed that within the previous year, the ships *Sardinia* and *Atlas*, out of Liverpool, arrived with, respectively, 294 and 314 steerage passengers. All were paupers, sent by the parish of Groszimmern, from the German principality of Hesse-Darmstadt, which paid their expenses. Of these immigrants, 234 had already turned up at the New York municipal almshouse.

It is difficult to determine when this practice finally ended. As late as 1884-85, thousands of Irish paupers were shipped to the United States and Canada, their passage paid for by the state and the Tuke Fund.

Starting in 1840, another argument raised against the admission of large numbers of immigrants was that many of them worked for less money than natives, thus driving down wage scales. This same concern is voiced today with regard to illegal aliens from Mexico and other Third World nations.



Concern was also raised about the growing influence of Roman Catholicism, a religion identified with Irish and other immigrant groups. Anti-foreign riots broke out in New York, Cincinnati, Boston, Philadelphia, and other cities.

Opposition to immigration came to express itself, in part, in the "Native Americanism" movement. In 1835, a Nativist ran for Congress in New York City. The following year, the party nominated a candidate for mayor of New York City. Chapters of the Native American Association of the United States were formed throughout the country, and members of these groups flooded Congress with demands that immigration be curtailed.

Immigration control was a major issue in the presidential election of 1844, in which James K. Polk defeated Henry Clay. Clay's running mate, Theodore Frelinghuysen, was sympathetic to the Nativists, and became the special target of attack by Irish immigrant groups in the United States. Clay attributed the ticket's defeat to the foreign vote arrayed against it.

An article in *The United States Magazine and Democratic Review*, (July 1850) called for restrictions on immigration, noting that:

These European reformers are flocking hither by thousands, bringing with them the pestilent products of the worn-out soil of the Old World – which, it would seem, whenever it falls into labor, produced nothing but monsters. They bring with them a host of extravagant notions of freedom, or a plenty of crude, undigested theories which are utterly irreconcilable with obedience to laws of our own making and from a constitution of our own adopting. They come with their heads full of a division of property ... . The Socialists, who are come and coming among us, are silently making an impression on the people of our great cities, where all the sweepings of the country are gathered into one great mass of ignorance and corruption. They are instilling into them principles at war with Society.

During the presidential campaign of 1852, General Winfield Scott was accused of "nativism" and this was accounted as a factor in his defeat. A contemporary observer remarked that, "The large Irish and German immigration of the past few years have given the foreign vote an importance never before attached to it, and this is the first presidential campaign in which we light upon those now-familiar efforts to cajole the German and Irish citizens."

The campaign of 1852 witnessed the emergence of a new political party, the American Party, better known today as the Know-Nothing Party. It continued opposition to immigration, taking its motto from George Washington's famous order to "Put None but Americans on Guard Tonight." The Know-Nothings' first aim was to exclude foreigners and Catholics from all national, state, county, and municipal offices. They called for changing the naturalization laws so that immigrants would have to reside in the U.S. for 21 years before becoming eligible for citizenship.

The American Party carried the states of Massachusetts and Delaware and polled well in New York in the elections of 1854. The following year, it elected governors and legislators in New York and four New England states, and in the South, it polled impressively in nine states.

In 1856, the party nominated former President Millard Fillmore as its presidential candidate, and while the national ticket was defeated, voters in eight of the 32 states chose American Party governors. In the 35th Congress, the party had five Senators and 14 Representatives. In the 36th Congress, it had two Senators and 23 Representatives, all from the South. But the party lost its cohesiveness and had no representation in subsequent Congresses.

Opposition to immigration continued. The Molly Maguire disturbances in the coal mining region of Pennsylvania created a backlash against liberal immigration. In January 1855, the government of the German Kingdom of Wurttemberg denied the right of the U.S. to return paupers and criminals which had been shipped to its shore and tried to take steps to prevent their transportation back to Germany.

Not unlike conditions today in areas especially hard hit by immigration, the alien welfare burden was often serious. The census of 1850 revealed that during the previous year, of 134,972 paupers supported by the public, over half (68,538) were of foreign birth. Of the foreign-born population in the United States in 1850, at least one of every 33 was a pauper, while of the native population, only one in 300 was a public charge.

Philadelphia's Society for the Relief of the Poor reported that for the year ending March 31, 1855, 816 of 1,266 persons received into its home were foreigners. A March 1855 census of the Blockley Almshouse in Philadelphia showed 558 Americans and 1,571 foreigners in residence.

During the 12-year period (1842-1854), 17,834 patients were admitted into the Pennsylvania Hospital in Philadelphia (a public facility). Of that total, 10,534 were foreigners, two-thirds of them from Ireland. At the Charity Hospital in New Orleans, of 13,750 admitted in 1853, only 1,417 were native-born Americans.

During a discussion of the need for restrictions on immigration, Senator Jeremiah Clements of Alabama cited the 1853 annual report of the governor the New York City Almshouse as support for his position:

In the city prisons there were during the year 6,102 Americans – 22,229 foreigners. In the Lunatic Asylum there were admitted from the year 1847 to 1853, 779 American – 2,381 foreigners ... . These figures are far more inclusive than any language could be to prove the necessity of arresting the tide of immigration. Let every American impress them deeply upon his memory: 42,369 foreign paupers and invalids; 2,381 lunatics, and 22,229 criminals, taxing the industry and blighting the prosperity of a single city. In that list of crimes is embraced murder, rape, arson, robbery, perjury, everything which is damning to the character of the individual, and everything which is dangerous to society.

Despite widespread support for immigration restrictions, the individual states and municipalities found themselves unable to cope with the tide. It had become a national problem, and demanded action at the federal level. Congress asserted its right, in the Alien and Sedition Acts of 1798, to regulate the admission of aliens, and to deport those deemed a threat to the national well-being. But its constitutionality had been denied by several states, and it was not until after the War Between the States that this question was resolved.

### **Federal Immigration Legislation to the First World War**

In 1819, Congress passed an act that provided for the keeping of official statistics on the number of people, as well as the name, sex, age, occupation and country of residence of those arriving as passengers at U.S. ports. The law also tried to restrict the number of passengers that could be carried aboard a given ship. The legislation proved to be inadequate to address the immigration problem, and conditions aboard ships bringing immigrants continued to be a matter of concern to Congress.

In 1864, Congress passed a law calling upon the President to appoint a Commissioner of Immigration. It also permitted aliens to assign their wages for up to a year in order to pay the expenses of emigration and that no immigrant, unless he expressly declared his intention to become a citizen, was liable for service to the U.S. military. A United States emigrant Office was authorized to be established in New York City, and the immigration commissioner was to provide Congress with an annual report. The law was repealed in 1868.

Congress did pass two laws to suppress the trade in cheap Chinese labor ("coolies"). The Acts of February 19, 1862, and February 9, 1869, prohibited the building, equipping, loading or preparing of any ship licensed or registered in the United States for the purpose of procuring coolies from any Oriental country. Ships caught in this activity were to be confiscated and the trade itself was made a criminal offense. The acts did not interfere with the voluntary emigration of Oriental laborers, if they obtained a certificate from the U.S. consular agent at their port of departure, certifying that they were going to the United States voluntarily.

The importation of women for the purpose of prostitution and alien convicts was outlawed in an act of March 3, 1875. The large number of Chinese and Japanese laborers working in California created a demand for Oriental prostitutes and, since there was profit to be made, some persons were engaged in the business of importing them.

In 1882, some 788,992 legal immigrants were admitted into the U.S., a total that was not reached again for two decades. In 1882, Congress passed the first comprehensive immigration law, which imposed a federal head tax of 50 cents on every arriving passenger from a foreign country. Among the classes prohibited from entering our country under this law were convicts, lunatics, idiots, "or any person unable to take care of himself or herself without becoming a public charge." Those excluded were to be returned to their port of departure at the expense of the ship owners. The Secretary of the Treasury was responsible for enforcing immigration laws, although state boards were to conduct the actual examination of immigrants at the various ports of entry.

The next important piece of federal immigration legislation was the Alien Contract Labor Act of 1885, which prohibited the immigration of aliens under contract labor. After the economic recovery from the Panic of 1873, employers tried to break the back of labor unions, especially in the mining industry, by importing from Europe large numbers of laborers under contract to work for lower wages than unions demanded. The constitutionality of the law was upheld under the commerce clause of the Constitution.

However, employers soon found a legal way around the intent of the law, by merely advertising overseas, saying that employment was to be extended. Agents were hired in foreign countries to place ads and assist workers in emigrating to the U.S.

Amendments to the Contract Labor Act were passed in 1887 and 1888 and authorized the Secretary of the Treasury to deport laborers found to have entered as contract workers, the expense to be borne by either the ship owner or the employer who contracted for his services. This change was significant, in that it established the principle of deportation after landing.

Enforcement of these laws was haphazard. A report of the Ford Committee, the Select Committee to Inquire into the Importation of Contract Laborers, Convicts and Paupers, stated:

Owing to the large number of immigrants received each day during the spring and summer months, questions must be asked rapidly, and the inspection is necessarily done in a very hurried manner ... . The testimony taken puts it beyond doubt that large numbers of persons not lawfully

entitled to land in the United States are annually received ... . New York State annually expends in taking care of paupers, insane persons, etc., \$20,000,000 and this condition of affairs is largely due to improper immigration ... . Along the border between Canada and the United State no inspection whatever is made of immigrants; and alien paupers, insane persons, etc. may land at Quebec and at once proceed to this country without any let or hindrance ... . Many persons belonging to the criminal class have been sent to the United States by officials of the European Governments and they have persisted in this course even after having been requested by officials of our government to discontinue it ... . Evasions of the contract labor law are much more numerous than convictions ... . In the opinion of the committee, the non-enforcement of these acts is not so much due to a want of diligence on the part of the officials having their administration to charge as it is to a lack of proper machinery to carry them into effect. The committee believes that the enforcement of all acts designed to regulate immigration should be entrusted to the Federal Government and not to the States. The regulation of immigration is a matter affecting the whole Union, and is preeminently a proper subject for Federal control.

The policy of some governments to deport criminals to the United States has proved to be an enduring problem. In his book, *Selective Immigration* (St. Paul: Scott-Mitchell Publishing Co., 1925), U.S. Secretary of Labor James J. Davis revealed:

We have found that a great many of the oppressed in foreign lands were oppressed and persecuted because they were found unsocial and impossible citizens at home. We have found that advantage has been taken of America as a "city of refuge" by persons and even by governments seeking to rid themselves of undesirable citizens or neighbors. Our shores have been dumping grounds for criminals, paupers, and anarchists.

The increase in immigration after 1886, accompanied by the realization that existing laws were not checking the problems associated with the alien influx, led Congress in 1891 to pass the most comprehensive immigration law enacted up to that time. Its most important provisions (1) added to the list of excluded classes paupers, persons suffering from loathsome or dangerous contagious diseases, polygamists, persons whose tickets of passage had been paid for by others or who had been assisted by others to come and persons convicted of a felony or other infamous crime or misdemeanor involving moral turpitude; (2) prohibited the encouragement of immigration by advertising or solicitation; (3) prohibited persons already in the U.S. from helping to bring relatives or personal friends in as contract laborers; (4) required detailed manifests of passengers from shipmasters; (5) provided that federal agents should conduct required inspections at ports of entry; and (6) extended principle of deportation to aliens who become a public charge within one year after their arrival.

Threats presented to the public health by aliens were again addressed in the Act of February 15, 1893, which granted immigration authorities additional quarantine powers and authorized the President to prohibit the entry of persons and property from countries where cholera or other infectious or contagious diseases were present "for such period of time as he may deem necessary."

The 1893 law also took away from the courts the right to determine whether an alien was an immigrant. As is the case today, aliens apprehended by immigration authorities often tried to postpone or entirely halt their deportation by reliance on the courts. Congress simply stated that unless the United States government admitted that an immigrant was a citizen, the decision of the immigration officers as to that fact and as to jurisdiction was final.

This series of acts addressed many of the problems associated with immigration. However, proponents of restriction felt that much more needed to be done. In his annual message of December 3, 1901, President Theodore Roosevelt stated:

Our present immigration laws are unsatisfactory. There should be a comprehensive law enacted with the object of working a three-fold improvement over our present system. First, we should aim to exclude absolutely not only all persons who are known to be believers in anarchistic principles or members of anarchistic societies, but also all persons who are of a low moral tendency or of unsavory reputation. This means that we should require a more thorough system of inspection abroad and a more rigid system of examination at our immigration ports, the former being especially necessary.

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens. This would not keep out all anarchists, for many of them belong to the intelligent criminal class. But it would do what is also in point – that is, tend to decrease the sum of ignorance, to potent in producing the envy, suspicion, malignant passion, and hatred of order out of which anarchistic sentiment inevitably springs. Finally, all persons should be excluded who are below a certain standard of economic fitness to enter our industrial field as competitors with American labor. There should be proper proof of personal capacity to earn an American living and enough money to insure a decent start under American conditions. This would stop the influx of cheap labor, and the resulting competition which gives rise to so much of bitterness in American industrial life, and it would dry up the springs of the pestilential social conditions in our great cities, where anarchistic organizations have their greatest possibility of growth.

Both the educational and economic tests in a wise immigration law should be designed to protect and elevate the general body politic and social ... .

Those familiar with the subject were convinced that the Act of 1893 contained too many loopholes. In 1896, both the House and the Senate passed an amendment which would have added illiterates to the list of excluded classes, but the legislation was vetoed by President Grover Cleveland.

An Immigration Investigating Commission held hearings in 1895, which identified weaknesses in the existing laws. A general meeting of immigration commissioners of the various ports of entry was held in 1902 and they offered suggestions on what changes were most needed. The final outcome of these and other calls for reform was the Immigration Act of 1903.

The act provided that the following classes of aliens should be excluded from admission into the United States: (1) all idiots; (2) epileptics; (3) insane persons, persons who had been insane within the previous five years and persons who had experienced two or more attacks of insanity at any time previously; (4) paupers, persons likely to become a public charge and professional beggars; (5) persons afflicted with a loathsome or other crime or misdemeanor involving moral turpitude; (7) polygamists; (8) anarchists; (9) prostitutes and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; (10) contract laborers; (11) any person whose passage was paid for by others unless such person did not belong to one of the excluded classes.

Other provisions provided for the detention and return of aliens present in violation of the law and for better inspection of immigrants. Any person or company that brought in

persons afflicted with a loathsome or dangerous contagious disease could be fined for each and every violation if it was likely that the disease might have been detected at the time of embarkation.

In 1903, immigration regulation was made a duty of the newly created Department of Commerce and Labor.

Continued demands for further regulation and restriction of immigration resulted in passage of the Immigration Act of 1907. Excluded classes were extended to include imbeciles; feeble-minded persons; persons afflicted with tuberculosis, persons not included within any of the other such mental or physical defect being of a nature which might affect the ability of the alien to earn a living; and children under the age of sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor.

According to Section 3 of the act, anyone who enlisted an immigrant in prostitution within three years of her arrival in the U.S. was guilty of a felony and any women so involved within three years of her arrival was subject to deportation.

A Joint Commission on Immigration was created by the act, composed of three Senators, three Representatives, and three persons appointed by the President. They were to study the topic and issue regular reports.

Another Immigration Act became law in 1910. It further extended the list of excluded classes, including those "persons who are supported by or receive in whole or in part the proceeds of prostitution." The three-year limit on deportation was removed for sexually immoral aliens. Punishment was also provided for attempts to return to the U.S. after deportation, and provision was made for deportation after the expiration of sentence for violations of the act. In addition, the White Slave Traffic Act of 1910 was closely connected with the immigration statutes.

In 1913, a separate Department of Labor was created and the immigration service was placed under its jurisdiction.

During this period, the immigration laws of the United States evolved in a number of important ways. Criteria for admission were steadily refined until, by 1914, the law provided for the exclusion of virtually every undesirable class. Immigration matters were increasingly concentrated in the hands of the federal government, and one federal agency in particular, and the United States asserted its right not only to refuse to admit certain people, but to deport them when it was deemed expedient for the nation's welfare. In no instance were the laws liberalized once a major exclusionary principle had been established.

### **The "Old" Versus the "New" Immigration**

Demands that American immigration laws be revised were sparked in large measure by the change in the type of immigrants who started to enter the United States after the Civil War. Even up to 1890, most immigrants belonged to what was regarded as the "old" sources of immigration, namely people from Great Britain and Ireland, Germany, Holland, and Scandinavia. It was people from the areas who had originally settled the country, wrote the Constitution and established the nation's democratic institutions. Immigrants who came from these sources had little trouble assimilating with what became the native majority.

The decade 1880-1890 witnessed a distinct shift. Whereas before 1890, most of our immigrants were of Anglo-Saxon or Germanic descent, after 1890 and prior to the quota

legislation of 1924, the great majority of immigrants were Slavs and Mediterraneans. This "new" immigration had its sources in Russia, Poland, Austria, Hungary, Greece, Turkey, Italy, and the Balkan countries.

The change is seen in the total number of immigrants to the United States. From 1871 to 1880, western Europe contributed 2,080,266, while the total from southern and eastern Europe was only 181,638. But between 1901 and 1910, the total from Western Europe was 2,007,119, while southern and eastern Europe sent 6,128,897. "Old" immigration remained virtually unchanged for two decades, while the "new" immigration increased from 181,000 to more than 6,000,000. Practically all the immigrants from Italy, Austria-Hungary and Russia arrived in the United States after 1890.

The peak of immigration was reached in the decade preceding the First World War, when in each of the years 1905, 1906, 1907, 1910, 1913, and 1914, more than a million immigrants landed. During the other years from 1900 through 1914, immigration averaged 800,000 annually.

Coming in such large numbers, it was not possible to easily assimilate the "new" immigrants. This created friction and resentment among Americans, who responded by demanding restrictions on the numbers and types of immigrants. In his discussion of the change in the character of European immigration after 1890, Woodrow Wilson wrote in his *History of the American People*:

The census of 1890 showed the population of the country increased to 62,622,250, an addition of 12,466,467 within the decade. Immigrants poured steadily in as before, but with an alteration of stock which students of affairs marked with uneasiness. Throughout the century, men of the sturdy stocks of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of this country or else men of the Latin-Gallic stocks of France and northern Italy, but now there came multitudes of men of the lower class from south of Italy and men of the meaner sort out of Hungary and Poland – men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence – and they came in numbers which increase from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and of work were such as American workmen had never dreamed of hitherto.

## "Old" and "New" Immigration – 1882-1914

### 1882-1889

"Old" Immigration.....	3,019,696
"New" Immigration .....	708,357
Total .....	3,728,053

### 1890-1896

"Old" Immigration.....	1,652,797
"New" Immigration .....	1,194,189
Total .....	2,846,986

### 1897-1914

"Old" Immigration.....	2,983,548
"New" Immigration .....	10,057,576
Total .....	13,041,124

Total "Old" Immigration, 1882-1914.....	7,566,041
Total "New" Immigration, 1882-1914.....	11,960,122
Total Immigration from Europe, 1882-1914 .....	19,526,163

Senator Elihu Root of New York, speaking in 1912 in favor of literacy tests for immigrants, remarked:

I think there is a general and well-founded feeling that we have been taking in immigrants from the Old World in recent years rather more rapidly than we have been assimilating them. They have been coming in rather more rapidly than they have been acquiring American habits of thought and the American spirit of government.

The specific reason why I think this educational qualification will, as a whole, be a great advantage is that it will especially affect a very large immigration from southeastern Europe, which has in recent years furnished the unassimilated element, this element which is difficult for us to assimilate, and which when it gets here is cut off from the general sentiment and opinion of the country.

The anarchist and socialist movements active at the turn of the century were linked with the "new" immigrants. In his book, *Emigration and Immigration*, Professor R. Mayo Smith declared that these movements were fueled by unassimilated aliens:

An indication of the unfortunate effect of introducing so many men of foreign birth and belief into our social body is seen in the recent outbreaks of anarchism and socialism. These movements are always led and for the most part carried out by persons of foreign birth. Socialism and anarchism are not plants of American growth nor of Anglo-Saxon origin. They are not natural to the American mind; neither are they due to any deterioration in the condition of the laboring class in this country, and thus the fruit of despair and hopelessness in regard to the future. They are the importations of foreign agitators who come here for the purpose of making converts to their doctrines.

A member of the House Committee on Immigration and Naturalization, Rep. S. D. McReynolds, stated:



Suppose we concede, for the sake of argument, that those who come are as intelligent as we are; as moral as we are; as law-abiding as we are; but coming, as they do, with different environments, different ideals, they will hold on to their ideals, spreading their doctrines in this country and undertaking to force the same upon us. They have never lived under a republic, and it is the history of most Latin countries that a republic cannot prevail, that they live greatly in revolution and fomentation. Any judge can constitute an alien an American citizen, but it takes a change of heart and mind to make an American ... . An immigrant might be a good worker and a good citizen in his own country by intuition but not necessarily able to become a good American.

The conditions existing in this country, as well as throughout Europe, are such that we must protect America from this foreign menace which is seeking to enter our country ... . Since the world's Great War, many dangerous and deadly doctrines have sprung up throughout Europe; governments have been changed overnight, and in many instances the rights of property and freedom of speech and action are unknown. These same dangerous and deadly doctrines have been spread throughout this country, to a great extent by foreign propaganda and foreigners.

Even the *Washington Post* took notice of the impact that immigration was having on the United States, as witnessed by its editorial March 12, 1924, which pointed out that:

In the earlier years of the republic, immigration was not at a rate that negated absorption, and most of those who entered did so with intent and purpose to make themselves Americans, to attain the American viewpoint and to adopt American ideals and to adapt themselves to the customs and habits and mind of the nation. But in more recent years a large percentage of immigrants have come with differences. For decades now immigrants that have been pouring in have obviously been bent on seizing the opportunities offered by America but without disposition to adapt themselves to the American viewpoint to adopt American ideals and concepts of government and citizenship in return. The record is crowded with instances in which groups of immigrants have stoutly resisted Americanism, have resented the suggestion that they acquire the language of the land, and have maintained their foreignisms. From their entrance great numbers of them have made it plain by their conduct that they propose merely to take what America has to give without giving what America should receive. At the present time, in certain areas, immigrants constitute a substantial percentage of the population, and drifting together and holding aloof from Americanization, hold themselves as foreigners in America.

After the First World War, advocates of reform renewed their efforts to restrict the "new" immigration. As A. Lawrence Lowell, then president of Harvard University, wrote in his book, *Public Opinion and Popular Government*, "It is, indeed, largely a perception of the need of homogeneity, as a basis for popular government and the public opinion on which it rests, that justifies democracies in resisting the influx of great numbers of a widely different race."

The demands for further immigration restrictions came to take form in the Act of 1924.

## **The Exclusion of Chinese, Japanese and Other Asians**

### **Chinese Exclusion**

The first great influx of Chinese laborers to America dates from the California Gold Rush of the 1850s. By the end of the 1860s, Chinese had entered into a variety of occupations. Agitation against them developed over time and arose, in part, from the fact that they tended to push wage rates lower where they settled in large numbers.

While Asian immigration was slow to become a nationally recognized problem, Western states and municipalities took the lead in passing legislation aimed specifically and indirectly against the Chinese and, later, the Japanese. In 1855, the California legislature imposed a head tax of \$55 on each Chinese immigrant. This was followed in 1858 by an act prohibiting all persons of Chinese or "Mongolian" descent from entering the state or landing in any port, unless driven ashore by weather or an unavoidable accident, in which instance they should immediately be reshipped. An 1862 California law provided that every Mongolian over the age of eighteen should pay a monthly tax of \$2.50, except for those engaged in the production of sugar, rice, coffee and tea. In 1861, an act was passed imposing a tax on foreign miners. It was levied nominally against all foreigners, but was enforced only against the Chinese. The California Supreme Court eventually declared all of these state laws unconstitutional.

In like manner, a number of city ordinances were passed for the purpose of reaching the Chinese indirectly. San Francisco passed a laundry ordinance imposing a license fee of \$15 per quarter on laundries not using a vehicle (Chinese laundries rarely had vehicles). People who sold vegetables from door to door were required to pay a fee of \$2 if they drove a wagon and a fee of \$10 if they went on foot. The "queue ordinance" provided that every person convicted of any criminal offense should have his hair cut to a length of one inch from his head (the loss of his queue brought disgrace to a Chinaman). The "cubic air ordinance" required that no person should let or hire any dwelling where the capacity of the rooms was less than five hundred cubic feet for every person sleeping there. This was enforced against the Chinese, but rarely against those of other ethnic backgrounds.

The federal courts entered into the situation and made it virtually impossible for California to stop Chinese immigration. A state statute which gave the state commissioner of immigration power to exclude lunatics, idiots, deaf and dumb persons, cripples and prostitutes – the purpose being to exclude Chinese prostitutes – was declared unconstitutional by the U.S. Supreme Court, which held that the prohibition or even regulation of immigration was a regulation of foreign commerce, and was subject to the exclusive control of the U.S. Congress.

Having been met at every turn by adverse decisions of the courts, California finally appealed to Congress for national legislation to put a stop to Chinese immigration.

In his annual message to Congress on December 7, 1874, President Ulysses Grant stated:

In connection with this subject, I call the attention of Congress to a generally conceded fact, that the great proportion of the Chinese immigrants who come to our shores do not come voluntarily to make their homes with us and their labor productive of general prosperity, but come under contracts with headmen who own them almost absolutely. In a worse form does this apply to Chinese women? Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes to the disgrace of the communities where settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as my duty to enforce any regulation to secure so desirable an end.

In 1876, both major political parties inserted anti-Chinese planks in their platforms. A special joint committee of the House and Senate was formed and proceeded to the Pacific coast to investigate the issue on the spot. It issued a report that warned of the danger of California becoming dominated by the Chinese. Chinese immigrants were found to come under contract as coolies and were generally controlled by organized companies which held the power of life and death over them. Chinese labor was found to result in white employment and lowered wages, and tended to discourage white immigrants from going to California. Public health was endangered by overcrowded housing and poor sanitation. Chinese immigrants were linked with prostitution, gambling and opium addiction. The committee concluded that Chinese could never assimilate and become an integral and homogeneous part of the population.

The committee recommended that measures be taken by the executive looking toward a modification of the existing treaty with China, confining it to strictly commercial purposes; and that Congress legislate to restrain the great influx of Asiatics to this country. It is not believed that either of these measures would be looked upon with disfavor by the Chinese government. Whether it is so or not, a duty is owing to the Pacific states and territories, which are suffering under a terrible scourge, but are patiently waiting for relief from Congress.

A law did go into effect in 1875 which prohibited the importation of women, including Chinese, for the purpose of prostitution. It also outlawed the transportation to the United States of residents of China, Japan or any other Oriental country, without their free consent, for the purpose of contracting them to a term of labor in the U.S. It further provided that any person attempting to contract to supply coolie labor for another was guilty of a felony and could be imprisoned for a year and fined up to \$5,000.

In the view of the state of California, Congress was slow in responding to the demand for restrictions on Asian immigration. A memorial addressed to Congress in 1879 by the California Constitutional Convention stated:

As became a people devoted to the National Union, and filled with profound reverence for law, we have repeatedly, by petition and memorial, through the action of our Legislature, and by our Senators and Representatives in Congress, sought the appropriate remedies against this great wrong, and patiently awaited with confidence the action of the General Government. Meanwhile this giant evil has grown, and strengthened, and expanded; its baneful effects upon the material interests of the

people, upon public morals, and our civilization, becoming more and more apparent, until patience is almost exhausted, and the spirit of discontent pervades the state. It would be disingenuous of us to attempt to conceal our amazement at the long delay of appropriate action by the National Government towards the prohibition of an immigration which is rapidly approaching the character of an Oriental invasion, and which threatens to supplant the Anglo-Saxon civilization on this Coast.

Congress finally responded in 1879 when it abrogated the 1868 treaty with China (the Burlingame Treaty) and passed what amounted to a prohibition on Chinese immigration. The bill was vetoed by President Rutherford B. Hayes, who contended that Congress had no right to abrogate a treaty. But he agreed that the treaty of 1868 should be modified and sent a commission to China in 1880 to negotiate changes.

The Chinese commissioners agreed that immigration to the United States should be limited, but they would not agree to a total prohibition, and sought to confine the limitation to California. The terms of a new treaty were agreed to on November 6, 1880, the major provision of which allowed the United States government to limit or suspend Chinese immigration "but ... not [to] absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations."

Congress addressed the question of Chinese immigration in 1882, the result being the Act of May 6, 1882, which provided that no state or federal court was allowed to admit Chinese to citizenship. It also suspended for ten years all immigration of Chinese laborers, skilled or unskilled. This did not apply to Chinese laborers already in the United States.

The Chinese Exclusion Law of 1884 amended the Act of 1882 by extending its provisions to all Chinese from whatever country they might come to the U.S.

Feelings against the Chinese continued to run strong along the Pacific coast of the United States. In response, the Chinese government announced in 1886 that it would try to prevent its own laborers from going to the United States and likewise prohibit the return to the U.S. of any laborer who had gone back to China. A new treaty was negotiated between China and the United States and was concluded in March of 1888. It prohibited all Chinese laborers from coming to the U.S. for twenty years and declared that it should remain in force for an additional twenty years unless notice should be given by either government six months before the expiration of the first period. This did not affect the right enjoyed by Chinese travelers, students and merchants to visit the United States.

Unexpectedly, the Chinese government delayed its ratification of the treaty. The U.S. Congress finally acted on its own and on October 1, 1888, President Grover Cleveland signed into law the Chinese Labor Exclusion Act, which contained the provision of the as-yet unratified treaty with China. The Chinese government protested against this legislation, but its validity was upheld by the Supreme Court.

President Cleveland, in his annual message to Congress, December 3, 1888, commented on the Chinese Exclusion Act:

In a message accompanying my approval, on the first day of October last, of a bill for the exclusion of Chinese laborers, I laid before Congress full information and all

correspondence touching the negotiation of the treaty with China, concluded at the Capitol on the 12th day of March 1888, and which, having been confirmed by the Senate with certain amendments, was rejected by the Chinese Government. This message contained a recommendation that a sum of money be appropriated as compensation to Chinese subjects who had suffered injuries at the hands of lawless men within our jurisdiction. Such appropriation having been duly made, the fund awaits reception by the Chinese Government.

It is sincerely hoped that by the cessation of the influx of this class of Chinese subjects, in accordance with the expressed wish of both Governments, a cause of unkind feeling has been permanently removed.

On May 5, 1892, existing laws concerning Chinese exclusion were extended for another ten years. All Chinese laborers within the United States were required to secure certificates within one year, and failure to comply with this provision could result in deportation.

Not long after the Supreme Court upheld the 1892 act, including the certification requirement, the Chinese government opened negotiations for a new treaty. This resulted in the 1894 treaty with China, providing for the exclusion of all Chinese laborers for another ten years and the registration of all Chinese laborers already working in the United States.

After Hawaii was annexed to the United States, Chinese immigration to these islands was declared to be regulated by the law of the U.S. In 1900, a law was enacted requiring the registration of all the Chinese living in Hawaii and forbidding any Chinese living there from entering the continental United States.

Another Chinese Exclusion Act became law in 1902, which continued in force all existing Chinese exclusion laws.

After notification by China of its intent not to renew the Chinese Exclusion Treaty of 1894, Congress passed the Act of April 27, 1904, which extended and continued without modification or limitation all laws on Chinese exclusion then in force.

### **Japanese Exclusion**

Although Commodore M. C. Perry "opened" Japan in 1853, and forced the Mikado to sign commercial treaties with the United States, Great Britain and Russia, it was not until 1885 that the Japanese government authorized its citizens to go abroad. And it was not until 1916 that Japan enacted an expatriation law, providing that a Japanese native acquiring the citizenship of another country might lose his Japanese nationality.

The increase of the Japanese population in the United States was gradual:

1870 .....	55
1880 .....	148
1890 .....	2,039
1900 .....	24,236
1910 .....	72,157
1920 .....	111,010

Of the 111,010 Japanese living in the United States in 1920, 29,672 (26.7 percent of the total) were born in the country and were thus American citizens. Of the 81,338 born in Japan, only 572 had been naturalized and 270 had their first papers.

Anti-Japanese sentiment first emerged in the United States in 1900. Beginning in 1891, over a thousand Japanese entered the United States annually, settling almost without exception in the state of California. Public meetings were held in San Francisco, demanding that the Chinese exclusion laws be extended to include Japanese. In July 1900, the Japanese government unilaterally decided to prohibit "for the present, the emigration from Japan to Canada and also to the United States." This measure failed to halt Japanese immigration to the United States, as many Japanese simply went to Hawaii and then to the mainland.

A new anti-Japanese campaign was launched in San Francisco in 1905 with the founding of the Japanese and Korean Exclusion League. A number of Japanese exclusion bills were introduced in Congress by California delegates. In October 1906, the San Francisco School Board passed a resolution ordering all Japanese children to attend the Oriental school in Chinatown. This move met with vigorous protests on the part of the Japanese government, and in his message to Congress of December 3, 1906, President Theodore Roosevelt voiced his opposition to the action taken by San Francisco. He recommended the passage of an act providing for the naturalization of the Japanese. The President finally persuaded the school board to rescind its resolution, but only after he promised to bring Japanese immigration to an end.

Responding to the demands of the State of California, President Roosevelt entered into the so-called Gentlemen's Agreement of 1907-08. Under the terms of this agreement, the Japanese could issue passports to non-laborers (students, businessmen, travelers). They promised not to issue passports to laborers, whether skilled or unskilled, wishing to go to the United States. Although the agreement was not applicable to Hawaii, Japan applied the restrictive measures to immigrants wishing to go there, as well as to Mexico. The Gentlemen's Agreement did not take the form of a treaty, but rather was an "executive agreement" made by the President with the Japanese government.

In 1911, Japan and the United States concluded a commercial treaty. It was approved by the U.S. Senate with the understanding that "the treaty shall be not deemed to repeal or affect any of the provisions of the Act of Congress entitled 'An Act to Regulate the Immigration of Aliens into the United States,' approved February 20, 1907." This understanding was accepted by Japan.

Official Washington declared that the Gentlemen's Agreement was a satisfactory way of limiting Japanese immigration. However, the Pacific Coast states were critical of the agreement from the outset. In 1909, the California legislature passed a resolution calling for the application of the Chinese Exclusion Laws to the Japanese. In 1913, the California legislature passed a land law, which was upheld by the U.S. Supreme Court, prohibiting Japanese aliens from acquiring agricultural land. A state ballot initiative in 1920 prohibited leases and all other interests in real property to Japanese. Arizona passed a similar law in February 1921, followed by the states of Washington and Texas.

The California Senate, in 1919, again urged federal action to restrict Japanese immigration. On June 19, 1920, the California State Board of Control issued a report, "California and the Oriental," which was delivered to the Secretary of State by Governor W. D. Stephens. The report pointed out that the Japanese population in America was increasing despite the Gentlemen's Agreement, which they felt was clearly unworkable. They criticized the entrance of "picture brides" – Japanese women married by proxy in Japan to Japanese laborers in America, who were then issued passports to America. This practice was voluntarily ended by the Japanese government in 1920.

The 1920 Report of the Commissioner-General of Immigration pointed out that, the agreement notwithstanding, Japanese were illegally entering the United States from Mexico and other Latin American countries. He recommended that the agreement be clarified and jointly administered by the U.S. and Japan.

On April 27, 1921, the California legislature once again called upon Congress to pass a Japanese exclusion act. Two years later, it issued another resolution calling for the exclusion of aliens ineligible for citizenship. It is worth noting that other countries passed Japanese exclusion acts during this time. South Africa, Australia and New Zealand were among the first to bar Japanese immigrants. Canada concluded her own Gentlemen's Agreement with Japan, limiting yearly admissions from Japan to 400. In practice, this arrangement was not viewed as satisfactory by the Canadians. In May 1922, the Dominion Parliament called on the national government to take immediate action to end further Oriental immigration.

Feelings against the Japanese continued to run strong in California and other Western and Pacific states. The January 1921 issue of *The Annals of the American Academy of Political Science* included a number of articles exploring various aspects of the problem. In an article, "The Japanese Invasion," John S. Chambers, Controller of the State of California, stated:

There is no need for excitement over Japanese threats ... . The issue is a fundamental difference, an unbridgeable difference; not one of superiority or inferiority. Granting equality, the standards of the races are almost as opposite as the poles, and there is no possibility of a common trend ever being evolved. Assimilation is impossible ... . The situation in California is bad enough now; it must not be permitted to become worse ... .

I wish to emphasize the fact that we of California are not acting in a spirit of hatred, vindictiveness or retaliation. We are actuated by the instinct of self-preservation. We see the danger that threatens not only California and the Pacific Coast, but which may involve our country as a whole. For Japan and the Japanese on their proper side of the Pacific we have only good wishes; on this side, we cannot feel so because we know that what they would consider their good would mean our undoing.

Writing in the same issue, V. S. McClatchy, publisher of *The Sacramento Bee* newspaper, declared:

There are three principal elements in the menace threatened by Japanese immigration to this country. They are:

1. The non-assimilability of the Japanese race;

2. Their unusually large birthrate per thousand population, already shown in California to be three times that of the whites ... .
3. The great advantages which they possess in economic competition, partly due to racial characteristics, and partly to standards of living, organization, direction and aid from their government. These advantages make it hopeless for American whites to compete with them. It should be evident that we cannot encourage or permit in our midst the development of an alien element possessing these characteristics without inviting certain disaster to our institutions and to the nation itself.

Marshall De Motte, chairman of the California State Board of Control, in an article, "California – White or Yellow?", wrote:

The question of the mixture of Orientals, particularly Japanese, with whites, while it has its economic side, is nevertheless a race problem in the last analysis. Not of an inferior race seeking to mix with a superior race, for at no time have we cast reflection on the Chinese as to their dependability, honesty, and shrewdness in business or on the Japanese as to their thrift, industry and finesse in diplomacy. We respect both of these members of the Mongolian race but the fact cannot be dodged that they either must not come or if permitted to come, must not be allowed to gain a foothold that will eventually enable them to control a single state of the nation as they virtually control Hawaii today.

Senator James D. Phelan of California summed up the situation in his state as follows:

The solution of the Japanese problem, growing out of the California situation, requires prompt action by Congress. It is charged with danger. The people of Japan, as well as the people of the east States, should be informed in a spirit of frankness ... .

Great numbers of Japanese, men and women, are in California, and are acquiring large tracts of agricultural land. The state law forbade ownership by aliens ineligible to citizenship, but the Japanese took deeds in the name of their children born on the soil or in the names of the corporation and so circumvented the intent of the law. The initiative law adopted at the recent November election will, it is hoped, prevent this circumvention, thus making further land acquisition impossible ... . The state, therefore, is obliged as a simple matter of self-preservation to prevent the Japanese from absorbing the soil, because the future of the white race, American institutions, and western civilization are put in peril ... . Japan itself excluded Chinese in order to preserve her own people and that is what California, Australia, and Canada are doing.

Immigration and naturalization are domestic questions, and no people can come to the United States except upon our own terms. We must preserve the soil for the Caucasian race. California, by acting in time, before the evil becomes even greater, expects to prevent conflict and to maintain good relations with the Japanese government.

The U.S. House Committee on Immigration and Naturalization, in a 1924 report entitled "Restriction of Immigration," sated:

The Supreme Court of the United States has decided that certain nationals of Oriental countries are not entitled to be naturalized as citizens of the United States under our naturalization laws ... . The Committee feels justified in offering a provision that persons ineligible to citizenship shall not be admitted as 'immigrants.' All must agree that nothing can be gained by permitting to be built up in the United States, colonies of those who owe allegiance to another government.



Considerable opposition has been offered to this provision by or on behalf of Japan, but no other nation affected thereby has offered protest ... .

[Concerning the Gentlemen's Agreement:] It consists of correspondence between Japan and our Department of State which has not been made public and access to which cannot be had by this committee without permission of Japan ... .

This much is certain, however, as indicated by instructions to immigration officials at the ports of entry. Under the agreement the United States bound itself to admit any Japanese who presents himself bearing Japan's passport, unless he be afflicted with contagious disease, that is to say, the congressional prerogative of regulating immigration from Japan has been surrendered to the Japanese government. That condition, coupled with the fact that the terms of the agreement are secret, would justify immediate cancellation of the agreement.

The committee went on to observe that Japan herself, in the exercise of a similar protection for her own people, at that time excluded Chinese and Koreans from becoming naturalized citizens. This exclusion remains in effect today and has been extended to bar the permanent entry into Japan of "boat people" from Vietnam, Cambodia and other parts of Indo-China.

In March 1924, the House Committee on Immigration and Naturalization reported on a bill (H.R. 7995) which provided that, with a few minor exceptions (merchants, ministers, visiting professors and college students), "no alien ineligible to citizenship shall be admitted to the United States." Despite protests from U.S. Secretary of State Charles Evans Hughes and the Japanese Ambassador, Count Hanihara, the House of Representatives passed the legislation which contained this exclusionary clause on April 12, 1924, approving it by a decisive majority of 323-71.

Three days later, the Senate voted 76-2 not to recognize the Gentlemen's Agreement. The Senate then passed its own bill, by a 62-6 vote, which was thereupon sent to conference committee with members of the House.

On May 6, the committee reached a final agreement and, on May 15, the approved version of the Immigration Act, with the exclusion of aliens ineligible to citizenship to become effective July 1, 1924, passed the House 308-62 (63 not voting) and the Senate by a vote of 69-9 (18 not voting).

On May 26, President Calvin Coolidge signed the Immigration Act. His signature was followed by a formal protest from Japan, but the law providing for Japanese exclusion went into effect nonetheless.

### **The Exclusion of Other Asians**

The Immigration Act of February 5, 1917, provided for the exclusion of the natives of certain lands adjacent to Asia. The law was defined by latitude and longitude, and the "Asiatic Barred Zone" included India, Siam, Indo-China, Afghanistan, parts of Russian Turkestan, those parts of Arabia on the continent of Asia, New Guinea, Borneo, Sumatra, Java, and many other islands, with Chinese and Japanese immigrants being denied entry under other laws.

The immediate effect of this latitude and longitude clause was to check the entrance of East Indians to the Pacific coast. The Commissioner of the State Bureau of Labor Statistics of California complained that "The Hindu is the most undesirable immigrant in the State." The 1917 act effectively solved the problem of immigration from India and other countries included

in the barred zone. Canada likewise adopted a policy of exclusion against East Indians, to stop what threatened to become a veritable deluge of Hindu immigration into British Columbia.

Addressing the question of the prohibition of Asian immigration by the United States, Australia, New Zealand, Canada and other countries, the distinguished British historian, Geoffrey Barraclough, in his book, *An Introduction to Contemporary History* (Penguin Books, 1964/82), observed that population pressures in Asia contributed to the desire of millions of people to emigrate. "The immediate response of the countries concerned was to erect a ring fence of stringent immigration laws and regulations so framed to exclude non-Europeans ... . But for these restrictions, "Professor Barraclough concluded, "it seems almost certain that by that date [1936, and quoting from Professor Carr-Saunders' book, *World Population*,] 'the population of the western seaboard of north America would have been largely Asiatic.'"

### **Federal Restrictions on Immigration, 1914-1940**

The 1911 Report of the U.S. Immigration Commission disclosed a number of facts regarding the operation of the laws then in force:

The present emigration from Europe to the United States is in the largest measure due to economic causes ... . The United States Government makes no effort to induce immigration ... . A large number of immigrants are induced to come by quasi labor agents ... . Another important agency in promoting emigration from Europe to the United States are the many thousands of steamship ticket-agents and subagents operating in the emigrant-furnishing districts of southern and eastern Europe ... . While, unfortunately, the present law, from the difficulty of securing proof, is largely ineffectual in preventing the coming of criminals and other moral delinquents, it does effectively debar paupers and the physically unsound and generally the mentally unsound ... . No adequate means have been adopted for preventing the immigration of criminals, prostitutes, and other morally undesirable aliens. In spite of the stringent law, criminals or moral defectives of any class, provided they pass the medical inspection, can usually embark at European ports and enter the United States without much danger of detection ... . The coming of criminals and persons of criminal tendencies constitutes one of the serious social effects of the immigration movement. The present immigration law is not adequate to prevent the immigration of criminals, nor is it sufficiently effective as regards the deportation of alien criminals who are in this country ... . There are probably at the present time, relatively few actual contract laborers admitted ... . It is clear that there is a large induced immigration due to labor agents in this country, who, independently or in cooperation with agents in Europe, operate practically without restriction. As a rule, only unskilled laborers are induced to come to the United States by this means.

The Commission recommended that future legislation should be framed on the principle that:

[I]mmigration be such, both in quality and quantity, as not to make too difficult the process of assimilation ... . The measure of the rational, health development of a country is not the extent of its investment of capital, its output of products, or its exports and imports, unless there is a corresponding economic opportunity afforded to the citizen dependent upon employment for his material, mental, and moral development. The development of business may be brought about by means which lower the standard of living of the wage earners. A slow expansion of industry which would permit the adaptation and assimilation of the incoming labor supply is preferable to a very rapid industrial expansion which results in immigration of laborers of low standards and efficiency, who imperil the American standards of wages and conditions of employment.

The committee made the following specific recommendations: (1) Aliens convicted of serious crimes within five years of their admission should be deported. (2) Aliens who become a public charge within three years after their arrival should be subject to deportation at the discretion of the Secretary of Commerce and Labor. (3) Funding should be increased to permit the vigorous enforcement of the existing laws. (4) Restrictions should be placed on the admission of unskilled labor, of which there was already an overabundance in the United States. (5) A majority of the commission favored a literacy test as the most feasible single method of restricting undesirable immigration.

Based on the findings of the Immigration Commission, an Immigration Act (the Dillingham-Burnett Bill) was introduced in Congress, passed both the House and Senate by wide margins, but was vetoed by President William Howard Taft because it contained the literacy test. The Senate passed the bill over Taft's veto, but the vote in the House came up five votes short of overriding the President's veto.

The bill was reintroduced in substantially the same form in the next Congress and again passed the House (by a 252 to 126 vote) and the Senate (50 to 7). This time President Woodrow Wilson vetoes the bill, citing the literacy test, which he deemed a "radical departure" from the "traditional" policy of this country. The House failed by four votes to override the veto.

The presidential vetoes of literacy tests reflected the fact that national politicians, particularly those in the Democratic Party, were trying to court "new" immigrant voters, who tended to congregate in cities and vote as a bloc. As Samuel Lubell pointed out in his study, *The Future of American Politics* (1951/1956), a "cultural chasm" developed between the two major political parties, with the Republicans being more "sensitive to the aspirations of the 'old' immigrant elements." Lubell went on to note that the "new" immigrants and their descendants formed the core of support for Franklin Roosevelt's "New Deal." This group continues to constitute the bulk of the "white" vote held by the Democrats. Had immigration patterns not shifted by the turn of the century, it is likely that the Republicans would have remained the majority party, virtually without interruption, from the end of the War Between the States to the present.

Undaunted by the two defeats, the sponsors reintroduced their bill in the next session of Congress. Both the House and the Senate again passed it by large majorities, and it was again vetoed by President Wilson. This time his veto was overridden in both Houses, 287 to 106 in the House of Representatives and 62 to 19 in the Senate. The Immigration Act of February 7, 1917, became the law of the land.

The act extended the excluded classes to include "persons on constitutional psychopathic inferiority; persons with chronic alcoholism; vagrants; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country"; contract laborers; stowaways; anarchists; persons likely to become a public charge; people who were insane or "who have had one or more attacks of insanity at any time previously"; polygamists; "persons afflicted with tuberculosis in any form"; "all persons," not just women, as in the 1907 law, "coming into the United States for the purpose of prostitution or for any other immoral purpose." The law also included the "Asiatic barred zone," discussed elsewhere, prohibiting the admission of natives of most countries in Asia. A literacy test was required, with certain exceptions provided, for aliens over the age of sixteen. (In 1914,

1,218,480 immigrants arrived in the United States, of which 260,152 – 21.4 percent – were illiterates fourteen years of age and over.) The federal government was given additional powers to deport aliens involved in crime, anarchism and similar activities after they had been admitted to the United States.

The act "simply reflected a powerful opinion in favor of further restriction of immigration," noted Professor Roy Garis of Vanderbilt University.

A 1918 law, as amended in 1920, gave further power to the federal government to "exclude and expel from the United States aliens who are members of the anarchistic and similar classes." If such aliens entered the United States and were later apprehended and convicted, they were subject to imprisonment for up to five years and then to deportation. The law went about as far as practicable in providing for the exclusion of radical aliens.

During the First World War, immigration was reduced to a minimum. Once hostilities ended, immigration rapidly swelled to unmanageable proportions. In 1920, some 805,228 aliens arrived. The Commissioner General of Immigration reported that 2,000,000 aliens could be expected to arrive each year for several years.

On May 19, 1921, Congress passed an emergency measure to stem this tide. This was the initial "Quota Act" which, for the first time, provided for quantitative limitations on immigration, in addition to the qualitative limitations contained in earlier legislation. This act, whose life was extended in 1922 to July 1, 1924, gave Congress time to work out a more permanent plan for numerical restrictions.

Section 2 of the Quota Act provided that "The number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 percent of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910."

The emergency legislation achieved its purpose. During fiscal year 1922, 309,556 immigrants were admitted, down by 495,672 from the previous year. It was estimated that the interim law kept 1,750,000 to 2,000,000 immigrants from America's shores, "few of whom we would have been prepared to receive and care for in a year of unemployment and readjustment," as Professor Garis noted in his review of the 1921 act. "Restriction of immigration by means of a quota system had vindicated itself by this time," Garis stated, "and it was already evident that the plan would be a good one if a proper basis for the quota scheme could be worked out, together with amendments to eliminate certain administrative difficulties."

The 1921 law was not considered a final solution to the problem of how to further curtail the tide of immigration, but the quota limitations proved to be the most effective method of restricting immigration. The challenge to Congress was to come up with a more permanent set of laws.

In his first annual message to Congress, December 6, 1923, President Calvin Coolidge addressed the issue of immigration:

American institutions rest solely on good citizenship. They were created by people who had a background of self-government. new arrivals should be limited to our capacity to absorb them in the ranks of good citizenship. America must be kept American. For this purpose, it is necessary to continue a policy of restricted immigration. It would be well to make such immigration of a selective nature with some inspection at the source, and based either on a prior census or upon

the record of naturalization. Either method would insure the admission of those with the largest capacity and best intention of becoming citizens. I am convinced that our present economic and social conditions warrant a limitation of those to be admitted. We should find additional safety in a law requiring the immediate registration of all aliens. Those who do not want to be partakers of the American spirit ought not to settle in America.

The House Committee on Immigration, chaired by Rep. Albert Johnson, drafted what would eventually become the Immigration Act of 1924. The bill passed the House on April 12, 1924, by a vote of 323 to 71 (38 not voting) and the Senate six days later, 62 to 6 (28 not voting). President Coolidge signed the bill into law on May 26.

Under this act, the basic immigration law of 1917 was preserved. It retained the principle of numerical limitation inaugurated in the 1921 law, changing the quota basis from the census of 1910 to the census of 1890 and reducing the quota admissible in any one year from three to two percent. It provided for overseas inspection of prospective immigrants, rather than have them come to this country without previous inspection. (Aliens who came down with some infectious disease during transit to the U.S. could still be turned away, but this "pre-approval" system did much to reduce hardships.)

In his 1924 message to Congress, President Coolidge said of the new immigration act, "I believe this law was to sharply reduce legal immigration into the United States. The annual quota for 1925 was 164,667. (The figure was later reduced, after July 1, 1927, to 150,000 annually.)

In a review of the 1924 act, published in 1930, Professor Garis wrote:

The quota basis for a numerical restriction is a sound one, whether it be used on the 1890 census basis or on the more logical and practical plan of National Origins. The purpose is the same with respect to the national origins and the 1890 census plans viz., to insure that our future immigration should correspond in its makeup with our population as it is today, to the end that we may more easily assimilate the immigrants now here and who may come in the future.

Rep. Albert Johnson wrote in early 1930:

I believe that considerably more than one-half of the people of the United States favor a complete suspension of immigration to the United States ... . I have become convinced that the safety of our institutions, the continuity of our prosperity, the preservation of our standards of living, and the maintaining of a decent level of morals among us depends upon a most rigid limitation of immigration and the maintaining of a rigid standard as to even those few who may be admitted.

**Quotas Allowed Under Acts of 1921 and 1924**

Country/Region of Birth	Act of 1921	Act of 1924
Albania	288	100
Armenia (Russia)	230	124
Austria	7,342	785
Belgium	1,563	512
Bulgaria	302	100
Czechoslovakia	14,357	3,073
Danzig	301	228
Denmark	5,619	2,789
Estonia	1,348	124
Finland	3,921	471
France	5,729	3,954
Germany	67,607	51,227
Great Britain, Ireland	77,342	34,007
Greece	3,063	100
Hungary	5,747	473
Iceland	75	100
Irish Free State	*	28,567
Italy	42,057	3,845
Latvia	1,540	142
Lithuania	2,629	344
Luxemburg	92	100
Netherlands	3,607	1,648
Norway	12,202	6,453
Poland	30,977	5,982
Portugal	2,465	503
Rumania	7,419	603
Russia	24,405	2,248
Spain	912	131
Sweden	20,042	9,561
Switzerland	3,752	2,081
Yugoslavia	6,426	671
Palestine	57	100
Syria	882	100
Turkey	2,654	100
Australia	279	121
New Zealand/Pacific Islands	80	100
All Others**	492	3,100
<b>Total Annual Immigration</b>	<b>357,803</b>	<b>164,667</b>

\*Included in Great Britain, Ireland, under Act of 1921.

\*\*No quotas were set for Western Hemisphere nations until 1965.

As a matter of fact, we need no more immigrant labor. We need no more increase in population than that which will come from our present 121,000,000 ... . In fifty years, there will be 230,000,000 inhabitants in the continental United States.

Our present immigration laws may seem drastic, but they are not complete. The attempt to close the doors by the Immigration Act of 1924 was experimental. It has worked well, but is not final. That which is needed for the well-being of the Nation is an immigration law that actually restricts almost to the point of suspension ... . In my opinion, the United States will never again adopt a liberal policy of immigration. How to make the policy still more restrictive is the problem.

For a number of reasons, among them the Great Depression, immigration fell during the 1930s, averaging about 40,000 per year from 1936 through 1940.

Beginning in 1930, the federal government implemented a stricter interpretation of the "liable to become a public charge" clause of the Immigration Act of 1917, which brought about a further reduction in immigration. In 1937, an amendment to the 1917 act became law, providing for the deportation of indigent aliens to their native land at government expense at any time after entry. Persons so removed were ineligible for readmission unless they received special approval from the Secretary of Labor and the Secretary of State. (As a matter of fact, only 40 indigent aliens were deported in fiscal year 1937, and 1,070 in fiscal year 1938).

The last pre-World War II Congressional action relative to immigration was the Alien Registration Act of 1940, which required the registration and fingerprinting of all aliens.

### **Immigration Legislation Since 1940**

The wartime theme that the "United Nations" were fighting the Axis Powers helped create an atmosphere conducive to the breakdown of American immigration restrictions. The first to go were the Chinese Exclusion Acts, repealed in 1943, when an annual Chinese quota of 105 was set and eligibility for naturalization established. In 1946, the quota for the Philippines was increased from 50 to 100 and a quota of 100 set for India. The "Asiatic Barred Zone" was becoming a thing of the past.

In 1945, by order of the President, immigration priority was given to Displaced Persons (DPs) within the legal quotas for each nationality, with first consideration to orphaned children. Up to 90 percent of each quota was reserved for DPs. With this innovation, military authorities abroad with jurisdiction over DPs assumed the job of making the investigations required to see that individuals were qualified to come to the United States. In many instances, certain requisites for immigration were waived in light of the loss of destruction of records.

Objections were raised to this practice, with critics charging that American generosity was being abused. Charles E. Babcock, legislative chairman for the Junior Order United American Mechanics, gave testimony before the Senate Immigration Subcommittee on the Judiciary in 1947 that was representative of this view:

It is a well-known fact that more than 50 percent of these displaced persons are in the category of displaced persons by their own action. So many of them, therefore, as come within this category have no one to blame except themselves for their present situation. The best solution for them is to return to their own nations.

A leading Congressional critic of the DPs program was Rep. Ed Gossett of Texas, who argued that:

One of the largest best-paid lobbies in the city of Washington at this time is the so-called displaced persons lobby. They are backed up by a nationwide organization that has spent and is spending millions of dollars on propaganda. These organizations have filled the press and radio of the nation, a large part of which they control, with canned editorials, syndicated columns, sentimental appeals, feature stories, and a vast array of misleading information. They have lined up many politicians of both parties who seek to acquire or retain the foreign bloc votes in the pivotal states.

Our displaced persons camps ... could and should have been closed and abolished a year ago. Their administration has not been good, and their continued maintenance is disgraceful. To solve the problem of dumping any part of them into this country is the worst and most dangerous of many alternatives ... . Ninety percent of some 800,000 persons in some three hundred DP camps still under our supervision could and should have been repatriated ... . To be a displaced person in an American camp has long been a preferred status in Europe. Bear in mind that probably not more than 30 percent of these so-called displaced persons were in fact displaced themselves and have flocked into these camps from all over Europe.

When well-grounded objections are raised to the character of the DPs ... proponents always answer that we will screen them carefully. Our screening to date has been a joke – a joke for which we may pay dearly. We have no reason to suppose a better job would be done in the future.

Senator Elmer Thomas (D-Oklahoma) was among those calling for continued immigration restrictions. In an article in *Modern Industry* (June 1947), he wrote:

As a temporary policy, I favor closing our gates to aliens for a period of at least five years in order to protect our ex-servicemen and women and their opportunity to secure homes and jobs ... . The reason for stopping immigration now for at least a five-year period is for the benefit of our own temporary reconversion and stabilization programs ... . We have plenty of workers for all the jobs we have.

It is true that America is comparatively a new country, and that all of our present citizens are the descendants of former immigrants from abroad. At a time when the several states were thinly populated, there was ample room for aliens. But now with no new frontiers, the time has come for serious re-consideration of admitting aliens into the United States.

After five years of research and hearings before the House and Senate immigration committees, Congress passed the first major post-war legislation on immigration, the McCarran-Walter Act of 1952. The bill passed the House by 278-113 and the Senate by 57-26, despite the objections of President Harry Truman, who dismissed as "absurd and cruel" the "outdated notion" that future patterns of immigration should resemble the ethnic composition of the United States as it was then.

The McCarran-Walter Act was a liberal bill compared to the law it superseded. It removed virtually all of the existing racial and sexual bars to naturalization. An amendment sponsored by Rep. Walter Judd (R-Minnesota), and included in the final act, did away with the "Asiatic Barred Zone" by establishing quotas for twenty countries from the Asian-Pacific Triangle. A measure of the "National Origins" system was retained, but European quotas were restricted to one-sixth of one percent of the number of American citizens of that particular nationality residing in the United States in 1920. The act gave the Justice Department greater



discretion to prohibit the entry of political radicals. (By mid-1988, proposals had been introduced by Rep. Barney Frank of Massachusetts, Senator Alan Cranston of California and others to remove these bars to political radicals and homosexuals.)

Although the McCarran-Walter Act is often portrayed as a "reactionary" piece of legislation, Senator Walter George (D-Georgia) pointed out that an alarming transformation was taking place in America's immigration policy:

A new group of patriots has arisen in this great land. They now lay down a doctrine which, carried to its logical conclusion – and that is where they want to carry it – would mean the abolition of restrictions on immigration ... .

There is a strange corollary to that doctrine, and that is that somehow people outside this Nation have a right to say what our immigration laws shall be.

Senator Pat McCarran (D-Nevada), the act's Senate sponsor, suggested to his colleagues that "a solution of the problems of Europe and Asia ... will not come as we transplant these problems en masse to the United States of America."

Despite the inclusion of new quotas for Asia, the sponsors of the act felt they were retaining the essence of the "National Origins" program. The Senate Judiciary Committee issued a report, *The Immigration and Naturalization Systems of the United States*, in which the concept of "National Origins" was justified:

The subcommittee [on immigration] believes that the adoption of the national origins formula was a rational and logical method of numerically restricting immigration in such a manner as to best preserve the sociological and cultural balance in the population of the United States ... . The subcommittee hold that the peoples who had made the greatest contribution to the development of the country [i.e., western Europeans] were fully justified in determining that the country was no longer a field for colonization, and henceforth further immigration would not only be restricted but directed to admit immigrants considered to be more readily assimilable because of the similarity of their cultural background to those of the principal components of our population.

Although supporters of the McCarran-Walter Act thought they were voting to retain limits on legal immigration, the law gave the Attorney General broad discretion to admit non-quota entrants. During the Eisenhower Administration, this power was used to admit thousands of otherwise ineligible aliens. Non-European immigration reached levels not seen before the 1921-24 restrictions. Indeed, under President Dwight Eisenhower, the 1956 Republican platform, for the first time, renounced restrictionist immigration policies.

John F. Kennedy was opposed to immigration restrictions that gave even theoretical preference to northern and western Europeans. As Richard F. Batterson points out in his essay, "America's Post-War Immigration Policy": "Mr. Kennedy specifically favored increases in the number of Asian and West Indian immigrants, and those afflicted with mental disorders ... . The philosophy bore fruit in the first year of the Kennedy Presidency with the enactment of the Refugee Act of 1961."

According to Marion T. Bennett, writing in the September 1966 issue of *The Annals of the American Academy of Political and Social Science*, the Kennedy Administration "... further diluted the national origins plan by authorizing immediate non-quota immigration for over 18,000 relatives ... . It also granted quotas to the newly independent Negro nations of the West

Indies ... and relaxed restrictions against immigration of aliens afflicted with tuberculosis, leprosy, and other dangerous, contagious diseases; and extended ... waivers of exclusion on hardship grounds."

The Kennedy Administration enacted the Migration and Refugee Assistance Act in 1962, which gave authority to the United Nations High Commissioner for Refugees to determine the status of refugees, some of whom were then admitted to the United States. Here was an instance where the U.S. government surrendered its right to define the criteria upon which a certain class of immigrants would be admitted.

Following Lyndon Johnson's landslide victory over Republican presidential candidate, Barry Goldwater, the 1965 "Great Society" Congress passed a new immigration act – rushed through after less than a month of hearings – which eliminated the "National Origins" quotas. Attorney General Nicholas Katzenbach asserted that this measure was largely "symbolic" and claimed that no more than 5,000 Asians were likely to emigrate to the United States in any given year. Other administration spokesmen, as well as the bill's chief sponsor, Senator Edward Kennedy (D-Massachusetts), brushed aside fears that massive immigration from the Caribbean, South America, and Asia would be one of the results of the new law.

Millions of Americans today suffer from the unemployment, crime and social turmoil caused by unrestricted Third World immigration – the sad legacy of these men's miscalculations.

Historian Theodore White, an admirer of Lyndon Johnson, in his book, *America in Search of Itself* (1982), confessed that the 1965 Immigration Act was "probably the most thoughtless of the many acts of the Great Society." He went on to admit that Kennedy-Johnson immigration laws may end up being contributing factors in "... what could become a catastrophe – the tide of immigration, legal and illegal, pouring into this country. For this under swell, neither the census nor any other authority can provide fully reliable measurement. One starts with the obvious: that the United States has lost one of the cardinal attributes of sovereignty – it no longer controls its own borders. Its immigration laws are flouted by aliens and citizens alike, as no system of laws has been flouted since Prohibition.

The 1965 Act resulted in a flood of Third World immigration, both legal and illegal. Today, between 85 and 90 percent of legal immigration comes from the Third World. Those who cannot enter legally come in outside the laws, reflecting the indisputable Third World disdain for the rule of the law.

Opinion polls continue to show our citizenry supporting the traditional American policy of immigration restriction. A consistent majority supports a reduction in legal immigration levels and favors stronger measures to stop illegal immigration.

So seriously have conditions deteriorated in our country that historian John Lukacs is now convinced that "during the third century of American existence, *the* main problem of this nation will be – it already is – that of immigration and migration, mostly from the so-called Third World."

Our country may weather the storm. But to do so, we will have to return to our traditional policy by practically applying the rule laid down by James Madison in his famous report on immigration to the First Congress: "Welcome every person of good fame that really means to incorporate himself into our society, but repel all who will not be a real addition to the wealth and strength of the United States."