A COMPANION TO AMERICAN IMMIGRATION

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This volume seeks to provide what has been called an “intellectual attention space,” a meeting place of the mind where leading scholars, students, and informed citizens can encounter up-to-date interpretations (representative of the variety of academic disciplines) of one of the most pervasive and provocative issues in the United States, immigration. As the quintessential “land of immigrants,” the United States had a special relationship to the events of worldwide history. From its colonial origins, the United States developed rapidly into the central destination point of both transoceanic and hemispheric currents of population movement. The origin points of immigration which first centered on Britain and western Europe until the late nineteenth century extended to nearly all regions of the world in the following 100 years. Likewise, the reception points for immigrants which were initially in seaports and nearby hinterlands in the United States during the industrial revolution have spread in the era of globalization to every corner of the country: thus small towns in Maine have become homes to East African immigrants and Minnesota towns have settlements of Indochinese refugees.

As a phenomenon of both global and local import, immigration requires an inquiry that embraces international, transnational, national, as well as ethnic-group levels of activity and experience. The topics investigated here reflect this range of subject matter. These issues have stimulated important scholarly research and have inspired lively debates in the political and public policy realm. The core of the volume consists of historically framed essays which analyze topics of continuing significance – such as immigration policy, education, family and gender, race relations, ethnic identity, politics, religion, social mobility, and assimilation – over the course of the mass immigrations from the nineteenth century to the present, and give treatment where relevant to the roots of these patterns in the colonial era. The essay topics are grouped under five broad areas – “Policy and Politics,” “Ethnicity, Race, and Nation,” “Population and Society,” “Economy and Society,” and “Culture and Community.”

The comparative dimension is a defining feature of the intellectual approaches taken in this volume. These essays involve consideration of the differences and similarities between the immigrants of each era, and the differences and similarities between the conditions they faced; a conspectus of newcomers and their ethnic life
in the nation “then and now.” The authors have also considered what generalizations can be formed about immigrants of a particular historical period, as well as how specific groups can be compared within a shared time frame, in relation to central issues and themes of group history.

There is a broad outlook on continuity and change underlying these essays. Basically, interpretations are made by ranging across a succession of historical periods to follow the manifestations of a specific pattern – such as ethnic or racial identity, transnationalism, or citizenship – in the group life of immigrants and the total life of a pluralist nation. For example, how has the pattern of economic activity by immigrants evolved from colonization, to the industrial revolution, and to the post-industrial economy? To take another example, what conclusions can be drawn about how the United States as a host society worked or did not work to assimilate immigrants, over the whole span of national history?

The collection is primarily historical in approach, but many essays have been selected to exhibit the wide spectrum of conceptual and methodological approaches relevant to the historical study of American immigration. Several essays provide a social-science analysis of issues involving social mobility and the demographics of migration, while others use the perspective of literature and cultural studies: all of these offering potentially useful insights for the continuing development of historical research and interpretation. These essays are in keeping with this volume’s theme of boundary-crossing intellectual encounter, engaging historiography with a host of interdisciplinary, multidisciplinary, and topical perspectives.

Each author has had the opportunity to go beyond a general summary to craft an original and overarching view with a fresh “take,” to grapple with the key controversies underlying a topic, to describe why it has been a vital and stimulating subject of inquiry, and to assess how the scholarly field has approached it and should address it in future research. Taken all together, the essays provide a set of new interpretations that bridge disciplinary and chronological divides, thereby supplying a full, inclusive view much needed in a scholarly field so large that it is vulnerable to fragmentation. As a collective unit, these essays demonstrate the continuing vitality of the study of American immigration and point to future horizons of study that can serve as a new destination for intellectual discovery.
PART I

Policy and Politics
A Nation of Immigrants and a Gatekeeping Nation: American Immigration Law and Policy

Erika Lee

In March, 1882, US Congressman Edward K. Valentine rose before his colleagues in the House of Representatives and offered his opinion on the Chinese immigration restriction bill under consideration. Chinese immigrants, he and other supporters of the Chinese Exclusion Act argued, were a menace to American labor, society, and even its civilization. “The gate must be closed!” he urged (Gyory 1998, p. 238). When the act was passed in May of that year, the United States took on a new role as a gatekeeping nation, one which used immigration laws to exclude, restrict, and control allegedly dangerous foreigners, often on the basis of race, ethnicity, class, and sexuality. By the 1920s, most immigrants from Asia were barred from entering the country and the numbers of southern and eastern Europeans allowed to apply for admission had been greatly reduced under the discriminatory national origins quotas of the 1924 Immigration Act. Through the 1940s, immigration was viewed as a hindrance, rather than as a benefit, to the United States.

Eighty years after Valentine’s impassioned speech, the national mood towards immigration had begun to shift. In 1958, President John F. Kennedy hailed the United States as a “nation of immigrants.” Immigrants were no longer dangerous menaces, he explained, but rather the bedrock upon which the country had been built (J.F. Kennedy 1964, p. 85). In 1965, President Lyndon Baines Johnson answered Kennedy’s call for immigration reform and signed into law the 1965 Immigration Act, which abolished the discriminatory system of regulation that had governed immigration for 40 years. The signing ceremony took place at the foot of the Statue of Liberty in the New York harbor and signaled a new era of immigration to the United States. Johnson proclaimed that with the new law, “the lamp of this grand old lady is brighter today – and the golden door that she guards gleams more brilliantly” (L.B. Johnson 1966, pp. 1037–40). Since 1965, the doors to the United States have been opened wider than at any other time since the late nineteenth century. Millions of people have been admitted into the country and immigration has transformed American society, economy, culture, and politics. The notion that the United States is indeed a nation of immigrants currently reflects reality more than at any other period in the country’s history.
At the same time, however, Americans’ ambivalence about immigration remains deeply ingrained in both public discourses and in immigration law. From the 1970s through the 1990s, an increase in illegal immigration, especially from Mexico, fueled fears of an “invasion” from the south and inspired what some observers describe as the militarization of the US–Mexico border (Andreas 2000; Dunn 1996). Following the terrorist attacks of September 11, 2001, new immigration control measures targeting suspected terrorists or those with links to terrorism were instituted, mostly by the US Justice Department and the Immigration and Naturalization Service. In the name of enhancing national security, immigration regulation was placed under the jurisdiction of the newly created Department of Homeland Security, prompting some critics to worry that all immigration would be equated with terrorism (Hing 2002).

Americans are thus once again forced to decide if immigration is good or bad for the country. Who should be allowed in and who should be kept out? How can immigration policy best serve the nation? How should the country control suspicious activities among foreigners already in the United States? And at what risk to immigrant communities and cost to our own civil liberties? Can the United States be both a nation of immigrants and a gatekeeping nation? Although contemporary events have propelled these questions to the forefront of domestic and international policy discussions, immigration law has been critically important to the formation of the United States since the end of the nineteenth century. Based on a complex intersection of economic interests, foreign policies, racial and ethnic biases, and other factors, immigration laws are the gates that allow some immigrants into the country while shutting others out. They control immigration patterns, shape immigrant lives in America, contribute to the formation of the American state, help define what it means to be an “American,” and reflect and reinforce racial, ethnic, class, and gender relations. Historians have long chronicled the most important, landmark laws and studied the politics behind their passage (Divine 1957, p. vii; Bernard 1980; Seller 1984). But such a limited focus obscures the larger significance of immigration policy and its consequences for both immigrant and non-immigrant America.

Reflecting new interdisciplinary trends in scholarship on immigration, this essay analyzes a broad spectrum of local, national, and international immigration policies as well as their effects on both immigrant and non-immigrant communities from 1875 to the present. Considering the development and characterization of the United States as both a gatekeeping nation and a nation of immigrants, the history and contemporary state of US immigration law reflect a deep-rooted ambivalence about the role of immigration and immigrants in American society. Unrestricted or liberal immigration policies have acted as a force of progress, ushering in great waves of immigrants, while restrictive and exclusionary measures have legalized racism and other forms of discrimination in the name of national security. It has not been uncommon for these two divergent immigration goals to coexist at the same time. Understanding American immigration law is thus critically important not only to the study of international migration and immigrant communities, but also to the larger significance and consequences of immigration for the United States itself. The first section of this essay identifies the changing definitions of immigration law as well as major directions in new scholarship. I then explain the historical development of US immigration law and policy from 1875 to the present through three chronological
sections: the origins of American gatekeeping (regulating for closure) from 1875 to 1924; immigration under the quota system, during depression, and World War II, from 1924 to 1965; and reform, “new” immigration, and transnational immigration regulation from 1965 to the present.

**Definitions and Major Directions**

Immigration law history is a relatively young sub-field. Primarily interested in migration patterns, community formation, and issues of assimilation, ethnicity, and identity, immigration historians have largely ignored the important role of immigration law and policy. Aristide Zolberg writes that social scientists studying incoming streams of migrants have “paid little or no attention to the fact that the streams were flowing through gates, and that these openings were surrounded by high walls” (Zolberg 1999a, p. 73). When they have focused on the laws and policies affecting immigrants, historians have traditionally focused on two areas: anti-immigrant nativism and the legislative history of immigration law. Studies of the former, building upon the foundation of John Higham’s landmark 1955 study, *Strangers in the Land*, have sought to explain the motivations and social, intellectual, political, economic, racial, and ethnic factors behind nativist patterns in US history (Higham 1978, p. 4; Solomon 1989; Daniels 1962, 2004; De Leon 1983; Saxton 1971; Anbinder 1992; Kraut 1994). Other scholars have emphasized the congressional and presidential politics behind the passage of landmark immigration laws. Both bodies of scholarship employ the traditional definition of immigration law as “front gate immigration,” the admission of foreigners who intend to become permanent residents of the United States (Fitzgerald 1996, pp. 17–18).

But immigration to the United States and immigrants already in the country are affected by a broad range of policies outside of those passed by Congress. These may include presidential executive orders, the administrative procedures and policies of the immigration service, and state- and local-based restrictions on social welfare benefits for foreigners, resident aliens, naturalized citizens, and native-born citizens. Studies that only focus on those who intend to become permanent residents unnecessarily limit scholarly inquiry. Foreigners arriving to and residing in the United States come as laborers, students, travelers, skilled professionals, refugees, asylum seekers, and relatives of citizens. Some are long-term residents, but do not become naturalized citizens. Others stay for only a short time and then return home. Some come illegally, either with no documents or with false ones, and are subjected to government harassment and perhaps arrest and deportation.

US immigration law thus has a far-reaching impact on a wide range of individuals in immigrant and ethnic communities. An interdisciplinary group of scholars, especially those involved in studying the relationship between law and society, have led an intellectual redefinition of immigration law to reflect this reality. A first group of writers has helped broaden our understanding of immigration law to include state and local laws; enforcement procedures by the courts, administrative agencies like the US Immigration and Naturalization Service, and consular officials abroad; and policies regulating the “back-door immigration” of undocumented immigrants and of refugees (Neuman 1993; Salyer 1995; Peffer 1999; Fitzgerald 1996, p. 18; E. Lee 2003; Ngai 2004; K. Johnson 2004). A broader perspective on immigration law has
allowed us to better understand the historical development of immigration regulation and its expansion to a wider range of individuals. It also helps scholars re-examine the contests surrounding enforcement procedures, the place of immigration law in comparison to other aspects of US law, and the role that immigration law has played in the growth of the federal government’s administrative power. Lucy Salyer’s study of the enforcement of the immigration laws in the late nineteenth and early twentieth centuries, for example, demonstrates how federal immigration regulation moved out of the realm of federal courts and into newly created federal agencies, like the Bureau of Immigration (Salyer 1995). Many other scholars explore immigration law at its “bottom fringes,” focusing on the ways in which policies have been interpreted and enforced by immigration officials, courts, government employees, and social workers and contested by immigrants themselves. The focus on enforcement, rather than solely on the legislation itself, has enabled scholars to address a number of larger issues, such as the role of government in American society, the social and economic goals of immigration policy, the rights of individuals, the construction and deployment of race, class, gender, and sexuality in immigration regulation, and the power of both immigrants and the state (Calavita 2000; E. Lee 2003; Schuck 1984; Zolberg 1999a; Hing 1993; Luibhéid 2002; Ngai 2004).

A third area of focus has been on the immigrants themselves, tracing the ways in which immigration laws have affected immigrant settlement patterns, identity construction, family relations, gender ratios, internal community dynamics and politics, social, economic, and political incorporation, and occupational opportunities (Hing 1993; Palumbo-Liu 1999; E. Lee 2003; Gutiérrez 1998; Ong 2003). These studies have fully demonstrated that immigrants have consistently and creatively challenged discrimination in immigration law and enforcement, through the judicial system, political action, and everyday acts of resistance and negotiation. A fourth group of scholars has paved the way in explaining how immigration policy is, as Kevin Johnson has described, a “magic mirror” reflecting and shaping attitudes about race, gender, class, sexuality, and national identity in the larger society (K. Johnson 1998, 2004; see also Lopez 1996; Ngai 2004; Jacobson 1998; Luibhéid 2002). Immigrants were targeted for immigration restriction on the basis of many factors, but race and ethnicity were especially important in determining which immigrants were considered to be the most threatening to the United States. Studies focusing on groups that were the greatest targets of immigration restriction – immigrants and refugees from Asia, Latin America, Africa, the Caribbean, and southern and eastern Europe – have contributed greatly to this area of scholarship. Donna Gabaccia and Eithne Luibhéid have also illustrated how immigration laws were used to control sexuality and women’s admission into the United States (Gabaccia 1994; Luibhéid 2002).

While most studies on immigration law remain centered within the United States, a fifth new direction in the field has turned to the question of immigration policy as a transnational subject, one whose origins and impact may reach across national borders. Restrictions against Chinese immigrants, what Aristide Zolberg has called the world’s “first immigration crisis,” were implemented through North America, the Philippines, Australia, and New Zealand (Zolberg 1999b; Huttenback 1976; Price 1974; Markus 1979; E. Lee 2002b). Indeed, migration has dramatically increased across the world in the late twentieth and early twenty-first centuries, and as more nations grapple with its consequences, the importance of understanding immigration
law becomes a question not only of local and national dimensions, but transnational and global ones as well (Cornelius, Martin, and Hollifield 1994).

**Building America’s Gates: 1875–1930s**

Although the United States did not attempt to regulate foreign immigration on the federal level until the late nineteenth century, colonial and state governments played an important role in both encouraging and restricting immigrants prior to then. Western and southern states encouraged immigration to increase population in those regions. As Gerald Neuman has illustrated, state governments also attempted to prohibit the transportation of foreign criminals or paupers into their jurisdictions (Neuman 1993, pp. 1834, 1837–8). The federal government did set the terms for the naturalization of foreigners. At the same time extremely generous and highly restrictive, the 1790 Naturalization Act reflected the young nation’s ambivalence about immigration and set important precedents for subsequent immigration and naturalization laws. The act allowed all “free white persons” who had been in the United States for as little as two years to be naturalized in any American court, thereby mirroring Congress’s confidence in the ability of European immigrants to assimilate and become worthy American citizens. But the act also explicitly neglected to include non-whites under the naturalization statutes and thus encoded into law a racialized national identity that marked African Americans and American Indians (and later, immigrants from outside of Europe) as outsiders (Kettner 1978, pp. 108–10; Gerstle 2001, pp. 4–7; Schneider 2001).

The racial restrictions on naturalized citizenship allowed the federal government to assume gatekeeper functions and had long-lasting repercussions. When Asian immigrants tried to become naturalized citizens, they were consistently denied by the courts which ruled that they were not “white” as required by the Naturalization Act (Lopez 1996, pp. 79–110). Immigration laws also reaffirmed the ban on naturalized citizenship for Asians (Chinese Exclusion Act, act of May 6, 1882 (22 Stat. 58); Immigration Act of 1924 (43 Stat. 153)). At the same time, the generous extension of naturalization to all whites allowed European immigrants to automatically claim membership in the nation and foster a strong political presence. Although Italians, Greeks, Poles, Croats, and Slovenians were often considered or viewed as “in-between people” in the larger American culture, the state still considered them “white” and consistently allowed them to be naturalized. As they explain, “the power of the national state [in the form of the country’s immigration and naturalization laws] gave recent immigrants both their firmest claims to whiteness and their strongest leverage for enforcing those claims” (Barrett and Roediger 1997, pp. 9–10). Thomas Guglielmo has further argued that Italian immigrants were simply “white on arrival,” and that this fact had profound implications in their ability to achieve socio-economic stability, start families, and participate in local and national politics (Guglielmo 2003, pp. 6–7).

During the 1850s, immigration became a central political topic with the rise of the so-called Know-Nothings, an anti-Catholic political party which sought to decrease the political influence of new immigrants by extending the standard naturalization waiting period to 21 years. But immigrant labor had become central to the nation’s industries, and the Know-Nothings never proposed restricting the flow
of immigrants (Anbinder 1992, pp. 121–2). Just a few decades later, immigration restriction had become a political and legal reality in the United States. From 1880 to 1920, 23.5 million immigrants entered the United States, mostly from southern, central, and eastern Europe and from Asia (Barkan and LeMay 1999, p. xxxiv). These large-scale changes in the racial, ethnic, religious, and cultural composition of the immigrant population triggered an explosive xenophobic reaction based on racial and religious prejudice, fears of radicalism, and class conflict (Higham 1978). Combined with a new national identity that connected issues of immigration to sovereignty, the growth and expansion of the administrative capacities of the federal government that had begun during Reconstruction allowed it to exercise more control over immigration than ever before (Schuck 1984, p. 3).

The first immigrant group to be targeted for restriction were Chinese. From 1870 to 1880, a total of 138,941 Chinese immigrants entered the country, 4.3 percent of the total number of immigrants (3,199,394) who entered the country during the same decade. Their small numbers notwithstanding, Chinese immigrants were the targets of racial hostility, discriminatory laws, and violence. Opponents to Chinese immigration cited their use as cheap labor to support their argument that Chinese were a threat to white workingmen. Comparing Chinese immigration to the African American race “problem” in the south, anti-Chinese politicians warned that similar racial strife would beset the Pacific Coast states should Chinese immigration continue unabated. But class issues were inextricably tied to other race- and gender-based arguments that identified Chinese as too foreign and unassimilable. Chinese prostitution and what Americans believed to be aberrant gender relations among Chinese also fueled support for the restriction movement (E. Lee 2003, pp. 25–30; Wong 1998, p. 6; R. Lee 1999, pp. 28; Leong 2000, pp. 131–48).

Politicians in Washington, DC responded to the California lobby and excluded Asian contract labor and women (mostly Chinese) suspected of entering the country for “lewd or immoral purposes” with the 1875 Page Act. As Tony Peffer has demonstrated, the law represented the country’s first – albeit limited – regulation of immigration on the federal level, and served as an important step towards other immigration restriction, particularly the exclusion of Chinese immigrants (act of March 3, 1875 (18 Stat. 477); Peffer 1999, p. 28; Salyer 1995, p. 5). Seven years later, Congress passed the 1882 Chinese Exclusion Act, which prohibited the further immigration of Chinese laborers, allowed only a few select classes of Chinese immigrants to apply for admission, and affirmed the prohibition of naturalized citizenship on all Chinese immigrants (act of May 6, 1882, ch. 126 (22 Stat. 58)). The Chinese thus became the first immigrant group to be excluded from the United States on the basis of their race and class.

Early historians argued that the anti-Asian movements that targeted Chinese, and then all other Asian immigrants, were “historically tangential” to the main currents of American nativism. They identified debates over immigration and race in the 1920s – when a national origins quota system was established – as the most significant period of American immigration restriction (Higham 1978, preface, p. 167). More recent scholarship, however, argues that the Chinese Exclusion Act, together with the Page Law, transformed the nation into a gatekeeping nation. By affirming the right of sovereign states to control immigration and by legalizing restriction and exclusion based on race, the laws paved the way for subsequent immigration restriction
policies. Equally important, the enforcement of the Chinese exclusion laws set in motion new bureaucracies, modes, and technologies of immigration regulation, such as federal immigration officials who inspected and processed newly arriving foreigners, government-issued identity and residence documents, such as US passports and “green cards,” and further regulations such as illegal immigration and deportation policies (Daniels 1997, p. 3; Peffer 1999; Torpey 2000, pp. 97–100; E. Lee 2003, pp. 30–43).

Once the principle of immigration restriction had been established in law, Congress acted quickly to bar other allegedly dangerous aliens from the nation’s shores on the basis of race, gender, class, physical and moral fitness, political beliefs, and sexuality, among other factors. In 1882, it passed an immigration law which barred criminals, prostitutes, paupers, lunatics, idiots, and those likely to become public charges (act of August 3, 1882, ch. 367 (22 Stat. 214)). Three years later, the Alien Contract Labor Law was passed on the grounds that such forms of immigrant labor were a detriment to white workers (The Foran Act (23 Stat. 332)). In 1891, Congress forbade the entry of polygamists and aliens convicted of a crime involving “moral turpitude” (Immigration Act of 1891 (26 Stat. 1084)). By 1907, another immigration law excluded anarchists and the moral exclusion clauses had been broadened (Immigration Act of 1903 (32 Stat. 1203, section 2); Immigration Act of 1907 (34 Stat. 898)). Many of the general immigration laws, such as the exclusions of immigrants who were “likely to become public charge” or who had committed a “crime involving moral turpitude,” were gender-neutral, but as scholars have illustrated, immigrant women were disproportionately affected by them. As Donna Gabaccia explains, “any unaccompanied woman of any age, marital status, or background might be questioned” as a potential public charge, and sexual misdeeds such as adultery, fornication, and illegitimate pregnancy were all reasons for exclusion (Gabaccia 1994, p. 37).

Public concern about immigration in the early twentieth century revolved around a number of issues, but race played perhaps the largest role in determining which immigrant groups to admit or exclude. By the 1910s and 1920s, the arguments and lessons of Chinese exclusion were resurrected over and over again during the nativist debates over the “new” immigrants from Asia, Mexico, and southern and eastern Europe. Following the exclusion of Chinese, Americans on the West Coast became increasingly alarmed about new immigration from Asia, particularly from Japan, Korea, and India. Californians portrayed the new immigration as yet another “Oriental invasion,” and San Francisco newspapers urged readers to “step to the front once more and battle to hold the Pacific Coast for the white race.” In 1907, under pressure from Washington, DC, Japan signed a diplomatic accord, known as the “Gentlemen’s Agreement,” which effectively ended the immigration of Japanese and Korean laborers (E. Lee 2003, pp. 30–46).

On the East Coast, nativist groups such as Boston’s Immigration Restriction League targeted the “new” waves of southern and eastern European immigrants settling and working in northeastern cities. Although these immigrants from Europe were considered legally white, many anti-immigrant leaders considered them racially different and inferior to Anglo-Saxons and northern and western European Americans. The sense of “absolute difference” that already divided white Americans from people of color was extended to certain European nationalities, and new “scientific” studies
argued that immigrants from places like Austria-Hungary, Russia, Italy, Turkey, Lithuania, Rumania, and Greece were inferior compared to earlier immigrants from northern and western Europe. The US Immigration Commission’s 1911 report gave credibility to such studies by announcing that new immigrants from southern and eastern Europe were highly unassimilable and that their presence caused social problems such as crime, prostitution, and labor problems (Higham 1978, pp. 132–3).

By the early twentieth century, the American public largely supported the call to “close the gates” to immigration in general. The Immigration Act of 1917 required a literacy test for all adult immigrants, tightened restrictions on suspected radicals, and as a concession to politicians on the West Coast, denied entry to aliens living within a newly conceived geographical area called the “Asiatic Barred Zone.” With this zone in place, the United States effectively excluded all immigrants from India, Burma, Siam, the Malay States, Arabia, Afghanistan, part of Russia, and most of the Polynesian Islands (Immigration Act of 1917 (39 Stat. 874)). The Quota Act of 1921 limited annual admissions to 355,000 and restricted the number of aliens admitted annually to 3 percent of the foreign-born population of each nationality already residing in the United States in 1910. The act was designed to limit the immigration of southern and eastern European immigrants, whose populations had been much smaller in 1910. By the same token, the act was designed to favor the immigration of northern and western European immigrants who had as a group already been a large presence in the United States in 1910 (Quota Act of 1921 (42 Stat. 5, section 2)). Although the numbers of southern and eastern European immigrants decreased greatly after 1921, nativists pushed for even greater restrictions. The 1924 act thus reduced the total number of admissions to 165,000, changed the percentage admitted from 3 to 2, and moved the census date from 1910 to 1890, when southern and eastern European immigrants had yet to arrive in large numbers (Immigration Act of 1924 (43 Stat. 153); Higham 1978, pp. 308–24; Ueda 1994, p. 22). No restrictions were based on immigration from the Western Hemisphere, but the act closed the door on any further Asian immigration by denying admission to all aliens who were “ineligible for citizenship” (i.e. those to whom naturalization was denied) (Quota Act of 1921 (42 Stat. 5, section 2); Immigration Act of 1924 (43 Stat. 153); Higham 1978, pp. 308–24).

While historians had previously focused most of their attention on the nativist and legislative debates surrounding immigration law during this formative period, new studies are just beginning to concentrate on the consequences of the laws themselves and the ways in which they altered immigration patterns, labor markets, community and family formation, ethnic and racial identities and politics, the administrative state, and the very role of immigration in American life. First, immigration in general decreased dramatically, especially amongst those groups most affected by the new restrictions. While 23.5 million immigrants had entered the country from 1880 to 1920, fewer than 6 million entered from 1920 to 1965 (Barkan and LeMay 1999, p. xxxiv). In 1921, prior to establishment of the nationality quotas, 222,260 Italians entered the United States. From 1925 to 1930, the average number of Italians allowed into the country dropped to 14,969, about 7 percent of the 1921 entries (Zolberg 1999a, p. 75).

Moreover, due to the racial discrimination inherent in the laws themselves, late nineteenth- and early twentieth-century immigration debates and policies shaped
new understandings and definitions of race and racial categories – a process that sociologists Michael Omi and Howard Winant have called “racial formation” (Omi and Winant 1994, p. 55). By the 1920s, a hierarchy of admissible and excludable immigrants had been codified into law, reinforcing ideas of “fitness” that were measured by an immigrant’s race, ethnicity, class, and gender. As Mae Ngai has shown, the 1924 Immigration Act applied the invented category of “national origins” to Europeans – a classification that presumed a shared whiteness with white Americans and separated them from non-Europeans. The act thus established the legal foundations for European immigrants to become Americans, while “colored races . . . [were kept] outside the concept of nationality, and therefore, citizenship” (Ngai 2004, p. 27). Matthew Frye Jacobson further explains that immigration restriction, along with internal black migrations, “redrew the dominant racial configuration along the strict, binary line of white and black . . . creating Caucasians where before had been so many Celts, Hebrews, Teutons, Mediterraneans, and Slavs.” By the 1960s, European immigrants and their descendants were well on their way to being accepted simply as Caucasians (Jacobson 1998, p. 14). Chinese, Japanese, Korean, Filipino and Asian Indian immigrants, on the other hand, were codified in the 1924 act as “aliens ineligible to citizenship,” and as a result were further marginalized as outsiders within America (Ngai 1999, p. 70). Such debates about immigration and racial classifications directly affected African Americans, reinforcing and justifying their second-class citizenship and the Jim Crow laws of segregation during this period (King 2000, pp. 2, 138–65).

The great migrations of Asians, Europeans, and Mexicans in the late nineteenth and early twentieth centuries also coincided with and helped instigate a new level of expansion, centralization, and bureaucratization of the federal government. This “state-building” came in the form of regulating both foreigners arriving into the United States and foreigners and citizens already residing there (E. Lee 2003, pp. 21–2; Torpey 2000, p. 1; Palumbo-Liu 1999, p. 31; Fitzgerald 1996, pp. 96–144; Zolberg 1999a, pp. 71–93). The federal government increasingly gained full control over the regulation of immigration by creating a federal bureaucratic machinery with which to make and enforce immigration policy. The Immigration Act of 1891 gave to federal administrators the sole power to enforce immigration laws and established the Bureau of Immigration as part of the Treasury Department. By 1903, the Bureau had become a centralized and powerful agency and was transferred to its parent department, the newly created Department of Commerce and Labor (an act to establish the Department of Commerce and Labor (32 Stat. L., 825); Smith and Herring 1924, p. 10). In 1906, the Bureau of Immigration became the Bureau of Immigration and Naturalization, undertaking control over the naturalization of immigrants (act of June 29, 1906 (34 Stat. L., 596); Smith and Herring 1924, p. 12). By 1924, as political scientist Keith Fitzgerald has illustrated, a “national policy network for front-gate immigration policy had emerged.” Standing congressional committees, national interest groups, federal bureaus and agencies all monitored immigration and shaped immigration policy (Fitzgerald 1996, p. 145).

Indeed, in the process of determining whom to let in and whom to keep out, the very definition of what it meant to be an “American” was constructed and reinforced. Excluded from the country and barred from naturalization, Asians were largely considered outside the circle of “we the people.” Americans were more confident
about the ability of immigrants from southern and eastern Europe to eventually acquire the necessary skills for responsible citizenship, but the drastic restrictions on new immigration were required, politicians argued, to allow the US to fully absorb the newcomers.

**Half-Open Gates, 1924–65**

Though traditionally overlooked by historians, the period of 1924 to 1965 has recently been the subject of renewed scholarly interest (Ueda 1994; Ngai 2004). Primarily seen as an era of limited immigration – due to the enactment of the national origins quotas with the 1921 and 1924 acts – this period is in fact significant on many levels. It represents an important intersection between the two periods of great migration, and both continuity with earlier periods and hints at reform characteristic of the post-1965 period are evident in the policy changes occurring during these years. World events such as the Great Depression, World War II, and the Cold War also impinged on immigration policies in ways that distinguished this era from other ones. Lastly, immigration to the United States did not cease despite the great effects of the restriction laws passed in the earlier period. Legal migration rose dramatically from specific regions of the world, not only shaping those immigrant communities in the United States, but also laying the foundation for subsequent immigration laws. More than 7 million immigrants and 4.7 million guest workers entered the United States from 1924 to 1954. Although these numbers reflect a great reduction in immigration prior to the quota acts, they do demonstrate that immigration was not completely halted. Many migrants during this period entered as “nonquota” immigrants, a new category created by the quota acts that gave preference to immigrants with occupational skills or who had spouses or parents already in the United States. From 1921 to 1924, professors, professionals, and domestic servants were among those with “preferred skills” allowed in under this category. After 1924, the class was redefined to include professors, students, and ministers only. Wives of US citizens and their unmarried children under 21 were also allowed to apply under this category. After 1924, the class was redefined to include professors, students, and ministers only. Wives of US citizens and their unmarried children under 21 were also allowed to apply under this category after 1924. Such preferences were not completely new to immigration regulation. Reed Ueda points out that such selective measures (favoring occupational status and family relationship) were first instituted in the government’s enforcement of the Chinese Exclusion laws and the Gentlemen’s Agreement with Japan (Ueda 1994, pp. 24–5, 32). The largest number of immigrants during this period entered from the Western Hemisphere, which was exempted from quotas or ceilings. Migration from Canada and Mexico, in particular, rose dramatically in response to the labor shortages caused by the restrictions on Asian and European immigration. Over 1.4 million Canadians arrived in the United States from the 1920s to the 1950s. More than 5.5 million Mexicans came intending to settle or as temporary workers, of whom 840,000 intended to settle and 4.7 million were classified as temporary workers (Ueda 1994, p. 33). To regulate the dramatic increase of migration along the US–Mexico border, the US Border Patrol was created in 1925 (act of February 27, 1925: Relating to the Border Patrol (43 Stat. 1049–50)). Migration from the West Indies, Puerto Rico, and the Philippines also rose. From 1900 to 1930, more than 100,000 migrants from the West Indies entered the United States (Ueda 1994, p. 7). In 1920, there were just over 5,000 Filipinos on the mainland United States.
Ten years later, the number had jumped to 45,208 (Takaki 1989, p. 315). The Puerto Rican population in the United States experienced the most dramatic growth, fueled in part by the establishment of inexpensive air travel. From 1930 to 1950, the Puerto Rican population grew from 53,000 to almost a quarter of a million (Ueda 1994, p. 36). As US colonial subjects, both Puerto Ricans and Filipinos were exempted from the 1920s immigration restrictions that affected most other immigrant groups. Puerto Ricans entered the country as US citizens. Filipinos were considered “American nationals,” a direct result of what Mae Ngai calls “imported colonialism” (Ngai 2004, pp. 13, 91–166).

Directly related to this increase in non-quota immigrants, temporary workers, American nationals and citizens was a significant increase in illegal immigration, which Ngai argues posed new legal and political problems. The illegal alien was a “new legal and political subject, whose inclusion within the nation was simultaneously a social reality and a legal impossibility – a subject barred from citizenship and without rights.” The concept and practice of illegal immigration forced the federal government to respond in new, unprecedented ways and had a profound impact on notions of membership and belonging for both immigrants and native-born Americans (Ngai 2004, p. 27).

The economic depression of the 1930s sharply curtailed all migration and actually contributed to a large trend in return migration. Annual quotas for many nations were never filled from 1930 through the end of World War II, when less than 700,000 immigrants entered the country. The rate of return migration was greater during these years than new migration (Ueda 1994, p. 32). Nativists also renewed their calls for the restriction and deportation of immigrants during this decade, most notably Filipinos and Mexicans (Divine 1957, p. 60; Melendy 1976, pp. 115–16, 119–25). As the number of Mexicans applying for public relief increased with the economic downturn, local, state, and national officials launched aggressive deportation and repatriation programs during the 1930s. One recent estimate places the number of Mexicans, including American-born children who were returned to Mexico, at 1 million (Balderrama and Rodriguez 1995, p. 122). Furthermore, a 1929 law made it a felony for an alien to enter the country illegally and provided for more severe punishment for immigrants who returned after deportation (45 Stat. 1551).

The unrestricted immigration of Filipinos ended in 1934 when an unlikely coalition of nativists, anti-colonialists, and Filipino nationalists spearheaded the passage of the Tydings–McDuffie Act, which granted the Philippines independence and thus stripped Filipinos in the United States of their status as nationals. Now subject to the 1924 Immigration Act, Filipinos were reclassified as aliens and the Philippines were given an annual quota of 50 persons. Those already in the United States found themselves threatened with deportation and were ineligible for government assistance. The 1935 Repatriation Act – passed as part of the Philippine independence bill – sought to remove Filipinos from the United States by paying their transportation to the Philippines on the condition that they give up any right of re-entry back into the country (Divine 1957, pp. 68–76; Hing 1993, pp. 33, 36, 63; Takaki 1989, 331–4).

The crisis of world war during the 1940s had a tremendous impact on US immigration law. On the one hand, the door “opened a little,” mostly in response to
new wartime alliances and foreign policy agendas as well as the acute labor shortage (Reimers 1985, p. 11). On the other hand, immigration regulation reaffirmed the principle of restriction, even in the most dire cases of human need. The war with Japan necessitated the need for new and renewed alliances with Asian countries, but with the exclusion of Chinese immigrants still in place at the start of World War II, the United States faced the embarrassing situation of barring from immigration the citizens of an allied nation. Repeal of the Chinese Exclusion laws – framed mostly as a wartime measure to recognize China’s new status as a war ally – thus attracted much public support and was passed in December of 1943. Historically important, repeal nevertheless had little practical effect on Chinese immigration, since the quota for Chinese was set at 105 persons per year (Reimers 1985, pp. 11–15; Riggs 1950). In 1946, Congress also granted quotas of 100 to India and the Philippines and allowed for the naturalization of immigrants from those countries as well. Both measures were approved out of concern to shore up support from Asian allies. In 1945 and in 1947, Congress continued to relax the country’s immigration laws with the War Brides Acts, which allowed the spouses of American servicemen to enter the country (Divine 1957, pp. 152–4; Bennett 1963, pp. 63–4, 79–81, 86–7; Ueda 1994, p. 37). The gates were also allowed to be opened to an estimated 200,000 braceros, temporary farmworkers and other laborers from Mexico, who were admitted under the Bracero Program established by the US and Mexican governments. Working primarily in agriculture and in transportation, these migrants were officially classified as foreign laborers, rather than immigrants. Although the program was primarily seen as a wartime measure that would replenish the depleted workforce and increase wartime production in many industrial sectors, it remained in place until 1964. The peak year of bracero migration was 1959, when 450,000 Mexicans entered the country under the program (Ueda 1994, p. 34).

At the same time that immigration policy was liberalized in some areas, restriction remained the primary principle influencing others. First, national security was linked to immigration more explicitly during the 1940s. The Smith Act of 1940 granted American consuls the power to refuse visas to any individual they deemed a potential danger to “public safety.” Under the act, the President could also deport any alien whose removal was “in the interest of the United States” (Ueda 1994, p. 42). Secondly, restrictionism became extended to refugee issues. During the crucial years of 1938, when pressure for Jews to leave Nazi Germany intensified, to 1941, when it became impossible for them to leave the country, the US Congress ignored a variety of bills directed at admitting Jewish refugees fleeing Nazism. Nativism, anti-Semitism, American isolationism, and the economic depression were all factors behind what scholars Norman and Naomi Zucker call the United States’ “anti-refugee policy.” The US State Department went so far as to erect what David Wyman has characterized as “paper walls” to prevent refugees from landing. The most notable case involved the US government’s refusal to let the SS St. Louis, carrying 937 Jews, from docking in Miami, Florida. Not one passenger was granted a permit to land, and the ship was forced to return to Europe (Wyman 1968; Breitman and Kraut 1987; Zucker and Zucker 1996, p. 21). Within the United States, decades of anti-Japanese sentiment culminated following the Japanese attack on Pearl Harbor in December 1941. Within a span of a few short months, 120,000 Japanese immigrants and their American-born citizens were removed from their homes on