The Legacy of Restriction

THE RETREAT TO RESTRICTIONISM

The Origins of Immigration Policy

The principles guiding U.S. immigration policy until the eve of the twentieth century sprang from the universalism and republican ideology of the American Revolution. They embodied a cosmopolitan faith in the capacity of individuals, whether native- or foreign-born, for rational self-rule. By constitutional principles, immigrants could become American citizens; they, as much as natives, were Americans. George Washington extended the universal welcome to immigrants. "The bosom of America," he declared, "is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety of conduct they appear to merit the enjoyment."

The American Revolution had popularized a new conception of national identity. In their struggle to separate themselves from the English, Americans avowed that they were a new people bred from the frontier and from the mingling of many nationalities. The official motto "E Pluribus Unum" expressed the new government's faith in the unity that would arise from the diversity of the American people. The basis of government would be its relationship to individual citizens, not to special social orders. The founders assumed that persons of European ancestry would constitute the community of citizens. Thus they did not seek equal citizenship for blacks or naturalization rights for those who were not "free white persons."

As a logical corollary to the idea of individual citizenship, rights to admission and to settlement were not apportioned according to group origin. Lawmakers consistently refused to support projects to build immigrant communities that would retain a separate and distinct identity. Congress refused a petition from the Irish Emigrant Society of New York in 1818 to reserve public lands in Illinois for exclusive settlement by Irish newcomers. In 1874, Congress turned down a petition from German Mennonite immigrants for special and exclusive settlement rights. Opponents of group incorporation invoked the republican axiom that no group had "a separate right to compact themselves as an exclusive community."

Restrictions on Asian Admissions

A movement for new centralized control of immigration based on ethnic factors sprang from a xenophobic reaction against Chinese immigrants after the Civil War. From the 1850s, several thousand Chinese annually arrived on the Pacific coast. They were resented for their role as workers in mining, agriculture, transportation, and construction and for their success in business. Moreover, native whites ostracized the Chinese as an unassimilable race possessing a menacing, alien way of life.

Workers who feared Chinese labor competition and middle-class reformers who were alarmed by their "heathen" culture applied pressure to stop the influx of Chinese immigrants. In 1882 Congress passed the Chinese Exclusion Act denying admission to Chinese laborers. In 1892, 1902, and 1904 Congress enacted successive laws that extended the Chinese Exclusion Act indefinitely.

Policymakers then turned their attention toward the rising numbers of Japanese immigrants. A diplomatic arrangement between Tokyo and Washington in 1907-08, called the Gentlemen's Agreement, obtained the Japanese government's cooperation in preventing Japanese laborers from leaving for the United States in exchange for the integration of Japanese Americans in the San Francisco public school system. This policy had the additional effect of excluding laborers from Korea, a colony of Japan.

Because of what most Americans regarded as ineradicable racial and cultural differences between Asians and whites, immigration from China and Japan could not be allowed to grow freely. It was treated as a special and separate case apart from European immigration and as perhaps a unique problem of far western communities. As historian John Higham points out, "At no time in the nineteenth century did immigration restrictionists argue that Chinese exclusion set a logical precedent for their own proposals."

But within the evolving system of American immigration policy, the Chinese Exclusion Act and the Gentlemen's Agreement established new precedents of active regulation. They introduced the principle that federal authorities could set limits on the numbers of immigrants. They instituted the use of national origins to restrict immigration. In policies toward China and Japan, group characteristics superseded individual characteristics as a conditional standard for admission, a pivotal departure from the republican tradition of individual qualification for admissions.
The Creation of an Omnibus Restrictive Policy

The move from anti-Asian restriction toward a comprehensive policy received impetus from the U.S. Immigration Commission (1907–1910), which evaluated the role of mass immigration in the life of the nation. The commission announced in its forty-two-volume report of 1911 that the New Immigrants from southern and eastern Europe were highly unassimilable, that their presence caused a variety of social problems, and that they constituted a degenerate racial stock. The commission manipulated estimates of mental illness, crime, family breakup, transiency, prostitution, and labor problems among Italians, Jews, Slavs, Greeks, and other recent arrivals. The report cited the New Immigrants’ supposed antisocial behavior and “pathological” racial characteristics—substantially the same objections raised against Asian immigrants to call for their exclusion. Many Americans found the commission’s assertions plausible because they had come to feel that the nation’s institutions could not adequately absorb so many aliens who appeared racially, socially, and culturally distant. The spreading slums and labor unrest seemed to signify that the immigrant masses would form a permanent and destructive underclass.8

In 1917 Congress passed a new law that was a stepping-stone toward an omnibus policy of discriminatory restriction. The Immigration Act of 1917 expanded the principle of exclusion based on national origins begun by Congress in the Chinese Exclusion Act of 1882. It established an Asiatic Barred Zone from which no laborers could come, covering all of India, Afghanistan, and Arabia as well as parts of East Asia and the Pacific.9

The 1917 act also introduced a literacy test administered to immigrants in their mother tongue upon arrival. Those who failed would not be admitted. The literacy test, sought by restrictionists since the 1890s, was expected to sharply reduce immigration from southern and eastern Europe.10

Despite these measures, a resurgence of immigration from southern and eastern Europe after World War I forced restrictionists to introduce radical new policies. Congress began to devise a ranked order of nationalities seeking admission that legally institutionalized pseudoscientific notions of the supposedly superior northern and western European capacity for assimilation. In 1921 Congress passed the First Quota Act, which ranked immigrant nationalities according to a discriminatory hierarchy of quotas. The act ruled that the number of aliens admitted annually from any country could not exceed 3 percent of the foreign-born of that nationality in the United States in 1910. The resultant quotas were distributed to countries in Europe, Africa, and the Middle East and to Australia, New Zealand, and Siberia. Quotas were not needed for nationalities already excluded by the Asiatic Barred Zone, the

Nativists seeking to restrict immigration before World War I depicted immigrants as barbaric invaders. They warned that the American republic, like ancient Rome, would be destroyed by primitive and inferior races unless the nation closed its gates to immigration.

THOMAS BAILEY ALDRICH’S NATIVIST POEM
“The Unguarded Gates”

Wide open and unguarded stand our gates,
And through them press a wild, a motley throng—
Men from the Volga and the Tartar steppes,
Featureless figures of the Hoang-Ho,
Malayan, Scythian, Teuton, Kelt, and Slav,
Flying the Old World’s poverty and scorn;
These bringing with them unknown gods and rites,
Those tiger passions, here to stretch their claws.
In street and alley what strange tongues are these,
Accents of menace alien to our air,
Voices that once the tower of Babel knew!
O, Liberty, white goddess, is it well
To leave the gate unguarded? On thy breast
Fold sorrow’s children, soothe the hurts of fate,
Lift the downtrodden, but with the hand of steel
Stay those who to thy sacred portals come
To waste the fight of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Caesars stood
The lean wolf unmolested made her lair.

Chinese Exclusion Act, and the Gentlemen’s Agreement. Congress decided to place no restrictions on immigration from the Western Hemisphere, so quotas were not needed for that region either. The quota system limited annual admissions to 355,000 and made 200,000 visas (55 percent) available to immigrants from northern and western Europe and reserved 155,000 visas (45 percent) for immigrants from southern and eastern Europe. The rest of the world received less than one-fifth of 1 percent of the quota slots.11

In 1924, Congress passed a Second Quota Act that both further lowered the annual ceiling on total admissions and slashed the size of quotas. The quotas were recalculated to 2 percent of the foreign-born of each nationality in the United States in 1890, when immigrants from southern and eastern Europe were much less numerous in the American population than in 1910, the former baseline year. Total immigration under quotas in any year could not exceed 165,000. Annual admissions from northern and western Europe was limited to 141,000 (86 percent) and from the rest of the world to 24,000 (14 percent). The visas allotted to countries in southern and eastern Europe fell to only 21,000 (12 percent).12

Restrictionism against Asian immigrants culminated with the Second Quota Act. It announced that henceforward “no alien ineligible to citizenship” could be admitted to the United States, an alien status reserved only for Asian immigrants. This status had been implied vaguely since the first naturalization law of 1790 permitted “free white persons” to naturalize, but it was made explicit for the Chinese by the Chinese Exclusion Act of 1882. It was extended by a series of judicial decisions to apply to all other immigrants from Asia. The exclusion of Asians from admission in the 1924 Quota Act was the logical endpoint of the exclusion of Asians from American citizenship. Interestingly, all Asian nations received small token quotas to ensure that whites born there would have the chance to immigrate.13

The Second Quota Act was intended to be a transitional measure until a permanent National Origins Quota system began to operate in 1929. The system continued to distribute visas in quotas sized according to the gradations of assimilability assumed to characterize different nationality groups. It lowered the annual ceiling for immigration once more to 154,000. Quotas were allocated to immigrants of an eligible nationality in proportion to their share in the American population of 1920. Their share was computed through a complicated extrapolation of national origins based on the 1790 federal census and casual samplings of surnames in directories and other listings. Through these questionable techniques, the desired favoritism toward immigrants from northern and western Europe was achieved. Those areas received 127,000 quota visas (83 percent of those available), southern and eastern Europe 23,000 (15 percent), and the rest of the world 4,000 (2 percent).14

In the early twentieth century, American lawmakers redefined the role of immigration in national life. They limited the future size of the foreign stock by adopting ceilings on yearly admissions. They built an ethnic hierarchy of admissible groups. They marginalized Asian immigrants as an immutably foreign social element and barred them from citizenship. Old immigrant groups seen as historic members of the nation were given preferential access. New immigrants were to be restricted out of a belief that they could be accepted only gradually into society. Moreover, as a consequence, the new immigrants’ representation would always be submerged by the demographic mass of immigrants from northern and western Europe to preserve the historic ethnic character of the nation. The restrictive devices used against southern and eastern Europeans and Asians were different, but they were based on the common assumption that these groups were difficult to assimilate. However, policymakers placed Asians at the far end of the spectrum of assimilability, viewed them as a separate problem, and enacted the harshest measures against them.15

Nevertheless, immigration restriction was neither inevitable nor irresistible. Industrial capitalists used their enormous power to lobby for open admissions to keep a steady supply of cheap immigrant labor. Missionaries and liberal assimilationists added their support. Immigrants and their adult children elected officials who fought to preserve an open admissions policy. Presidential vetoes stymied restrictive congressional proposals several times. Grover Cleveland vetoed a bill to enact the literacy test in 1896, William Howard Taft vetoed a similar proposal in 1913, and Woodrow Wilson vetoed restrictive laws in 1916 and 1921. A number of representatives and senators also adamantly opposed restrictive laws and fought against restriction out of a belief that it was undemocratic and at odds with the universal ideal of American citizenship. The movement in favor of restrictionism, supported by a xenophobic public who feared foreignization, however, gradually overwhelmed opposing influences.16

Political responses to immigration divided into socioeconomic issues and politico-cultural issues, engendering “odd couple” coalitions supporting and resisting restriction. One “odd couple” of liberal social reformers and conservative racist xenophobes supported both Asian exclusion and restrictive quotas against the New Immigrants from southern and eastern Europe. An opposite “odd couple” of conservative capitalists and liberal assimilationists and internationalists lobbied against exclusions and restrictions. In the 1920s, the former partnership triumphed over the latter. The pro-restriction odd couple in the 1920s focused less on the economic threat of New Immigrant competition but rather more on their alleged racial inferiority, which rendered them unadaptable to the social, cultural, and political order.17
Transition to an Omnibus Selective Policy

The series of restrictive laws beginning in 1917 reduced but did not eliminate mass immigration from Europe. After a slowdown in arrivals, caused mainly by the international disruption of World War I, annual immigration rebounded. Although the 1920s has been pictured as the era when mass immigration stopped, the numbers of immigrants actually remained quite high to the end of the decade. From 1921 to 1930, nearly 1.4 million newcomers arrived from southern and eastern Europe alone. Of these, 960,000 immigrated from 1921 to 1924 and 430,000 from 1925 to 1930. The volume of immigration for the 1920s was certainly smaller than for the decades surrounding the turn of the century, but it equaled the robust levels of the mid-nineteenth century (Figure I.4, p. 10). Given the expansionary economy of the 1920s, however, immigration would probably have been much larger had quotas and ceilings not been in place.¹⁸

Mass immigration continued during the 1920s partly because the restrictionist system allowed certain exemptions and exceptions. For example, the Immigration Act of 1917 mandating the literacy test for admission actually permitted thousands of immigrants who tested as illiterates to enter the country. According to this statute, any admissible alien could bring in or send for “his father or grandfather over fifty-five years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not.” This provision ensured that illiteracy would not be an obstruction to family reunification.¹⁹

As a result, 82,500 illiterates over the age of sixteen were admitted from 1918 to 1925; 20,800 more were admitted from 1926 to 1930. The exemption under the literacy test was especially important for female immigrants, who often received less education than males in their homelands. Females composed a large majority of exempted illiterates: 71,700 female illiterates were admitted from 1918 to 1925, while only 10,800 males were admitted; from 1926 to 1930, the number of female illiterates admitted was 17,500, compared with 3,300 males. New immigrant groups in particular capitalized on the illiteracy exemption. For example, from 1926 to 1930, one out of seven southern Italians admitted were exempt illiterates as were one out of twenty Jews.²⁰

The immigration acts of 1921 and 1924, often portrayed as purely restrictive devices, actually created a new category of unlimited immigration, the “nonquota” class. Among a host of admitted nationalities, the arriving aliens in this category greatly exceeded the allotted numbers in the quota class. The nonquota category expressed the value of selecting immigrants by occupational skills in demand and thus included professors, professionals, and domestic servants from 1921 to 1924. (After 1924, only professors, students, and ministers were in this class.) The nonquota class also expressed the principle of encouraging family reunion. After 1924, it included wives of American citizens and their unmarried children under twenty-one; it also included immigrants from other countries in the Western Hemisphere. This last category constituted a loophole for immigrants from countries with small quotas who could first migrate to a Western Hemisphere nation and subsequently gain entry to the United States as a nonquota immigrant from that nation.²¹

In addition, the 1924 law introduced a system of special preferences within quotas for skilled agriculturalists and their families, and for spouses, children, and parents of American citizens (Table A.4, p. 159). Special preferences conferred priority in gaining a visa. They became an elastic part of the immigration law, manipulated and expanded immensely in subsequent immigration acts.

To compensate for the small quotas allotted to them, southern and eastern European immigrants used the nonquota category much more frequently than northern and western European immigrants (Table A.5, p. 161). Well over 70 percent of all immigrants from southern and eastern Europe from 1925 to 1929 came as nonquota immigrants, a large number being wives and children of American citizens, many of whom were naturalized immigrants. Thus, selective policies reshaped the demography of immigration from this area to promote the reunification of families and the establishment of permanent residency.

Because of the exemptions and preferences, the reduction in immigration under restrictive policy was modulated, and it had a specific demographic direction. The exceptions inherent in the restrictive policy of the 1920s brought a change in admissions as momentous as discriminatory quotas based on national origins. They constituted a selective control system over immigration that would make it serve more efficiently the nation’s economic needs and prerequisites for social order.

As with restrictionist measures, selective measures were first enacted on Chinese and Japanese immigration. The Chinese Exclusion Act of 1882, with its amendments, and the Gentlemen’s Agreement of 1907–08 pioneered the basic principles for selective admissions. First, they considered occupational status as a standard for admitting immigrants. While Chinese and Japanese laborers were denied admission, those in nonmanual occupations were admissible. Second, they recognized family relationship as conferring the right of admission to particular classes of immigrants. The nonresident spouses and children of “domiciled,” or permanently resident, Chinese merchants were admissible, as were the spouses and prospective spouses of Japanese adult male immigrants. Third, they allowed permanent residents to reenter the
United States after visits to their country of origin. Under Chinese exclusion, “domiciled” laborers and merchants could reenter after visits home of up to two years. The Gentlemen’s Agreement permitted the Japanese government to issue passports to “laborers who, in coming to the [American] continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country.”

The nonquota and preference system of the Quota Acts of 1921 and 1924 were built on selective principles similar to those first applied to Asian immigrants. They recognized occupational status and family relationship as factors bringing the right to admission. They regarded established permanent residency as securing the right of readmission for aliens after visits home.

The Decline of Return Migration

Return migration—immigrants returning to their country of origin—peaked after 1910 and then slackened in the quota decade of the 1920s. From 1911 to 1920, the return migration rate was 37 immigrants returning home per 100 arriving in the United States (Table A.6, p. 162). In the following quota decade, return migration fell to 25 per 100. The return migration rate of male aliens and low-skilled workers declined, while for female aliens it also fell and remained only half that of males. All age brackets dropped in return rates.

Return migration dwindled sharply among immigrants from southern and eastern Europe, partly because the flow of transient labor migrants from that region had been cut by the quota system. In addition, the New Immigrants’ use of nonquota admissions for immediate relatives reinforced family settlement. The combination of the quota system and nonquota system increased the geographic stability of the southern and eastern European population. Under restrictionist and selective policy, immigrant America became a more settled society.

TOWARD UNIFIED AND RESTRICTED NATURALIZATION

Naturalization policy, which specified how immigrants would become citizens, shared its ideological parentage with immigration policy. The two policies were twin children of the American Revolution and the political charters it generated—the Declaration of Independence and the Constitution. They reflected the revolutionary era’s vision of the popular and eclectic sources of the American nation. The Constitution as finally drafted repudiated the European notion of legally differentiated social status as well as the idea that native-born citizens and naturalized citizens possessed different sets of rights. A naturalized citizen had all the fundamental rights of a native-born citizen. Most important, the origins of naturalized citizenship were presumed to lie in the idea of “volitional allegiance” that characterized citizenship generally. The adoption of American citizenship by aliens, the transference of allegiance to the United States, emanated from individual choice and self-interest. Naturalization was based on the autonomy and liberty of the individual. This theoretical character of naturalization meant practically that an alien had to initiate and control the pursuit of citizenship and nationality. Government would only set basic rules of procedure. The applicant would decide how and when naturalization would fit into his or her life. Naturalization would be a reflection of the republican values of personal liberty and consent.

For most of the nineteenth century, naturalization policy reflected fully these inclusive and voluntary principles. Like immigration policy, naturalization policy was administered in a loose and decentralized form. With the coming of the twentieth century, however, policymakers succumbed to doubts about the continuation of these principles and practices.

The System of Discriminatory Naturalization

Congressional lawmakers in the late nineteenth century perceived a growing crisis in the naturalization law and its administration. This crisis was connected with changes in the pattern of immigration and debate over how undesirable changes could be controlled through both immigration and naturalization laws.

Policymakers and social scientists tried to specify exactly which national groups could or could not receive American citizenship. As new peoples immigrated from East Asia and the Near East, questions abounded as to which of the newcomers should be designated eligible for naturalization. Under the Chinese Exclusion Act of 1882, which barred Chinese laborers, Congress declared the Chinese the first national group to be “aliens ineligible for citizenship.” The ineligibility of the Chinese had a short time earlier been indirectly indicated by an act passed in 1870 granting naturalization rights to African immigrants but to no other racial groups.

Although xenophobia and the fear of labor competition aroused hostility toward the Chinese, a major reason for denying citizenship to the Chinese was a general conviction that they could not acquire the civic habits—the egalitarian attitudes and democratic individualism—required to participate in a
modernizing, industrial society. Those who opposed citizenship for the Chinese perceived these immigrants as absolutely and permanently foreign elements from a remote civilization. They were criticized for lacking the capacity for absorption into American life, for maintaining allegiance to their kin, village, chief, and emperor. Californians complained that the Chinese

have never adapted themselves to our habits, modes of dress, or our educational system, have never learned the sanctity of an oath, never desired to become citizens, or to perform the duties of citizenship. . . . They remain the same stolid Asiatics that have floated on the rivers and slaved in the fields of China for thirty centuries of time. . . . Our institutions have made no impression on them during the more than thirty years they have been in the country. . . . They do not and will not assimilate with our people.

Historian Charles Price has concluded that Chinese exclusion was rationalized on the grounds that "the continued presence of the Chinese was a serious obstacle to the orderly process of nation-building and that continued Chinese immigration transformed this obstacle into a grave immediate danger."26

But what about other immigrants from Asia? What standard would policymakers use to determine the fitness for citizenship of Japanese, Koreans, Filipinos, Asian Indians, and other Asians entering the country in growing numbers? The original naturalization law of 1790 provided a crude rule of thumb: only "free whites" could apply for citizenship. The precise meaning of the term "white," however, caused serious problems. Until the 1870s, lawmakers and judges had given scant attention to which races would be included under the category of white persons. In fact, a number of Chinese had been naturalized before the Chinese Exclusion Act of 1882 declared them to be ineligible for citizenship.27

Another problematic facet of awarding citizenship according to racial criteria was the status of children whose parents were aliens ineligible for citizenship. Although they were obviously of the same excluded race as their parents, they were born within the United States and qualified for citizenship by the jus soli principle of the Fourteenth Amendment. The U.S. Supreme Court affirmed this point in the case of United States v. Wong Kim Ark in 1898. By ratifying the citizenship of second-generation Chinese Americans, the court brought the Constitution squarely into conflict with the federal naturalization law making race, not place of birth, the touchstone of naturalization.28

Newcomers from other Asian countries were considered by popular opinion not to be white, yet numerous courts found them to be white persons qualified for naturalization and granted them citizenship papers. The federal census of 1910 reported that 1,368 Chinese and 420 Japanese were naturalized citizens. Misuji Miyakawa, the chief counsel of the Japanese American plaintiffs in the 1906 San Francisco school desegregation case that led to the Gentlemen's Agreement, was born in Japan, but he had been admitted to American citizenship and the California bar, which required its members to be citizens. Another Japanese alien, Takju Yamashita, was naturalized in 1902 although he had no competence in English. The judge found him to have the character requirements for citizenship and did not consider his race a disqualification.29

Slowly, however, policymakers and judges established a rule for drawing a line between eligible and ineligible aliens. Where any doubt existed, whether scientific or popular, that an applicant was not a member of the white or African race, that applicant was deemed an alien ineligible for citizenship. The federal Bureau of Naturalization issued an administrative order in 1910 that court clerks should deny all aliens whose racial qualification was in doubt. As early as 1893, a Japanese had been rejected for naturalization on the grounds of racial disqualification, but after 1910 the denials served to Japanese applicants became more regular and consistent. At last, in 1922 the U.S. Supreme Court in Ozawa v. United States declared once and for all that Japanese aliens were not white and hence were ineligible for American citizenship.30

After 1910 most applicants from other parts of Asia were denied naturalization. Burmese, Malaysian, Filipino, Thai, Indian, and Korean applicants were rejected by the courts as ineligible nonwhite aliens. Even persons of mixed Asian backgrounds were excluded. In In re Young (1912) a federal court rejected a "half-breed German and Japanese"; and in In re Alberto (1912) another federal court excluded an applicant who was one-fourth Spanish and three-fourths Filipino.31

The judges who denied applicants from Asia often used contradictory and divergent criteria to reach their decisions. In the Ozawa case, the Supreme Court held that scientific tests had to be applied to the applicant because misleading characteristics could be found "even among Anglo-Saxons, ranging by imperceptible gradations from the fair blond to the swarthy brunette; the latter being darker than many of the lighter-hued persons of the brown or yellow races." In the case of United States v. Thind (1923), in which the Supreme Court found a high-caste Hindu ineligible for citizenship, the justices reasoned that although according to science the plaintiff had descended from the same stock as Europeans, he was not white "in accordance with the understanding of the common man." In sharp contrast to the reasoning used to dispose of the Ozawa case just the year before, the court concluded, "What ethnologists, anthropologists, and other so-called scientists speculate and conjecture in respect to races and origins may interest the curious and convince the credulous, but is of no moment in arriving at the intent of Congress in the statute aforesaid."32
By the 1920s, the United States had a naturalization policy that reflected both legal and scientific confusion. The policy of barring Asians on the basis of race stood in stark contradiction to the Fourteenth Amendment, which conferred citizenship on second-generation children of Asian ancestry. The welter of court decisions mixed scientific criteria and popular racial sensibilities to deny citizenship to ethnologically diverse Asians, from Hindus to Japanese. In the restrictionists' worldview such inconsistencies could be tolerated because of the overriding need to limit American nationality.\(^{33}\)

**The Centralized Administration of Naturalization**

While closing off naturalization to Asian aliens, policymakers worried that the population of New Immigrants from southern and eastern Europe were not disposed toward acquiring American citizenship. The United States Immigration Commission in 1911, under the chairmanship of Senator William P. Dillingham from Vermont, discerned a significant difference between the New Immigrants and the Old Immigrants from northern and western Europe. The former had come to America primarily for material self-betterment and, unlike the latter, they had little experience with democratic institutions or republican government. The public and policymakers feared that the new alien population had little enthusiasm or capacity for becoming American citizens. They might remain a dangerous undigested mass; even if naturalized, they might be unsuited for the rights and duties of citizenship. Poorly qualified aliens might fail to vote or might turn their vote over to corrupt politicians. Even worse, they might be traitors or spies who would aid the cause of foreign subversion.\(^{34}\)

To ensure that aliens were naturalized according to proper qualifications and procedures, Congress passed the Naturalization Act of 1906. This law centralized procedures and raised the standards for admission to citizenship. It was the first major revision of naturalization policy since the Naturalization Act of 1802 and set the stage for the federal government to manage immigration and the status of aliens in a coordinated fashion.

The law was enforced and interpreted by the Bureau of Immigration and Naturalization in the Department of Commerce and Labor. Later, in 1913, a separate Bureau of Naturalization was formed under the authority of a commissioner of naturalization to administer the 1906 law. The hodgepodge of procedures and tests used by state and federal courts to determine fitness for admission to citizenship were to be ironed into uniformity and interpreted with consistency under the guidance of the federal bureaucracy.

The passage of the Naturalization Act of 1906 reaffirmed the tradition of voluntary republican citizenship inherited from the late eighteenth century. It confirmed that the New Immigrants could qualify for naturalization on the same grounds as those had who preceded them from northern and western Europe. Following historical precedent, naturalized citizenship would be contingent on residency and race and, in contrast to the practice in European countries, would not reflect a person's occupation or social class. A knowledge of civics, decent character verified by witnesses, and English-speaking ability were specified as additional requirements. The criterion of naturalization remained the adoption of allegiance and loyalty to the United States by individual decision. The new citizens were allowed to enter electoral politics on the same terms enjoyed by the native-born. They acquired the complete array of civil rights that guaranteed all citizens opportunities for economic and social participation.\(^{36}\)

**THE CONTINUING INFUX AFTER RESTRICTION**

Senator Albert Johnson of Washington, a principal sponsor of the Second Quota Act, in 1924 summed up the role of immigration in American life:

> [The American people] have seen, patent and plain, the encroachments of the foreign-born flood upon their own lives. They have come to realize that such a flood, affecting as it does every individual of whatever race or origin, cannot fail likewise to affect the institutions which have made and preserved American liberties. It is no wonder, therefore, that the myth of the melting pot has been discredited. It is no wonder that Americans everywhere are insisting that their land no longer shall offer free and unrestricted asylum to the rest of the world.... The United States is our land. If it was not the land of our fathers, at least it may be, and it should be, the land of our children. We intend to maintain it so. The day of unalloyed welcome to all peoples, the day of indiscriminate acceptance of all races, has definitely ended.\(^{36}\)

The flow of immigration was indeed curbed. But this would turn out to be a temporary interruption. Mass immigration would rebound through the workings of selective policy and the abandonment of a restrictionism that became obsolescent and irrelevant.

A quarter-century after the Second Quota Act of 1924, the United States was one of only three countries in the world with restrictive immigration quotas. Nevertheless, in the years from 1924 to 1965 mass immigration continued. The numbers arriving were considerably smaller than in the early
years of the century, but they were still quite substantial. More than 7 million immigrants and 4.7 million guest workers entered the United States during the forty years after the passage of the most restrictive immigration law in history, a period that included a decade of depression and five years of world war.37

It is true that immigration to the United States dwindled sharply in the 1930s. Worldwide depression and international conflict proved more potent in curtailing immigration than the restrictionist quota system. Large portions of annual quotas for many nations went unfilled. From 1930 to 1947, only 23 percent of all available quota spots were used. From 1930 to the end of World War II, less than 700,000 immigrants entered the country as compared with 5.4 million who entered in the decade and a half before 1930. Furthermore, because of the lack of opportunities in the Great Depression, more people left the United States than entered in the 1930s.38

With the exception of the Depression years, however, the Western Hemisphere sent large waves of newcomers throughout the restriction era because it was exempted from quotas and ceilings. Responding to the labor needs of industry and agriculture, lawmakers had left a gateway open for labor migration from the Western Hemisphere.39 Canadian and Mexican immigration was especially high, supplying new reserves of labor to fill the shortages caused by restrictions on immigrants from Europe and Asia. Another important influx of replacement labor came from the U.S. territory of Puerto Rico.

Circular migration was a constant phenomenon shaping the lives of Canadians, Mexicans, and Puerto Ricans. The proximity of their homelands made the costs of migration low. Movement both going to and returning from the United States remained heavy. Canadians, Mexicans, and Puerto Ricans experienced a high degree of transiency, the continual presence of newcomers, and regular contact with their homeland culture. The Canadians and Mexicans were “transborder peoples” par excellence: they formed communities that were divided by an international border. Canadian, Mexican, and Puerto Rican immigrants developed an ambivalent identity. Circular migration encouraged them to divide their political and cultural identification between the United States and their homelands. Perhaps a key index of this ambiguity was that Canadians and Mexicans historically were slow to adopt U.S. citizenship.40

Exodus from Canada and Mexico

In the restrictionist era, Canadian and Mexican immigration grew into the two largest population movements to the United States. From the 1920s to the 1950s, more than 1.4 million Canadians arrived in the United States; three-quarters came from British Canada and one-quarter from French Canada.

More than 840,000 Mexicans came as permanent settlers and 4.7 million more arrived as temporary guest workers.

In the first half of the twentieth century, neither Canadian nor Mexican immigrants ever became a target of restrictionists as the southern and eastern Europeans and Asians did. In fact, industrial and agricultural capitalists saw Canadians and Mexicans as necessary replacements in the labor pool for the restricted Europeans and Asians.41

Mexicans in particular served as a reserve supply of labor that was recruited and sent away as necessary. During the Great Depression when many Mexican aliens were thrown onto the public relief rolls, federal, state, and local officials put pressure on them to return to Mexico, and the Mexican government cooperated because they wanted laborers back in their country. Some American officials threatened to cut off welfare payments to Mexican aliens if they did not accept a one-way railway ticket to Mexico. It is estimated that about half a million Mexicans were repatriated. Ten percent of these were persuaded to leave the midwestern states of Illinois, Michigan, Indiana, and Minnesota.42

Immigrants from both Canada and Mexico usually settled within short distances of the U.S. borders. Mexican migrants flocked particularly to the agricultural areas of southern California and the lower Rio Grande River valley of Texas. Since most of the Canadian immigrants arrived from Ontario, Quebec, and the maritime provinces of Nova Scotia, New Brunswick, and Prince Edward Island, they concentrated chiefly in New England and the Great Lakes region.

A sizable number of Mexicans, however, settled farther north from their homeland. Some traveled directly to Chicago, Detroit, Cleveland, and Milwaukee to take factory jobs, while others peeled off from the army of seasonal farm laborers and joined the enclaves in the big midwestern cities. Mexicans in the urban colonies in the Midwest assimilated in ways somewhat like their European immigrant neighbors and were unlike their counterparts in castelike communities isolated in the barrios of the Southwest.43

After the Great Depression, Mexican immigration surged under the stimulus of World War II. Wartime industrial activity, the drain of conscription on native labor, and the movement of rural whites to factory work in the cities renewed the demand for Mexican workers in agriculture and transportation. The U.S. and Mexican governments revived the guest worker program of World War I, which would be known as the bracero (“farmhand”) program. Started in 1942, it admitted farmworkers on short-term contracts that guaranteed work and living arrangements. The braceros were classified as foreign laborers, not as immigrants. By 1947, an estimated 200,000 braceros worked in twenty-one states, 100,000 of them in California. Most were migrant
farmworkers who fanned out all over the country (Figure 1.1). Congress renewed the program regularly from 1951 to 1964. The influx of *braceros* peaked in 1959 when 450,000 entered the country. In 1960, they made up 26 percent of the nation's migrant farm labor force. By the end of the *bracero* program in 1967, 4.7 million Mexican laborers had entered the United States under its terms.\(^4\)

After the Second World War, illegal immigration from Mexico mounted. Thousands of *braceros* overstayed their work permits, thus becoming illegal residents. *Mojados* ("wetbacks") crossed the border surreptitiously to get temporary employment because they did not wish to immigrate permanently, to become involved in the complications of visa applications, or be tied to the arranged terms of work in the *bracero* system. The federal government used mass detention and deportation to control illegal immigration. From 1950 to 1955, Operation Wetback rounded up and expelled 3.8 million Mexicans. Officials of the Immigration and Naturalization Service raided factories, restaurants, bars, and even private residences in search of illegal immigrants. To avoid federal agents, these immigrants accepted without protest the poorest working conditions and lowest wages. Still, they continued to flood into the country because they were able to earn much more in the United States than in Mexico.\(^5\)

By the end of the restrictionist era, Mexican immigration grew into a more dynamic force than Canadian immigration. Increasing population and diminishing resources in Mexico stimulated the potential for mass exodus. In 1960, with a population rising by 3.5 percent each year, Mexico was one of the fastest-growing nations in Latin America. High rates of natural increase and the transfer of impoverished masses from rural to urban areas swelled the towns and cities in the northern Mexican states adjoining the U.S. border. Four out of five people changing residence moved from the state of their birth to an urban *municipio* in 1960. From 1950 to 1960 the nine largest border cities doubled their population. Ciudad Juarez grew by 136 percent, Mexicali by 123 percent, Tijuana by 115 percent, and Ensenada by 113 percent. These overcrowded urban centers were the launching places for the mounting waves of Mexican immigrants. The mass movement of Mexicans to the United States was a spillover of the migratory currents of a surplus population that would grow ever larger in the 1970s and 1980s.\(^6\)

**Figure 1.1. Patterns of Migration** (right)
The army of migrant farmworkers followed these routes into different agricultural regions according to the cycle of planting and harvesting.

The Airplane Migration from Puerto Rico

Puerto Rican migration to the United States was, like Canadian and Mexican immigration, part of the pattern of replacement migration from the Western Hemisphere. Like Canadians and Mexicans, Puerto Ricans filled the labor demand caused by the restriction of immigrants from Asia and Europe. As in Mexico, the decline of the rural economy—which in Puerto Rico was based on plantation commercial agriculture—created a growing pool of underemployed workers. Puerto Rico, like Mexico, also lacked an urban industrial economy that could absorb a mushrooming population.47

The Puerto Ricans represented a special case of immigration for they originated in a U.S. territory and as such were American citizens who could enter the mainland without restriction. Because of Puerto Rico’s proximity to the United States, Puerto Rican settlements displayed a high degree of transiency and return migration, much like Mexican and Canadian communities. The Puerto Rican influx was America’s first airplane immigration. In the 1940s, cheap mass air travel was established between Puerto Rico and the mainland, and it became possible to fly from the island to New York City in six hours for less than fifty dollars. The air links quickened and expanded the movement from Puerto Rico and thus the Puerto Rican-born population in the United States jumped from 53,000 in 1930 to approach a quarter of a million by 1950. Some of the postwar newcomers came first as contract farmworkers who eventually gravitated to nearby cities in the Southeast, much like Mexicans did in the Midwest, but the majority headed directly to New York City and its surrounding communities. As the size of the New York Puerto Rican community grew, it became the chief magnet for new arrivals.48

The Rise of the Refugee Class

Refugees and displaced persons constituted the second important stream of immigrants after the influx of newcomers from the Western Hemisphere. Most came from Europe in the 1940s and 1950s, but by the end of the 1950s refugees from Asian nations augmented the flow of uprooted European masses. Congress passed an unprecedented series of refugee and displaced persons laws that creatively combined the traditional notion of the United States as a humanitarian sanctuary with the realpolitik of cold war internationalism. The United States sought to assist the millions uprooted by World War II and by the spread of Communist power in order to bolster its relations with allies who supported this country as the leader of the free world.49

The plight of persecuted people fleeing from nazism and fascism raised public concern that the United States should make room for refugees in spite of restrictive admissions policies. The federal government, however, turned its back on these refugees—most of whom were Jews—and refused to make special provisions for their admission from 1938 to 1941. President Harry S. Truman broke new ground when he issued an executive order in 1945 admitting 40,000 refugees and displaced persons, starting a train of new initiatives by the United States to relocate the millions uprooted by war and the spread of Communism. To keep intact the families of military personnel who married overseas, Congress passed the War Brides Act in 1945, enabling 120,000 alien wives, husbands, and children of armed services members to enter the United States, irrespective of racial criteria. In 1948, Congress passed a Displaced Persons Act, which provided 202,000 visas to refugees to settle permanently in the United States over a two-year period. This measure gave priorities to refugees from the Baltic states while discriminating against Jewish applicants through technicalities such as the requirement that 30 percent of those admitted be farmers by occupation. Displaced persons had to have sponsors who would guarantee their housing and employment, and strict security screening of all refugees was required to prevent spies and saboteurs from entering. The new law prescribed that visas issued to displaced persons be “mortgaged”—that is, the numbers of such visas were counted against respective nationality quotas for each subsequent year, up to a maximum of one-half a given quota per year. This stipulation revealed the intention of Congress to preserve discriminatory admissions based on nationality and provoked charges that lawmakers lacked the vision to create a fair immigration policy. Congress passed an amended Displaced Persons Act in 1950 to continue the program begun in 1948. It liberalized the terms of admission and increased annual admissions for displaced persons to 341,000. The provisions that tended to discriminate against Jewish refugees were removed. The 1950 law retained the requirement of sponsor guarantees for housing and employment and the principle of quota mortgaging. In 1953, however, Congress passed the Refugee Relief Act, which provided for 205,000 nonquota visas, a major breakthrough because it abandoned the much-criticized practice of quota mortgaging. In the late 1950s, new provisions were established to facilitate the transition of refugees to permanent resident status. Under the unprecedented refugee policy of the postwar era, southern and eastern Europeans as well as Asians who had been the chief targets of restrictionism were admitted in numbers far exceeding their annual quotas.50

The series of congressional refugee laws started the process of reevaluating and changing the historic principle of restriction. Progressively, refugee policy became more open, responsive, and generous. It was in the area of refugee legislation that quota effects were first weakened significantly by the rejection of quota mortgaging.
Continuation of the Demographic Shift

The swing away from the nineteenth-century industrial pattern of immigration began between 1900 and 1930 and accelerated from 1930 to 1960 (Tables A.1, A.2, and A.3, pp. 156–58). For the first time in history, female immigrants outnumbered males. The share of white-collar and skilled workers grew rapidly, and the share of laborers shrank correspondingly. In fact, the proportion of low-skilled workers fell to its lowest historic levels. The age distribution shifted from adolescents and young adults toward children and the elderly. Return migration also remained low.

The four decades after the installation of full restriction in 1924 constituted a pivotal era of change in the origins and characteristics of immigrants. These shifts in demography resulted from the open gate to immigration from the Western Hemisphere and the introduction of refugee policies. They helped to maintain a mass immigration that produced both economic and political dividends to the nation as it gradually forged new international ties. The legacy of restriction was to control immigration in new and limited channels where it would help stabilize a postindustrial society.

NOTES


Grebler, Moore, and Guzman, *The Mexican American People*, pp. 42-44.


The McCarran-Walter Act

Finally, in 1952, Congress passed the voluminous McCarran-Walter Act, which assembled all previous legislation into one uniform code reaffirming restrictionist policy. First and foremost, it retained the precedent of national origins in fixing discriminatory quotas. Northern and western European nations received 85 percent of annual admissions. Moreover, inhabitants of colonies and dominions of quota-receiving countries could no longer qualify for admission under the quotas of the mother countries. Each colony received a subquota of one hundred visas a year. This provision cut sharply into immigration from the West Indies. Offended by the preservation of national origins discrimination, President Truman vetoed the bill, but his veto was overridden.\(^4\)

The McCarran-Walter Act was a counterpoint to the expansion of refugee legislation. It “represented the triumph of nationalism over international considerations,” observed historian Robert A. Divine, because it perpetuated the legacy of restriction out of fear that immigration would undermine national strength. The act expressed an isolationist nationalism. McCarran-Walter stood in contrast to the growth of refugee legislation aimed at forming international linkages “to have the respect of people all around the world,” in the words of Senator Hubert H. Humphrey.\(^5\)

Despite its basic conservatism, the McCarran-Walter Act did loosen some cornerstones of restrictionist policy. It declared the denial of admission based on racial factors invalid. Culminating the trend begun by the acts ending Chinese exclusion in 1943 and Asian Indian exclusion in 1946, it abolished the principle of the closed door toward immigrants from Asian nations. Japan received a quota of 185, China a quota of 105, and countries within a zone called the Asia-Pacific Triangle a quota of 100. While these were token quotas, the 1952 law demolished the long-standing principle of Asian exclusion. As a whole, the 1952 omnibus law reaffirmed the validity of discriminatory admissions, but it made the national origins system apply without racial exclusion to the entire world for the first time.\(^6\)

The 1952 immigration act also reaffirmed the value of selective and unlimited admissions categories by retaining and revising the preference system for visa assignment (Table A.4, p. 159). Each preference class received a designated share of the quota visas annually available, and those applicants with the highest preference standing received the first available visa until the number allotted to their preference class was exhausted. The 1952 law awarded the highest preference to immigrants who had desirable technical or professional job expertise and their immediate family members. The parents and adult children of U.S. citizens received secondary preference. The imme-
mediate relatives of permanent resident aliens were given the next preference, followed by siblings (with their immediate relatives) of American citizens. The 1952 law also retained the nonquota class, which still included spouses and minor children of American citizens, who could enter as immigrants outside the preference system. All Western Hemisphere immigration remained in the nonquota category, maintaining the conditions for the rapid growth of Latin American immigration that occurred subsequently.

With the limited breakthroughs of the 1952 immigration act and the introduction of displaced persons legislation, Congress moved away gingerly from old restrictive principles. Refugees gained yearly admissions that exceeded annual quotas for their home countries. Discrimination according to national origin seemed less likely to serve the interests of the United States as it sought to establish itself as the leader of free and democratic nations in the Cold War.

Presidents from Harry Truman to Lyndon Johnson tried to nudge Congress away from restrictionism. In his veto of the McCarran-Walter Act, Truman denounced the “basis” of the restrictionist quota system as “false and unworthy.” A presidential commission convened by Truman recommended in its 1953 report Whom We Shall Welcome the complete abrogation of the national origins system. In 1960, President Dwight Eisenhower declared to Congress, “I again urge the liberalization of some of our restrictions upon immigration.” President John F. Kennedy in 1963 assailed the quota system as having “no basis in either logic or reason.” He complained, “It neither satisfies a national need nor accomplishes an international purpose. In an age of interdependence among nations, such a system is an anachronism for it discriminates among applicants for admission into the United States on the basis of the accident of birth.” President Lyndon B. Johnson urged Congress to heed his predecessor’s appeal for reform of the entire immigration and naturalization system.

The Hart-Celler Act

Finally, in 1965 Congress amended the McCarran-Walter Act by passing a revolutionary new law, the Hart-Celler Act, which abolished the discriminatory national origins quotas and the Asia-Pacific Triangle, the last vestige of the exclusionary Asiatic Barred Zone. This act can be understood as a part of the evolutionary trend in federal policy after World War II to end legal discrimination based on race and ethnicity. The liberalization of immigration policy was a concomitant of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the federal pacemaking laws designed to abolish racial discrimination, particularly against black Americans. The 1965 immigration act, with its amendments in 1976 and 1978, produced, according to labor policy analyst Vernon M. Briggs, Jr., a “worldwide immigration system . . . a single policy that applies uniformly to the people of all nations.”

The architects of the 1965 law, however, did not see it as a means of increasing the flow of immigration in a major way. Moreover, they had no inkling that the law would become an avenue for globalizing immigration. Many senators and congressional representatives believed that the new equal quotas would be underutilized by European, Asian, and Middle Eastern nations. In addition, they did not foresee the expansion of nonquota admissions under the act’s strengthened provisions for family reunification.

The 1965 law in fact had new restrictionist content. It created stricter control over labor migration and limited the power of the president to provide special refugee admissions. Most important, it put admissions from the Western Hemisphere under numerical limitations for the first time. Admissions openings were apportioned in two blocs: 170,000 visas were allocated to countries in the Eastern Hemisphere and 120,000 were reserved for countries in the Western Hemisphere. Thus the law moderately raised the annual ceiling on admissions from 150,000 to 290,000. Each country in the Eastern Hemisphere was permitted no more than 20,000 visas in a year; the equal per country ceilings were conceived as the antidote to the discriminatory quotas under the old national origins system. Congress later amended these provisions to provide greater uniformity. In 1976, it passed an amendment applying the per country ceiling of 20,000 visas yearly to the Western Hemisphere as well as the Eastern; in 1978 it abolished hemispheric annual ceilings by creating a single worldwide ceiling of 290,000 annual admissions.

The 1965 law ensured the continuation of selective admissions by revising the visa preference system. For the first time in history, immediate relatives of American citizens and permanent resident aliens enjoyed a higher preference standing than applicants with special job skills (Table A.4, p. 159). Preferences for those with special job skills were extended only to nations in the Eastern Hemisphere, while a small block of refugee visas was set aside annually.

The 1965 law also maintained selective admissions by continuing the old nonquota class started in 1921. It was relabeled as “exempt from worldwide limitation” and included “immediate relatives” of U.S. citizens, now expanded to include parents as well as spouses and children of U.S. citizens. The exempt class now applied to Western Hemisphere nations that had been given per country annual ceilings of 20,000 visas.

The 1965 law departed from the labels quota and nonquota immigrants in use since the First Quota Act of 1921. The term immigrant replaced the term quota immigrant; immediate relative replaced nonquota immigrant; and special immigrant replaced nonquota immigrant from the Western
Hemisphere. Nevertheless, the law still operated by allotting functional visa quotas and providing a nonquota visa class not subject to numerical limitations. In essence, the 1965 law converted the old system of quota and nonquota classes into an equivalent two-tiered system consisting of a visa class subject to worldwide limitation and a visa class exempt from worldwide limitation.13

The 1965 law established conditions under which the problem of illegal immigration from Western Hemisphere countries, particularly from Mexico, would worsen. Because the 1965 immigration law and its 1976 amendment imposed annual ceilings and national quotas on Western Hemisphere countries, many applicants who desired temporary work were tempted to enter the United States surreptitiously rather than go through the time-consuming and uncertain application process for limited visa slots. The abrupt ending of the _bracero_ program, coinciding with the passage of Hart-Celler, diverted those who would normally have come as guest workers into illegal entry channels. Seasonal migration continued after 1965, for the most part illegally. Through a recruitment and communications network operating over two decades, the _bracero_ program had built an enormous social infrastructure for immigration that could not be suddenly eliminated. The Immigration and Naturalization Service arrested and deported 500,000 illegal aliens each year in the decade following the Hart-Celler Act. Most were low-skilled, low-paid Mexican workers, but others came from Central America, the Caribbean, and Europe.14

The rise in illegal immigration became the chief stimulus for new departures in policies dealing with immigrants. In charting a legislative course of action, Congress studied the recommendations of the Select Commission on Immigration and Refugee Policy (1978–1981). The thrust of the select commission’s views were in diametric opposition to the findings of the U.S. Immigration Commission of 1907–1910, which compiled the federal case for closing the nation’s gates. Despite opinion surveys showing that many Americans felt that immigration levels were too high, the commission found much evidence to affirm the positive role of immigration in American life. It advised that the United States continue to accept large numbers of immigrants and even consider an amnesty program for undocumented aliens that would include a mechanism for legalizing their status. The commission found that evidence on the impact of illegal immigration was inconclusive, but it sought ways to close the “back door” of influx, recommending legislation that would make knowing employment of illegal aliens unlawful and punishable. Specific elements of these proposals for immigration policy were packaged in the Simpson-Mazzoli bill, which Congress put through protracted and discouraging deliberations in the early 1980s.15

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The Human Element in Immigration

Recruiting agents operated a network of communication and transportation to facilitate illegal immigration from Mexico.

I was born in a small town in the state of Michoacán in Mexico. When I was fifteen, I went to Mexico City with my grandmother and my mother. I worked in a parking lot, a big car lot. People would come in and they’d say, “Well, park my car.” And I’d give them a ticket and I’d park the car and I’d be there, you know, watching the cars. I got paid in tips.

But I wanted to come to the United States to work and to earn more money. My uncle was here, and I thought if I could come to him, I could live with him and work and he would help me.

It’s not possible to get papers to come over now. So when I decided to come, I went to Tijuana in Mexico. There’s a person there that will get in contact with you. They call him the Coyote. He walks around town, and if he sees someone wandering around alone, he says, “Hello, do you have relatives in the United States?” And if you say yes, he says, “Do you want to visit them?” And if you say yes, he says he can arrange it through a friend. It costs $250 or $300.

The Coyote rounded up me and five other guys, and then he got in contact with a guide to take us across the border. We had to go through the hills and the desert, and we had to swim through a river. I was a little scared. Then we came to a highway and a man was there with a van, pretending to fix his motor. Our guide said hello, and the man jumped into the car and we ran and jumped in, too. He began to drive down the highway fast and we knew we were safe in the United States. He took us to San Isidro that night, and the next day he took us all the way here to Watsonville. I had to pay him $250 and then, after I’d been here a month, he came back and I had to give him $50 more. He said I owed him that.

—Miguel Torres, immigrated from Mexico, 1977

The Immigration Reform and Control Act

In 1986, Congress finally passed the Immigration Reform and Control Act (IRCA), a modification of the Simpson-Mazzoli Act that dealt centrally with the issue of illegal immigration. The rising population of illegal aliens was estimated by 1986 to be as high as three to five million. Instead of launching massive deportations, a measure often employed in the past to deal with Mexican aliens, the law created a radically new program aimed at legalizing the status of undocumented aliens. Aliens who had been unlawfully resident in the country since January 1, 1982, had up to a year from May 1987 to apply for legal status. Temporary-resident agricultural workers who had overstayed their permits were permitted to apply for legal status from June 1987 to November 1988.\(^{18}\)

The 1986 law broadened admissions opportunities in other ways as well. It normalized the status of 100,000 special entrants from Haiti and Cuba and increased annual quotas for former colonies and dependencies from 500 to 6,000. It also created a small quota for aliens from countries underrepresented in annual immigration allotments.

While opening the “front door” of admissions wider, the 1986 law tried to close the “back door” of illegal immigration by placing sanctions against employers who knowingly hired undocumented aliens. This was a hotly debated feature of the law, vehemently opposed by Mexican American advocacy groups who feared that it would lead to discrimination against Mexicans in general. Congress tried to defuse the potential for discrimination by passing a law that made discrimination based on immigrant status illegal.\(^{17}\)

To many observers, the Immigration Reform and Control Act was the most generous immigration law passed in United States history. IRCA was “pro-immigration,” based on the view that immigration was an asset to the nation. It established novel and generous provisions for the legalization of illegal aliens and enlarged a host of quota allotments based on special needs and status. Even its controversial program to impose sanctions on employers to discourage employment of illegal aliens was conceived as ending the exploitation of powerless and voiceless workers and expanding civil rights protections for Hispanics.

 Amnesty for illegals was not a political prize won by a powerful “odd couple” lobby of civil libertarians and capitalist employers. The former did not assert themselves in the immigration policy arena and the latter tended to favor guest worker programs or permitting the government to do little about the situation for illegals. Even Mexican American advocacy groups were hesitant over amnesty because they felt it was a bargaining chip to obtain their support of employer sanctions. The amnesty provision passed in the House by only seven votes. Despite weak support, amnesty for illegals became part of IRCA through the persistence and leadership of an influential cadre of congressional representatives who served on the Select Commission for Immigration and Refugee Policy and decided that legalization best combined social pragmatism and democratic values. As a consequence of the admission of legalized aliens, all-time highs of 1.5 million and 1.8 million immigrants were officially admitted in 1990 and 1991, respectively. The 1990 annual total included 880,000 former undocumented aliens who had been legalized, the 1991 total 1.1 million.\(^{18}\)

The “pro-immigration” ethos persisted into 1990 when Congress enacted a new law that revised numerical ceilings and the system of preferences. Its provisions, effective in 1992, created a new “overall flexible cap” of 700,000 visas for all categories of admissions; the cap would be reduced to 675,000 in 1995. The per country ceiling of yearly available visas was retained, but the basis for its computation was changed. The law divided preference classes into three broad groups (Table A.4, p. 159): a “family-based” class for immigrants reuniting with family members; an “employment-based” class for immigrants with desirable occupational skills and training; and a miscellaneous class including applicants from countries deemed to be underrepresented in immigration. The share of immigrants selected to meet occupational and economic needs was enlarged, but those reuniting with family members still were granted the highest percentage of visas. Lawmakers anticipated that about 700,000 immigrants would be admitted each year through the mid-1990s, with about 100,000 refugees added to that number. Finally, the 1990 law empaneled a new Commission on Immigration Reform to report recommendations in 1994 and 1997 on questions such as how to control illegal immigration, but it was not clear whether it would entertain a major change in the immigration system.\(^{19}\)

The Expansion of Refugee Legislation

From the end of World War II to 1990, 2.5 million out of 18.6 million immigrants—almost one out of seven—arrived as refugees. Europe and Asia each sent nearly a million refugees, while Latin America sent half a million refugees, nearly all from Cuba. Refugees from each region arrived in a series of waves. Most of the refugees arriving from 1946 to 1950 fled from the spread of Communist regimes in central and eastern Europe. In the 1960s, the largest wave of refugees came from Cuba to escape the revolutionary government of Fidel Castro; in the 1970s and 1980s, an exodus of Southeast Asian refugees arrived in the wake of the regional chaos following the Vietnam War; in the
late 1980s and 1990s refugees from central and eastern Europe resurged anew as the Soviet bloc governments disintegrated. The 1970s and 1980s became the two greatest decades of refugee admissions in American history because of the confluence of refugee streams from Cuba, Southeast Asia, and eastern Europe (Figure 2.1).20

As the tide of refugee admissions rose well above the quota apportioned to it by the 1965 immigration law, Congress moved to revise the entire program for admitting refugees. Lawmakers passed the 1980 Refugee Act, which broke new ground by creating a separate admissions system for refugees. Henceforward, refugee admissions did not compete for visas with the class of regular admissions.21

The strengthening of refugee policy demonstrated the continuing vitality of humanitarian idealism, but it was also an opportunity for the United States to cultivate political power on the world stage. Each year the president reviewed worldwide refugee problems and consulted with Congress on appropriate measures to resettle refugees in the United States. Like the general immigration policy of which it was a part, refugee policy was a device to manage diplomatic ties and promote goodwill toward the United States. In the Refugee Act of 1980, Congress defined a refugee as a person

who is outside his or her country of nationality and is unable or unwilling to return because of persecution or a well-founded fear of persecution. Lawmakers conferred refugee status based on homeland conditions of political persecution. Critics of this admissions criterion argued that the federal government eagerly admitted persons such as Cubans or Vietnamese fleeing political persecution by states opposed to American interests—especially those with left-wing governments—but refused persons such as Salvadorans or Haitians fleeing from economic distress or undemocratic regimes supporting American interests. Despite acrimonious controversy over the partisan and diplomatic realpolitik of the cold war that underlay the framing of refugee policy, all lawmakers agreed that accepting refugees was a vital responsibility of the United States as a leader of democracy and a historic world sanctuary.22

### The Human Element in Immigration

Because they were caught in the complications of international politics, refugees faced difficult legal procedures in their effort to resettle and reunite family members.

My father and I have been here for a long time now, eight, nine years. For five years we have had all the papers in order to have my mother and my brothers and my sisters come here. We have sent a letter to the United States ambassador to Thailand. We have written to the United States representative at the United Nations. We contacted our congressman and he wrote a letter. The congressman said, "Your family is qualified to come to the United States. They are at the top of the list." Still we wait and we wait and we wait. The Communist government doesn't want to give them visas.

—A Vietnamese refugee boy

The Liberalization of Naturalization Policy

World War II engendered new concerns over national security and international alliances that raised questions about naturalization policy. Congress passed the Nationality Act of 1940, which unified and tightened laws controlling naturalization. It reaffirmed the exclusion of Asians from naturalization but offered naturalized citizenship to American Indians native to foreign countries and to Eskimos.23

The quest for Allied unity during the war initiated a gradual reversal of restrictive naturalization policy. Congressional repeal of Chinese exclusion in 1943 permitted foreign-born Chinese to naturalize. In 1946, Congress gave rights of admission and naturalization to aliens from India who had been excluded since the Immigration Act of 1917 created the Asiatic Barred Zone. In the same year, Congress decided to allow Filipinos the right to naturalized citizenship.

The abolition of racial or marital qualifications for citizenship by the 1952 McCarran-Walter Act consummated the trend toward an egalitarian naturalization policy. The standard that henceforth would be utilized to afford the right to naturalize would not discriminate on the basis of race, nationality, or sex. The status of “aliens ineligible for citizenship” was banished from the statute books. Individual qualifications became the sole standard for achieving American citizenship.24

The 1952 McCarran-Walter Act installed a new requirement for naturalized citizenship. Afterwards, applicants not only had to be able to speak and understand English, but they had to be able to read and write “simple words and phrases.” Despite this tightening of qualifications, the number of unsuccessful petitioners rejected in subsequent years was two-thirds lower than in the decade before the act.25

THE GLOBALIZATION OF IMMIGRATION

After World War II, immigration flowed increasingly from Latin America, Asia, and Africa to Western metropolitan centers. This “backward” flow from developing to developed nations reversed the nineteenth-century pattern of “forward” immigration that took white settlers from Western core areas to colonial dominions on the periphery. The worldwide immigration to the United States after 1965 continued this shift in the direction of international population movements.26

Push and Pull Factors in the Postindustrial Era

The push forces that had uprooted more than thirty-five million people from Europe in the century before World War II began to expand in the developing world of the twentieth century. A new population crisis beset societies in Latin America, Asia, and the Middle East, which experienced the same demographic transition Europe had undergone a century earlier. The introduction of modern sanitation and public health care in the third world turned the tide against the effects of contagious disease. In many of these areas, gradually rising standards of nutrition and living conditions improved the survival chances of children until adulthood. Population spiraled upward. The Caribbean and Mexico doubled in population from World War II to the 1970s. The countries of the Middle East, India, Pakistan, Bangladesh, and the Philippines also experienced comparable acceleration in population growth.

Two factors combined to intensify the pressures of population on resources. First, arable land in these regions suffered from severe and long-standing overuse and overcrowding, thus sharply restricting the capacity of the agricultural economy to absorb the rising numbers. Second, the local metropolitan economies had barely developed new industries and new technologies that afforded jobs.27

Immigration from the third world was not a mechanical response to the push force of intensifying population pressure on resources. As in the European industrializing era, immigrants did not spring from the lowest economic class. For example, many immigrants from Mexico had better-than-average education and were established in the urban working class. These people, however, had been in a shifting and unpredictable situation. Furthermore, many immigrants were highly educated elites who made sophisticated judgments about opportunities offered by immigration, deciding to take advantage of the economic and social conditions in the United States. Their departure was characterized by economists as the “brain drain,” the flight of valuable human capital to locations where their training and skills could be applied with greater rewards.28

Everywhere uncertainty over the future determined how people reacted to the push and pull forces. Often it was the prospect of economic decline—the perception of a future gap between possibility and capability—that precipitated a decision to move. Unstable governments, regional armed conflicts, and political transitions arising in the third world induced people to rebuild their lives elsewhere. In general, push forces acted to put people into a transitional and insecure status, thus making them more sensitive to pull forces, which appeared to be on the rise worldwide after World War II.29

The American economy after World War II exerted a powerful magnetic
pull on people in transition in the third world. The economy received its greatest productive boost in history, particularly from the 1950s to the 1970s. American workers doubled their family incomes. The labor force multiplied in the white-collar, professional, and technical fields on one hand and in service industries on the other. During the 1980s, the economy was not growing as healthily, but the relative advantages of the American economy were still tangible and desirable.

The technological revolution in international transportation and communications quickened the movement of newcomers to the United States. Jet air travel made time-consuming ocean and land journeys unnecessary and obsolete. Travel from distant and even remote regions experiencing population crisis and economic stagnation was now easier and less expensive than ever. The international airports of Los Angeles, Miami, New York, San Francisco, and Chicago became the Ellis Islands of the jet age. Equally important in generating immigration was the creation of a global, high-technology communications system. Alluring television images of daily life in the United States were transmitted to the villages of places as distant as Pakistan and the Philippines. News about economic and political conditions in the United States was regularly communicated in much more systematic and accurate form than available in the nineteenth century. The spread of communications and transportation networks to immigration sources worldwide was associated with "globalization," the intensification of functional interconnections among societies across national boundaries.

The immigrants arriving after the 1965 Hart-Celler Act were more likely than the New Immigrants of the early twentieth century to settle permanently. Their rates of transient and return migration remained far smaller than the rates in the early twentieth century (Figure 2.2). The movement of many post-1965 immigrants was opportunistic and rationally planned for the long-term project of rebuilding their lives into American lives.

### Notes


Ibid., p. 252.


Hutchinson, *Legislative History*, pp. 308 (and n. 165), 312; Daniels, *Coming to America*, p. 329.


