



The History of Immigration Law in the United States

OVERVIEW

This lesson provides a background on the history of immigration policy in the United States, that is, the philosophical origins, legal debates, and legal history from the Founding of the nation to the late 1900s. Students will come to understand how American lawmakers viewed immigrants and the reasoning behind the evolving nature of immigration policy.

OBJECTIVES

- Students will learn about the debates over immigration during the Founding era, and how Founders differed on the benefits and drawbacks of unrestricted immigration.
- Students will understand the basic process of immigration into the country in the 1700s and 1800s and come to understand naturalization.
- Students will understand the contested nature of the meaning of the Fourteenth Amendment, and how it applies to ongoing immigration controversies in the 2000s.
- Students will understand how strict immigration controls in the decades before and after 1900 favored certain ethnic and national groups over others.
- Students will understand the nature of anti-immigrant backlash in the first half of the 1900s, and how it manifested itself in federal policy and on the home front in both World Wars.
- Students will understand how immigration policy radically changed after World War II and learn more about the reasoning for this transformation.

MATERIALS LIST

- **Handout A: Background Essay—
The History of Immigration
Law in the United States**
- **Handout B-1: Debating Immigration
in the Founding Era**
- **Handout B-2: Comparing and
Contrasting the Founders' Views**
- **Handout C: Cartoons on
Immigration in the 1800s**
- **Handout D: Transforming
Immigration Policy in the 1900s**

KEY TERMS

- Naturalization
- Naturalization Act of 1790
- Fourteenth Amendment
- Natural-born citizen
- 1882 Chinese Exclusion Act
- Immigration Act of 1917
- Asiatic Barred Zone
- Emergency Immigration Act of 1921
- National Origins formula
- Immigration Act of 1924
- Internment camps
- *Korematsu v. U.S.* (1944)
- Immigration and Nationality Act of 1965

Lesson Plan

Background and Warm-up Activity » *40 minutes of homework, 20 minutes of classroom activities*

- A. As homework for the night before the in-class lesson, distribute **Handout A: Background Essay – The History of Immigration Law in the United States**.
- B. Have students read the background essay and ask them to formulate their own written questions about the reading and the historical events it highlighted. They should also bring their written responses to the homework questions provided with the essay.
- C. In class, lead a student discussion. What were the major things they learned? You may use the questions asked in the lesson, as well as students' own questions as a basis of the discussion.
- D. Have students turn in their homework responses.

Activity I » *35 minutes*

- A. Distribute **Handout B-1: Debating Immigration in the Founding Era**. Have students read and analyze the material independently and complete the critical thinking questions in preparation for a discussion. Students should read the passages as if the authors are engaging in a direct, back-and-forth debate with one another about the nature of immigration.
- B. Distribute **Handout B-2: Comparing and Contrasting the Founders' Views**. Ask the class to compare and contrast what Washington, Jefferson, and Hamilton wrote by identifying their ideas and arguments.
- C. On a separate sheet of paper, students should restate each passage in their own words. In small groups, students will share their summaries with one another.
- D. Using the Venn diagram, students should answer the following questions: where did the Founders disagree on immigration policy? Where did they find common ground? In what ways did their opinions change?
- E. Ask students to compare and contrast what the Founders said about immigration with what people say in immigration debates today.

Activity II » *30 minutes*

- A. Distribute **Handout C: Cartoons on Immigration in the 1800s**. Have students analyze and discuss these images in small groups or individually, using the critical thinking questions as a basis for their discussion.

- B. Distribute blank paper and challenge students to create their own editorial cartoon on immigration, as if they were an editorial cartoonist in the 1880s. You might offer them the option of working in groups. If so, be sure there is at least one visual thinker in each group.
- The cartoon should address the debates happening in the 1880s.
 - Students should explain the images they create using arguments from both sides during the time period.
- C. On another blank sheet of paper, ask students to express their own perspectives by drawing a cartoon commentary on the immigration debate in the present year. Challenge them to share their cartoon with the class and explain their perspective.

Activity III » *25 minutes*

- A. Distribute **Handout D: Transforming Immigration Policy in the 1900s**. Have students read and analyze the passages using the attached critical reading questions as a basis for the discussion.
- B. Ask the class to compare and contrast the messages of Presidents Wilson, Coolidge, Truman, and Johnson. Then connect the learning loop by asking them to analyze how presidential positions have changed in some ways and remained the same in others. Students should also compare the views of more recent presidents with those at the Founding. Important background discussion topics may include Progressivism, the First and Second Red Scares, the Cold War, and President Johnson’s “Great Society” reform agenda.

Background Essay—The History of Immigration Law in the United States

Directions:

Read the background essay and answer the critical thinking questions at the end. In addition, formulate your own questions about the content discussed.

In the modern era, nation-states are defined as much by their borders as by their unique laws, forms of government, and distinct national cultures. Since the early years of the United States' history, the federal government has sought, with varying degrees of success, to limit and define the nature and scale of immigration into the country. In the first seventy years of the nation's history, immigration was left largely unchecked; Congress focused its attention on defining the terms by which immigrants could gain the full legal rights of citizenship. Beginning in the 1880s, however, Congress began to legislate on the national and ethnic makeup of immigrants. Lawmakers passed laws forbidding certain groups from entering the country, and restricted the number of people who could enter from particular nations. In the 1920s, Congress enacted quotas based upon immigrants' national origin, limiting the number of immigrants who could enter from non-Western European countries. In the 1960s, immigration policy was radically transformed and the policies of the preceding generations were abolished. Through these reforms, which still determine the United States' immigration policy today, greater numbers of Asians, Africans, and Latin Americans are permitted to enter the country than immigrants of European background, giving preferred status to these immigrant groups.

Article 1, Section 8 of the U.S. Constitution empowers the Congress to “Establish a Uniform Rule of Naturalization.” The first national law concerning immigration was the Naturalization Act of 1790, which stated that any free white person who had resided in the U.S. for at least two years could apply for full citizenship. Congress also required applicants to demonstrate “good character” and swear an oath to uphold the Constitution. Blacks were ineligible for citizenship.

In 1795, naturalization standards were changed to require five years' prior residence in the U.S., and again in 1798 to require 14 years' residence. The 1798 revision was passed amidst the anti-French fervor of the Quasi-War and sought to limit the influence of foreign-born citizens in federal elections. During Thomas Jefferson's presidency, the 1798 standards were repealed to require five years' residence once more. As immigration patterns changed over time, especially in the late 1840s and early 1850s as Irish and Germans replaced the British as the primary immigrant groups, federal immigration law remained largely unchanged. Despite anti-immigrant agitation in the 1850s and the rise of nativist political groups, no limits or quotas were imposed on immigration.

Questions still lingered about the nature of citizenship for black Americans. In December 1865, the Thirteenth Amendment was ratified,

abolishing slavery in all of the states. Were emancipated slaves citizens, or not? Through the end of the Civil War, slaves had not been considered citizens and possessed none of the rights of their white countrymen. The Civil Rights Act of 1866 established that freedmen were indeed citizens. In 1868, the Fourteenth Amendment to the U.S. Constitution confirmed the position set forth in the Civil Rights Act. The amendment stated that “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” The amendment prohibited the states from curtailing the privileges of federal citizenship. The construction of the citizenship clause indicates that anyone born in the U.S. is automatically a citizen, and this is what federal law has maintained ever since. However, there is disagreement as to the meaning of the citizenship clause, and whether it was intended to clarify the status of emancipated slaves, or whether it was written to apply to all peoples regardless of context.

During the congressional ratification debates, members made clear the purpose of the Fourteenth Amendment. Senator and Radical Republican Thaddeus Stevens argued in 1866 that the Fourteenth Amendment was the final fulfillment of the principles of the Declaration of Independence, a law designed to ensure equal rights for all Americans no matter their race or prior status under the law. Senator Jacob Howard, one of the chief authors of the citizenship clause, reassured Congress by saying the amendment “will not, of course, include persons born in the United States who are foreigners, aliens” or had been born to foreign diplomats. Senator John Bingham echoed his colleague’s remarks and said the citizenship clause reasserts “that every

human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of our Constitution itself, a natural-born citizen.”

The question remains whether the Fourteenth Amendment’s citizenship clause should be interpreted as a protection of the rights of citizenship of former slaves, or if it is a blanket protection for all persons born in the United States no matter their parents’ national allegiance or legal status. Current law favors the latter interpretation, and there is ongoing controversy whether children born of unnaturalized or illegal immigrants should be granted automatic citizenship.

After the Civil War, the American economy boomed as industry grew and the American West was settled and organized into new states. On the Pacific coast, the high demand for labor drew thousands of Chinese immigrants into the country to work in a variety of capacities. Most often, they worked building railroads or in mines. Others farmed or ran businesses in California’s growing cities. By the late 1870s, opposition to Chinese laborers had grown substantially, stemming from a combination of racism and the belief that Chinese laborers unfairly competed with white American laborers and stole economic opportunities from workers more deserving. Eventually, Congress passed the 1882 Chinese Exclusion Act barring virtually all new immigration from China. The act was extended in 1892 and on a permanent basis beginning in 1902. Other laws further restricted the rights and privileges of Chinese immigrants already in the United States. The Scott Act of 1888, for example, forbade Chinese immigrants who left the United States from returning. It was not until World War II, when China was a military ally of the United

States, that the ban on Chinese immigration was lifted.

For most of the 1800s, the main sources of immigrants to the United States were British, Irish, German, Scandinavian, and Central European peoples. By the 1880s, immigration patterns shifted toward Eastern and Southern European groups, especially Italians, Poles, Russians, and other Slavic peoples. Most were pulled to the United States by the promise of better opportunities and improved quality of life. The dramatic change in the ethnic makeup of this “new wave” of immigrants caused alarm among nativists, racialists, and pro-Protestant interests. One legislative response to this was the Immigration Act of 1917 which created the Asiatic Barred Zone, a vast area of Asia from which no person could immigrate to the U.S. The prohibited areas included most of the Middle East, South Asian countries like Persia and British-ruled India, as well as central Asia and Southeastern Asia.

In another response to the growing number of immigrants arriving from Eastern and Southern European countries, Congress passed the Emergency Immigration Act of 1921, which placed limits on the number of people entering the country based upon prescribed quotas. The law used the 1910 Federal Census to determine existing numbers of foreign-born citizens already living in the U.S. It then required that a number equivalent to only 3% of the already resident population from a certain country could be admitted. Therefore, for example, if 100,000 Bulgarians already lived in the U.S., only 3,000 Bulgarian immigrants could enter annually thereafter. This scheme became known as the National Origins Formula. The goal of federal policy sought to ensure that new waves of

immigrants from outside western and central Europe could slowly integrate into American society and so could better embrace American notions of civic virtue, self-government, and productivity.

This law was followed a few years later by the Immigration Act of 1924 which decreased the quota from 3% to 2% and used the 1890 census instead of the 1910 census as the reference point for its quotas. Because Congress chose to utilize the 1890 census, which showed a higher proportion of residents from more desirable European countries like Germany and Great Britain, the law created artificially low quotas for the new immigrants. Furthermore, it placed low caps on arrivals from majority non-white nations, like those in Africa and the Middle East. In the first year of its enactment, the law permitted 51,000 German immigrants, for example, but only 100 from the Arabian Peninsula.

Latent anti-immigrant hostility erupted during both World Wars. Anti-immigrant antagonism has not always been racially motivated. In World War I, German-Americans (even those born in the United States) were subjected to discrimination and harassment for their national background. In some communities, German-Americans were lynched by mobs while others had their businesses boycotted or closed. Americans born in Germany were forced to register with the government as “enemy aliens,” and some states prohibited the use of the German language in school instruction. Most Lutheran churches ceased conducting services in the German language and adopted English instead. During World War II, Japanese-Americans were subjected to even worse treatment and were forced into

internment camps for the duration of the war. In February 1942 President Franklin D. Roosevelt issued Executive Order 9066 requiring Japanese-Americans to report for forced relocation to prisoner camps away from the Pacific coast. Fred Korematsu challenged the legality of Roosevelt's directive, but in *Korematsu v. U.S.* (1944) the U.S. Supreme Court ruled the internment of Japanese-Americans was constitutional.

The quotas and restrictions of the 1920s remained largely in place until the administration of President Lyndon Johnson, who undertook a sweeping reform project of many of the most important public policy sectors. As part of his reform agenda, Johnson signed into law the Immigration and Nationality Act of 1965, which ended use of the National Origins Formula. Under the new law, 120,000 immigrants were to be admitted annually from

Western Hemisphere nations in Latin and South America. 170,000 people per year would be admitted from Asia, Africa, and Europe combined. The reforms of 1965 initiated a substantial change in the ethnic and national origin of immigrants and this accounts for the rapid growth of the non-European population seen today. Instead of a movement of people almost solely from Europe, immigration today is dominated by non-European peoples from all parts of the world. Further, the 1965 reform provided an avenue for immigrants' families to come to the United States after them, as family immigration is usually not counted in the overall quota. With minor revisions, the standards set forth in the Immigration and Nationality Act of 1965 remain in effect today and still determines from which countries the United States draws its new citizens.

CRITICAL THINKING OR HOMEWORK QUESTIONS

1. Describe the Naturalization Act of 1790. According to this law, who could become citizens of the United States? What racial boundaries to citizenship did the law define? What were the conditions of gaining full citizenship?
2. What is naturalization and why were law makers in the years around 1800 concerned with defining how long citizens must be in the country to become naturalized?
3. Describe the debate over the ratification of the Fourteenth Amendment. How do most Americans in the present day interpret the law? How did its framers explain the law at the time?
4. What were some of the reasons that the Chinese were forbidden to immigrate? When were these immigration restrictions lifted?
5. Describe the challenges faced by immigrants and the descendants of recent immigrants during World War I and World War II. What did the Supreme Court rule in *Korematsu v. U.S.*?
6. What were the primary changes brought about in the Immigration and Nationality Act of 1965? How was this law different from the laws enacted in 1921 and 1924?

Debating Immigration in the Founding Era

During the early years of the American republic, the nation's leading political thinkers engaged in major debates about the future course of the nation and the nature of self-government in an independent republic. One of these debates considered questions related to immigration. Should the new United States adopt a particular policy or set of laws concerning the immigration of outside peoples? If so, what should those laws look like? Did immigrants benefit or harm young nations? What had been the effect of immigration on the colonies before the Revolution? How were new waves of immigrants and refugees transforming their new homes? After the French Revolution began in 1789, and after the Haitian slave rebellion touched off in 1791, America's leaders were forced to consider the political ideas that refugees bring with them to their new homes. This sparked a bitter feud between Federalist and Anti-Federalist factions.

General George Washington's "Address to the Members of the Volunteer Association of Ireland and Other Inhabitants," December 2, 1783

"The bosom of America 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."

Thomas Jefferson's early views on immigration, from *Notes on the State of Virginia*, 1785

"[Immigrants] will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass.... If [immigrants] come of themselves, they are entitled to all the rights of citizenship: but I doubt the expediency of inviting them by extraordinary encouragements. I mean not that these doubts should be extended to the importation of useful artificers [skilled craftsmen or inventors]. The policy of that measure depends on very different considerations. Spare no expense in obtaining them."

President George Washington, letter to Vice President John Adams, November 15, 1794

"My opinion with respect to emigration, is, that except of useful Mechanics and some particular descriptions of men or professions, there is no need of encouragement: while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much questioned; for, by so doing, they retain the Language, habits and principles (good or bad)

which they bring with them. Whereas by an intermixture with our people, they, or their descendants, get assimilated to our customs, measures and laws: in a word, soon become one people.”

Passage from President Thomas Jefferson’s First Annual Address to Congress, December 8, 1801

Background: *In his First Annual Message to Congress in 1801, President Jefferson spoke in favor of immigration to the U.S., criticizing attempts by the Federalists to make it difficult for immigrants to obtain citizenship.*

“And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on the globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortunes permanently

with us? With restrictions, perhaps, to guard against the fraudulent usurpation of our flag...”

Alexander Hamilton’s response to Jefferson’s Address, January 7, 1802

Background: *Hamilton used the penname Lucius Crassus when he published this response to the president’s address.*

“The influx of foreigners must, therefore, tend to produce a heterogeneous compound; to change and corrupt the national spirit; to complicate and confound public opinion; to introduce foreign propensities. In the composition of society, the harmony of the ingredients is all-important, and whatever tends to a discordant intermixture must have an injurious tendency. [...] Some reasonable term [of naturalization] ought to be allowed to enable aliens to get rid of foreign and acquire American attachments; to learn the principles and imbibe the spirit of our government; and to admit of a probability at least, of their feeling a real interest in our affairs. A residence of not less than five years ought to be required [in order to obtain citizenship].”

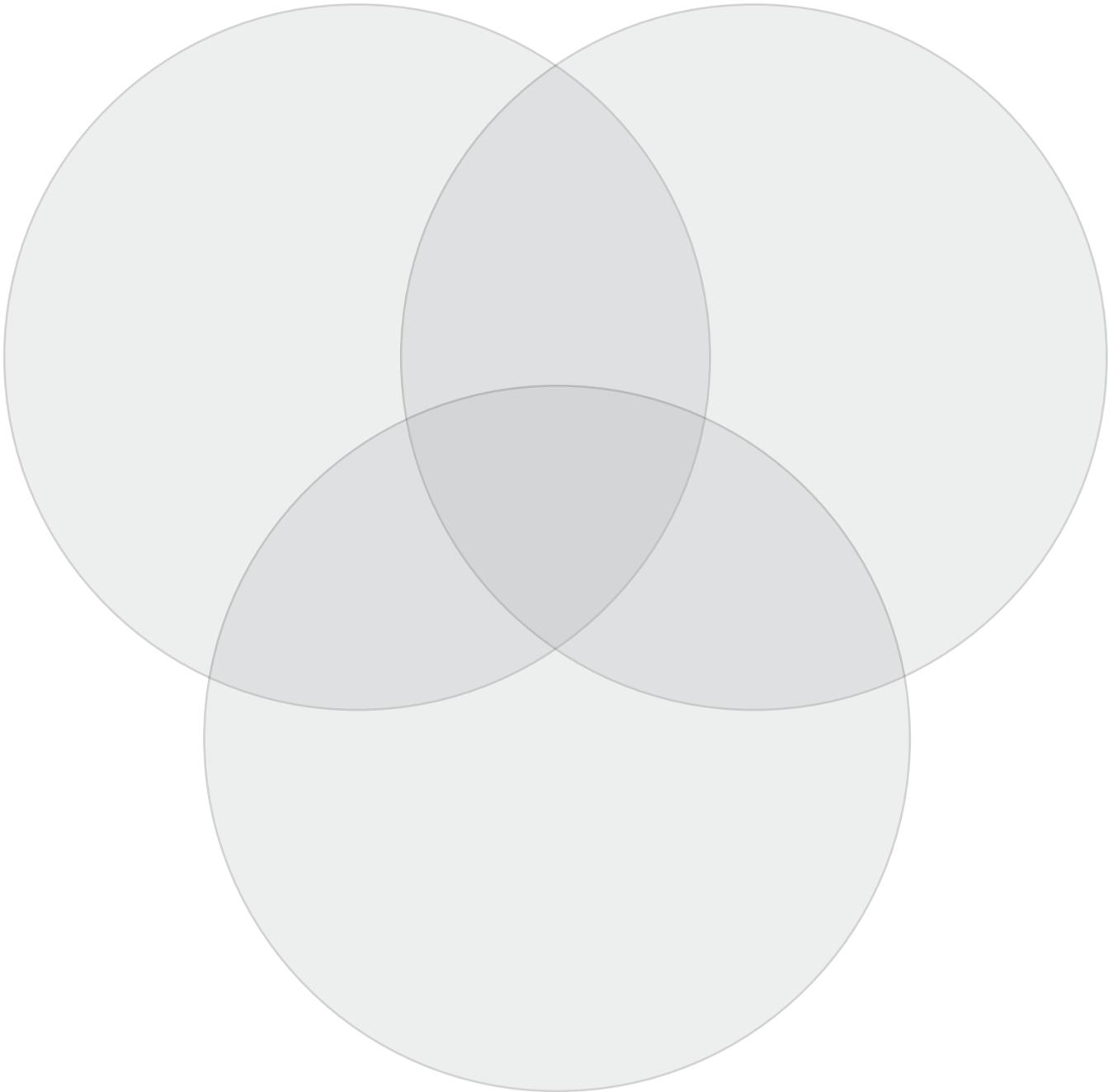
CRITICAL THINKING QUESTIONS

1. Did Washington, Jefferson, and Hamilton believe that immigration into the U.S. should be permitted? Why or why not?
2. All three voiced concerns about the nature of immigration. What were some of those concerns? In what ways did they think that immigrants might cause problems in society?
3. What is assimilation? What did Washington, Jefferson, and Hamilton seem to consider assimilation to mean? How would you define assimilation in the current day?
4. What are some conditions that all three of these leaders thought should be imposed upon immigrants seeking citizenship?
5. Washington and Jefferson agreed that the U.S. should particularly encourage highly skilled workers to settle in the country. Why do you think they differentiated between high-skill and low-skill immigrants? Should current policy reflect the same distinction?
6. What did Hamilton mean by “...acquire American attachments, to learn the principles and imbibe the spirit of our government...”

Comparing and Contrasting the Founders' Views

Directions

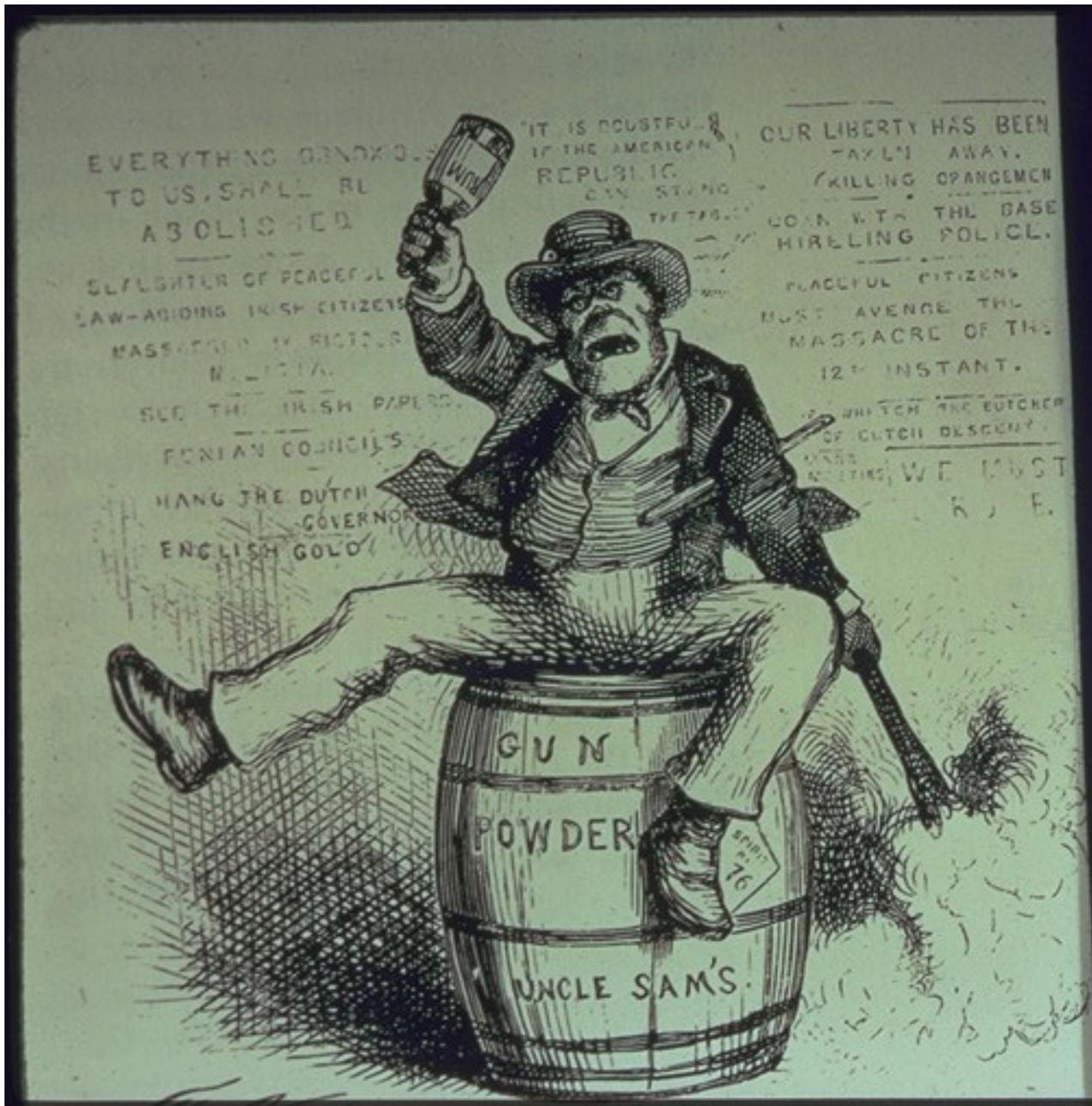
Compare and contrast the immigration views of George Washington, Thomas Jefferson, and Alexander Hamilton. What were their positions in the debate? To what extent and in what ways did those positions change over time?



Cartoons on Immigration in the 1800s

Directions: Have your students review the images in small groups or individually, using the critical thinking questions as a basis for their discussion.

“The Usual Irish Way of Doing Things,” cartoon depicting Irish immigrants. By Thomas Nast, published in *Harper’s Weekly*, 1871.



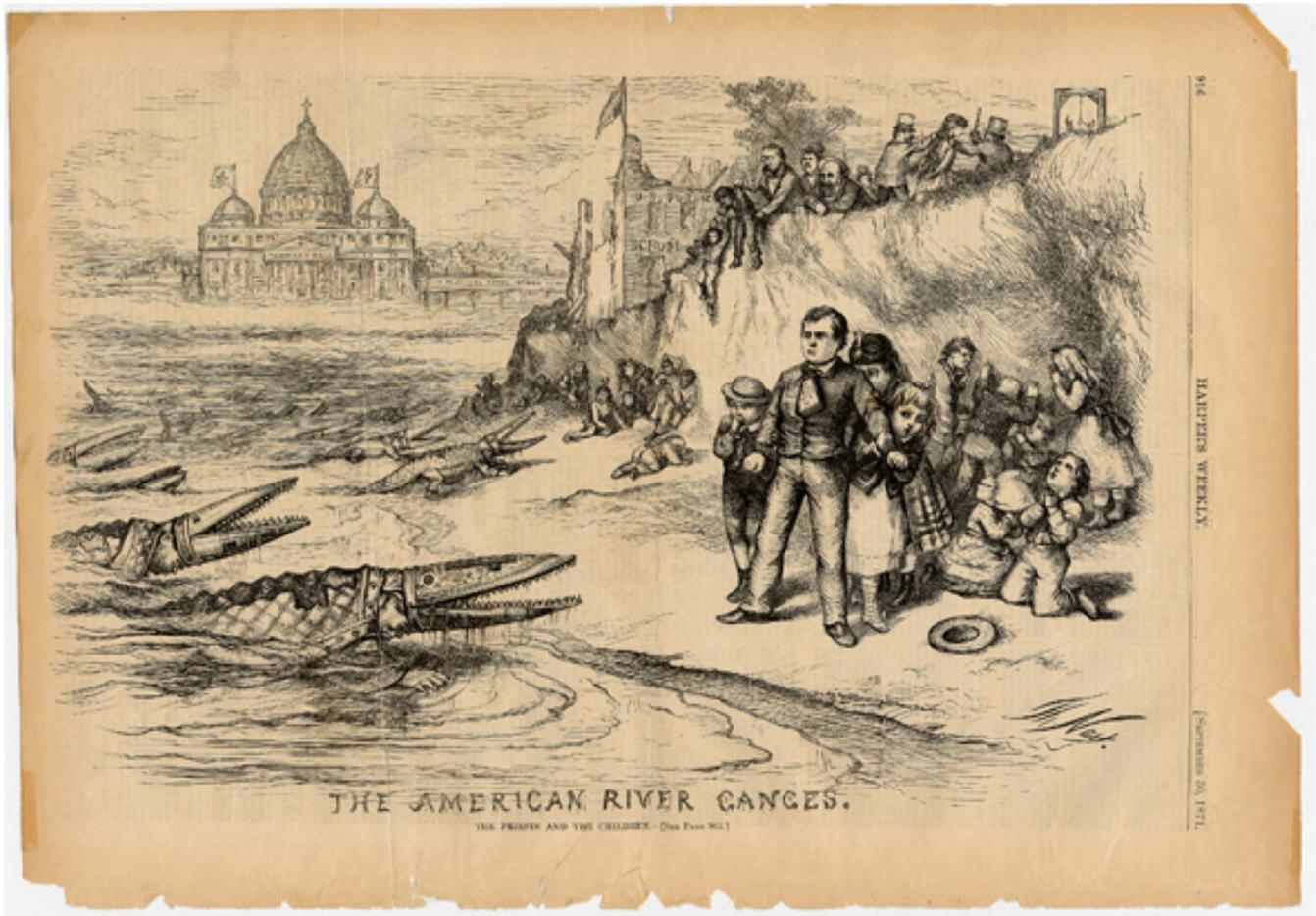
The writing on the wall expresses what the artist perceives to be Irish immigrants’ sentiments. It includes, “Everything obnoxious to us shall be abolished,” and “We must rule.”

“The Mortar of Assimilation—And the One Element That Won’t Mix,” June 1889 cartoon from *Puck*.



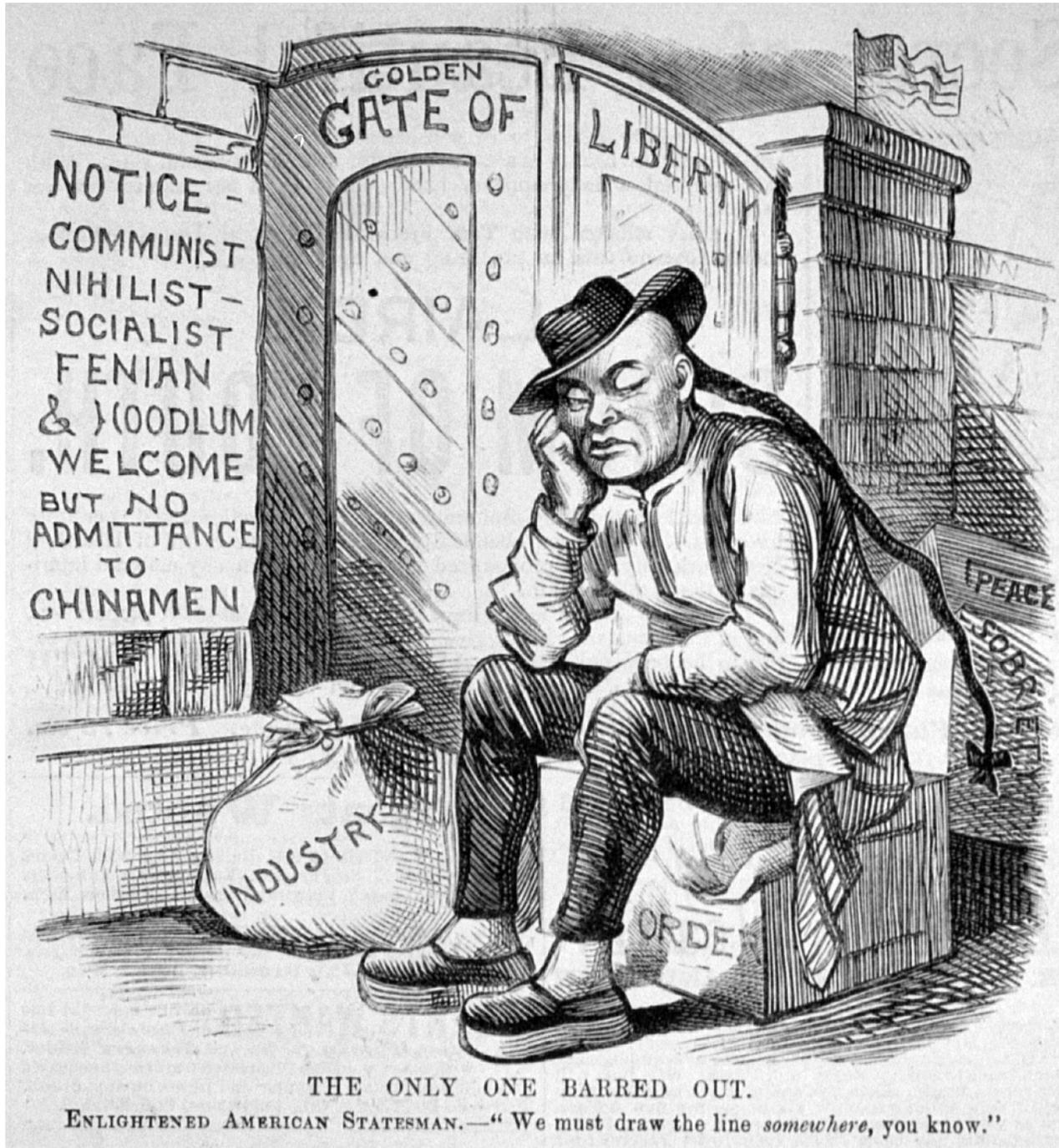
A common element of opposition to Irish immigration was the belief that the Irish were almost sub-human and possessed violent, irredentist tendencies. (Irredentism is the pursuit of lands which a group of people believes rightfully belongs to them.) In the “Mortar of Assimilation” cartoon, how is the Irish immigrant depicted compared to the other immigrants? How is this depiction mirrored in the cartoon, “The Usual Irish Way of Doing Things”? What tool is Columbia (the personification of America) using to assimilate all of the immigrants into American culture? What does Columbia seek to turn the immigrants into? Does the cartoonist believe the Irish are capable of becoming good citizens?

“The American River Ganges,” by Thomas Nast.
Published in *Harper’s Weekly*, 1875.



In Thomas Nast’s anti-Catholic cartoon, what is rising out of the water? What structure looms out from the mist in the background and what does it represent? Who does Nast believe are the primary victims of the spread of Catholicism and how does Catholicism reach these impressionable minds?

“The Only One Barred Out,” from *Frank Leslie’s Illustrated Newspaper*, April 1882.



What is the primary critique of the cartoon on the 1882 Chinese Exclusion Act? What virtues does the cartoonist believe that Chinese immigrants bring to the United States? Who are the immigrants that are being let in? Do you think the primary reason for opposition to Chinese immigrants was racial or was derived from something else?

ALL CRITICAL THINKING QUESTIONS

1. A common element of opposition to Irish immigration was the belief that the Irish were almost sub-human and possessed violent, irredentist tendencies. (Irredentism is the pursuit of lands which a group of people believes rightfully belongs to them.) In the “Mortar of Assimilation” cartoon, how is the Irish immigrant depicted compared to the other immigrants? How is this depiction mirrored in the cartoon, “The Usual Irish Way of Doing Things”? What tool is Columbia (the personification of America) using to assimilate all of the immigrants into American culture? What does Columbia seek to turn the immigrants into? Does the cartoonist believe the Irish are capable of becoming good citizens?
2. In Thomas Nast’s anti-Catholic cartoon, what is rising out of the water? What structure looms out from the mist in the background and what does it represent? Who does Nast believe are the primary victims of the spread of Catholicism and how does Catholicism reach these impressionable minds?
3. What is the primary critique of the cartoon on the 1882 Chinese Exclusion Act? What virtues does the cartoonist believe that Chinese immigrants bring to the United States? Who are the immigrants that are being let in? Do you think the primary reason for opposition to Chinese immigrants was racial or was derived from something else?

Transforming Immigration Policy in the 1900s

Directions:

Read the background information and presidential speech excerpts. Then, answer the critical thinking questions as you consider the history of presidential response to immigration.

Passage from Woodrow Wilson's *A History of the American People*

Background: Before Woodrow Wilson became President of the United States, he was a university professor and head of Princeton University. In 1902, Wilson wrote *A History of the American People*, from which this passage is taken.

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

Passage from Calvin Coolidge's first State of the Union Address, December 6, 1923

Background: After the unexpected death of President Warren G. Harding, Calvin Coolidge ascended to the Presidency. In December 1923 he gave his only in-person State of the Union address to Congress. In it he outlined his policy agenda for the country, outlining, amongst other things, his views on immigration.

“American institutions rest solely on good citizenship. They were created by people who had a background of self-government. New arrivals should be limited to our capacity to absorb them into the ranks of good citizenship. America must be kept American. For this purpose, it is necessary to continue a policy of restricted immigration. It would be well to make such immigration of a selective nature with some inspection at the source, and based either on a prior census or upon the record of naturalization. Either method would insure the admission of those with the largest capacity and best intention of becoming citizens. I am convinced that our present economic and social conditions warrant a limitation of those to be admitted. We should find additional safety in a law requiring the immediate registration of all aliens. Those who do not want to be partakers of the American spirit ought not to settle in America.”

Passage from Harry S. Truman's 1952 statement regarding his veto of H.R. 5678

Background: In 1952, President Harry S. Truman vetoed H.R. 5678, the *Immigration and Nationality Act*, which continued to place limits on immigration from certain countries. Truman's veto was overridden by Congress and became law. This passage is from President Truman's statement explaining the reasons for his veto.

“Today, we are ‘protecting’ ourselves, as we were in 1924, against being flooded by immigrants from Eastern Europe. This is fantastic. The countries of Eastern Europe have fallen under the communist yoke--they are silenced, fenced off by barbed wire and minefields--no one passes their borders but at the risk of his life. We do not need to be protected against immigrants from these countries--on the contrary we want to stretch out a helping hand, to save those who have managed to flee into Western Europe, to succor those who are brave enough to escape from barbarism, to welcome and restore them against the day when their countries will, as we hope, be free again. But this we cannot do, as we would like to do, because the quota for Poland is only 6,500, as against the 138,000 exiled Poles, all over Europe, who are asking to come to these shores; because the quota for the now subjugated Baltic countries is little more than 700--against the 23,000 Baltic refugees imploring us to admit them to a new life here; because the quota for Rumania is only 289, and some 30,000 Rumanians, who have managed to escape the labor camps and the mass deportations of their Soviet masters, have asked our help. These are only a few examples of the absurdity, the cruelty of carrying over into this year of 1952 the isolationist limitations of our 1924 law.

In no other realm of our national life are we so hampered and stultified by the dead hand of the past, as we are in this field of immigration. We do not limit our cities to their 1920 boundaries--we do not hold our corporations to their 1920 capitalizations--we welcome progress and change to meet changing conditions in every sphere of life, except in the field of immigration.”

Passage from Lyndon Johnson's 1965 speech at the signing ceremony for new immigration reforms

Background: In 1965, President Lyndon Johnson signed new immigration reforms into law. This passage is taken from his speech given at the signing ceremony.

“This bill says simply that from this day forth those wishing to immigrate to America shall be admitted on the basis of their skills and their close relationship to those already here. This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land. The fairness of this standard is so self-evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only 3 countries were allowed to supply 70 percent of all the immigrants. Families were kept apart because a husband or a wife or a child had been born in the wrong place. Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing

continents. This system violated the basic principle of American democracy--the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country.

Today, with my signature, this system is abolished.”

CRITICAL THINKING QUESTIONS

1. According to Wilson, which parts and countries of Europe did undesirable immigrants come from? What made them undesirable? When Wilson became president eleven years later, what was his position regarding immigration restrictions?
2. According to Coolidge, what makes a good American? What is citizenship and why does Coolidge think it is so important? Is Coolidge in favor of more restriction of immigration or does he support existing quota laws? Why does he take the stance that he does?
3. In President Truman’s veto statement, he references what he believes is the need for the U.S. to provide a safe haven to Eastern European refugees. What are they fleeing from; what is the context of their bid to immigrate to the U.S.? What does Truman think of the Immigration Act of 1924 and the quotas and restrictions it enacted? What policy does Truman think that the government should adopt?
4. Why does President Johnson think the immigration law of 1924 was unjust? What were some of the problems of the old law? Why was the old policy “un-American”? What does Johnson say will become the new standard(s) by which immigrants can enter the country?

Handout A: Background Essay—Expansion of Congressional Power Answer Key

1. Congress was authorized by the Constitution to set the terms of naturalization under Article 1, Section 8, and Congress did so in the Naturalization Act of 1790. White individuals who had lived in the U.S. for at least two years were eligible, so long as they demonstrated good moral character and swore to uphold the Constitution. Blacks were ineligible to become citizens.
2. Naturalization is the process by which an individual is granted citizenship, so long as they have fulfilled the preconditions mandated by the government. In the late 1790s and early 1800s, lawmakers were especially concerned with naturalization laws because relations with France were poor, but many French subjects had resettled in the United States and sought U.S. citizenship. Lawmakers feared that French immigrants would bring their unorthodox political ideas to the voting booth and support candidates that did not have the United States' best interests at heart. To prevent their enfranchisement, new laws made naturalization more difficult.
3. The Fourteenth Amendment sought to establish the citizenship of recently emancipated slaves and free blacks. The amendment states that all persons born or naturalized in the U.S. are citizens of the U.S. The senators who authored and supported the clause stated that it did not apply to foreign subjects born in the U.S., especially those whose parents were loyal to another country. Today, most Americans believe that the Fourteenth Amendment establishes citizenship for all people born on U.S. soil, regardless of context, origin, or their parents' allegiance.
4. Among the primary reasons that the Chinese were denied the privilege to immigrate was the belief that they took economic opportunities from native-born Americans. The prohibition on Chinese immigration was lifted during World War II because China was a military ally of the U.S.
5. During World War I, German-Americans suffered great harassment because they were seen as being friendly toward an enemy power. German-Americans suffered boycotts, physical assaults, lynching, and were forced to register with the government as an "enemy alien." German could no longer be used in school instruction, and many Lutheran churches began to use English during services. During World War II, President Roosevelt issued Executive Order 9066 requiring Japanese-Americans to report for forced relocation to prisoner camps far away from their homes. Executive Order 9066 was challenged in *Korematsu v. U.S.* (1944) but the Supreme Court upheld the constitutionality of internment.
6. The Immigration and Nationality Act of 1965 halted use of the National Origins Formula. Under the new law, people from places other than Europe were granted favored status. This inaugurated the current system that permits Africans, Latin and South Americans, Asians, and Middle Easterners to immigrate in sizable numbers.

Handout B-1 Answer Key

1. Yes, Washington, Jefferson, and Hamilton all believed that immigration should be permitted into the United States. They believed that the United States should be open to those seeking freedom because they believed these people would be eager to prove themselves and so benefit the nation as a whole
2. All three believed that it was necessary for immigrants to the United States to adopt the views of rights and republican government that were outlined in the Declaration and the Constitution. The founders believed immigrants needed to adapt to the habits and principles of the United States and to form American attachments.
3. Assimilation to Washington, Hamilton, and Jefferson, meant adapting to the customs, habits, and traditions of the United States. They believed that loyalty to these shared principles was necessary in order to form a healthy community. Answers on second half will vary but should demonstrate logical thinking and explain how assimilation is understood similarly or different today.
4. Answers will vary but should include three of the following: They should adopt our customs, measures, and laws; they should understand the character and capabilities of a good citizen; they should acquire American attachments; they should learn the principles and imbibe the spirit of our government; they should be in harmony with the rest of society; they should come to the United States of themselves
5. Washington and Jefferson believed that highly skilled workers would be more industrious and be of greater benefit to the nation, both economically and as citizens. Answers to the second part will vary, but should demonstrate logical thinking and clearly explain why the United States should or should not differentiate between highly-skilled and un-skilled workers.
6. Answers will vary but should demonstrate clear logical thinking. An example follows: When Hamilton references American attachments he means that immigrants should understand, appreciate, and support the principles which underpin the government of the United States as outlined in the Declaration of Independence and the Constitution. For example, a belief in limited government by consent, the rule of law, unalienable rights to life, liberty, and the pursuit of happiness, and individual rights protected by government, among others.

Handout B-2 (Venn Diagram) answer key

Sample responses are below. Student answers may vary but they should demonstrate logical thinking and include information gained from the readings.

1. Yes, they believed the United States should be open to receiving immigrants because they believed that this would grow the nation and help support the principles upon which it was founded. Though they did not believe that this action had to be greatly encouraged.
2. They all worried about the ability of immigrants to integrate and identify with the republican principles on which the United States was founded. They believed that it was essential for the country that citizens in a republic unify around these fundamental principles.
3. Assimilation is unifying around a specific set of principles. Washington, Jefferson, and Hamilton believed that assimilation meant a harmony around American principles that imbibed the spirit of the American government. They did not mean that this coming together needed to be forced. Student answers will vary but should reflect what the student believed assimilation means to them.
4. They should want to come to the United States of their own accord. They should be willing to embrace American principles. They should be willing to integrate into American society.
5. Answers will vary but should demonstrate logical thinking. Example: Washington and Jefferson believed high-skilled workers should be encouraged to come to the country because they would have an outsized impact on the future of the country's economy. Today, this relationship is the same. High-skilled workers can add greatly to the fabric of our nation.
6. Hamilton meant that immigrants should become attached to American principles like, government by consent, individual rights, and limited government, upon which the country was founded. Attachment to these principles is their only real safeguard against oppressive government.

Positions shared by Washington, Jefferson, Hamilton

- U.S. should not go to great lengths to encourage immigrants.
- Immigrants tend to have difficulty fully integrating into American society.
- Immigrants bring with them their native country's peculiar political, ideological, and social ideas, which are not normally compatible with American notions of government.
- Naturalization laws are necessary in order to distance immigrants of their attachment to their native land, and familiarize them with American systems of government and ways of society.

Positions shared by Washington and Jefferson

- Though the U.S. should not especially encourage immigration, it should strongly encourage the immigration of highly skilled artisans and craftsman.
- The U.S. should welcome immigrants and refugees.
- Immigrants tend to have difficulty fully integrating into American society.
- Immigrants bring with them their native country's peculiar political, ideological, and social ideas, which are not normally compatible with American notions of government.
- In time, immigrants and the descendants will infuse American laws with the incompatible political ideas of their homeland.

Positions shared by Washington and Hamilton

- Immigrants can disrupt society by introducing incompatible political ideas.

Positions shared by Jefferson and Hamilton

- Early in his political career, Jefferson believed that immigrants had a greatly disruptive effect on society, through their incompatible political ideas. Hamilton agreed in 1801.
- Naturalization laws are good because they are necessary steps in guaranteeing new citizens have assimilated into American society, are loyal the U.S., and have adopted American values. The length of naturalization, however, is still a matter of disagreement.

Unique positions of Jefferson

- Refugees should be admitted.

Unique positions of Washington

- Immigrants must demonstrate good conduct and decency.

Unique positions of Hamilton

- Immigrants disrupt society through their politics. Maintaining homogenous, harmonious society is one of the primary goals of good government.

Handout C Answer Key

1. The primary critique of the cartoon is that though America is the land of liberty in which all are welcome to immigrate and participate in American civic life, access has been unfairly denied to Chinese immigrants. The cartoonist believes this is especially unfair, given that Chinese immigrants are peaceful, sober, orderly, and hard-working (industrious) and would contribute positively to American society. The cartoonist laments that undesirable immigrants are freely welcomed, including communists, nihilists, socialists, Irish republicans (Fenians), and criminals.
2. Taking the form of predatory crocodiles, Catholic clergy rise from the water. St. Peter's Basilica, the home of the Pope, rises in the background, portraying the looming power of the Roman Catholic Church. Political bosses drop children down to the river to meet their fates, a metaphor for New York Republicans' plans to fund Catholic schools with public money; the predatory clergy reach the children through the schools.
3. In the "Mortar of Assimilation," most of the figures are shown peacefully coexisting with their fellow immigrant-citizens. The Irish immigrant, however, rises up with a dagger in hand waving an Irish revolutionary banner. In the "Usual Irish Way of Doing Things," a drunk and violent Irish caricature sits atop a barrel of gunpowder, waving a lit match. The wall behind is covered in revolutionary sentiments, showing that the Irish immigrant is inflexible. Columbia uses the spoon of "equal rights," to stir the pot of citizenship. Columbia seeks to provide a framework by which all immigrants can assimilate into peaceful citizens who share common values. The cartoonist indicates that the Irish are unwilling to assimilate.

Handout D: Answer Key

1. Wilson remarked that undesirable immigrants were coming from the south of Italy, Hungary, and Poland. Wilson believed these immigrants did not possess the skill, energy, initiative. Europe was disburdening themselves of the sordid and hapless elements of their population.
2. Coolidge believed a good American had a background of self-government. Coolidge supported continuing a policy of restricted immigration. Coolidge supported restricted immigration that was selective, based on a prior census or the record of naturalization. Coolidge believed the present economic and social conditions of America warranted a limitation on immigration.
3. The Eastern European refugees are fleeing from the communist yoke. The quotas and restrictions limited the "helping hand" to save those fleeing from Western Europe.
4. Johnson found the immigration law of 1924 unjust because it presented a harsh injustice under the national origins quota system. The system violated the basic principle of American democracy. The new standard will admit immigrants on the basis of their skills and their close relationship to those already here.