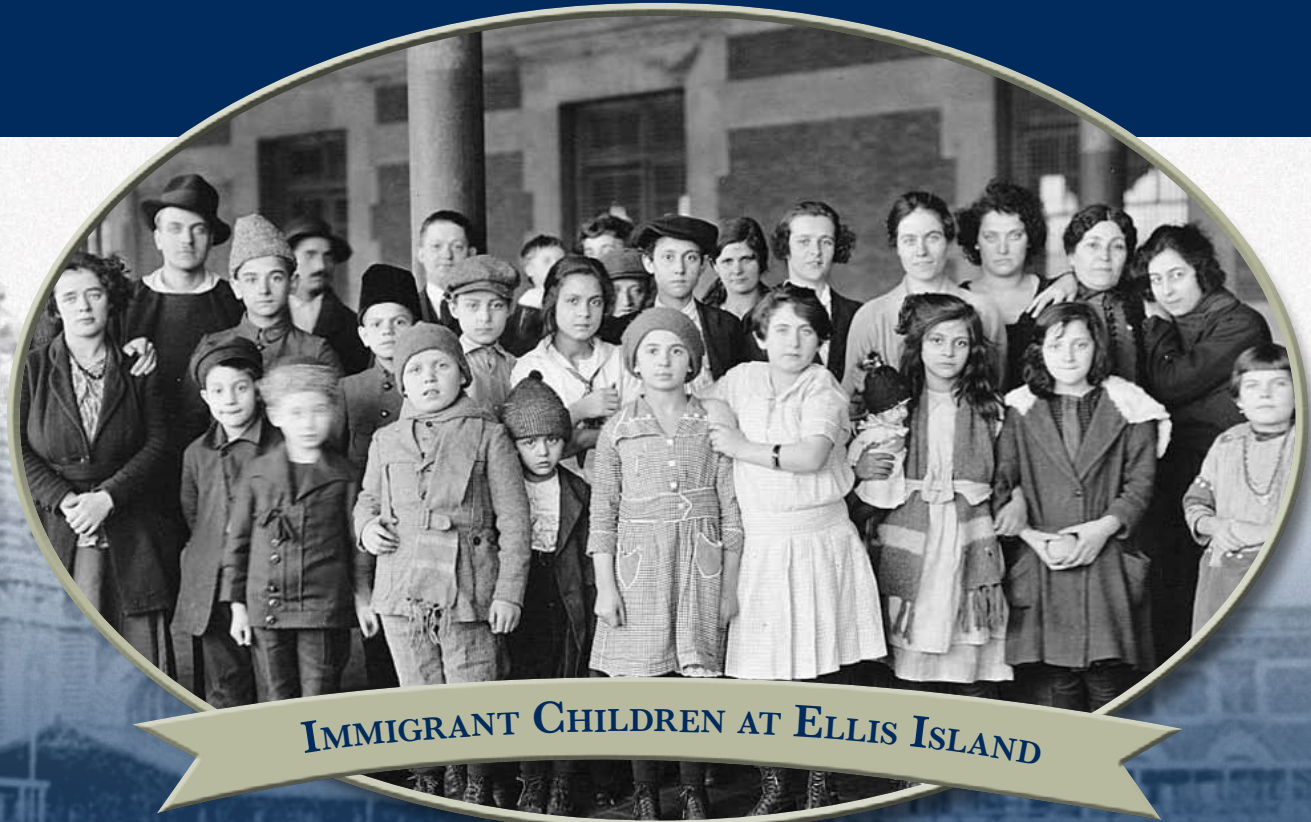


# A NATION OF IMMIGRANTS



IMMIGRANT CHILDREN AT ELLIS ISLAND

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# A NATION OF IMMIGRANTS

BY BERNARD A. WEISBERGER

*AMERICAN HERITAGE* | FEBRUARY/MARCH 1994 | VOL. 45 | ISSUE 1

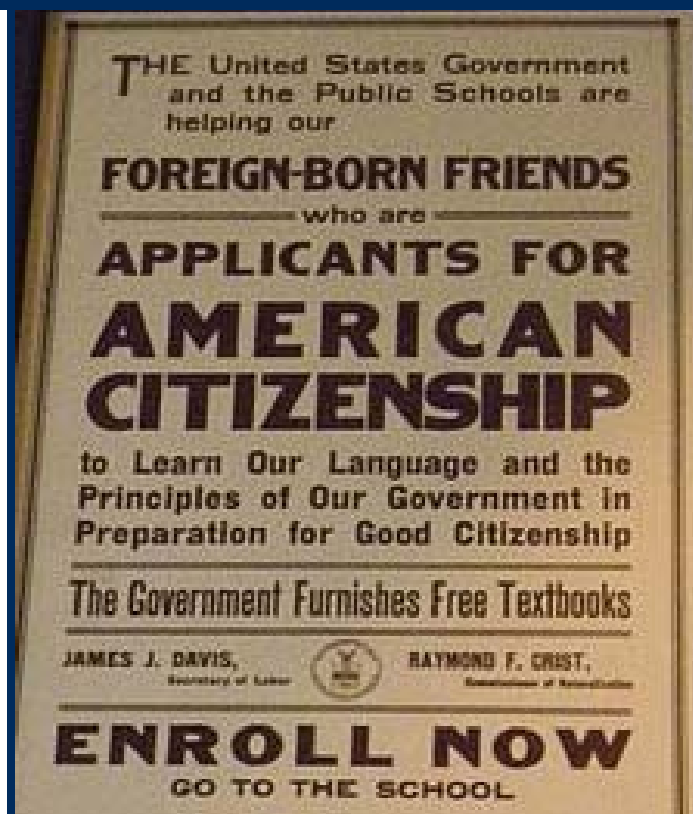
<http://www.americanheritage.com/content/nation-immigrants>

It's a politician's bromide—and it also happens to be a profound truth. No war, no national crisis, has left a greater impress on the American psyche than the successive waves of new arrivals that quite literally built the country. Now that arguments against immigration are rising again, it is well to remember that every single one of them has been heard before.

The uproar over Zoë Baird has subsided by now, and readers with short memories may profit by a reminder that she was forced to withdraw as President Clinton's first nominee for Attorney General because she and her husband had hired two “illegal aliens” for babysitting and housekeeping chores. The episode put immigration into focus as a “live” topic for op-ed and talk-show manifestoes before it faded, only to return to the headlines when Clinton embraced the Bush administration's policy (which he had denounced during the campaign) of turning back boatloads of Haitian refugees before they reached the Florida shore. But in June of 1993 the front pages carried the tragic story of a freighter, ironically named the *Golden Venture*, that ran aground just outside New York City. Its hold contained a crowd of Chinese workers being unlawfully smuggled into the United States, a crude practice supposedly long obsolete. Ten of them drowned trying to swim ashore. Later in the summer several hundred more “illegal” Chinese, California-bound, were intercepted and imprisoned aboard their ships until the U.S. government persuaded Mexico to take them in and ship them back. So it is that immigration regularly returns to the news. It always has. It always does.

Only America takes special pride in describing its nationality as independent of race or blood.

The question of what our policy toward the world's huddled masses should be is especially topical at this moment. The Statue of Liberty still lifts her lamp beside the golden door, but in a time of economic downturn, there is no longer an assured consensus that the door should be kept open very far. Restrictionism is back in fashion. For every journalistic article like that of *Business Week* in July 1992, which notes that “the U.S. is reaping a bonanza of highly educated foreigners” and that low end immigrants “provide a hardworking labor force to fill the low-paid jobs that make a modern service economy run,” there is another like Peter Brimelow's in the *National Review*. His title tells it all: “Time to Rethink Immigration?” The burden of his argument is that America has admitted too many immigrants of the wrong ethnic background (he himself is a new arrival from Britain), that neither our economy nor our culture can stand the strain, and that “it may be time to close the second period of American history [the first having been the era of the open frontier] with the announcement



Immigrants are given the opportunity to gain citizenship through the Naturalization Process.

that the U.S. is no longer an “immigrant country.” In short, we're here; you foreigners stay home. Nor are journalists the only voices in the debate. Last August California's governor Pete Wilson got media attention with a proposal to amend the Constitution so as to deny citizenship to an entire class of people born in the United States, namely, those unlucky enough to be the children of illegal immigrants.

If, as I have, you have been “doing” immigration history for many years, you've heard the restrictionists arguments before and expect to hear them again. And you are under the obligation to answer back, because what is at stake in the argument is nothing less than the essential nature of the United States of America. We are different. We aren't the only country that receives immigration or that has to deal with resentment directed toward “aliens.” The popularity in France of Jean-Marie Le Pen's National Front party and the surge of anti-foreign (and neo-Nazi) “Germany-for-Germans” violence in Germany are evidence of that. It's also true that in a world of swift intercontinental travel and instant global

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communication, immigration policy cannot really be made by separate governments as if they lived in a vacuum. Such problems as there are demand multinational solutions.

Nevertheless and notwithstanding, the United States of America is different. Immigration is flesh of our flesh, and we need to be reminded of that. Some sneer at the statement that we are a nation of immigrants as a cliché; all nations, they assert, are made up of mixtures of different peoples. So they are, as new tribes and races displaced old ones by conquest or by random migration. But the United States was created by settlers who arrived from elsewhere, who deliberately and calculatedly invited and urged others to follow them, and who encouraged the process in ways that were unique. Of course, countries like Canada and Australia depended on immigration for survival and success, but only the United States made the acquisition of citizenship swift and simple; only the United States made it a matter of principle to equalize the conditions of new citizens and old; only the United States takes special pride in describing American nationality as, by definition, independent of race and blood—as something that is acquired by residence and allegiance regardless of birthplace or ancestry.

Confirmation of that statement is in the record, and the record needs to be reviewed. It is not a flawless one. Of course the people of the United States have not always extended an equal welcome to all races; of course there have been spasms of hostility like the current wave—in the 1790s, in the 1850s, in the 1920s. They are also part of the record, but on the whole the record is exceptional and ought to be known and understood before any new major changes in policy are made.

Every Passover Jews the world over sit down to the Seder table to retell the story of Exodus from Egypt in order to pass on to their children and renew in themselves their sense of who, what, and why they are. There was a time when the Fourth of July was an occasion for re-creating the days of the American Revolution, in order to serve the same purpose for Americans. (I hope that it makes a comeback, despite the assaults of a misguided “multiculturalism.”)

Now is the proper occasion for retelling the immigration story. So let us begin at the beginning, with the statement that offends the new exclusionist.

## IN THE BEGINNING: 1607–1798

“We are a nation of immigrants.” It’s a politician’s generality at an ethnic picnic, a textbook bromide swallowed and soon forgotten. It is also, as it happens, a profound truth, defining us and explaining a good part of what is extraordinary in the short history of the United States of America. There is no American ancient soil, no founding race, but there is a common ancestral experience of moving from “there” to “here.” Among the founders of this nation who believed that they were agents of destiny was an English preacher who said in 1669, “God hath sifted a nation that he might send choice grain into this wilderness.” The grain has arrived steadily and from many nations. “Americans are not a narrow tribe,” wrote Herman Melville; “our blood is as the flood of the Amazon, made up of a thousand noble currents all pouring into one.”

We begin arbitrarily with a seventeenth-century English migration that produced the First Families of Virginia (founded in 1607) and Massachusetts’s Pilgrim Fathers (1620). Arbitrarily because already in 1643 Isaac Jogues, a French Jesuit missionary visiting New Amsterdam, said he heard eighteen languages spoken in that seaport town, which probably included Mediterranean and North African dialects and the

Hebrew of a small settlement of Sephardic Jews.

But the stock planted in the 1600s was basically English. In the eighteenth century it turned “British” as Scots and Irish arrived in significant numbers, then partly European through an influx of Germans, and African, too, through the thousands of involuntary black immigrants brought in on the hell ships of the slave trade.

Those initial colonial migrations to “British North America” illustrate forces that are still at work in 1993. The names, faces, and languages change, but the basics remain. Immigrants are pushed out of their original homes by war, upheaval, misery, and oppression. They are pulled toward America by the promise of economic betterment and a chance to breathe free. Sometimes they are lured by promoters who want their passage money or their labor and skills. Sometimes they have come in legal or actual bondage.

But whenever and wherever they have come, they have changed what they found. That was clear from the moment that seventeenth-century England sent the first immigrant wave. The land was ripe for mass exodus. Civil, religious, and class war raged

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from beginning to end of the century, encompassing in their course the execution of one king and the expulsion of another. Major changes in the economy drove small farmers off their subsistence plots in favor of sheep. “The people ... do swarm in the land as young bees in a hive,” said one clergyman. “The land grows weary of her inhabitants,” said another—by name John Winthrop, soon to move with fellow Puritans to a place called Massachusetts Bay.

The London government planted colonies to help houseclean the surplus population. Some started under the rule of private corporations that looked for gold and silk and settled for the profits in fish, fur, and tobacco. Some were begun by like-minded religious seekers, some by individuals to whom the king gave huge tracts of wilderness to turn into profitable agricultural estates. All needed people to thrive, and got them. Some 378,000 Englishmen and women left for the Western Hemisphere during the century; 155,000 wound up on mainland North America. They came on the Mayflower; they came in groups brought over by colonial proprietors who got so many extra acres of land per head of immigrant. They came as indentured servants, under bond to work a term of years. Some came in fetters at the request of unchoosy colonial administrators, like the governor of Virginia who asked London in 1611 for “all offenders out of the common gaols condemned to die.” There may have been, over the decades, as many as 50,000 of such “felions and other desperate villaines.”

They brought the imprint of England in their baggage. Without stinting other contributions, there isn’t any question that constitutional self-rule, Protestant individualism, capitalism, and the work ethic were hammered into the national character in the seventeenth-century English. And yet English with a difference. “They ate the white corn-kernels parched in the sun,” Stephen Vincent Benét wrote in 1943, “and they knew it not, but they’d not be English again.”

Autocratic rule was modified almost at once because London was far away—and freedom attracted new settlers. Virginia demanded and got a representative assembly in 1624; all the other colonies followed in due course.

It was an age of religious rigidity, but state-imposed conformity had to bend to the needs of settlement. In 1632 King Charles I gave his supporter Cecilus Calvert, Lord

Baltimore, the future state of Maryland (named for the Catholic queen). Calvert saw to it that his fellow Catholics, under heavy pressure back home, were tolerated within its borders. In the 1680s a different king bestowed yet another colony on William Penn. The Quaker Penn opened Pennsylvania not only to other members of the Society of Friends but to “dissenters” of every description. In different colonies intolerance rose and fell, but more often fell as population grew and spread. “Here,” reported New York’s governor in 1687, “be not many of the Church of England, few Roman Catholics, abundance of...singing Quakers, ranting Quakers, Sabbatarians, Anti-Sabbatarians, some Anabaptists, some Independents, some Jews; in short, of all sorts of opinions

there are some, and the most part none at all.”

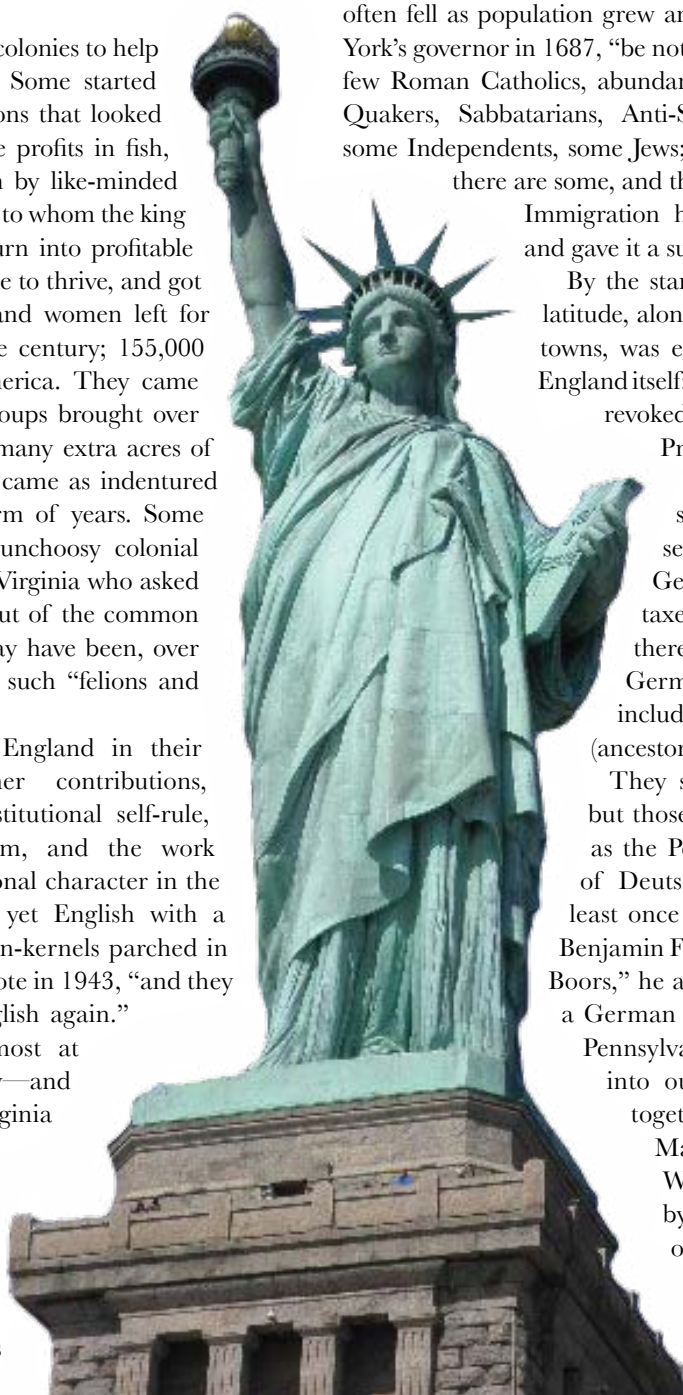
Immigration helped bring on the Revolution, and gave it a surprising new meaning.

By the start of the eighteenth century, that latitude, along with virgin land and prospering towns, was exerting a magnetic force outside England itself: in France, where, in 1685, the king

revoked an edict that had protected his Protestant subjects, thereby sending thousands of Huguenots—thrifty, skilled traders and artisans—to settle in America; in the many little German principedoms plagued by war, taxes, and rack rents, so that altogether there were some 225,000 colonists of German stock on the Revolution’s eve, including groups like the Mennonites (ancestors of the Amish) and Moravians.

They spread through several colonies, but those in Pennsylvania became known as the Pennsylvania Dutch (a corruption of Deutsch), and their clannish ways at least once exasperated the usually tolerant Benjamin Franklin. “Why should the Palatine Boors,” he asked (the Rhenish Palatinate was a German region that furnished many new Pennsylvanians), “be suffered to swarm into our Settlements, and by herding together, establish their Language and Manners to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of Aliens?”

There was no language problem with the “Ulster” Irish or Scots Irish. These Scots, deliberately planted



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in the northern counties of Ireland in the 1600s to help subdue the native Catholics, were busy and productive farmers until, in 1699, English landowners got the door slammed on competitive agricultural imports. The ensuing distress sent as many as 12,000 a year of the Ulstermen and women to the colonies. They poured into the frontier regions, carrying with them strict Calvinism and a distaste for both Indians and speculators who cornered huge tracts to sell at high prices. It was, in their eyes, “against the laws of God and nature that so much land should be idle while Christians wanted it to labor on and raise their bread.”

They were the ancestors of such as Daniel Boone and Andrew Jackson.

The end of the French and Indian War in 1763 spurred a rush of migration to the now-secure colonial frontiers and the growing seaboard towns of Boston, New York, Philadelphia, Charleston. From 1763 to 1775 some 221,000 newcomers arrived:

55,000	Ulstermen,
40,000	Scots,
30,000	English,
12,000	Germans and
84,500	Swiss—and
	chained Africans.

Perhaps a third of all the colonists in 1760 were either born abroad or had parents who were. The English government, once worried about overpopulation, now feared depopulation even more and cracked down on large landowners’ seductive invitations to immigrants. Thus the charge in Jefferson’s bill of particulars showing that the king sought an absolute tyranny over the colonies: “He has endeavoured to prevent the Population of these states; ... obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.”

Immigration helped bring on the Revolution, and to give it a surprising new meaning. By 1782 the former English colonies were separate states, linked by common interests and a common culture that was more than simply English. Michel Guillaume Jean de Crèvecoeur, a French immigrant, put it this way: “What then is the American, this new man? He is either an European, or the descendant of a European, hence that strange mixture of

blood, which you will find in no other country. I could point out to you a family whose grandfather was an Englishman, whose wife was Dutch, whose son married a French woman, and whose present four sons have now four wives of different nations.... Here individuals of all nations are melted into a new race of men, whose labours and posterity will one day cause great changes in the world...”

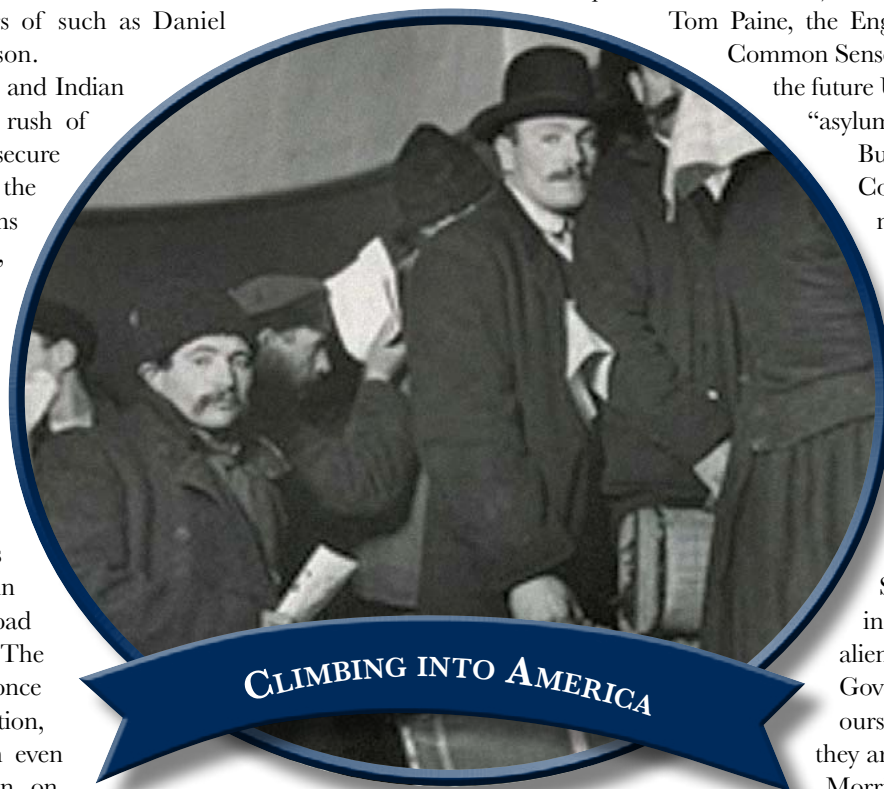
The immigrant generals and soldiers who fought on the American side in the Revolution (like Gen. Frederick Muhlenberg, the German-trained Lutheran pastor who would become the first

Speaker of the House) would have agreed. So would Tom Paine, the English immigrant author of *Common Sense*, which, in 1776, called on the future United States to become an “asylum for mankind.”

But when the Constitutional Convention came to consider naturalization laws and residence requirements for officials, a different point of view was evident. Even a sturdy democrat like Virginia’s George Mason did not “chuse to let foreigners and adventurers make laws for us & govern us.” Pierce Butler of South Carolina—born in Ireland—believed that aliens brought in “ideas of Government so distinct from ours that in every point of view they are dangerous.” Gouverneur Morris, a gifted master of sarcasm from New York,

applauded generosity to foreigners but counseled “a moderation in all things.... He would admit them to his house, he would invite them to his table ... but would not carry the complaisance so far as to bed them with his wife.”

Compromise prevailed; no person may be a representative who has not been a citizen seven years, or become a senator with less than nine years’ citizenship. Presidents must be American-born. The issue blew up again in 1798 during stormy confrontations between Jefferson’s Republicans and conservative Federalist opponents who feared an infiltration of radical immigrants full of dangerous ideas hatched by the French Revolution, then in full career. A Federalist-dominated Congress passed the Alien and Sedition Acts of 1798, which allowed the President to expel foreigners whom he deemed



CLIMBING INTO AMERICA

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dangerous on suspicion of treasonable activities. Jefferson called the measure “worthy of the 8th or 9th century,” and when he and his supporters won the election of 1800, they let it die without renewal.

## YOUNG REPUBLIC: 1815–60

Jefferson’s optimistic vision of an always enlightened and open-minded America has survived as a hotly contested influence on the land. But his expectation that the nation would remain permanently agrarian was totally wrong. Half a century after he left the White House, steam power had transformed the country.

Inventors and investors proved the truest American radicals. Steamboats and rail lines crisscrossed a Union that spread to the Pacific and boasted more than thirty states. Mills, mines, factories, distilleries, packinghouses, and shipyards yearly churned out millions of dollars’ worth of manufactured goods.

And it was linked to mass immigration. Immigrants furnished much of the labor that made the productive explosion possible and many of the consumers who made it profitable. The same industrializing processes that were at work and opened jobs here uprooted millions in Europe whose handicrafts became obsolete or whose land fell into the hands of those who could farm more “efficiently.” Two decades of Napoleonic warfare, followed by three more of suppressed democratic and nationalist revolution, created a new reservoir of suffering from which emigration offered an escape.

America was a major beneficiary. Europe’s growing cities and new overseas dominions beckoned, but the United States was the special promised land as the nineteenth century took its dynamic course. Fewer than 8,000 immigrants per year landed on American shores between 1783 and 1815, but 2,598,000 came in the next forty-five years: 1,500,000 in the 1840s and 3,000,000 in the 1850s. The pre-Civil War period of immigration belonged predominantly to 1,500,000 Germans and 2,000,000 Irish. It was the Irish whose transplantation was most shadowed in tragedy. Unbelievably, Ireland—only a few hours by water from the very center of the modern world in England—was stricken by the oldest of Biblical scourges, famine.

Irish migration had begun early. The rich English absentee landlords who ruled the country left their peasant tenants to feed themselves on the potatoes grown on tiny plots. A visitor declared that “the most miserable of English paupers” was better off. Irish Catholics and Irish nationalists were equally despised



and frustrated. There was little future, and thousands, early in the century, migrated to the United States to find pick-and-shovel jobs on the growing network of turnpikes, canals, and railroads. But in 1845 the stream of opportunity seekers was turned into a flood of refugees. The potato crop, smitten by a fungus, failed in three successive years. Mass starvation was the result.

In the hovels inhabited by the “Paddies,” rats gnawed on unburied bodies while others in their death throes looked on, too weak to move. “All with means

are emigrating,” wrote one official; “only the utterly destitute are left behind.”

Victims of the “Great Hunger” were not through with their torments when they boarded filthy, overcrowded, and underprovisioned ships, where, said one witness, it was “a daily occurrence to see starving women and children fight for the food which was brought to the dogs and pigs that were kept on deck.” En route 10 to 20 percent of them died of disease. In the United States, lacking capital and prepared only for low-level employment, they were crammed into the new urban slums. Some were housed, according to an investigation committee, nine in a room in windowless and waterless cellars, “huddled together like brutes without regard to age or sex or sense of decency.”

It was a little better for the Germans. Many were professionals and scholars with some capital, political refugees rather than disaster victims. Some came in groups that pooled their money to buy cheap Western lands, and these founded towns like New Ulm in Minnesota or New Braunfels in Texas. So many of them became Texans, in fact, that in 1843 the state published a German edition of its laws. An American reporter visited a German farm in Texas in 1857. “You are welcomed,” he told readers, “by a figure in a blue flannel shirt and pendant beard, quoting Tacitus, having in one hand a long pipe, in the other a butcher’s knife; Madonnas upon log-walls; coffee in tin cups upon Dresden saucers; barrels for seats to hear a Beethoven’s symphony on the grand piano.”

German farmers spread through Illinois, Michigan, Missouri, Iowa, and Wisconsin. German brewers, bookbinders, butchers, musicians, and other craftspeople settled cohesively and proudly in cities from New York to New Orleans, St. Louis to Cincinnati. In 1860, 100,000 New York Germans supported twenty churches, fifty German-language schools, ten bookstores, five printing establishments, and a theater, in neighborhoods known collectively as Kleindeutschland (little Germany). To contemporaries the Germans

# A NATION OF IMMIGRANTS

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seemed a model minority, the Irish a problem minority—a kind of generalizing that would, in time, be transferred to other peoples.

Besides these two major groups, there were Danes, Norwegians, and Swedes arriving in increasing numbers from the 1850s onward; French-Canadians moving into New England textile factories to replace Yankee workers of both sexes; Dutch farmers drifting to western Michigan; and in 1849 Chinese who had heard of the California gold strikes and came for their share of the “Golden Mountain,” as they called America—only to be crowded out of the mining camps by mobs and restrictive laws and diverted into railway labor gangs, domestic service, restaurants, and laundries.

The immigrants helped push the United States population from 4,000,000 in 1790 to 32,000,000 in 1860. They built America by hand, for wages that were pittances by modern standards—\$40 a month in Pennsylvania coal mines, \$1.25 to \$2 a day on the railroads—but tempting nonetheless. (In Sweden farmhands earned \$33.50 per year.) They dug themselves into the economy and into the nation’s not-always-kindly ethnic folklore. New England textile towns like Woonsocket and Burlington got to know the accent of French-Canadian “Canucks.” So many Swedes became Western lumbermen that a double-saw was called a “Swedish fiddle.” Welsh and Cornish copper miners in Michigan’s Upper Peninsula, were known as Cousin Jacks.

There were exceptions to the geographical stereotypes—Dutch settlements in Arizona, a Swedish nucleus in Arkansas, a Chinese community in Mississippi—and Irishmen in Southern cities like Mobile and New Orleans, where they were employed on dangerous jobs like levee repair because they were more expendable than fifteen-hundred-dollar slaves.

American culture shaped itself around their presence. Religion was a conspicuous example. The Church of Rome in America was turned inside out by the Irish, whose sheer numbers overwhelmed the small groups of old-stock English and French Catholics from Maryland and Louisiana. The first American cardinal, John McCloskey, was the son of a Brooklyn Irishman. The second, James Gibbons, an Irish boy from Baltimore. German and Swiss Catholic immigrants added to the melting-pot nature of their church in the United States before the Civil War—and the Poles and Italians were yet to come.

German and Scandinavian Lutheran immigrants—free of state and ecclesiastical authorities—developed strong local leaders and new, secessionist bodies, like the German-dominated

Missouri Synod and the Scandinavian Evangelical Lutheran Augustana Synod. Both of these were theologically conservative groups. On the other side Isaac Mayer Wise, a German immigrant rabbi, became the patriarch of Reform Judaism in America, to save the faith, in his words, from “disappearance” into “Polish-cabalistical ... supernaturalism.” All the “immigrant churches” in the United States built their own networks of social service agencies, parochial schools, and ministerial training seminaries without state help, blending the faith of their fathers with an American style of independent congregational activism. In the house of God, too, the American was a “new man.”

Ethnic politics took root in immigrant-crowded city wards. Nowhere was it stronger than among the gregarious Irish, whose neighborhood saloons became political clubhouses. The Society of St. Tammany was an old-stock New York City association founded in 1789 to promote Jeffersonian ideas. Fifty years later the Irish had so infiltrated it that a writer quipped: “Ask an Irishman, and he will probably tell you that St. Tammany was a younger brother of St. Patrick who emigrated to America for the purpose of taking a city contract to drive all Republican reptiles out of New York.” Patronage jobs handed out by the machine made Irish cops a stereotype for the rest of the century.

But the lower-class Irish in particular stung an American elite long steeped in anti-popery. Anti-immigrant feelings began to rise in the 1840s and focused especially on the Irish, who, like poor people before and after them, were denounced for not living better than they could afford. “Our Celtic fellow citizens,” wrote a New York businessman, “are almost as remote from us in temperament and constitution as the Chinese.” Bigotry can always find excuses and weapons. The handiest one in the 1840s was anti-Catholicism.

In 1834 a Boston mob burned a convent. Ten years later there were riots in Philadelphia after a school board ruled that Catholic children might use the Douay version of the Bible in school. “The bloody hand of the Pope,” howled one newspaper, “has stretched itself forth to our destruction.” A few years after that, anti-Catholic and anti-foreign feelings merged in a nativist crusade called the Know-Nothing movement. Its goal was to restrict admission and naturalization of foreigners, and among its adherents was Samuel F. B. Morse, the father of telegraphy, who cried aloud: “To your posts! ... Fly to protect the vulnerable places of your

Constitution and Laws. Place your guards.... And first, shut your gates.”



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Know-Nothings had some brief success but little enduring impact. Their drive got strength from a generalized anxiety about the future of the country on the eve of the Civil War. But Know-Nothingism cut across the grain of a venerable commitment to equal rights, and no one put his finger on the issue more squarely than Abraham Lincoln when asked in 1855 whether he was in favor of the Know-Nothing movement:

“How could I be? How can any one who abhors the oppression of negroes, be in favor of degrading classes of white people? Our progress in degeneracy appears to me to be pretty rapid. As a nation, we began by declaring that ‘all men are created equal.’ We now practically read it, ‘all men are created equal, except negroes.’ When the Know-Nothings get control, it will read, ‘all men are created equal, except negroes, and foreigners and catholics.’ When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy.”

Three years later, on the Fourth of July, 1858, in debating with Stephen A. Douglas, Lincoln returned to the theme. What could the Fourth mean, he asked, to those who were not blood descendants of those who had fought in the Revolution? His answer was that in turning back to the Declaration of Independence, they found the sentiment “We hold these truths to be self-evident, that all men are created equal,” that they “feel ... and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration and so they are. That is the electric cord ... that links the hearts of patriotic and liberty-loving men together...”

Lincoln was unambiguous. There was no exclusively American race entitled to claim liberty by heredity. What held the nation together was an idea of equality that every newcomer could claim and defend by free choice.

That concept was soon tested to the limit with Lincoln himself presiding over the fiery trial. Foreign-born soldiers and officers served the Union in such numbers and with such distinction that the war itself should have laid to rest finally the question of whether

“non-natives” could be loyal. It didn’t do that. But it paved the way for another wave of economic growth and a new period of ingathering greater than any that had gone before.

## HIGH TIDE AND REACTION: 1885–1930

After 1865 the United States thundered toward industrial leadership with the speed and power of one of the great locomotives that were the handsomest embodiment of the age of steam. That age peaked somewhere in the 1890s. By 1929 the age of electricity and petroleum was in flower. And the United States was the world’s leading producer of steel, oil, coal, automobiles and trucks, electrical equipment, and an infinite variety of consumer goods from old-fashioned overalls to newfangled radios. The majority of Americans lived in supercities, their daily existence made possible by elaborate networks of power and gas lines, telephone

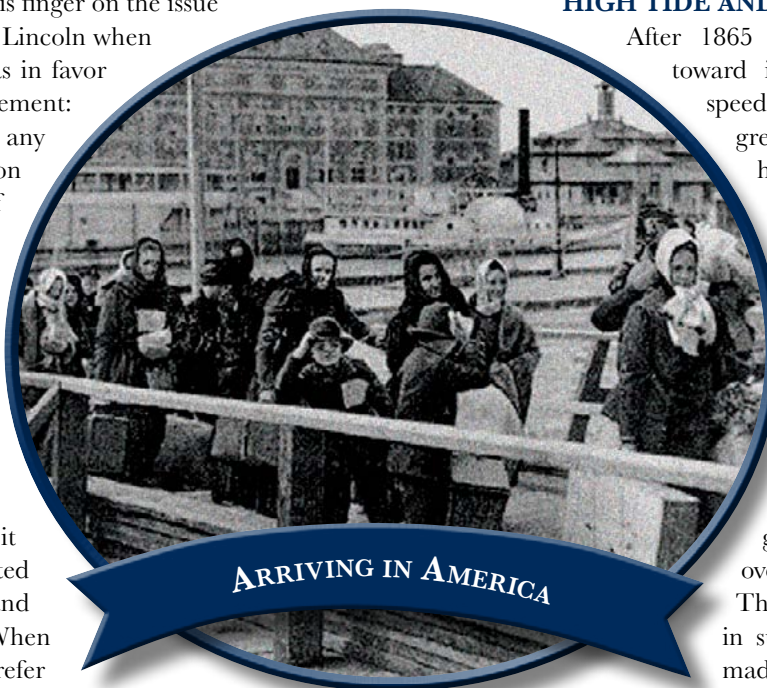
wires, highways, bridges, tunnels, and rails.

And the foreign-born were at the center of the whirlwind. Expansion coincided with, depended on, incorporated the greatest wave of migration yet. In the first fourteen years after the Civil War ended yearly immigration ranged from 318,568 in 1866 to 459,803 in 1873, slumping during the hard times of 1873–77, and rebounding to 457,257 in 1880.

Then came the deluge: 669,431 in 1881; 788,992 in 1882. Seven times between 1883 and 1903 the half-million total was passed. The million mark was hit in 1905 with 1,026,499—and exceeded six times between that year and 1914. The all-time peak came in 1907: 1,285,349.

All told, some 14,000,000 arrived at the gates between 1860 and 1900; another 18,600,000 followed between 1900 and 1930. Almost all of them came from Europe, a transoceanic transplantation unmatched in history.

The “old” Americans—that is, the children of immigrants who had arrived earlier—watched the influx with feelings that ran from pride to bewilderment and alarm, for the “new” immigration was not from traditional sources. Until 1890 most new arrivals were from familiar places: the British Isles, Germany, the Scandinavian countries, Switzerland, the Netherlands. But now it was the turn of southern and eastern Europe to swarm. Of the roughly 1,280,000





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— CONTINUED —

in the record-setting 1907 intake, 260,000 were from Russia, which then included a goodly portion of Poland. Another 285,000 were from Italy. Almost 340,000 were from Austria-Hungary, a doomed “dual monarchy” that included much of the future Yugoslavia and Czechoslovakia and another part of Poland. About 36,000 were from Romania, Bulgaria, and what was left of the Ottoman Turkish Empire in Europe. There were modest numbers of Greeks and Portuguese.

These new immigrants were palpably different. There were Eastern Orthodox as well as Roman Catholics, and Orthodox Jews. There were, at a time when ethnic labels were taken with great seriousness, Magyars, Croats, Slovenes, Slovaks, and people generally grouped as “Slavs” and “Latins” and sniffed at in suspicion and disdain. In 1875 *The New York Times* said of Italians that it was “hopeless to think of civilizing them, or keeping them in order, except by the arm of the law.” A Yankee watching Polish farm workers was struck by their “stolid, stupid faces.” An American Jewish journal, offended by the beards, side curls, and skullcaps of Polish greenhorns, wondered what could be done with these “miserable darkened Hebrews.”

The immigration patterns had shifted with the course of modern European history. A rising demand for political independence in central Europe fed political turbulence. Russian nationalism spawned anti-Semitic outbursts and hard, impoverishing economic restrictions on Jews. Southern Italy was overwhelmed by agricultural poverty that was increased by policies of industrialization and modernization that favored the north. Europe was full of hopeful seekers of streets paved with gold.

And there were voices to entice them. The immigration bureaus of Western states distributed literature in several languages touting opportunities within their borders. Railroad companies with land grants wooed Russian and German farmers to come out and buy (on long-term credit) tracts on the Great Plains. The Great Northern line—which James J. Hill built without land grants—offered fares as low as thirty-three dollars to any point on the tracks that ran from Minnesota to Oregon, plus sweet deals on acquiring

and moving machinery, livestock, lumber, fencing. Steamship companies were in the hunt too. Modern technology had reduced the dreaded transatlantic passage to ten or twelve days instead of months. Steerage accommodations were far from clean or comfortable, but they cost as little as twenty-five dollars, and passengers were no longer likely to die on the way.

So the immigrants came. For the most part this was an urban migration. Millions went to the middling-sized red-brick towns dominated by the factory chimney and whistle. More millions went to the big cities, where they grunted and sweated in the creation of the skyscrapers, the bridges, the subways and trolley lines, the sewer and lighting systems—the guts of the metropolis. Or where, if they did not swing a pick or scrub floors, they sold groceries to those of their countrymen who did.

In the 1890s Chicago had more Germans than any of Kaiser Wilhelm’s cities except Berlin and

Hamburg; more Swedes than any place in Sweden except for Stockholm and Gothenborg; more Norwegians than any Norwegian town outside of Christiania (now Oslo) and Bergen. Of some 12,500 laborers modernizing New York State’s Erie Canal, fully 10,500 were Italians rounded up on

the docks by Italian-speaking padrones and furnished to construction companies at so much per head. By 1897 Italians made up 75 percent of New York City’s construction workers. Jews already dominated the town’s once-German garment industry.

In Pennsylvania in 1900 almost 60 percent of white bituminous coal miners were foreign-born. In three anthracite coal mines in a single county, more than three-quarters of the work force was Slavic. Twenty-five languages were spoken in the textile mills of Lawrence, Massachusetts.

Ethnic monopolies of particular lines of work were established. In 1894 all but one of New York City’s 474 foreign-born bootblacks were Italian, and Greeks dominated the confectionery business in Chicago until past the end of World War II.

For most, life in the golden land was potentially promising but actually brutal. Wages hung at or below the cost of living and far below the cost of comfort. Some parts of Chicago had three



EUROPE WAS FULL OF  
HOPEFULL SEEKERS OF  
STREETS PAVED WITH GOLD

# A NATION OF IMMIGRANTS

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times as many inhabitants as the most crowded sections of Tokyo or Calcutta. A New York survey taker found 1,231 Italians living in 120 rooms. Single toilets and water faucets were shared by dozens of families. Uncollected garbage piled up in alleys. Privacy and health were equally impossible to maintain, and pulmonary diseases raged through the tenement “lung blocks.”

Settlement-house workers took up residence in the worst neighborhoods, trying to teach the rudiments of hygiene. The American public school took on a new role. Authorities regarded it as their mission to teach immigrant children not only basic skills but civic responsibility, respect for the flag, and the proper use of the toothbrush. In fact, the schools did produce millions of competent citizens. One alumna, Mary Antin, said that born Americans should be grateful for their role in “the recruiting of your armies of workers, thinkers, and leaders.” But the precedent of having schools serve as agents of social policy—in this case of assimilation—would later haunt overburdened teachers and administrators.

The urban center of gravity of the new immigrants made it harder for them to be accepted. Most “native” Americans were encountering the basic problems of the big city—crowding, crime, graft, corruption, disease—for the first time. It was all too easy for them to associate these evils with the immigrants, who seemed always to be at the center of this or that dilemma. Sympathetic men and women like Jane Addams, Emily Balch, Hutchins Hapgood, and Horace M. Kallen did their best to explain immigrant culture to their fellow old-stock Americans and to guide the newcomers in acceptable American ways.

In the 1890s, old New England families rallied to form the Immigration Restriction League.

The immigrants themselves did not take on the role of clay awaiting the potter’s hand. They organized their own newspapers, theaters, social clubs, night classes, and self-help societies. These, while keeping the old-country languages and folkways alive, steadfastly preached and practiced assimilation and urged members and readers to rush into citizenship and respectability, which the great majority of them did. Single men skimped and struggled to bring over families. Families sacrificed to send children to school. And the children found different paths to Americanization. Some joined political machines and parties; some worked in the union movement; others forged their own steps to success in business. (And some never graduated beyond the streets and dead-end jobs.)

Regardless of what they did, they were caught in the center of a steadily sharpening American debate over the “immigrant problem” that began in the early 1890s. It was a reprise of earlier nativist struggles. As early as 1882 Congress was prevailed upon to exclude Chinese from entry and citizenship. In the 1890s an Immigration Restriction League was formed. Its leaders were from old New England families who shared the fears of the writer Thomas Bailey Aldrich that through our “unguarded gates” there was pouring a “wild motley throng” of “Men from the Volga and the Tartar steppes.”

Would the America of the future be populated, one restrictionist asked, by “British, German and Scandinavian stock, historically free, energetic, progressive, or by Slav, Latin and Asiatic races, historically down-trodden, atavistic and stagnant?” The call for an end to unchecked immigration was echoed by labor leaders like the AFL’s Samuel Gompers (a Dutch-born Jewish immigrant from England in 1863), who complained that the “present immigration” consisted of “cheap labor, ignorant labor [that] takes our jobs and cuts our wages.”

Bit by bit, curbs were imposed—first on immigrants with contagious diseases or serious criminal records, then on those who were “professional beggars” or anarchists or prostitutes or epileptics. In 1906 President Theodore Roosevelt got Congress to establish a commission to study the “problem.” Chaired by the Vermont senator William Paul Dillingham, it labored for four years to produce a massive report that loaded the guns of a restrictionism based on invidious distinctions between the “old” and “new” immigrations. Among other things it marshaled data to

“prove” that the most recent immigrants were “content to accept wages and conditions which ... native Americans ... had come to regard as unsatisfactory.” It stated that “inherent racial tendencies” rather than poverty explained miserable immigrant living conditions and went on to say many other uncomplimentary things about the great-grandparents of some fifty million of today’s Americans.

No action was taken on the report when it appeared in 1910. But racist feeling was on the rise. The Ku Klux Klan was revived in 1915. A hysterical drive for 100 percent Americanism during World War I and the Red scare immediately afterward fed a popular belief articulated by one congressman: “We get the majority of the communists, the I.W.W.’s, the dynamiters, and the assassins...from the ranks of the present-day immigrant.”



# A NATION OF IMMIGRANTS

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In 1924 Congress passed the Johnson-Reed Act, which remained the cornerstone of national immigration policy for the next forty-one years. Starting in 1929, there would be an overall yearly limit of 150,000 on immigrants from outside the Western Hemisphere. The 150,000 was to be divided into quotas, assigned to nationalities in the proportion that they bore, by birth or descent, to the total population as of 1920.

What that meant was clear. The longer a national group had been here, the more of its descendants were in the population and the larger would be its quota. When the first shares were announced, half of all places were reserved for British residents, whereas only 5,802 Italians, 6,524 Poles, and 2,784 Russians could be admitted. Groups like Syrians or Albanians fared worse, with fewer than 100 places per year. And Asians were excluded altogether.

The national origins quota system of 1924 was a landmark, ending centuries of open admission. It was also a victory for ethnic stereotyping. Yet it was not without its ironies. For one thing, it did not impose limits on a Hispanic ingathering from Mexico and Puerto Rico that was just gaining steam. Nor did it deal with the internal migration of Southern blacks into Northern cities. Anglo-Saxon superiority was therefore left unprotected on two fronts.

And in the next and newest phase of the story, covering the final years of the twentieth century, there were dramatic changes in the “racial” composition of immigration that went far beyond anything that the Immigration Restriction League could possibly have anticipated.

## THE THIRD WORLD COMES TO THE UNITED STATES: 1965–90

Like a good many pieces of social policy legislation, the Johnson-Reed Act began to be outdated from the moment it took effect. One



Immigrants approaching Ellis Island.

of its objectives—cutting down on immigration overall—was brutally affected by the Great Crash. In the deepest year of the Depression, 1933, only 34,000 immigrants arrived to take their chances in a shuttered and darkened economy.

The totals did not rise dramatically in the next seven years, but they were important weather vanes of change. Fascist and Communist dictators, and World War II, gave new meaning to the word refugee and a new scale to misery. Millions of victims of history would soon be knocking at our closed gates.

First came those in flight from Hitler, primarily Jews. Their claim to asylum was especially powerful, considering the savagery that they were fleeing (and no one suspected yet that extermination would be the ultimate threat). This was a special kind of exodus, heavy with intellectual distinction. Thousands of scientists, engineers, doctors, lawyers, teachers, and managers were hit by the Nazi purge

of independent thinkers in every part of German life. “Hitler shakes the tree,” said one American arts administrator, “and I collect the apples.” The choicest apples included such men and women as Bruno Walter, George Szell, Lotte Lenya, Paul Klee, Thomas Mann, and Hannah Arendt in the arts and philosophy. In the sciences the lists included the physicists and mathematicians Edward Teller, Leo Szilard, Eugene P. Wigner, and Enrico Fermi (in flight from Mussolini’s Italy) who shared in the creation of the atom bomb. The weapon was first proposed to the American government by the superstar of all the refugees, Albert Einstein.

World War II came—and more signals of change. In 1943 the sixty-one-year-old-Chinese Exclusion Act was repealed, because China was now an American ally. The gesture was small, and the quota tiny (105), and it could hardly be said to mark the end of anti-Asian prejudice when 112,000 American

# A NATION OF IMMIGRANTS

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citizens of Japanese descent were behind barbed wire. But it was a beginning, a breach in the wall. The horrible consequences of Hitler’s “racial science” were so clear that the philosophy of biological superiority underlying the national origins quota system received a fatal shock.

So the groundwork was laid for the future admission of nonwhite immigrants from the crumbling European empires in Africa and Asia—especially when, as it turned out, many of them were highly educated specialists.

Then the Cold War produced its worldwide tragedies and shake-ups, its expulsions and arrests and civil wars and invasions in China, Cuba, Korea, Indochina, the Philippines, Indonesia, Malaysia, Central Africa, the Middle East, Central America. A world in conflict was a world once more ready to swarm.

And in the United States an economic boom was reopening the job market, Attitudes toward immigration were changing as well. The children of the great 1890-1914 migration had come of age. They were powerful in the voting booths; political scientists credited them with a major role in supporting the New Deal. And the best-selling writers and dramatists among them were delving the richness of their experience in a way that wiped out the stereotypes of the old restrictionism.

So the walls began to crumble. First there were special enactments to clear the way for the wives and children of servicemen who had gotten married while overseas. Some 117,000 women and children entered under a War Brides Act of 1945—5,000 of them Chinese. In 1948 came the Displaced Persons Act, spurred by the misery of millions of homeless Eastern Europeans who had survived deportations, forced labor, bombings, and death camps. These were countries with the smallest national origins quotas. Congress did not repeal them, but it permitted borrowing against the future, so that at the end of the act’s four-year life, for example, Poland’s quota was mortgaged by half until 2000, and Latvia’s until 2274. About 205,000 refugees entered under this law.

An attempt to overhaul the system in 1952 got entangled in the fear-ridden climate of McCarthyism, and the resulting McCarran-Walter Act kept the national origins quotas. Harry Truman vetoed it as “utterly unworthy of our traditions and ideals ... our basic religious concepts, our belief in the brotherhood of man.” It was passed over his veto, but time was on his side. Special emergency relief acts admitted refugees from China’s civil war and Hungary’s

*The Ellis Island boat launch station, below.*



# A NATION OF IMMIGRANTS

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failed anti-Soviet uprising. Those who left Castro's Cuba needed no special relief, since there were as yet no limits on migration within the hemisphere, but they did get special help with resettlement. All told, in the 1950s immigration added up to some 2,500,000.

It was a quality migration, lured by the promise of American wages and the consumer goods made visible in the films and television shows that America exported. And jet travel now put the promised land only hours away. Foreign governments ruefully watched their elites disappearing into the "brain drain" to the United States. Between 1956 and 1965 approximately 7,000 chemists, 35,000 engineers, 38,000 nurses, and 18,000 physicians were admitted. Between 1952 and 1961 Britain lost 16 percent of its Ph.D.s, half to the United States. Comparable losses were even more critical for developing states in the Third World or small European countries.

Yet there was still room at the bottom, for workers in the "service industries" and especially in the harvest fields of the Southwest. In 1951 growers got Congress to enact "temporary worker" programs that brought in thousands of Mexican braceros. Many who received green cards remained without authorization, joining imprecise numbers of illegal immigrants known as wetbacks after presumably swimming the Rio Grande to elude the Border Patrol. There were legal ways to stay too.

*All we need is a gringuita So that we can get married  
And after we get our green card We can get a divorce  
Long live all the wetbacks.*

So ran a popular Mexican ballad. Authorized and undocumented Mexicans alike became part of an enlarging Hispanic population, fed by migrants from Central America and the Caribbean. Great numbers of Puerto Ricans were part of it, but they did not count as immigrants because of the island's special status.

In 1965 the patched old system was finally discarded, and a brand-new act was passed. It mirrored the equal-rights spirit of the 1960s, modified by the political compromises that float bills through the riptides of congressional debate. The national origins quotas vanished, but there was no return to the wide-open days. Instead, new quotas were established with three primary targets: reuniting families, opening the gates to refugees, and attracting skill and talent.

The new act mandated an annual limit of 170,000 immigrants from outside the Western Hemisphere, and 120,000 from within. These 290,000 were to be admitted under seven "preference" quotas. First and second preferences—40 percent of the total—

were saved for unmarried grown sons and daughters of citizens and legally admitted alien residents. (Spouses, minor children, and parents of citizens came in free.) The third preference, 10 percent, went to "members of the professions and scientists and artists of exceptional ability." The fourth, 10 percent, went to adult married children of U.S. citizens, and the fifth, 24 percent, to brothers and sisters of citizens. The sixth, 10 percent, was held for "skilled labor in great demand" and "unskilled workers in occupations for which labor is in short supply," and the final preference, 6 percent, was for specifically defined refugees.

As Lyndon Johnson said when he signed the act at the base of the Statue of Liberty in October 1965, the new law was not "revolutionary." Yet, he added, it "repairs a deep and painful flaw in the fabric of American life.... The days of unlimited immigration are past. But those who come will come because of what they are—not because of the land from which they sprung."

The Immigration Act of 1965 was born in the year of Great Society programs and the Voting Rights Act.

It fulfilled some of its authors' expectations and also carried some surprises—perhaps because 1965 was itself a turning point year that also witnessed urban race riots and the first heavy and expensive commitments to combat in Vietnam. Johnson was wrong in one respect: The law's effects have been revolutionary, and are still with us every day. The twenty-five years of its existence have produced a major demographic turnaround.

Europe, the prime provider of new Americans for three centuries, fell off to little more than a 10 percent share of total immigration. The bulk of it now comes from Asia and the Western Hemisphere. In the decade from 1961 to 1970 some 3,321,000 immigrants

arrived, and 1,123,000, less than 40 percent, were of European origin. Of 4,493,000 newcomers in the period 1971–80, only about 801,000 were Europeans. Between 1981 and 1990, when immigration totaled 7,338,000, the European contribution was only 761,550.

What of the other 85 to 90 percent? Of the 1,588,000 arrivals in the 1980s, 1,634,000 came from Asia (somewhat over one-third), 1,930,000 from North and South America, and 80,779 from Africa. The five major contributing nations were, in order, Mexico (640,300), the Philippines (355,000), Cuba (265,000), Korea (268,000), and China, both mainland and Taiwan (237,800).

Of the roughly 7,300,000 legal immigrants of 1981–90, 2,700,000 came from Asia, 3,600,000 from the Americas. The



# A NATION OF IMMIGRANTS

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leaders—with numbers rounded—were Mexico at 1,656,000, the Philippines at 549,000, Vietnam with 281,000, the two Chinas with 98,000 and 346,000, and Korea with 334,000. Other heavy contributors were the Caribbean nations, with together 872,000; India with about 250,000, Laos at 112,000, Iran with some 116,000, Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama) with 468,000, and African nations with 177,000.

The rising Third World totals had two sources. One was the nature of the 1965 law itself, especially the fifth-preference brother-and-sister quota. Legally admitted and naturalized immigrants brought in their siblings, who went through the same cycle and then brought in their kin, and so on in a family tree of ever-spreading branches. When Congress endorsed family reunification, it had in mind the American 1950s model of two parents and two or three children. What it saw was extended clans of Asians and Latinos.

The other root of Third World influx was the bloody history of the 1970s and 1980s. The fall of Cambodia and South Vietnam in 1975 unleashed floods of refugees who were a special responsibility of the United States. Within the first six months we admitted some 130,000, and many more thousands under special quota exemptions in succeeding years. By 1990, counting their children born here, some 586,000 people of Indochinese origin were living in the United States.

The refugee problem was worldwide. It raised issues of what countries should share the burdens of admission. It sharpened agonizing questions of when repatriation might be justified: when a family was actually fleeing for its life and when it was only looking for a chance to go where air-conditioned cars and color television sets were the visible rewards of hard work (as if both motives could not coexist).

Congress made its own tentative answer with the first major modification of the 1965 law, the Refugee Act of 1980. It set up new offices within the federal government for handling refugee affairs and reshuffled the quota system. The old seventh (refugee) preference with its 17,400 slots was abolished in favor of an annual quota of up to 50,000 refugees that could be exceeded for “grave, humanitarian reasons” by the President in consultation with Congress. The overall limit was dropped to 270,000 as a tradeoff. A refugee was officially defined as a person who could not go home again by reason of a “well-founded fear of persecution” on the basis of race, religion, nationality, or political opinion.

And as if to mock the effort to set boundaries around social revolutions, President Carter’s signature was hardly dry on the act when 125,000 new Cuban refugees were knocking at the gates, released by Castro through the port of Mariel. Carter declared that he would admit them with open arms and an open heart, a sentiment not fully shared by some residents of the South Florida communities where the Marielitos at first clustered.

Society had changed greatly since the unstructured and unsupervised days of mass arrivals at Ellis Island (long deserted and shuttered). The newest refugees did not find unskilled jobs and low-rent tenements waiting for them. It was the age of big government and bureaucratic organization. With the U.S. Treasury providing funds, and church and social service agencies the personnel, programs were launched to help with health care, schooling, and other roads to citizenship. Until the immigrants dispersed themselves around the country, they were lodged in temporary camps, some of them

former Army bases. What had been left between 1890 and 1914 to friends, families, padrones, landsleit, and political machines was now managed under guidelines set in Washington.

Washington’s welcome was not universal. Cold War politics infiltrated refugee policy in the 1980s. Refugees from Communist nations were welcomed, but those from countries officially deemed “democratic,” like El

Salvador, got shorter shrift. So did those who were “merely” trying to escape harsh but non-Communist regimes or grinding poverty, like the Haitians. The Immigration and Naturalization Service held thousands of them in detention while their petitions for asylum were suspiciously reviewed. Nonetheless, thousands of Central Americans managed to escape the net and find work—usually low-paid and menial—and to melt into the underground economy of the Hispanic communities in Florida and New York.

General statements about this newest great migration are dangerous because it is tempting to lump its members together by race and nationality, as the old Dillingham Report did, rather than by class, education, experience, income, or other categories. To describe Colombian dentists and Mexican cotton pickers as “Hispanics” or Korean chemical engineers and Pakistani nurses’ aides as “Asian” suggests nonexistent similarities.

But some broad observations fit most of the new immigrants: They get to this country swiftly and by air, they quickly fall into the consumerist culture familiar to them through television at home, and they are quickly integrated into the bureaucratic structure of entitlements that characterize life in the United States today.

**THE LAW’S EFFECTS HAVE  
BEEN REVOLUTIONARY,  
AND ARE STILL WITH  
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# A NATION OF IMMIGRANTS

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Beyond that, all-embracing descriptions strain the facts. The Vietnamese, for example, include English-speaking professionals who worked for American corporations, Catholics educated during the period of French control, and people from the bottom rung: in the words of one writer, “cosmopolites, bourgeois provincials, and dirt-poor peasants ... gifted intellectuals, street-wise hustlers and unworldly fisherfolk and farmers.” The Koreans most visible to New Yorkers are the hardworking grocers who seem to have taken over the retail fruit and vegetable business completely from the Italians. But a survey shows that more than a third of all Koreans in the United States have completed four years of college.

Recent years have witnessed a new restrictionism, but it is based on some very old alliances.

Filipino immigrants are found in hospitals, as doctors and nurses and sometimes behind the counter in the basement cafeterias; Indians in the newsstands of New York City and likewise doing advanced biochemical or genetic research in its university laboratories. Middle Eastern Arabs, both Christian and Muslim, are heavily concentrated in Detroit, and many work in the American auto industry at both shop and managerial levels. Israeli and Soviet Jewish immigrants—some of them jobless Ph.D.s—drive taxis in Washington, Los Angeles, Chicago, and New York—and work as engineers in defense industries in the Southwest. Puerto Ricans, other Latinos, and Chinese fill the places in New York’s declining garment industry once held by Italians and Jews.

Within the communities of Cambodians, Peruvians, Ecuadorians, Iranians, Russians, Israelis, Irish, and Puerto Ricans the old saga goes on as children learn new ways and move to new, unexpected disruptive rhythms. But in education the effect of the new immigration has been dramatically different from what it was prior to World War I. Then the public schools were on the rise and confident of their power and duty to unify all children behind the undisputedly correct symbols and rites of Americanism.

In the mood of the 1970s, however, things changed. Emphasis on ethnic pride and the power of the civil rights revolution dictated a new approach. Immigrant children were no longer to be thrown into English-speaking classrooms to sink or swim. Instead bilingual programs would help them in transit to a new system without their being stigmatized as stupid because they could not understand the teacher. Going further, some educators argued that preparing

children for a multicultural society required exposure to many “life-styles” and building the self-esteem of “minority” students through appreciation of their own languages, customs, and cultures. So some states mandated bilingual (usually Hispanic-English) programs into the curriculum at every level.

Whatever the virtues of the theory (debatable in the light of evidence), bilingualism provoked a strong counterreaction, and by 1990 some organizations were insisting that new immigrants were not working hard enough to learn the common tongue that was so valuable a social binding agency. An English-only drive got under way to designate English, by constitutional amendment, if necessary, as the official language of the United States.

In actual fact, Spanish (and other language) newspapers, television stations, religious congregations, and social clubs were a re-enactment

of what had gone before. In the early 1900s there had been a vigorous immigrant press, which, in time, died out. But the English-only movement drew strength from a sense of increasing discomfort over the increasing numbers of immigrants, a reawakening of the old idea that a “flood” of “unassimilated” newcomers was pouring in.

A new restrictionism was born, featuring some familiar alliances. Middle- and upper-class taxpayers believed that

the immigrants, concentrated in certain areas, were a burden on schools, hospitals, and welfare and law enforcement agencies. On the other hand, there were workers who were convinced that the immigrants took away low level jobs that were rightfully theirs or depressed wages by working in sweatshops or permitting the employment of their underage children. Black Americans tended especially to believe that material assistance that had been denied to them was going to the refugees. They were now the bypassed “old Americans.”

Resentment was fed by the widespread admiration of the academic and business success of Asian Americans, who were, in great numbers, advancing up the professional scale. They were described by some sociologists as a “model minority”—their delinquents and failures overlooked while the spotlight fell on those who succeeded.

A dread of the unknown and uncountable hovered over lawmakers. Undocumented aliens came in from the Mexico in annual numbers estimated from a few hundred thousand to many millions a year. The oft-repeated statement that we were “losing

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control of our borders” had a powerful psychological kick in a time of multiple American troubles. Had we, in fact, reached the limit of our power to offer asylum? Was there truth in what Sen. Alan Simpson said in 1982: “We have to live within limits. The nation wants to be compassionate but we have been compassionate beyond our ability to respond”?

The evidence of the actual economic effect of immigration is inconclusive. The contribution of immigrant specialists to a high-tech economy has to be considered. Every working-age, well-trained immigrant who enters the country becomes a free resource, not schooled at American cost—a dividend from the brain drain. Even the “low-end” immigrants, including the “illegals” (or undocumented), may contribute as much in sales and other taxes and in purchasing power as they take out in services and schooling. The case has also been made that the undocumented aliens, fearful of discovery, rarely claim benefits due them. Thousands of employers likewise insist that without immigrants they could not staff the service industries or harvest the fields. And the falling American birthrate suggests to some economists the possibility of labor shortages in the next century. They say that we can easily absorb half a million or so legal immigrants annually, perhaps more—though of what kind and for how long are left to debate.

But while debate went on, Congress did make a second change in the 1965 law. The Simpson-Mazzoli Act of 1986 tried to deal with two much-disputed issues. One was how to identify and count the unmeasured number of undocumented aliens already in the country without intrusive violations of civil liberties. The other was how to enforce immigration limits without a gigantic and costly expansion of the hard-pressed Immigration and Naturalization Service. The solution to the first problem was dealt with through an amnesty for pre-1982 immigrants; the second, by turning employers into enforcement agents. They would be “sanctioned” by fines if they hired undocumented aliens. The bill sparked bitter controversy in its career in three separate Congresses before final passage. Mexican-American organizations, for example, argued that employers, rather than risk sanctions, would simply refuse to hire Hispanic-looking or -sounding men and women. Employers complained about the cost and difficulty of checking credentials. But in the end a coalition for passage was established. It is still too early to tell how well the law is working.

It is not too early, however, to make some general predictions about the future course of the peopling of America. Immigration on the current scale, plus natural increase, will over time change the character of the people who inhabit these United States. Hispanic-descended men and women alone now constitute a little more than 22,000,000 in a population of about 248,000,000. By 2010 they are expected to number 39,300,000 in an overall



Two men scale the border fence between Mexico and Douglas, AZ, a few hundred yards away from where Seabees from Naval Mobile Construction Battalions (NMCB) 133 and NMCB-14 are building a 1,500 foot-long concrete-lined drainage ditch and a 10 foot-high wall to increase security along the US and Mexico border.

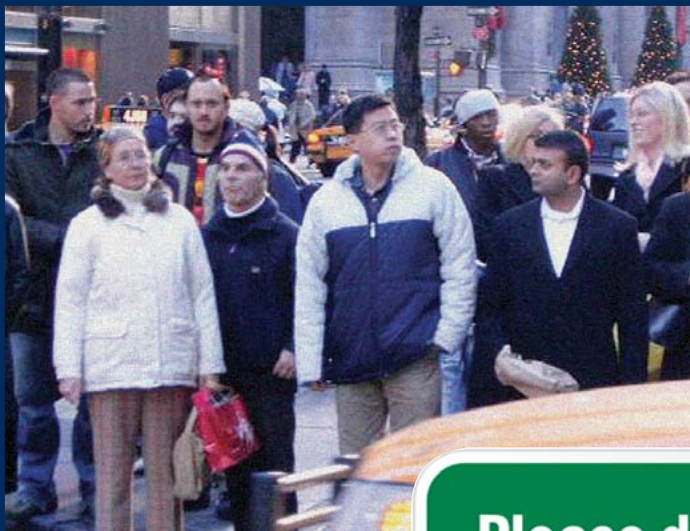
population of about 282,000,000. In other words, their increase will account for 28 percent of the total population growth in that period. Another set of census projections for the period from 1990 to 2025 sees the white population declining from 84.3 to 75.6 percent, the black population percentage rising from 12.4 to 14.6, and the percentage of “other races” almost doubling, from 3.4 to 6.5. In some urban areas where the current crop of new immigrants clusters, the terms nonwhite and minority are no longer synonyms; in Los Angeles County, for example, only 15 percent of public school children are white.

We began with a reference to the many-tongued New York that Isaac Jogues found in 1643. It is appropriate to return for a look some 350 years afterward. The old tale continues. “Young Immigrant Wave Lifts New York Economy,” runs a recent story in *The New York Times*. The paper found that the 2,600,000



# A NATION OF IMMIGRANTS

— CONTINUED —



Polyethnicity in New York City, shown above. Multilingual signs are becoming more common as the immigration population in the US increases, right.

foreign-born residents of the city (about one-third of the total population) had a positive effect. Their addition to the ranks of workers, small business owners, and consumers had probably kept New York from becoming “boarded up.” No fewer than eighteen countries had sent 5,000 or more people to the hard-pressed metropolis from 1980 to 1986. At least 114 languages are spoken in the city’s school systems. In

one Queens school a sign directs visitors to register in English, Chinese, Korean, and Spanish. Among those photographed or interviewed for the article were a Serbian-speaking garment worker, a Romanian technician in a hematology laboratory, and an Albanian building owner who began as a superintendent.

And as in New York, so also in the other great cities of America in the 1990s—in Los Angeles (44 percent of adults foreign-born) and Miami (70 percent foreign-born), in Chicago, Dallas, Boston, in the ten largest cities of the land where increases in immigrant population offset the economic impact of the loss of other residents—and in the neighborhoods across the country where the new immigrants are working and raising their American

children. For them the streets may not be paved with gold, but the dreams still glisten. What memories they will give their children, what gods they will worship, what leaders they will follow, what monuments they will create are all part of history yet to be written. It seems safe to say that, like the English, Scots, Irish, Germans, Swedes and Finns, Greeks, Poles, Italians, Hungarians, and Russians before them, they will neither “melt” into some undistinctive alloy nor, on the

other hand, remain aloof and distinct from one another. Some kind of functional American mosaic will emerge. It is the historic way; the great Amazon that Melville described as America’s noble bloodstream flows on undisturbed, into a new century. ❁



# A NATION OF IMMIGRANTS

## PHOTOGRAPHS OF IMMIGRANTS TO THE UNITED STATES

<http://docsteach.org/documents/6341034/print>

<http://docsteach.org/documents/595669/print>



Immigrant children,  
Ellis Island, New York  
ca. 1908.



Group of immigrants  
outside of a building  
on Ellis Island.

# A NATION OF IMMIGRANTS

“WHAT HAPPENED TO THE ONE WE USED TO HAVE?”

BY HERB BLOCK

<http://myloc.gov/Exhibitions/herblock/ClassicCartoons/ExhibitObjects/WhatHappenedtotheOne.aspx?Enlarge=true&ImageId=8d966666-fcf1-4f0d-8fcf-fdd8dc7930e3%3a65ff0b30-e25a-4e02-bedc-0b2901209e7c%3a1&PersistentId=1%3a8d966666-fcf1-4f0d-8fcf-fdd8dc7930e3%3a1&ReturnUrl=%2fExhibitions%2fherblock%2fClassicCartoons%2fExhibitObjects%2fWhatHappenedtotheOne.aspx>



## Summary from Library of Congress:

Newspaper articles describing the plight of European war refugees, legal impediments to their admission to the US, and statements urging President Truman to liberalize immigration regulations preceded Herbblock's cartoon by days. In this cartoon, Herb Block questions reduction of immigration quotas during the Depression and World War II. He depicts Lady Liberty, representing US immigration policy, as a figure halting immigrants, not as the traditional beacon of hope to new arrivals. Reduction of immigration quotas during the Depression and World War II highlight changes in policy that Herbblock clearly questions.



# A NATION OF IMMIGRANTS

## IMMIGRATION ACT OF 1924

AN ACT OF MAY 26, 1924, PUBLIC LAW 68-139, 43 STAT 153, TO LIMIT IMMIGRATION OF ALIENS INTO THE UNITED STATES AND FOR OTHER PURPOSES | 5/26/1924

<http://docsteach.org/documents/5752154/detail?menu=closed&mode=search&sortBy=relevance&q=immigration>

During the 1920s, Congress enacted laws to limit the number of immigrants who were entering the United States. Each immigration bill established an annual ceiling for all nationalities and a system for calculating the number of each nationality to be granted entry.

In 1920, Congress had passed the first legislation limiting the number of immigrants admitted to the United States. Congress used the 1910 census as the basis for determining how many immigrants from each country would be allowed to enter. The limit for each nationality was 3 percent of that nationality already living in the United States and recorded by the census takers. In 1924, Congress passed this even more restrictive act known as the Johnson Bill, after Representative Albert Johnson of Washington, chairman of the House Committee on Immigration. The Immi-

gration Act of 1924 established the 1890 census as the new base for determining how many immigrants would be admitted and reduced the percentage admitted to 2 percent. Since the foreign born population of the United States was much smaller in 1890 than in 1910, immigration was even more restricted than it would have been by a simple reduction of the base percentage. An additional effect of this 1924 act was discrimination against immigrants from Southern and Eastern European countries because fewer immigrants from these countries lived in the United States in 1890 than in 1910.

With some modifications, the 1924 act remained in force for more than 40 years. The 1965 Immigration and Nationality Act replaced national quotas with annual ceilings for Eastern and Western hemispheres. ❁

Sixty-eighth Congress of the United States of America;

At the First Session,

Begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and twenty-three.

### AN ACT

To limit the immigration of aliens into the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration Act of 1924."*

# A NATION OF IMMIGRANTS

## IMMIGRATION ACT OF 1924

— CONTINUED —

### IMMIGRATION VISAS.

SEC. 2. (a) A consular officer upon the application of any immigrant (as defined in section 3) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 5) or a non-quota immigrant (as defined in section 4); (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

(b) The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed.

(c) The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an

# A NATION OF IMMIGRANTS

## IMMIGRATION ACT OF 1924

— CONTINUED —

immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall be disposed of as may be by regulations prescribed.

(c) The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

# A NATION OF IMMIGRANTS

## IMMIGRATION ACT OF 1924

— CONTINUED —

### H. R. 7995—22

any alien who prior to July 1, 1924, may have entered the United States in violation of such Act or regulations made thereunder may be deported in the same manner as if such Act had not expired.

#### TIME OF TAKING EFFECT.

SEC. 31. (a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (f) of section 11, shall take effect on July 1, 1924, except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per centum of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

(b) The remainder of this Act shall take effect upon its enactment.

(c) If any alien arrives in the United States before July 1, 1924, his right to admission shall be determined without regard to the provisions of this Act, except section 23.

#### SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY.

SEC. 32. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

# A NATION OF IMMIGRANTS

## IMMIGRATION ACT OF 1924

— CONTINUED —

*W. L. Dill*

*Speaker of the House of Representatives.*

*Albert S. Cummins*

*President pro tempore of the Senate.*

*Approved, May 26, 1924.*

*Cummins*

I certify that this Act originated in the House of Representatives.

*Wm. J. C. ...*  
*Clerk.*



# A NATION OF IMMIGRANTS

## EXCERPTS FROM ARIZONA SENATE BILL 1070

<http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>

**STATE OF ARIZONA  
SENATE  
FORTY-NINTH LEGISLATURE**

**SENATE BILL 1070  
AN ACT ... RELATING TO UNLAWFULLY  
PRESENT ALIENS**

1 Be it enacted by the Legislature of  
the State of Arizona:  
2 Section 1. Intent  
3 The legislature finds that there is a  
compelling interest in the  
4 cooperative enforcement of federal  
immigration laws throughout all of  
5 Arizona. The legislature declares that  
the intent of this act is to make  
6 attrition through enforcement the  
public policy of all state and local  
7 government agencies in Arizona. The  
provisions of this act are intended to  
8 work together to discourage and deter  
the unlawful entry and presence of  
9 aliens and economic activity by persons  
unlawfully present in the United  
10 States.

20 B. FOR ANY LAWFUL CONTACT MADE BY A  
LAW ENFORCEMENT OFFICIAL OR AGENCY  
21 OF THIS STATE OR A COUNTY, CITY, TOWN  
OR OTHER POLITICAL SUBDIVISION OF THIS  
22 STATE WHERE REASONABLE SUSPICION  
EXISTS THAT THE PERSON IS AN ALIEN WHO  
IS  
23 UNLAWFULLY PRESENT IN THE UNITED  
STATES, A REASONABLE ATTEMPT SHALL BE  
MADE,  
24 WHEN PRACTICABLE, TO DETERMINE THE  
IMMIGRATION STATUS OF THE PERSON. THE  
25 PERSON'S IMMIGRATION STATUS SHALL BE  
VERIFIED WITH THE FEDERAL GOVERNMENT  
26 PURSUANT TO 8 UNITED STATES CODE  
SECTION 1373(c).

27 C. IF AN ALIEN WHO IS UNLAWFULLY  
PRESENT IN THE UNITED STATES IS  
28 CONVICTED OF A VIOLATION OF STATE OR

LOCAL LAW, ON DISCHARGE FROM  
29 IMPRISONMENT OR ASSESSMENT OF ANY  
FINE THAT IS IMPOSED, THE ALIEN SHALL BE  
30 TRANSFERRED IMMEDIATELY TO THE CUSTODY  
OF THE UNITED STATES IMMIGRATION AND  
31 CUSTOMS ENFORCEMENT OR THE UNITED  
STATES CUSTOMS AND BORDER PROTECTION.

1 Sec. 5. Title 13, chapter 29, Arizona  
Revised Statutes, is amended by  
2 adding sections 13-2928 and 13-2929,  
to read:  
3 13-2928. Unlawful stopping to hire and  
pick up passengers for  
4 work; unlawful application,  
solicitation or  
5 employment; classification; definitions  
6 A. IT IS UNLAWFUL FOR AN OCCUPANT OF A  
MOTOR VEHICLE THAT IS STOPPED  
7 ON A STREET, ROADWAY OR HIGHWAY TO  
ATTEMPT TO HIRE OR HIRE AND PICK UP  
8 PASSENGERS FOR WORK AT A DIFFERENT  
LOCATION IF THE MOTOR VEHICLE BLOCKS OR  
9 IMPEDES THE NORMAL MOVEMENT OF TRAFFIC.  
10 B. IT IS UNLAWFUL FOR A PERSON TO  
ENTER A MOTOR VEHICLE THAT IS  
11 STOPPED ON A STREET, ROADWAY OR  
HIGHWAY IN ORDER TO BE HIRED BY AN  
OCCUPANT  
12 OF THE MOTOR VEHICLE AND TO BE  
TRANSPORTED TO WORK AT A DIFFERENT  
LOCATION IF  
13 THE MOTOR VEHICLE BLOCKS OR IMPEDES  
THE NORMAL MOVEMENT OF TRAFFIC.  
14 C. IT IS UNLAWFUL FOR A PERSON WHO IS  
UNLAWFULLY PRESENT IN THE UNITED  
15 STATES AND WHO IS AN UNAUTHORIZED  
ALIEN TO KNOWINGLY APPLY FOR WORK,  
SOLICIT  
16 WORK IN A PUBLIC PLACE OR PERFORM  
WORK AS AN EMPLOYEE OR INDEPENDENT  
17 CONTRACTOR IN THIS STATE.  
18 D. A VIOLATION OF THIS SECTION IS A  
CLASS 1 MISDEMEANOR.  
19 E. FOR THE PURPOSES OF THIS SECTION:  
20 1. "SOLICIT" MEANS VERBAL OR NONVERBAL  
COMMUNICATION BY A GESTURE OR A

# A NATION OF IMMIGRANTS

## EXCERPTS FROM ARIZONA SENATE BILL 1070

— CONTINUED —

21 NOD THAT WOULD INDICATE TO A  
 22 REASONABLE PERSON THAT A PERSON IS  
 23 WILLING TO BE  
 24 EMPLOYED.

25 2. "UNAUTHORIZED ALIEN" MEANS AN  
 26 ALIEN WHO DOES NOT HAVE THE LEGAL  
 27 RIGHT OR AUTHORIZATION UNDER FEDERAL  
 28 LAW TO WORK IN THE UNITED STATES AS  
 29 DESCRIBED IN 8 UNITED STATES CODE  
 30 SECTION 1324a(h)(3).

31 13-2929. Unlawful transporting,  
 32 moving, concealing, harboring  
 33 or shielding of unlawful aliens;  
 34 vehicle

35 impoundment; classification

36 A. IT IS UNLAWFUL FOR A PERSON WHO IS  
 37 IN VIOLATION OF A CRIMINAL  
 38 OFFENSE TO:

39 1. TRANSPORT OR MOVE OR ATTEMPT TO  
 40 TRANSPORT OR MOVE AN ALIEN IN THIS  
 41 STATE IN A MEANS OF TRANSPORTATION IF  
 42 THE PERSON KNOWS OR RECKLESSLY  
 43 DISREGARDS THE FACT THAT THE ALIEN  
 44 HAS COME TO, HAS ENTERED OR REMAINS IN  
 45 THE

46 UNITED STATES IN VIOLATION OF LAW.

47 2. CONCEAL, HARBOR OR SHIELD OR  
 48 ATTEMPT TO CONCEAL, HARBOR OR SHIELD  
 49 AN ALIEN FROM DETECTION IN ANY PLACE  
 50 IN THIS STATE, INCLUDING ANY BUILDING OR  
 51 ANY MEANS OF TRANSPORTATION, IF THE

52 PERSON KNOWS OR RECKLESSLY DISREGARDS  
 53 THE

54 38 FACT THAT THE ALIEN HAS COME TO, HAS  
 55 ENTERED OR REMAINS IN THE UNITED STATES  
 56 39 IN VIOLATION OF LAW.

57 40 3. ENCOURAGE OR INDUCE AN ALIEN TO  
 58 COME TO OR RESIDE IN THIS STATE IF  
 59 41 THE PERSON KNOWS OR RECKLESSLY  
 60 DISREGARDS THE FACT THAT SUCH COMING TO,  
 61 42 ENTERING OR RESIDING IN THIS STATE IS  
 62 OR WILL BE IN VIOLATION OF LAW.

63 43 B. A MEANS OF TRANSPORTATION THAT IS  
 64 USED IN THE COMMISSION OF A

65 44 VIOLATION OF THIS SECTION IS SUBJECT  
 66 TO MANDATORY VEHICLE IMMOBILIZATION OR  
 67 45 IMPOUNDMENT PURSUANT TO SECTION  
 68 28-3511. S.B. 1070

69 - 6 -

70 1 C. A PERSON WHO VIOLATES THIS SECTION  
 71 IS GUILTY OF A CLASS 1

72 2 MISDEMEANOR AND IS SUBJECT TO A FINE  
 73 OF AT LEAST ONE THOUSAND DOLLARS, EXCEPT  
 74 3 THAT A VIOLATION OF THIS SECTION THAT  
 75 INVOLVES TEN OR MORE ILLEGAL ALIENS IS  
 76 4 A CLASS 6 FELONY AND THE PERSON IS  
 77 SUBJECT TO A FINE OF AT LEAST ONE  
 78 THOUSAND

79 5 DOLLARS FOR EACH ALIEN WHO IS INVOLVED.

80 25 Sec. 12. Short title

81 26 This act may be cited as the

# A NATION OF IMMIGRANTS

## SUPREME COURT OPINION | ARIZONA ET AL. V. UNITED STATES

<http://www.supremecourt.gov/opinions/11pdf/11-182B5E1.pdf>

“Support Our Law Enforcement and Safe 27 Neighborhoods Act”. 🌿

### TEXT:

OCTOBER TERM, 2011 1

#### Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader.

#### Syllabus

ARIZONA ET AL. v. UNITED STATES  
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 11-182. Argued April 25, 2012—  
Decided June 25, 2012

An Arizona statute known as S. B. 1070 was enacted in 2010 to address pressing issues related to the large number of unlawful aliens in the State. The United States sought to enjoin the law as preempted. The District Court issued a preliminary injunction preventing four of its provisions from taking effect. Section 3 makes failure to comply with federal alien-registration requirements a state misdemeanor; §5(C) makes it a misdemeanor for an unauthorized alien to seek or engage in work in the State; §6 authorizes state and local officers to arrest without a warrant a person “the officer has probable cause to believe . . . has committed any public offense that makes the person removable from the United States”; and §2(B) requires officers conducting a stop, detention,

(Slip Opinion)

OCTOBER TERM, 2011

1

#### Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

### SUPREME COURT OF THE UNITED STATES

#### Syllabus

#### ARIZONA ET AL. v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 11-182. Argued April 25, 2012—Decided June 25, 2012

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#### Held:

1. The Federal Government’s broad, undoubted power over immigration and alien status rests, in part, on its constitutional power to “establish an uniform Rule of Naturalization,” Art. I, §8, cl. 4, and on its inherent sovereign power to control and conduct foreign relations, see *Toll v. Moreno*, 458 U. S. 1, 10. Federal governance is extensive and complex. Among other things, federal law specifies categories of aliens who are ineligible to be admitted to the United States, 8 U. S. C. §1182; requires aliens to register with the Federal Government and to carry proof of status, §§1304(e), 1306(a); imposes sanctions on employers who hire unauthorized workers, §1324a; and specifies which aliens may be removed and the procedures for doing so, see §1227. Removal is a civil matter, and one of its principal features

or arrest to make efforts, in some circumstances, to verify the person’s immigration status with the Federal Government. The Ninth Circuit affirmed, agreeing that the United States had established a likelihood of success on its preemption claims.

#### Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions,

# A NATION OF IMMIGRANTS

## SUPREME COURT OPINION | ARIZONA ET AL. V. UNITED STATES

— CONTINUED —

Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES  
No. 11-182  
ARIZONA, ET AL., PETITIONERS v. UNITED STATES ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
[June 25, 2012]

JUSTICE KENNEDY delivered the opinion of the Court. To address pressing issues related to the large number of aliens within its borders who do not have a lawful right to be in this country, the State of Arizona in 2010 enacted a statute called the Support Our Law Enforcement and Safe Neighborhoods Act. The law is often referred to as S. B. 1070, the version introduced in the state senate.

See also H. 2162 (2010) (amending S. 1070). Its stated purpose is to “discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States.” Note following Ariz. Rev. Stat. Ann. §11-1051 (West 2012). The law’s provisions establish an official state policy of “attrition through enforcement.” Ibid. The question before the Court is whether federal

law preempts and renders invalid four separate provisions of the state law. ...Federal governance of immigration and alien status is extensive and complex. Congress has specified categories of aliens who may not be admitted to the United States. See 8 U. S. C. §1182. Unlawful entry and unlawful reentry into the country are federal offenses. §§1325, 1326. Once here, aliens are required to register with the Federal Government and to carry proof of status on their person. See §§1301-1306. Failure to do so is a federal misdemeanor. §§1304(e), 1306(a). Federal law also authorizes States to deny

noncitizens a range of public benefits, §1622; and it imposes sanctions on employers who hire unauthorized workers, §1324a. Congress has specified which aliens may be removed from the

United States and the procedures for doing so...

...The pervasiveness of federal regulation does not diminish the importance of immigration policy to the States. Arizona bears many of the consequences of unlawful immigration. Hundreds of thousands of deportable aliens are apprehended in Arizona each year. Dept. of Homeland Security, Office of Immigration Statistics, 2010 Yearbook of Immigration Statistics 93 (2011) (Table 35).

Unauthorized aliens who remain in the State comprise, by one estimate, almost six percent of the population. See

HUNDREDS OF THOUSANDS  
OF DEPORTABLE ALIENS ARE  
APPREHENDED IN ARIZONA  
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# A NATION OF IMMIGRANTS

## SUPREME COURT OPINION | ARIZONA ET AL. V. UNITED STATES

— CONTINUED —

Passel & Cohn, Pew Hispanic Center, U. S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade 3 (2010). And in the State’s most populous county, these aliens are reported to be responsible for a disproportionate share of serious crime.

State law must also give way to federal law in at least two other circumstances. First, the States are precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance. See *Gade v. National Solid Wastes Management Assn.*, 505 U. S. 88, 115 (1992).

The intent to displace state law altogether can be inferred from a framework of regulation “so pervasive . . . that Congress left no room for the States to supplement it” or where there is a “federal interest . . . so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.” *Rice v. Santa Fe Elevator Corp.*, 331 U. S. 218, 230 (1947); see *English v. General Elec. Co.*, 496 U. S. 72, 79 (1990). Second, state laws are preempted when they conflict with federal law. *Crosby*, supra, at 372. This includes cases where “compliance with both federal and state regulations is a physical

impossibility,” *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U. S. 132, 142-143 (1963), and those instances where the challenged state law “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress,”

...Federal law makes a single sovereign responsible for maintaining a comprehensive and unified system to keep track of aliens within the Nation’s borders. If §3 of the Arizona statute

were valid, every State could give itself independent authority to prosecute federal registration violations, “diminish[ing] the [Federal Government]’s control over enforcement” and “detract[ing] from the ‘integrated scheme of regulation’ created by

“...PERMITTING THE STATE TO IMPOSE ITS OWN PENALTIES FOR THE FEDERAL OFFENSES HERE WOULD CONFLICT WITH THE CAREFUL FRAMEWORK CONGRESS ADOPTED...”

Congress.”

... Permitting the State to impose its own penalties for the federal offenses here would conflict with the careful framework Congress adopted... Under §5(C) of S. B. 1070, Arizona law would interfere with the careful balance struck by Congress with respect to unauthorized employment of aliens. Although §5(C) attempts to achieve one of the same goals as federal law—the deterrence of unlawful employment—it involves a conflict in the method of enforcement.

# A NATION OF IMMIGRANTS

## SUPREME COURT OPINION | ARIZONA ET AL. V. UNITED STATES

— CONTINUED —

...Section 6 of S. B. 1070 provides that a state officer, “without a warrant, may arrest a person if the officer has

probable cause to believe . . . [the person] has committed any public offense that makes [him] removable from the United States.”

Ariz. Rev. Stat. Ann. §13-3883(A) (5) (West Supp. 2011). The United States argues that arrests

authorized by this statute would be an obstacle to the removal system

Congress created. As a general rule, it is not a crime for a removable alien to remain present in the United States. See *INS v. Lopez Mendoza*, 468 U. S. 1032, 1038 (1984). If the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent. When an alien is suspected of being removable, a federal official issues an administrative document called a Notice

to Appear. See 8 U. S. C. §1229(a); 8 CFR §239.1(a) (2012). The form does not authorize an arrest. Instead, it gives the alien information about the

proceedings, including the time and date of the removal hearing. See 8 U. S. C. §1229(a)(1). If an alien fails to appear, an in absentia order may direct removal. §1229a(5)(A).

The United States has established that §§3, 5(C), and 6 of S. B. 1070 are preempted.

It was improper, however, to enjoin §2(B) before the state courts had an opportunity to construe it and without some showing that enforcement of the provision in fact conflicts with federal immigration law and its objectives. The judgment of the Court of Appeals for the Ninth Circuit is affirmed in part and reversed in part. The case is remanded for further proceedings consistent with this opinion. 🌸

AS A GENERAL RULE,  
IT IS NOT A CRIME  
FOR A REMOVABLE ALIEN  
TO REMAIN PRESENT IN  
THE UNITED STATES.

# A NATION OF IMMIGRANTS

## FLYERS DISTRIBUTED BY SILVER BOW TRADES AND LABOR ASSEMBLY AND BUTTE MINERS' UNION

<http://docsteach.org/documents/298113/print>

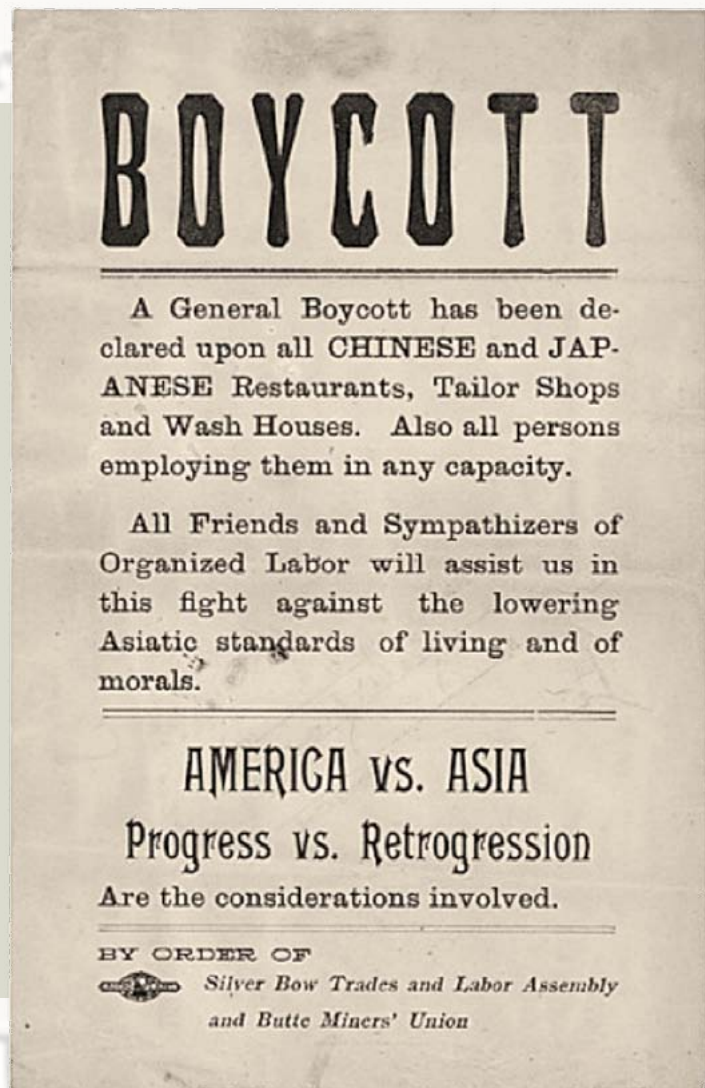
A General Boycott has been declared upon all CHINESE and JAPANESE Restaurants

*Flyers distributed by Silver Bow Trades and Labor Assembly and Butte Miners' Union in support of Chinese and Japanese boycott.*

*ca. 8/1898*

### Summary from National Archives:

Like many places in the American West, Montana had its share of anti-Chinese violence in the last quarter of the 19th century. Labor unions boycotted Chinese owned businesses in 1891-92 and a circular was posted in 1884 ordering the Chinese to leave Butte with no affect. In late 1896, several labor unions organized a second boycott blaming the Chinese businesses for the poor economic climate. The labor unions notified their members and the public of the boycott of all Chinese owned businesses and those businesses employing Chinese labor. In an effort to discourage patronage, union member picked stores, posted flyers, and held parades. Many Chinese were forced to seek work in other cities however, several merchants decided to fight back and filed suit in Federal court in Butte requesting an injunction to stop the boycott and damages from the labor unions. The case from which this document originates, Hum Lay, et.al. v. Baldwin, has become known as the Chinese Boycott case. 🌸



# A NATION OF IMMIGRANTS

FLYERS DISTRIBUTED BY SILVER BOW TRADES AND  
LABOR ASSEMBLY AND BUTTE MINERS' UNION

— CONTINUED —

**BOYCOTT!**

TO ALL FRIENDS OF ORGANIZED LABOR  
**THE BUTTE TAILORS UNION**


Has placed a Boycott on all Agents taking orders for Eastern "Scab" and Unfair Houses.

**Also All "Scab" and Unfair Houses as Follows:**

George Palmer, 16 East Broadway, Employs scab labor.	McConville, Agent for Eastern scab trade garments.
James W. Bell, 45 East Broadway, Employs Eastern ready-made garments for outside tailor's trade.	F. J. Maloney, Lou Wise and Wm. Fitzgerald, Agents for Eastern Scab and Unfair houses.
Goldman and Rheinbeck, 60 East Broadway, agents for Fane Ross, a Chicago scab firm.	Abraham, Lichtenstein, and Dolling, East Park, agents and in- troducers of the swastika pattern.
A. J. Beckman, 4 North Wyoming, agent for Eastern scab and unfair houses.	And Last But Not Least All Chinese Tailor Shops.
Lease Bros., 3 E. Broadway, scab tailors.	
Aiken, 410 N. Main, scab at Beckman.	

WE BELIEVE THAT  
**The Public Will Take an Interest**

In this Boycott and help us to enforce it, as it is to their interest as well  
as ours that they should not be deceived into buying a ready-made gar-  
ment for a scabbed tailor's make.

See That This  Label is Attached

and you may rest assured that your clothing has been made under fair  
sanitary conditions, that you have the genuine article and of the same  
fine patronize home industry. This is the only label used by Custom  
Tailors in America.

BY ORDER OF BUTTE TAILORS' UNION  
Endorsed by Silver Bow Trades & Labor Assembly

THE GUARDIAN BYSTANDEE

Names of tailors that  
were boycotted, left.

**BOYCOTT**


**MEMBERS AND FRIENDS**

—OF—  
**ORGANIZED LABOR**

Notice is hereby given that  
**MRS. GEO. ALTHOFF**, pro-  
prietress of the **WILL**  
**HOUSE** at corner of Arizona  
and E. Broadway defies  
organized labor, and says  
she will continue to patro-  
nize Chinese.

**GUIDE YOURSELVES ACCORDINGLY**

BY ORDER OF

 Silver Bow Trades and Labor Assembly

Mrs. George Althoff will continue  
to patronize Chinese, right.



# A NATION OF IMMIGRANTS

## TRANSCRIPT OF ALIEN AND SEDITION ACTS

<http://www.ourdocuments.gov/doc.php?flash=true&doc=16&page=transcript>

### TRANSCRIPT OF ALIEN AND SEDITION ACTS

– 6 JULY 1798 –

#### TRANSCRIPT:

##### Summary from the National Archives:

**P**assed in preparation for an anticipated war with France, the Alien and Sedition Acts tightened restrictions on foreign-born Americans and limited speech critical of the Government.

In 1798 the United States stood on the brink of war with France. The Federalists believed that Democratic-Republican criticism of Federalist policies was disloyal and feared that aliens living in the United States would sympathize with the French during a war. As a result, a Federalist-controlled Congress passed four laws, known collectively as the Alien and Sedition Acts. These laws raised the residency requirements for citizenship from 5 to 14 years, authorized the President to deport aliens, and permitted their arrest, imprisonment, and deportation during wartime. The Sedition Act made it a crime for American citizens to “print, utter, or publish . . . any false, scandalous, and malicious writing” about the Government. <http://docsteach.org/documents/5641586/detail?menu=closed&mode=search&sortBy=relevance&q=immigration&page=5>

#### TRANSCRIPT:

##### FIFTH CONGRESS OF THE UNITED STATES:

At the Second Session,

Begun and help at the city of Philadelphia, in the state of Pennsylvania, on Monday, the thirteenth of November, one thousand seven hundred and ninety-seven.

##### AN ACT CONCERNING ALIENS.

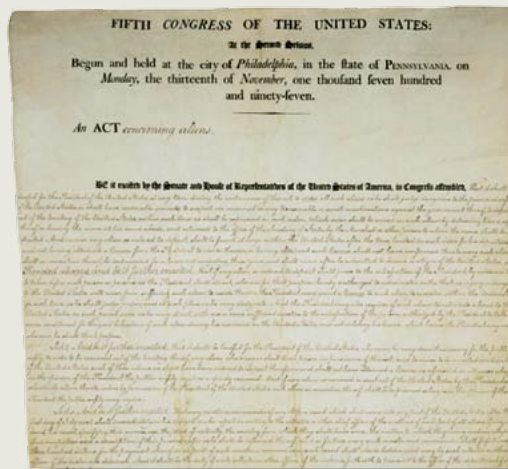
SECTION 1. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States at any time during the continuance of this act, to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the

government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a license from the President to reside therein, or having obtained such license shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. Provided always, and be it further enacted, that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a license to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal

sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke, whenever he shall think proper.

SEC. 2. And be it further enacted, That it shall be lawful for the President of the United States, whenever he may deem it necessary (for the public safety, to order to be removed out of the territory thereof, any alien who mayor shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal. And if any alien so removed or sent out of the United States by the President shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be imprisoned so long as, in the opinion of the President, the public safety may require.

SEC. 3. And be it further enacted, That every master or



# A NATION OF IMMIGRANTS

## TRANSCRIPT OF ALIEN AND SEDITION ACTS

— CONTINUED —

commander of any ship or vessel which shall come into any port of the United States after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to transmit to the office of the department of state true copies of all such returns.

SEC. 4. And be it further enacted, that the circuit and district courts of the United States, shall respectively have cognizance of all crimes and offences against this act. And all marshals and other officers of the United States are required to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

SEC. 5. And be it further enacted, That it shall be lawful for any alien who may be ordered to be removed from the United States, by virtue of this act, to take with him such part of his goods, chattels, or other property, as he may find convenient; and all property left in the United States by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed.

SEC. 6. And be it further enacted, That this act shall continue and be in force for and during the term of two years from the passing thereof.

—*Jonathan Dayton, Speaker of the House of Representatives.*  
*TH. Jefferson, Vice President of the United States and President of the Senate.*

I Certify that this Act did originate in the Senate.

Attest, Sam. A. Otis, Secretary

APPROVED, June 25, 1798.

John Adams

President of the United States.

### ***AN ACT RESPECTING ALIEN ENEMIES***

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. And be it further enacted, That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint. and sufficient cause therefor appearing, shall and may order such alien

# A NATION OF IMMIGRANTS

## TRANSCRIPT OF ALIEN AND SEDITION ACTS

— CONTINUED —

or aliens to be removed out of the territory of the United States, or to give sureties of their good behaviour, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed.

SEC. 3. And be it further enacted, That it shall be the duty of the marshal of the district in which any alien enemy shall be apprehended, who by the President of the United States, or by order of any court, judge or justice, as aforesaid, shall be required to depart, and to be removed, as aforesaid, to provide therefor, and to execute such order, by himself or his deputy, or other discreet person or persons to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President of the United States, or of the court, judge or justice ordering the same, as the case may be.

—APPROVED, July 6, 1798.

### FIFTH CONGRESS OF THE UNITED STATES:

At the Second Session,

Begun and help at the city of Philadelphia, in the state of Pennsylvania, on Monday, the thirteenth of November, one thousand seven hundred and ninety-seven.

#### **AN ACT IN ADDITION TO THE ACT, ENTITLED “AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES AGAINST THE UNITED STATES.”**

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty, and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months nor exceeding five years; and further, at the discretion of the court may be holden to find sureties for his good behaviour in such sum,

and for such time, as the said court may direct.

SEC. 2. And be it farther enacted, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

SEC. 3. And be it further enacted and declared, That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

SEC. 4. And be it further enacted, That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: Provided, that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.

—Jonathan Dayton, Speaker of the House of Representatives.  
Theodore Sedgwick, President of the Senate pro tempore.

*I Certify that this Act did originate in the Senate.*

*Attest, Sam. A. Otis, Secretary*

—APPROVED, July 14, 1798

*John Adams*

*President of the United States.*

*John Adams*

# A NATION OF IMMIGRANTS

## NEWSPAPER *AMERICAN PATRIOT*

<http://www.loc.gov/pictures/item/2008661538/>



**Newspaper:** The *American Patriot*: “American citizens! We appeal to you in all calmness. Is it not time to pause? . . .”

### Summary from The Library of Congress:

An advertisement announcing publication of the “American Citizen,” a short-lived nativist newspaper. The broadside is illustrated with an elaborate and venomous anti-Catholic scene. At left a temple of Liberty stands on a mound labeled “Constitution and Laws.” At the foot of the hill is a gathering of native Americans, including sailors, farmers, soldiers, and a Revolutionary War veteran. They hold banners emblazoned with such mottoes as “The Bible The Cornerstone of Liberty,” “Beware of Foreign Influence,” “None But Americans Shall Rule America,” and “Education, Morality, and Religion.” Other banners bear the names of sites of great revolutionary battles. In the background are a harbor with ships and the skyline of a city. In contrast, an unruly contingent of foreigners, mostly Irish, alight from a newly landed ship at right. The ship, “from Cork,” bears the papal coat of arms. The foreigners carry banners reading, “We Are Bound to Carry Out the Pious Intentions of His Holiness the Pope,” “Americans Shant Rule Us!!” and “Fradom of Spache and Action!” Among them are several clerics, a drunken mother with several children, and a few unkempt ruffians. One of the newcomers (lower right) beats a man with a club. In the distance, across the ocean, the basilica of St. Peter’s in Rome is visible. From it issues a giant basilisk wearing the pope’s crown, which is seized by a large hand from above. A commentary is provided in the lengthy continuation of the title: “Already the enemies of our dearest institutions, like the foreign spies in the Trojan horse of old, are within our gates. They are disgorging themselves upon us, at the rate of Hundreds of Thousands Every Year! They aim at nothing short of conquest and supremacy over us.” Below the illustration the text states that the “American Patriot” favors “protection of American Mechanics Against Foreign Pauper Labor. Foreigners having a residence in the country of 21 years before voting, Our present Free School System, and Carrying out the laws of the State, as regards sending back Foreign Paupers and Criminals.” The paper opposes “Papal Agression & Roman Catholicism, Foreigners holding office, Raising Foreign Military Companies in the United States, Nunneries and Jesuits, To being taxed for the support of Foreign paupers millions of dollars yearly To secret Foreign Orders in the U.S.” ❀

# A NATION OF IMMIGRANTS

## THE DREAM ACT

<http://thomas.loc.gov/cgi-bin/bdquery/z?d111:SN03992:@@@D&summ2=m&>

### Development, Relief, and Education for Alien Minors Act

S.1291

Latest Title: Development, Relief,  
and Education for Alien Minors Act  
Sponsor: Sen Hatch, Orrin G. [UT]  
(Introduced 8/1/2001)

Cosponsors (18)

Latest Major Action: 6/20/2002  
Placed on Senate Legislative  
Calendar under General Orders.  
Calendar No. 425.

#### SUMMARY AS OF:

6/20/2002—Reported to Senate  
amended. (There is 1 other summary)  
Development, Relief, and Education  
for Alien Minors Act or the DREAM  
Act - Amends the Illegal Immigration  
Reform and Immigrant Responsibility  
Act of 1996 to repeal the denial of  
an unlawful alien's eligibility for  
higher education benefits based on  
State residence unless a U.S. national  
is similarly eligible without regard  
to such State residence.(Sec. 3)  
Authorizes the Attorney General to  
cancel the removal of, and adjust to  
permanent resident status, an alien  
who: (1) has attained the age of 12  
prior to enactment of this Act; (2)  
files an application before reaching  
the age of 21; (3) has earned a  
high school or equivalent diploma;  
(4) has been physically present in  
the United States for at least five  
years immediately preceding the  
date of enactment of this Act (with

PROHIBITS REMOVAL OF  
AN ALIEN WHO HAS NOT  
YET RECEIVED A HIGH  
SCHOOL DIPLOMA.

certain exceptions); (5) is a person  
of good moral character; and (6) is  
not inadmissible or deportable under  
specified criminal or security grounds  
of the Immigration and Nationality  
Act. Authorizes the Attorney General  
to take similar steps with respect  
to an alien who: (1) would have met  
such requirements during the four-  
year period immediately preceding  
the enactment of this Act; and (2) is  
enrolled in, or has graduated from,  
an institution of higher education.  
Directs the Attorney General to  
establish a procedure permitting  
an alien to apply for cancellation  
and adjustment without being  
placed in removal proceedings  
(in addition to cancellation and  
adjustment availability in removal  
proceedings). Provides for: (1)  
expedited application processing  
without additional fees; and (2)  
confidentiality of applicant  
information. Prohibits the removal  
of an alien who has not yet received  
a high school diploma or equivalent  
but has a reasonable opportunity of  
meeting the requirements under this  
Act. Permits such an alien to work. 