Capitation Taxes; Congress, U.S.; Davis, James John; Einstein, Albert; Guggenheim, Meyer; Immigration Act of 1882; Immigration Act of 1917; Immigration Lawyers; New York City

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Capitation taxes

Definition: Head taxes levied on Chinese immigrants and laborers by the state of California

Also known as: Chinese Police Tax; Passenger taxes

Significance: During the 1850’s and 1860’s, the state of California singled out Chinese immigrants for capitation taxes, which were assessed on individual immigrants. These taxes were subsequently declared unconstitutional by California’s state supreme court as interfering with foreign commerce.
In 1849, the first Chinese laborers arrived in California, where they encountered great local resentment. Known derogatorily as “coolies,” they were subjected to various discriminatory laws. In 1852, for example, California imposed foreign miner’s licensing fees of three dollars per month on Chinese gold miners. Over the next two decades, this fee was steadily increased until it was ruled unconstitutional in 1870. In 1855, a capitation tax of fifty dollars was imposed on every Chinese immigrant to California. Also known as a head tax, a capitation tax is a direct tax on a person, as opposed to a tax on income, merchandise, or an economic transaction.

In the 1857 case of People v. Downer, California’s state supreme court held the 1855 capitation tax unconstitutional because it intruded with the exclusive power of the U.S. Congress to regulate commerce with foreign nations that was delegated to it by the U.S. Constitution. California responded in 1862 by enacting a law designed to “protect free white labor against competition with Chinese coolie labor, and discourage the immigration of Chinese into the State of California.” This new act levied a monthly $2.50 capitation tax on Chinese workers and merchants that was called the Chinese Police Tax.

In June, 1862, a Chinese laborer named Lin Sing brought suit against the San Francisco tax collector Washburn for a refund of the capitation taxes he had paid for the previous two months. After a magistrate and local court ruled against him, Lin Sing appealed to the state supreme court in what was apparently a concerted effort by the state’s Chinese community to resist discrimination. In its July, 1862, ruling in Lin Sing v. Washburn, California’s supreme court ruled the 1862 capitation tax unconstitutional. Citing its own People v. Downer precedent, the court found that the 1862 law demonstrated “special and extreme hostility to the Chinese” and likewise violated the foreign commerce powers exclusively vested in the U.S. Congress. The famous future U.S. Supreme Court justice Stephen J. Field dissented from the decision.

The history of these capitation tax cases demonstrates several things. The great hostility to Chinese in California immediately expressed itself in a host of discriminatory laws and taxes. The Chinese community made recourse to the courts to fight this discrimination. California’s supreme court showed itself sympathetic to the lawsuits and interpreted the foreign commerce clause of the U.S. Constitution in the most expansive manner in order to void discriminatory taxes. Although racial discrimination at the time was not illegal, the court behaved in a far-sighted manner by linking hostility against a particular ethnic group to other constitutional violations. Nevertheless California continued to enact discriminatory laws against the Chinese, many of which were beyond attack under then current jurisprudence. In addition, as the federal government assumed exclusive control over immigration during the 1880’s, it enacted its own discriminatory laws, including the Chinese Exclusion Act of 1882, designed to stop Chinese immigration to the United States.

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FURTHER READING

SEE ALSO: Anti-Chinese movement; Asian immigrants; Assimilation theories; California; California gold rush; Chinese Exclusion Act of 1882; Chinese immigrants; Coolies; Economic consequences of immigration; Foreign miner taxes.
Congress, U.S.

Significance: Since 1875, Congress has played the major role in determining U.S. immigration law and policy. After a century of unrestricted immigration, Congress began passing laws limiting entry of “undesirables” in 1875 and by national origin during the 1880's. The major pieces of immigration legislation in 1924, 1952, 1965, and 1986 reflect the contours of American history and beliefs.

Congressional laws regarding immigration clearly follow the general shape of American history. When the U.S. Congress began restricting immigration during the 1880’s, it did so largely in reaction to an outcry against the changing demographics of immigration. Chinese workers were accused of taking American jobs; poor immigrants were seen as coming from the crowded cities of southern and eastern Europe, unlikely to be assimilated in a country made by immigrants from the United Kingdom, France, the Netherlands, Germany and the Scandinavian countries. The attempt to preserve the traditional, pastoral nature of America
reached a crescendo during the 1920’s as complicated quota systems were instituted to restore the nation’s ethnic heritage.

The battle against the race-obsessed Axis nations in World War II spurred the United States to relax its own national origins immigration scheme. However, the emergence of the Cold War gave a new cast to Congress’s congressional laws: heightened security against radical influences and the desire to gain skilled workers so as to keep America’s edge against the communist powers. The Civil Rights era of the 1960’s saw the final abolition of the national origins formula. With the end of the Cold War, the direction of immigration laws changed again. By the 1980’s, Congress was most concerned with what to do about the millions of undocumented immigrants who had entered the country outside the elaborate immigration process mandated by Congress.

**Congressional Power over Immigration Law**

Although the U.S. Constitution explicitly grants Congress the power to naturalize foreign-born persons as citizens, it does not explicitly enumerate jurisdiction over immigration as one of the powers of Congress. However, in Article I, section 8, clause 3, the Constitution does grant Congress the power to “regulate commerce with foreign nations.” Partly because of this ambiguity, Congress made little attempt to control immigration for the first century of the nation’s history. Congress did, however, regulate naturalization—the process of becoming a citizen—for example in the Naturalization Act of 1790, limiting the process to free white persons. As most Americans believed that the United States would be settled by arrivals from foreign nations, this period can be described as one of generally unrestricted immigration. In the period from 1776 to 1875, approximately 11 million immigrants came to the United States. What little regulation there was over immigration came from the individual states.

Comprehensive congressional legislation of immigration began in the last quarter of the nineteenth century. Congressional action in this field can be mostly attributed to two causes—one juridical, the other political. As to the juridical change, the post-Civil War federal government was finding itself possessed of all kinds of powers that had been previously left to the states. As to the political changes, Congress was subjected for the first time to great pressure to restrict immigration, both as to overall numbers and as to national origin. The political battles in Congress and between the federal branches were intense. Over the next seventy-five years, Congress would continue to allow the entry and naturalization of millions of immigrants. However, it would attempt through legislation to shape both the ethnic composition and the beliefs of the new Americans.

The power of Congress over immigration was clarified in the historic Supreme Court case of *Henderson v. Mayor of the City of New York* (1875). In that case, the Court held that the exclusive power over immigration to the United States lay with the federal government. This power was to be exercised by the Congress chiefly through its power to regulate foreign commerce, although other sources of congressional power over immigration also exist in the Constitution. Concurrently with the *Henderson* decision, Congress enacted the Page Law, the first permanent legislation restricting immigration to the United States. This 1875 statute forbade the immigration of convicts and prostitutes. Although this legislation affected a relatively small population, it indicated the pattern of restrictive immigration that Congress would follow for the next seventy-five years: excluding disfavored individuals and groups from the nation’s policy of open immigration.

**Restrictive Immigration**

In 1882, Congress extended the immigration exclusions to “lunatics,” “idiots,” and paupers. In addition, Congress enacted its first exclusion based on national origin. American attitudes toward immigration were undergoing a sea change, reflecting changes in both the nation’s beliefs and the immigration population. The frontier was declared closed during the 1890’s; the vast internal spaces of the American continent were being closed up. No longer was there a western frontier yearning for massive populations arriving from foreign shores. The destination of early immigrants to the United States had often been the frontier; by the end of the nineteenth century, it had become America’s teeming cities. Critics declared this urbanization of the nation, fueled by immigration, a threat to its pastoral, Jeffersonian way of life.
In addition, the composition of the immigrants was changing. During the seventeenth and eighteenth centuries, England and Scotland were the chief sources of immigration. In the first half of the nineteenth century, millions of Irish and Germans were added to the mix, many of whom represented the first large-scale immigration of Roman Catholics to the United States; the nativist movement of the 1840’s was the result. By the end of the nineteenth century, however, the patterns of immigration had shifted from northern and western Europe to southern and eastern Europe. In addition, thousands of immigrants were arriving from non-Western nations, such as China and Japan. These hard-working immigrants were seen by many Americans as competing for American jobs and threatening American businesses. Responding to anti-Chinese sentiment in California and the West, Congress passed the Chinese Exclusion Act of 1882, suspending immigration of Chinese laborers for a period of ten years. In 1892, Congress extended the Chinese exclusion for another decade; exclusion would be made permanent in 1904 and be repealed only in 1943. In addition, the 1892 law required all Chinese laborers to obtain “certificates of residence”; without such a certificate, Chinese were subject to deportation.

Through the following decades, Congress passed additional exclusionary laws against Chinese, Japanese, Filipino, and Indian nationals that together constituted an effort to stem an influx of immigrants from Asia. The Dillingham Commission, operating under congressional mandate from 1907 to 1911, proposed more restrictive im-

In 1882, the U.S. Congress passed one of the most discriminatory pieces of legislation in U.S. history—the aptly named Chinese Exclusion Act. This early twentieth century illustration from Puck suggests five ways in which the Chinese man being kicked (“John”) might get around the law to enter the United States—as an anarchist, as an Irishman, as an English wife-hunter, as a yacht racer, or as a Sicilian. The joke underlying this cartoon was the fact that all five alternative immigrant types were also unpopular in the United States. In later years, Congress would enact immigration laws restricting additional immigrant groups. (Library of Congress)
migration so as to exclude immigrants from cultures “alien” to American values and beliefs. In addition, Congress continued to add to the list of excluded undesirables: polygamists in 1891; epileptics and anarchists in 1903; people with physical and mental defects or tuberculosis in 1907; and illiterates, alcoholics, vagrants, and, reflecting dubious psychological theories of the day, people of “psychopathic inferiority” in 1917. The head tax, imposed on every entering immigrant beginning in 1882 and increasing in subsequent decades, deterred immigration of the destitute. Medical examinations, begun in 1891, were designed to keep out the diseased. With increased congressional restrictions came the need for increased administrative resources. In 1891, Congress created the Bureau of Immigration as a division of the Treasury Department to enforce immigration law. (With future administrative reorganizations, this division was eventually renamed the Immigration and Naturalization Service—the INS.)

**Immigration Quotas Based on National Origin**

With the end of World War I in 1918, pressure on Congress to pass immigration restriction was revived. In May, 1919, Washington State congressman Albert Johnson, an outspoken restrictionist, became chair of the House of Representatives Committee on Immigration and Naturalization. In 1921, Congress enacted the Emergency Immigration Act, which is also known as the Immigration Act of 1921. The aim of this law was to preserve the ethnic makeup of the United States. The act limited immigration from each nation to 3 percent of the proportion of foreign-born immigrants of that nationality already living in the United States according to the 1910 U.S. Census.

In 1924, Congress passed the Johnson-Reed Act (also known as the Immigration Act of 1924), which made the national origins quota system permanent. Scheduled to take effect in 1927, it limited immigration from outside the Western Hemisphere to 150,000 persons. The act made immigration from regions other than western Europe even more restrictive by reducing the quota from 3 percent to 2 percent of foreign-born persons. In addition, the act substituted the 1890 U.S. Census as the standard, when fewer immigrants had arrived from outside western Europe. Another provision of the 1924 act excluded from immigration aliens who were not eligible for citizenship. As the Naturalization Act of 1790 limited the naturalizing process to white residents, this provision served to exclude Asians. Having passed more restrictive laws, Congress needed to authorize greater enforcement: The 1924 act established the U.S. Border Patrol to police illegal immigration.

Under the complicated provisions of the 1924 act, the year 1929 saw another change in the calculation of national origin. Again reflecting a more nativist sentiment brought on in part by the disillusion of post-World War I America, the new calculation was aimed to prevent further dilution of the nation’s Anglo-Saxon majority. The new basis for the national immigration quota was to reflect the national origins of the entire American population as indicated by the census. Under this formulation, 85 percent of the total immigration pool was assigned to northern and western Europe and only 15 percent to eastern and southern Europe.

The onset of World War II in Europe in 1939 was an inopportune moment to limit immigrants from Europe. For example, many Jews who wanted to flee Nazi-occupied territories were denied entry. A humanitarian bill introduced to Congress in 1939 that would allow entry to 20,000 refugee children fleeing Nazi Germany was defeated. Under the Alien Registration Act of 1940, all aliens were required to register with the government. Even as illustrious an immigrant as renowned physicist Albert Einstein faced obstacles under the immigration system. Because of his supposedly radical views, such as his belief in pacifism and a one-world government, several conservative groups lobbied for his expulsion. The Federal Bureau of Investigation (FBI) compiled a 1,500-page dossier on Einstein’s suspicious pronouncements and views. Nevertheless, when Einstein acquired American citizenship in 1940, the United States gained one of the great figures of the twentieth century through immigration.

**Modern Immigration Law: The INA**

With the calamity of World War II, theories of racial superiority that were used to justify the national origins quota system were discredited. Expressing solidarity with its ravaged wartime ally, the People’s Republic of China, Congress in 1943 repealed the Chinese Exclusion Act of 1882 and au-
authorized the eligibility of Chinese for citizenship. Nevertheless, the system of ethnic quotas was not jettisoned. Many congressmen still aspired to shape the immigrant pool so as not to disrupt the melting pot of American society. Congress had been adding piecemeal to the immigration laws for decades: allowing for agricultural workers in 1943; foreign-born spouses in 1946; refugees from persecution in 1948, 1950, and 1953; and exclusion and deportation of communists and subversives in 1950.

In 1952, Congress enacted a comprehensive immigration bill, the Immigration and Nationality Act (INA). The INA, also known as the McCarran-Walter Act, retained the national origins quotas, despite President Harry S. Truman’s veto, which Congress overrode. The law continued to favor immigrants from western Europe; in contrast, immigration from the Eastern Hemisphere was limited to about 150,000 persons. However, the law also indicated new directions that American immigration would take.

To some extent, the emphasis on national origins that had dominated congressional immigration policy since its inception was being displaced by a new requirement: professional skills. Immigrants with desirable work skills were granted one-half of the quota places. Another preference was created for parents, spouses, and children of aliens and citizens. For the first time, naturalization was made possible for all immigrants regardless of race. Reflecting the Cold War atmosphere in which the McCarran-Walter Act was enacted, security measures and screening tests for immigrants were tightened. Likewise, the 1965 amendments to the INA (also known as the Hart-Celler Act), enacted in the midst of the Civil Rights era, imported newly won American beliefs of ethnic and racial equality into the immigration system.

In the 1965 amendments, Congress finally rejected the seventy-five-year-old immigration scheme based on national origins, as well as race. Instead, the act emphasized family reunification as the most important factor in immigration admission. Under the act’s more generous provisions for the Western and Eastern hemispheres, millions of immigrants from Latin American and Asia were able to enter the country. In 1976 and 1978, Congress eliminated preferential treatment for residents from nations in the Western Hemisphere and enacted amendments limiting immigration from any one country to 20,000 persons. This was to the obvious disadvantage of people seeking immigration from countries such as Mexico. Under the Refugee Act and the Refugee Education Assistance Act, both of 1980, approximately 125,000 Cubans entered the country and tens of thousands of Vietnamese entered or received permission to stay in the United States.

**Immigration Reform Legislation**

In the century of legislation following the *Henderson v. Mayor of the City of New York* decision, Congress had focused on immigration *restriction*: how many people from which countries should be excluded from immigrating. Beginning in the 1980’s, Congress devoted itself to immigration reform: what to do about the millions of people who had entered the country illegally or who had stayed past their visa dates. The centerpiece of this effort was the Immigration Reform and Control Act of 1986 (IRCA). It was passed by Congress with great difficulty, representing a hard-fought compromise between the major groups involved in immigration affairs. The IRCA was one of the most important and controversial pieces of legislation signed into law by President Ronald Reagan.

The most important part of the legislation was the granting of amnesty to the estimated 6 million undocumented aliens in the United States. These aliens, who were not otherwise subject to criminal sanctions and deportation, could become permanent residents or citizens but only under stringent circumstances. For example, an alien seeking legalization had to apply within one year of enactment of the statute, establish a period of continuous residence, and meet most of the requirements for admissibility as an immigrant. The 1986 act had other important provisions as well. For the first time, sanctions were applied against employers who hired undocumented aliens. Because of a fear that such sanctions could lead to discrimination against foreign-born residents who were eligible to work, the IRCA also added numerous antidiscrimination provisions. The IRCA also provided for the legalization of certain seasonal agricultural workers.

By the time the IRCA deadline for amnesty had expired on May 4, 1988, the federal government was already widely criticized for the inadequacies of the bill. Fewer than 2 million people had applied
for amnesty. The enforcement mechanisms against hiring illegal workers were considered lax. Employers claimed to be confused as to the new hiring rules. They were in the odd position of having to examine certain documents and ask certain questions so as to determine whether the prospective employee was authorized to work in the United States, but they were forbidden from examining other documents and asking similar questions so as to comply with the antidiscrimination provisions. Workers with foreign accents or even foreign appearances complained that they were being discriminated against by wary employers.

As a result, Congress passed a series of amendments to the IRCA known as the Immigration Act of 1990 (“IMMACT”). Whereas the IRCA dealt mostly with unskilled laborers, IMMACT focused on the legal entry of highly skilled foreign workers. However, debates over illegal immigration continued to dominate congressional oversight in this area. Most of the congressional legislation at the end of the twentieth century and the beginning of the twenty-first century, including the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), had to do with authorizing and empowering the INS to keep out and deport undocumented aliens. In the wake of the September 11, 2001, terrorist attacks on the United States, Congress abolished the INS and transferred its duties to the newly created Department of Homeland Security.

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FURTHER READING


**Davis, James John**

**Identification:** Welsh-born American politician  
**Born:** October 27, 1873; Tredegar, South Wales  
**Died:** November 22, 1947; Takoma Park, Maryland

**Significance:** As the secretary of labor under three U.S. presidents, Davis helped to enforce the national origins quotas of 1920’s immigration law and advocated additional restrictions on immigration.

Born in 1873, James John Davis was the son and grandson of skilled workers in Welsh iron mills. His family emigrated to Pennsylvania when he was eight. At the age of eleven, Davis became an apprentice in a steel mill; by sixteen, he was a puddler who stirred molten metal. At that time, he joined the ironworkers’ union, in which he eventually became a leader.
After leaving factory work, Davis became rich and achieved a national reputation as director general of the fraternal Loyal Order of Moose. In March, 1921, President Warren G. Harding appointed Davis secretary of labor. As the federal Bureau of Immigration was then an agency of the Department of Labor, Davis was responsible for enforcing the recently enacted national-origins restrictions strictly but humanely. In support of the highly restrictive Immigration Act of 1924 (also known as the Johnson-Reed Act), Davis published articles advocating increased quota restrictions and argued they should be imposed on Mexico and Canada.

In May, 1924, while Davis was still head of the Labor Department, the U.S. Border Patrol was established under the department’s jurisdiction. Five years later, Davis felt frustrated by what he called the “patchwork” nature of federal enforcement of immigration laws and urged Congress to codify the immigration laws. He specifically suggested deterring unauthorized entry through the use of detention facilities and air patrols. He kept his cabinet post under both President Calvin Coolidge and President Herbert Hoover. However, he resigned from the department in 1930 when he was Republican senator from Pennsylvania. He served in the U.S. Senate until 1945, two years before he died.

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**Further Reading**


**See also:** Border Patrol, U.S.; Bureau of Immigration, U.S.; Congress, U.S.; Gompers, Samuel; Immigration Act of 1917; Immigration Act of 1921; Immigration Act of 1924; Immigration law; Iron and steel industry; Pennsylvania.
Einstein, Albert

EINSTEIN, ALBERT

IDENTIFICATION: German-born American physicist
BORN: March 14, 1879; Ulm, Germany
DIED: April 18, 1955; Princeton, New Jersey

SIGNIFICANCE: The greatest physicist of the twentieth century, Albert Einstein found refuge from Nazi threats in the United States, where he became a symbol of scientific genius and internationalism.

Albert Einstein was born into a middle-class Jewish German family in 1879. He found German schooling stultifying and in 1895 went to study in Switzerland. He renounced his German citizenship in 1896, when he was only sixteen. During the first two decades of the twentieth century, Einstein transformed modern science with his theoretical work on the photoelectric effect, Brownian motion, quantum energy, light, gravity, relativity of space and time, and conversion of matter into energy \( E = mc^2 \).

In 1914, Einstein returned to Germany as a professor at the University of Berlin, winning the 1921 Nobel Prize in Physics. Einstein’s fame brought him lectureships throughout the world; it also made him the focus of attacks in an increasingly anti-Semitic and militaristic Germany. Fearing for his safety, he and his wife, Elsa, immigrated to the United States on October 17, 1933, where Einstein accepted a position at the Institute for Advanced Study in New Jersey. Although some Americans opposed Einstein’s immigration for his “radical” views, Einstein embraced the opportunities and freedom of his new nation. He cowrote a famous letter to President Franklin D. Roosevelt in 1939 advising him of the possibilities of developing an atomic bomb. On June 22, 1940, Einstein took his American citizenship test and gave a talk for the government’s I Am an American radio series; he was naturalized on October 1, 1940. After World War II, Einstein advocated nuclear disarmament and international cooperation. He died in 1955.

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**Further Reading**


**See also:** Anti-Semitism; Citizenship and Immigration Services, U.S.; Congress, U.S.; German immigrants; Jewish immigrants; Naturalization; New Jersey; Science; Swiss immigrants; World War II.
GUGGENHEIM, MEYER

**Identification:** Swiss-born American industrialist

**Born:** February 1, 1828; Lengnau, Switzerland

**Died:** March 15, 1905; Palm Beach, Florida

**Significance:** Originally an impoverished Jewish peddler from Switzerland, Guggenheim built a worldwide mining conglomerate after immigrating to the United States.

Born during the early nineteenth century in a Jewish ghetto in the Aargau canton of Switzerland, Meyer Guggenheim worked as a traveling peddler in Switzerland and Germany. In 1848, Guggenheim immigrated to the United States at the age of twenty and settled in Philadelphia. In 1854, he married Barbara Meyers, whom he had met on the Atlantic voyage; they would have ten children.

Guggenheim’s remarkable rise in the world of industry bore several marks of his immigrant background. His success as a peddler of stove polish and instant coffee to Pennsylvania Dutch miners and farmers was helped by his native command of German. After acquiring capital through his grocery store, lye factory, and railroad speculation, Guggenheim relied on Swiss relatives to supply imported laces and embroideries at great profit. Free from the restrictions he faced as a Jew in Europe, Guggenheim tenaciously built an American business dynasty. He groomed his seven sons to advance his enterprises, sending them to schools in Zurich and Paris. Upon their return, he formed M. Guggenheim’s Sons in 1877, giving each son an equal share in the partnership.

Guggenheim acquired silver mines and smelting operations in Colorado, expanding into Monterrey, Mexico, in 1890. By the turn of the century, M. Guggenheim’s Sons dominated the Ameri-
can Smelting and Refining Trust and mining interests worldwide. Soon the Guggenheims relocated to mansions in New York City. Meyer Guggenheim died in 1905. The philanthropy that his descendants pursued during the twentieth century reflected Guggenheim’s cosmopolitan perspective and determination to make a permanent legacy in his adopted country.

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FURTHER READING

SEE ALSO: Anti-Semitism; Family businesses; Jewish immigrants; Marriage; New York City; Pennsylvania; Philadelphia; Swiss immigrants.
Immigration Act of 1882

The Law: First comprehensive immigration law enacted by the U.S. Congress

Date: Enacted on August 3, 1882

Significance: Setting the basic course of United States immigration law and policy, the Immigration Act of 1882 established categories of foreigners deemed “undesirable” for entry and gave the U.S. secretary of the treasury authority over immigration enforcement.

The 1882 Immigration Act was the first comprehensive immigration law enacted by the federal government. As such, it would have enormous consequences for future immigration legislation. The act built the framework for federal oversight over immigration and delineated categories of “undesirables” who would be barred entry to the United States. Through the first century of American independence, immigration had been relatively open, with only occasional oversight and restrictions imposed by individual states. By the 1870’s, however, increasing pressure was brought to bear against immigrants, especially Chinese laborers in California. In 1875, Congress passed the Page Law, which served to reduce immigration of women from Asia. Overall immigration continued to increase, however, with the year 1882 seeing the largest number of immigrants in American history: 788,992 persons. In response, Congress passed two historic immigration acts. The first was the Chinese Exclusion Act of 1882, suspending immigration of Chinese laborers.

The second was the Immigration Act of 1882, which was enacted on August 3 of that year. This act
was the first comprehensive immigration law to deal with federal oversight and categories of exclusion. As to oversight, the law gave power over immigration enforcement to the secretary of the treasury, who was already responsible for overseeing customs in U.S. ports. The Treasury Department was mandated to issue regulations for the orderly admission of immigrants and to collect a “head tax” of fifty cents for each arriving immigrant to defray administrative expenses.

The Treasury secretary was authorized to enter into contracts with individual states to administer immigration entry. As to categories of those deemed undesirable, the act prohibited the entry of “any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge.” Carried over from the immigration rules of several states, the “public charge” doctrine served to bar arriving foreigners who could not show the financial ability to support themselves. Foreigners denied entry were returned to their starting points at the expense of the ship owners. Interestingly, the act made an exception for foreigners convicted of political offenses, reflecting the traditional American belief that the United States is a haven for those persecuted by foreign tyrants.

The specifics of the Immigration Act of 1882 would soon be amended, but the contours of federal oversight and categorical restrictions that it established would remain. In 1891, Congress established exclusive federal control over immigration through a superintendent of immigration, the forerunner of the Bureau of Immigration and Naturalization. States would no longer play a role in the official administration of immigration affairs.

In 1903, Congress, alarmed by the 1901 assassination of President William McKinley and by the specter of political radicalism and anarchism, acted to end the 1882 law’s exemption for political offenses, forbidding immigration of persons “opposed to organized government.” The exclusion of those likely to become public charges remained a fixed element of American immigration law, presenting a potential obstacle to poorer immigrants. In 1917, 1921, and 1924, Congress added exclusions by national origins to the list of undesirables. National origins quotas would be the centerpiece of immigration policy in the decades to follow. The specifics of the Immigration Act of 1882 had been altered; however, its focus on federal oversight and exclusion by categories had set the framework for immigration law for the following century.

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FURTHER READING

Immigration Act of 1917

The Law: Federal law imposing major new restrictions on categories of people allowed to immigrate.

Date: Went into effect on May 1, 1917

Significance: The Immigration Act of 1917 was the first federal law to impose a general restriction on immigration in the form of a literacy test. It also broadened restrictions on the immigration of Asians and persons deemed “undesirable” and provided tough enforcement provisions.

Through the first century of American independence, immigration into the United States was largely unrestricted. This open-door policy began to change during the 1870’s and 1880’s, with the introduction of federal legislation aimed at barring two classes of immigrants: Asian laborers to California and immigrants deemed physically and mentally “undesirable.” In 1882, for example, Congress passed the Chinese Exclusion Act to bar the immigration of Chinese workers and a general immigra-
tion act to bar the immigration of persons judged likely to become “public charges.”

The general Immigration Act of 1882 also imposed a “head tax” of fifty cents on each immigrant. The U.S. Congress, which was constitutionally empowered to exercise exclusive jurisdiction over immigration, continued to increase restrictions through the late nineteenth and early twentieth centuries. The head tax was increased to four dollars by the Immigration Act of 1907. The Chinese Exclusion Act was amended and tightened in legislation enacted in 1884, 1888, 1892, and 1902. In the Gentlemen’s Agreement of 1907, Japan agreed to bar its citizens from emigrating to the United States. The Immigration Act of 1891 added more categories of people to the list of “undesirable aliens,” including persons with contagious diseases and polygamists. The Immigration Acts of 1903, 1907, and 1910 added rules to exclude persons with mental and physical defects, persons with tuberculosis, and anarchists. However, congressional provisions to add a literacy requirement to the immigration laws were vetoed by Presidents Grover Cleveland in 1896, William Howard Taft in 1913, and Woodrow Wilson in 1915.

Provisions of the 1917 Law

The Immigration Act of 1917 updated and codified much of the previous immigration legislation, thereby effectively repealing the Immigration Acts of 1903, 1907, and 1910. President Wilson vetoed the law, but Congress overrode his veto and the act went into effect on May 1, 1917. A long and comprehensive piece of legislation, the act contained thirty-eight subsections and took up twenty-five pages in the Congressional Session Laws.

The law was significant in five major areas; it

- increased the head tax
- expanded categories of “undesirable aliens”
- excluded South Asian immigrants
- added a literacy requirement
- contained new enforcement provisions

The new law increased the head tax levied on every adult immigrant to eight dollars and required liens to be placed on passenger ships for non-payment. The law’s expansion of categories of “undesirables” who would be barred from entry reflected new theories of comparative psychology. The act excluded so-called “idiots, imbeciles, and feeble-minded persons;” persons of “constitutional psychopathic inferiority;” “mentally or physically defective” persons; the insane; alcoholics; persons with epilepsy, tuberculosis; or contagious diseases; paupers and vagrants; criminals; prostitutes; anarchists; polygamists; political radicals; and contract laborers.

The Immigration Act of 1917 also barred most immigration from Asia. Chinese immigrants were already barred by the Chinese Exclusion Acts and the Japanese by the Gentlemen’s Agreement. In addition, the act created the “Asiatic Barred Zone,” which encompassed India, Afghanistan, Persia (now Iran), Arabia, parts of the Ottoman Empire and Russia, Southeast Asia, and the Asian-Pacific islands.

Reflecting public hostility to southern and eastern European immigrants, the act required all adult immigrants to demonstrate an ability to read. Any language sufficed. Finally, the act contained
extensive provisions for enforcement. Penalties were imposed on any persons or corporations who encouraged or assisted the immigration of persons barred by the act or contract laborers. The act required all ships carrying immigrants to provide detailed information about each passenger’s name, age, sex, physical description, literacy, nationality, destination, occupation, mental and physical health, and criminal record. Immigration inspectors, medical examiners, and Boards of Special Inquiry were authorized to carry out these regulations and decide on the admissibility of immigrants.

Impact of the Law

The act of 1917 represented a further tightening of the immigrant restrictions begun by Congress during the 1870’s. Although the 1880’s witnessed the exclusion of “undesirables” and Chinese and the imposition of a head tax, the 1917 act greatly expanded these restrictions. The list of undesirables was couched in vague terms of mental and physical health, and could thus be interpreted in almost unlimited ways. The eight-dollar head tax was a significant levy on impoverished immigrants. The literacy requirement, which had been vetoed by three presidents, appeared to be a significant impediment to many immigrants. Heavy penalties and fines were imposed on any persons who seemingly assisted immigration in violation of the law.

This expansion of restrictions can be explained, in part, by the rise of psychological and eugenics theories categorizing inferior individuals and races and nativist sentiments exacerbated by World War I.

The restrictions culminating in the 1917 act ultimately proved to be more qualitative than quantitative. In fact, the first two decades of the twentieth century saw the greatest numbers of immigrants up to that time: 8,795,386 people entered the United States between 1901 and 1910, and another 5,735,811 entered between 1911 and 1920. In the fiscal year between July, 1920, and June, 1921, more than 800,000 immigrants entered the country. Only about 1,450 persons were actually excluded by the literacy test. The 1917 act prefigured but differed from the immigration quotas that would be imposed by new immigration laws during the 1920’s. These quotas greatly restricted immigration for the first time in American history and did so in an attempt to preserve the ethnic heritage of the United States as it was perceived at the turn of the century.

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Further Reading


See also: Asian immigrants; Asiatic Barred Zone; Chinese Exclusion Act of 1882; Chinese immigrants; Congress, U.S.; History of immigration after 1891; Immigration Act of 1882; Immigration Act of 1891; Immigration Act of 1903; Immigration Act of 1907; Immigration law; Literacy tests.
IMMIGRATION LAWYERS

DEFINITION: Attorneys who specialize in representing immigrants

SIGNIFICANCE: As the complexities and restrictions of U.S. immigration law have increased, the legal profession’s subspecialty of immigration lawyers has flourished, extending in some cases to social-cause lawyering.

During the era of relatively open immigration that existed in the United States until the last quarter of the nineteenth century, there was little need for specialized immigration lawyers. However, as the federal government began enacting immigration restrictions during the 1870’s, a new field arose in the legal profession: lawyers who specialized in helping immigrants navigate the increasing stream of regulations and restrictions emanating from the federal government.

IMMIGRATION LAWYERS ON ELLIS ISLAND

During the 1890’s, the U.S. Congress established exclusive oversight over immigration to the United States. It established official immigration reception stations on Ellis Island in New York Harbor in 1892 and on Angel Island in California’s San Francisco Bay in 1910. These immigration facilities were staffed by federal officials enforcing the restrictions enacted by Congress in a series of immigration acts. Immigrants responded by beginning to turn, in large numbers, to lawyers to assist them in the immigration process.

Given the almost plenary power vested in immigration officials at that time, early immigration lawyers played a mostly advisory role. Becoming expert in the administrative processes required for immigration, lawyers coached their clients on what to say to customs officials and tried, usually in vain, to appear as counsel for their clients in immigra-
tion proceedings. However, in cases that went before the immigration Boards of Special Inquiry that were authorized in 1893 to make determinations as to the entry of aliens, lawyers played more active roles.

Records have survived from about 424 appeals of decisions made by Boards of Special Inquiry in New York during the 1890’s. In 277 cases—about two-thirds of the total—the immigrants involved were represented by attorneys. Of the 277 cases involving attorneys, five of the attorneys appeared in five or more appeals each, thus demonstrating a nascent immigration bar. The most notable of the five attorneys was Henry Gottlieb of the firm of MacKinley & Gottlieb, who handled eighty-five of the appeals. A lawyer named John Palmieri handled the second-greatest number of appeals, thirty-seven. Given that the 1890’s represented the first great wave of Jewish and Italian immigration to New York, it is safe to conclude that Gottlieb specialized in helping Jewish immigrants and that Palmieri helped Italian immigrants.

**Social Cause Immigration Lawyering**

Both immigration and federal immigration legislation steadily increased during the first decades of the twentieth century. With these increases came growth in the numbers of immigration lawyers. What had been part-time legal work for general practitioners was increasingly becoming full-time work for lawyers specializing in immigration cases. With this increased specialization came two developments.

The first development was the immigration bar’s looking to promote its own professionalization and expertise. The American Immigration Lawyers’ Association (AILA) was founded in 1946 as a national, nonprofit organization dedicated to the practice and teaching of immigration law. In 1975, it had about 600 members. By 1985, its member-
ship had grown to about 1,800 lawyers. In 2009, the association claimed more than 11,000 lawyers and law professors as its members, with thirty-six chapters and more than fifty national committees.

In the second development, some immigration lawyers began to look upon their specialty as an opportunity for social-cause lawyering. The AILA itself established in 1987 the American Immigration Law Foundation (later renamed the American Immigration Council) as a charitable organization to advocate on behalf of immigrants and to promote public awareness of immigration issues. One of the most successful examples of social-cause lawyering was that of immigration lawyers securing the right to asylum of refugees from the violence engulfing Central America during the late 1980’s and early 1990’s.

In alliance with members of the Sanctuary movement, immigration lawyers filed politically oriented lawsuits such as Orantes-Hernandez v. Meese (1988), American Baptist Churches v. Thornburgh (1991), and Mendez v. Reno (1993). After years of litigation, these lawyers helped secure the right to asylum of refugees from the violence engulfing Central America during the late 1980’s and early 1990’s.

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Practicing Immigration Law for Profit

Obtaining residency in the modern United States can be an arduous process, and most aliens seeking residency require legal services. Many lawyers have generously devoted their time to assisting immigrants for reduced fees or even no fees at all. However, as the size of the legal profession in the United States has boomed, and as more avenues have been opened for solicitation and profit-making by lawyers, the immigration bar has become plagued by allegations of corruption, scandal, and exploitation. In 1985, several high-profile immigration lawyers were convicted and disbarred. In 2003, for example, immigration lawyer Samuel Kooritzky was sentenced to ten years in federal prison for engaging in immigration fraud through his Capital Law Centers. In 2005, the federal Executive Office for Immigration Review disciplined fifty-four immigration lawyers.

Howard Bromberg

Further Reading


WORK PERFORMED BY IMMIGRATION LAWYERS

- Analyze the facts in the case of someone desiring to immigrate
- Explain all benefits for which immigrants may be eligible
- Recommend the best way to obtain legal immigrant status
- Complete and file appropriate applications
- Keep up with new laws affecting their clients
- Speak for clients in discussions with federal immigration officials
- Represent clients in court
- File necessary appeals and waivers

Serrill, Michael. “A Booming but Tainted Specialty.”


**See also:** Angel Island Immigration Station; Asian American Legal Defense Fund; Deportation; Ellis Island; Immigration law; Mexican American Legal Defense and Educational Fund; New York City; Sanctuary movement.

**The Law:** First federal law to impose sanctions
New York City

Identification: Largest city in the United States and the most important business and financial center in the nation since colonial times

Significance: The most important metropolis in the United States, New York City was essentially built and populated by immigrants and their children. Its Ellis Island was the leading port of entry for immigrants from 1892 until 1954, and its Statue of Liberty was an important symbol of welcome.

The first European immigrants to New York were Dutch who settled the southern end of Manhattan Island during the early seventeenth century. Before the Dutch arrived, Manhattan was sparsely populated by the Lenape people, from whom Peter Minuit famously purchased the island for the equivalent of twenty-four dollars in 1626. The Dutch named their colony New Amsterdam and built it into a bustling, heterogeneous commercial port that attracted visitors from all over the world. The same traits would continue to characterize New York City through the next four centuries, as the city developed into the leading destination for immigrants in the United States and perhaps in the entire world.

Early Immigrants

After the English seized New Amsterdam from the Dutch in 1664, they renamed the city New York. Under English, and later British, sovereignty, thousands of English, Welsh, and Scots immigrated to Manhattan, and slaves were imported from Africa. The next great wave of immigration occurred during the 1830’s and 1840’s, with the arrival of hundreds of thousands of German immigrants fleeing the political and economic turmoil of revolutionary Europe, and Irish immigrants escaping the ravage of their homeland’s great potato famine.

By 1855, more than one-half of New York City’s residents were foreign born. These immigrants represented a new alignment in American history. Most were Roman Catholics and did not speak English as their first language. They settled in New York City’s ethnic enclaves and looked to maintain their cultural traditions. Poorer immigrants were packed into tenements such as the notorious Five Points Slum. Anti-immigrant sentiments increased as well, as exemplified by the nativist and Americanist movements and the rise of the Know-Nothing Party. Tensions reached a peak in draft riots during the Civil War over the issue of conscription. By the 1870’s, however, immigrants had become a political force within the city, their votes courted by urban political machines such as the infamous Tammany Hall of William Marcy “Boss” Tweed. Ethnic politics would remain a dominant feature of New York City history.

Ellis Island and the Statue of Liberty

Through the first century of American independence, immigration remained basically open and unregulated. Immigrants arrived at ports, went through state customs houses, and became American residents. In New York City, shipping companies submitted the passenger lists to the local collector of customs. However, on August 1, 1855, the state of New York began operating a processing center for arriving immigrants on the southern tip of Manhattan known as Castle Garden. It was the first such center in the United States. After the federal Immigration Act of 1882 gave jurisdiction over immigration to the U.S. Department of the Trea-
sury, the secretary of the Treasury contracted with New York State to continue its processing of immigrants.

The federal Immigration Act of 1891 made supervision over immigration policy an exclusively federal process, so Castle Garden was closed. On January 1, 1892, the federal government opened its own processing center on Ellis Island, off the southern tip of Manhattan, to examine newly arrived immigrants and determine whether they should be admitted to the United States. Over the next thirty-two years, more than 16 million immigrants passed through Ellis Island, accounting for 71 percent of all immigrants to the United States. Most of those immigrants passed through New York City after being processed. Many stayed in the city—some temporarily before moving on to other places, but approximately one-third settled permanently in New York City or the surrounding area.

The Statue of Liberty, located on Liberty Island near Ellis Island in New York Harbor, was also owned and administered by the federal government. A gift from France in 1886, the statue had no formal connection to the immigration process, but as one of the first sights that greeted passengers of ships sailing into the harbor, its glowing presence was accepted as a symbol of welcome to the new nation.

A City of Immigrants

By the late nineteenth century, New York stood as the most populous and commercially significant city in North America. It was also the leading immigration destination in the nation and perhaps the
world. Immigrants took up multifarious forms of employment within the city and established their own ethnic neighborhoods up and down Manhattan.

During the second half of the nineteenth century, the demographics of immigration changed again. The 1880’s and 1890’s began an era of mass immigration from eastern and southern Europe. Consequently, New York City absorbed hundreds of thousands of Italian and Jewish immigrants, the latter primarily from Russia and Poland. Smaller but still significant numbers of new immigrants came from the Austro-Hungarian Empire, Greece, Poland, Spain, the West Indies, and China. Manhattan was becoming a bustling collection of ethnic neighborhoods: Chinatown and Little Italy in Lower Manhattan, Jewish enclaves in the lower East Side and the Grand Concourse in the Bronx, an Irish neighborhood in Hell’s Kitchen, Germans and Czechs in Yorkville. The northern end of the island has an Italian Harlem, a Spanish Harlem, and an African American Harlem, the last of which would witness the famous Harlem Renaissance of the 1920’s.

The term “melting pot” was coined to describe the incredible mix of groups that had become New York. The lives of the new immigrants drew both hostility and sympathy. Pressures to restrict immigration persisted. Jacob Riis’s book *How the Other Half Lives* (1890) documented the miserable conditions of urban slums. The Triangle Shirtwaist Factory fire in 1911, in which 146 mostly young European-born female garment workers died, demonstrated the miserable working conditions of many immigrants.

In 1898, New York City expanded into greater New York, adding the boroughs of Brooklyn, Queens, and Staten Island to its charter. At that time, Queens and Staten Island were largely rural, but Brooklyn already had the cosmopolitan make-up that immigration had given to Manhattan and the South Bronx, with Scandinavian and Italian neighborhoods in Bay Ridge, Jewish neighborhoods in Williamsburg, Flatbush, and Brownsville, German neighborhoods in Ridgewood, and Syrians in Red Hook. New York was a teeming mixture of ethnic groups, but many Americans across the country were becoming alarmed by the numbers of immigrants flooding into the United States. Federal legislation was enacted during the 1880’s and 1890’s to gain control over the immigration process—with more administrative oversight, but also with an eye to shaping the country’s ethnic make-up.

**Twentieth Century Immigration**

During the twentieth century, immigration continued largely unabated, even though immigration to the United States as a whole was becoming more restrictive with the introduction of national origins quotas in 1921 and 1924. However, the quota system tended to affect the ethnic mixture more than the numbers of new immigrants coming into New York. Because immigration from other countries in the Western Hemisphere remained relatively unrestricted through the quota system years, much of the immigration to New York immediately after World War II was from Latin America. Residents of Puerto Rico, regarded as U.S. citizens since 1917, were unaffected by immigration quotas. During the 1950’s more than 1 million Puerto Ricans came to New York City. As British subjects, residents of the British West Indies were also privileged in immigration and flocked to the city. The overall rate of immigration into the city slowed somewhat throughout the century until passage of the Immigration and Nationality Act of 1965, which repealed national quotas.

The revival of New York City from an economic slump during the 1980’s saw the city’s rate of immigration climb again. As native-born New Yorkers moved to suburban communities, they were replaced within the city by immigrants. In 1970, 18.2 percent of the city’s population were immigrants; by 2005, that percentage had doubled. Between 1964 and 1990, the leading sources of immigrants to New York City were:

- Dominican Republic (202,102 immigrants)
- China and Taiwan (145,362)
- Jamaica (101,580)
- Guyana (70,523)
- Haiti (65,287)
- Colombia (61,383)
- Soviet Union (60,110)
- Korea (55,688)

Between 1990 and 2000, about 1.25 million immigrants settled in New York City, with others settling in nearby suburbs. By 2007, it was estimated that more than 3 million immigrants were living in New York City, out of a total population of approxi-
mately 8 million. Moreover, about 60 percent of New York City’s residents were either immigrants themselves or children of immigrants. By the early twenty-first century, one-third of the city’s immigrants during the twenty-first century were from Latin America, with the majority from the Dominican Republic, Ecuador, Mexico, and Colombia. One-quarter of the city’s immigrants were Asian; Chinese were the largest group, but there were also many Koreans, Asian Indians, and Filipinos. A large number of immigrants from Caribbean countries have transformed the city’s traditionally black neighborhoods. During the early years of the twenty-first century, Dominicans, Chinese, Jamaicans, and people from the former Soviet Union made up the largest of arriving groups to New York. About 170 languages are spoken in the city.

Queens as a Microcosm of the City

New York City is a city of neighborhoods that reflect the ethnic origins of different immigrant groups. In no part of the city, however, have the transformations wrought by immigration been more apparent than in the borough of Queens. Once an ethnically homogenous and rural suburb, Queens has become the most ethnically diverse county in the United States. During the early twenty-first century, one-half of its residents were foreign born. Most of New York City’s 275,000 Asian Indians and other South Asians live in Queens. A similar pattern is true of the city’s approximately 215,000 Filipino residents. Queen’s Astoria neighborhood has the largest concentration of Greeks outside Athens, Greece. Flushing has one of the largest Chinatowns in the country. Arabic and Middle Eastern populations are clustered around Steinway Street. Colombians and South Asians are clustered in Jackson Heights; Bangladeshis and Brazilians on the Astoria-Long Island City border.

The history of Queens is a microcosm of New York City immigration history. Like Manhattan, it was first settled by the Dutch and English. Irish, German, and Italian immigrants settled in western Queens during the nineteenth century. The beginning of the twentieth century saw millions of immigrants arriving from southern and western Europe. Around the turn of the twenty-first century, new immigrants poured in from Latin America, the West Indies, and Asia.

Further Reading


Foner, Nancy. *From Ellis Island to JFK: New York’s Two Great Waves of Immigration*. New Haven, Conn.: Yale University Press, 2000. Study by a leading immigration historian comparing the mass migrations of Russian Jews and Italians to New York City around 1900 to the wave of immigrants from Asia, Latin America, and the Caribbean a century later.


Kasinitz, Philip, John Mollenkopf, and Mary Waters, eds. *Becoming New Yorkers: Ethnographies of the*


See also: Ellis Island; Ethnic enclaves; Garment industry; Little Italies; Machine politics; Melting pot theory; New York State; Puerto Rican immigrants; Statue of Liberty; Tammany Hall; Triangle Shirtwaist fire.