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

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

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 During Thomas Jefferson’s presidency, the 1798 standards were repealed to require five years' residence once more.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

Questions still lingered about the nature of citizenship for black Americans. In December 1865, the Thirteenth Amendment was ratified,
abolishing slavery in all of the states. Were emancipated slaves citizens, or not? Through the end of the Civil War, slaves had not been considered citizens and possessed none of the rights of their white countrymen. The Civil Rights Act of 1866 established that freedmen were indeed citizens. In 1868, the Fourteenth Amendment to the U.S. Constitution confirmed the position set forth in the Civil Rights Act. The amendment stated that “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” The amendment prohibited the states from curtailing the privileges of federal citizenship. The construction of the citizenship clause indicates that anyone born in the U.S. is automatically a citizen, and this is what federal law has maintained ever since. However, there is disagreement as to the meaning of the citizenship clause, and whether it was intended to clarify the status of emancipated slaves, or whether it was written to apply to all peoples regardless of context.

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

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

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

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

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

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

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

1. Describe the Naturalization Act of 1790. According to this law, who could become citizens of the United States? What racial boundaries to citizenship did the law define? What were the conditions of gaining full citizenship?

2. What is naturalization and why were law makers in the years around 1800 concerned with defining how long citizens must be in the country to become naturalized?

3. Describe the debate over the ratification of the Fourteenth Amendment. How do most Americans in the present day interpret the law? How did its framers explain the law at the time?

4. What were some of the reasons that the Chinese were forbidden to immigrate? When were these immigration restrictions lifted?

5. Describe the challenges faced by immigrants and the descendants of recent immigrants during World War I and World War II. What did the Supreme Court rule in *Korematsu v. U.S.*?

6. What were the primary changes brought about in the Immigration and Nationality Act of 1965? How was this law different from the laws enacted in 1921 and 1924?
During the early years of the American republic, the nation’s leading political thinkers engaged in major debates about the future course of the nation and the nature of self-government in an independent republic. One of these debates considered questions related to immigration. Should the new United States adopt a particular policy or set of laws concerning the immigration of outside peoples? If so, what should those laws look like? Did immigrants benefit or harm young nations? What had been the effect of immigration on the colonies before the Revolution? How were new waves of immigrants and refugees transforming their new homes? After the French Revolution began in 1789, and after the Haitian slave rebellion touched off in 1791, America’s leaders were forced to consider the political ideas that refugees bring with them to their new homes. This sparked a bitter feud between Federalist and Anti-Federalist factions.

General George Washington’s “Address to the Members of the Volunteer Association of Ireland and Other Inhabitants,” December 2, 1783

“The bosom of America is open to receive not only the Opulent and respectable Stranger, but the oppressed and persecuted of all Nations And Religions; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety of conduct they appear to merit the enjoyment.”

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

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

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

“My opinion with respect to emigration, is, that except of useful Mechanics and some particular descriptions of men or professions, there is no need of encouragement: while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much questioned; for, by so doing, they retain the Language, habits and principles (good or bad)
which they bring with them. Whereas by an intermixture with our people, they, or their descendants, get assimilated to our customs, measures and laws: in a word, soon become one people.”

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

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

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

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

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

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

1. Did Washington, Jefferson, and Hamilton believe that immigration into the U.S. should be permitted? Why or why not?

2. All three voiced concerns about the nature of immigration. What were some of those concerns? In what ways did they think that immigrants might cause problems in society?

3. What is assimilation? What did Washington, Jefferson, and Hamilton seem to consider assimilation to mean? How would you define assimilation in the current day?

4. What are some conditions that all three of these leaders thought should be imposed upon immigrants seeking citizenship?

5. Washington and Jefferson agreed that the U.S. should particularly encourage highly skilled workers to settle in the country. Why do you think they differentiated between high-skill and low-skill immigrants? Should current policy reflect the same distinction?

6. What did Hamilton mean by “…acquire American attachments, to learn the principles and imbibe the spirit of our government...”
Compare and contrast the immigration views of George Washington, Thomas Jefferson, and Alexander Hamilton. What were their positions in the debate? To what extent and in what ways did those positions change over time?
Cartoons on Immigration in the 1800s

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


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

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

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

3. What is the primary critique of the cartoon on the 1882 Chinese Exclusion Act? What virtues does the cartoonist believe that Chinese immigrants bring to the United States? Who are the immigrants that are being let in? Do you think the primary reason for opposition to Chinese immigrants was racial or was derived from something else?
Passage from Woodrow Wilson's A History of the American People

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

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

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

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

“American institutions rest solely on good citizenship. They were created by people who had a background of self-government. New arrivals should be limited to our capacity to absorb them into the ranks of good citizenship. America must be kept American. For this purpose, it is necessary to continue a policy of restricted immigration. It would be well to make such immigration of a selective nature with some inspection at the source, and based either on a prior census or upon the record of naturalization. Either method would insure the admission of those with the largest capacity and best intention of becoming citizens. I am convinced that our present economic and social conditions warrant a limitation of those to be admitted. We should find additional safety in a law requiring the immediate registration of all aliens. Those who do not want to be partakers of the American spirit ought not to settle in America.”
Passage from Harry S. Truman's 1952 statement regarding his veto of H.R. 5678

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

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

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

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

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

“This bill says simply that from this day forth those wishing to immigrate to America shall be admitted on the basis of their skills and their close relationship to those already here. This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land. The fairness of this standard is so self-evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.
Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only 3 countries were allowed to supply 70 percent of all the immigrants. Families were kept apart because a husband or a wife or a child had been born in the wrong place. Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing continents. This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man. It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country.

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

CRITICAL THINKING QUESTIONS

1. According to Wilson, which parts and countries of Europe did undesirable immigrants come from? What made them undesirable? When Wilson became president eleven years later, what was his position regarding immigration restrictions?

2. According to Coolidge, what makes a good American? What is citizenship and why does Coolidge think it is so important? Is Coolidge in favor of more restriction of immigration or does he support existing quota laws? Why does he take the stance that he does?

3. In President Truman’s veto statement, he references what he believes is the need for the U.S. to provide a safe haven to Eastern European refugees. What are they fleeing from; what is the context of their bid to immigrate to the U.S.? What does Truman think of the Immigration Act of 1924 and the quotas and restrictions it enacted? What policy does Truman think that the government should adopt?

4. Why does President Johnson think the immigration law of 1924 was unjust? What were some of the problems of the old law? Why was the old policy “un-American”? What does Johnson say will become the new standard(s) by which immigrants can enter the country?