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STATUE OF LIBERTY
ELLIS ISLAND

NATIONAL MONUMENT / NEW YORK-NEW JERSEY

HISTORIC RESOURCE STUDY
(Historical Component)

VOLUME 1 of III

ELLIS ISLAND
STATUE OF LIBERTY NATIONAL MONUMENT
NEW YORK - NEW JERSEY

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U.S. Department of the Interior / National Park Service

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PREFACE

This historic resource study (historical component only) has been prepared to satisfy in part the research needs as stated in the task directive entitled, "Master Task Directive, Addendum No. 1, Package No. 107, Ellis Island Preservation" (approved by Acting North Atlantic Regional Director Terry W. Savage by memorandum dated November 5, 1982). Data from this report will provide an expanded information base that will be used to plan the preservation/stabilization and interpretation of Ellis Island. As stated in the task directive this study does not purport to present the entire history of Ellis Island. Rather it is intended to comprise a series of short monograph-type studies presenting expanded research data on topics that National Park Service personnel at Statue of Liberty National Monument, the North Atlantic Regional Office, and the Denver Service Center cited as requiring further documentation. Because of the length of the study appendixes are grouped with their respective chapters.

A number of persons have assisted in the preparation of this report. Special thanks are due to Superintendent David L. Moffitt, and members of his staff including William DeHart, Chief, Resource Protection Services, Christine Hoepfner, Chief, Interpretation, and Paul Kinney, Curator, for sharing their ideas on the nature of research required for the project, making available to me the park files and library resources for reference purposes, and generally orienting me to the research needs for planning and interpretive endeavors at Ellis Island. Especially helpful in this regard were two meetings arranged by Hoepfner in which I was able to discuss the research needs of the park with the interpreters at Ellis Island. Dwight Pitcaithley, Regional Historian, North Atlantic Regional Office, also provided useful suggestions and available documentation from his files for the report. Among the Denver Service Center personnel who aided my efforts were: Judson Ball, who had general administrative responsibility for all DSC efforts at Ellis Island under Package No. 107; Michael Adlerstein, architect/planner who was team captain of the general management planning team for Statue of Liberty National Monument; and

my immediate supervisor, Ronald W. Johnson, Chief, History Section, Branch of Cultural Resources, Northeast Team. My thanks also goes to Helen Athearn for typing the extensive correspondence associated with this project and Evelyn Steinman for typing the manuscript and handling the administrative details associated with its printing.

Harlan D. Unrau

January 15, 1984

STATEMENT OF HISTORICAL SIGNIFICANCE

Ellis Island, off the New Jersey shoreline in upper New York Bay and within sight of the Statue of Liberty, is significant as it was the principal federal immigration station in the United States after its opening in 1892. Some 1,500,000 immigrants were processed at the first depot for the Port of New York before it was destroyed by fire in 1897. A new inspection station was opened on the island in 1900 with the completion of the massive main building, and during the next half century the small island was enlarged to encompass three connected islands covering 27.5 acres on which were built some forty structures, including general hospital and contagious disease hospital complexes, to provide facilities for the administration of federal immigration laws in processing incoming aliens. All told, it is estimated that some 12 million immigrants entered the United States through Ellis Island before it closed in 1954.

The island affords an intimate understanding of the immigrant experience. While a "Portal of Hope and Freedom" for many, it was an "Island of Tears" for those who were turned away when they failed to meet the requirements of immigration laws and regulations. Despite recurring scandals caused by occasional mismanagement, corruption, and harsh treatment of immigrants, it was probably one of the more efficient operations of the federal government when the volume of immigration and its often overworked staff and overcrowded facilities are taken into account. Its administrators and staff, through herculean efforts, processed some 5,000 people daily at the peak of immigration, and up to 11,747 on one record day in 1907.

The physical and social history of Ellis Island also reflects important transitions in American attitudes toward immigration. Between 1900 and 1914 immigration was at flood tide, reaching its peak in 1907 when more than one million aliens passed through its doors. It was during that period when the original island was enlarged several times to provide space for major new structures to supplement the main building, including the kitchen and laundry and baggage and dormitory buildings and the

general hospital and contagious disease hospital complexes. After a sharp decline in immigration during World War I, a period that saw the island used primarily as a military hospital and detention and deportation center for suspected enemy aliens, the flow of aliens quickly revived. Immigration was altered dramatically with the passage of immigration restriction laws in the early 1920s. These statutes, which placed a ceiling on annual immigration and established quotas for foreign nations, also provided for the primary inspection of immigrants in American consulates in the immigrant's country of origin. Thereafter only those immigrants whose status in this country was questioned, whose papers were not in order, or who required medical treatment were sent to Ellis Island. The facilities were increasingly used for the assembly, detention, and deportation of aliens who had entered the United States illegally, or of immigrants who had violated the terms of their admittance. Thus, while the early history of the Ellis Island immigration station reflected America's liberal "open door" attitudes toward immigration, the later history of the island was shaped by the new national restrictionist policies which succeeded in narrowing the "open door" to America.

In recognition of its significance and contributions to America's historical development and cultural institutions, Ellis Island has been entered in the National Register of Historic Places as a nationally significant resource. In 1965, by presidential proclamation, Ellis Island became a part of Statue of Liberty National Monument and was placed under the administration of the National Park Service.

CHAPTER I
A SHORT HISTORY OF ELLIS ISLAND

Ellis Island, a 27.5-acre islet off the New Jersey shoreline in upper New York Bay and lying in the shadow of the Statue of Liberty, is remembered as the port of entry and clearinghouse for more than 12,000,000 immigrants between 1892 and 1954. Approximately three-fourths of the immigrants entering the United States during those years were processed through its gates, making Ellis Island the principal immigration station in the United States during that period. While mass examination of immigrants at Ellis Island ended in 1924, the station continued to serve for several decades as a detention center for immigrants and aliens whose status in this country was questioned. In 1954 the station was closed permanently.

The islets off the New Jersey shore, the largest of which was Bedloe's Island (now Liberty Island), were often referred to as the Oyster Islands during the colonial period. The 3-acre island now called Ellis was purchased from the Indians by the Dutch in 1630 to reward Michael Paauw (Paw) for shipping goods to the emerging colony. Variously known as Gull Island to the Indians, Dyre's or Bucking Island in the late 17th and early 18th century, and Gibbet or Anderson's Island in the pre-Revolutionary period because of hangings of traitors and pirates there, its present name is derived from Samuel Ellis who had come into possession of the island by 1785.

During 1794 serious threat of war with France and Great Britain forced the State of New York to secure Ellis Island as part of its harbor defenses system to deter a naval attack. Earthworks were built on the island after France and Great Britain interfered with American trade in the West Indies. The fortifications of the harbor defenses included Fort Wood on Bedloe's Island, Castle William and Fort Columbus on Governor's Island, and the West Battery at the tip of Manhattan (now Castle Clinton National Monument).

In 1808 when Lt. Col. Jonathan Williams of the War Department planned "a casemated Battery" and a garrison on Ellis Island, named East Gibson, as part of the New York Harbor defenses, the State of New York purchased the land from the heirs of Samuel Ellis by condemnation

procedures and ceded it to the federal government for $10,000. Shortly before the War of 1812, a battery of 20 guns, a magazine, and a barracks were constructed on the island. By the terms of an interstate agreement in 1834, Ellis Island and neighboring Bedloe's Island were declared part of New York State, even though both islands were on the New Jersey side of the main ship channel. In 1861, as the Civil War began, Fort Gibson was dismantled and a naval powder magazine established on Ellis Island.

In 1890 the federal government assumed full responsibility for the reception of immigrants at the Port of New York, and a study of New York Harbor was made to determine the best location for a federal immigration depot. Castle Garden, on the Battery at the southern tip of Manhattan Island and the site of the state-administered immigration station for the Port of New York since 1855, had been found by Congress and the Department of the Treasury to be inadequate for the growing influx of foreigners. On April 11, 1890, Congress decided to remove the naval powder magazine from Ellis Island and appropriated $75,000 to enable the Secretary of the Treasury to improve Ellis Island for a federal immigration station.

While the new immigration station on Ellis Island was under construction, the Barge Office (Customs station) on the Battery was used for immigrant reception. During its first year of operation in 1891 some 405,664 immigrants, or about 80 percent of the national total, were processed through the Barge Office.

The Immigration Act of 1891 ended the dual system of state-federal administration of immigration matters and established federal control of immigration by creating the Bureau of Immigration under the Department of the Treasury. The office of Commissioner of Immigration for the Port of New York was established with Colonel John Weber as the first appointee. In April 1893, Dr. Joseph Senner, an educated German-Austrian who had been affiliated with leading German newspapers in the United States, replaced Weber.

On January 1, 1892, the new immigration station on Ellis Island was formally opened to process steerage passengers, the first and second cabin passengers being processed on board ship and disembarked directly in Manhattan. At a cost of some $500,000 the new immigration station consisted of a large two-story processing building, separate hospital facilities, laundry, and utility plant, all constructed of wood. In addition, the old brick and stone Fort Gibson and navy magazines were converted for use as detainees' dormitories and other station purposes. Added landfill approximately doubled the original 3.3-acre island.

Some 445,987 immigrants passed through Ellis Island in 1892 and by June 15, 1897, when the island was virtually destroyed by fire, some 1,500,000 immigrants had entered the United States through its gates, a shift from northern and western Europeans to southern and eastern Europeans becoming evident. Although all immigrants and staff were evacuated safely during the fire, most of the immigration records dating from 1855 that were housed in the former naval magazine were destroyed. Immigration processing was temporarily transferred back to the Barge Office while a new immigration station was constructed on the island.

Later in 1897 Congress authorized funds for new fireproof facilities at Ellis Island, and a contract was awarded to the Broadway firm of Boring & Tilton to design the new brick and ironwork structures. This was the first important government architecture to be designed by private architects under competition mandated by the Tarnsey Act of 1875. Immigration officials estimated that a maximum of 500,000 immigrants would enter the United States through New York in any one year, and the architects proceeded under that projection.

While immigration activities were being carried out at the Barge Office reports of serious scandals of graft and brutality among immigration inspectors under the administration of Thomas Fitchie and his assistant Edward F. McSweeney spurred a federal investigation. It was found that many of the reports were true, but only mininal corrective measures were taken in anticipation that the reopening of Ellis Island would rectify conditions.

The new Ellis Island immigration station was opened on December 17, 1900, with a total of 2,251 immigrants received for inspection that day. At a cost of some $1,500,000 the new station complex featured a impressive French Renaissance-style brick structure laid in Flemish bond with limestone trim. It was calculated that 5,000 immigrants per day could be processed through the building. Two dormitories with a 600-person sleeping capacity were on the third floor. The largest room in the building was the registry or examination hall on the second floor (200 feet long, 100 feet wide, and 56 feet high) with most of the floor space divided into twelve narrow alleys for the lines of immigrants awaiting examination. Also on the second floor were telegraph and railroad offices, rooms for boards of special inquiry, and a dormitory for detainees. The first floor accommodated administrative offices, a baggage room, and a large railroad waiting area.

North of the main building were a large kitchen and laundry building, with a bathhouse capable of showering 8,000 immigrants per day, and a powerhouse, both of which would be ready for use the following year. Construction was also underway, to be completed by March 1901, for a hospital complex on a second island (Island No. 2), separated from Island No. 1 by a ferry slip and constructed with additional landfill.

Upon assuming the presidency in 1901, Theodore Roosevelt began to focus on "cleaning house" at Ellis Island following exposure of several scandals under the Fitchie-McSweeney administration. William Williams, a respected young Wall Street lawyer with experience in government legal service, was named the new Commissioner of Immigration for the Port of New York in 1902. Almost immediately he instituted procedures to ensure efficient, honest, courteous, and sanitary treatment of immigrants. During the two terms (1902-05 and 1909-13) of his capable management and that of Robert Watchorn (1905-09), a career Immigration Service official, Ellis Island operated at peak capacity.

With the United States economy recovering from the lengthy depression of the early 1890s and entering a period of rapid growth and

industrial expansion, Europeans came to our shores in record numbers in the pre-World War I years. As early as 1903 some 12,600 immigrants arrived at New York on one day, requiring nearly half to remain in steerage for several days because of inadequate and congested facilities to process all in a day or provide overnight quarters at Ellis Island. By 1905, 821,169 immigrants were processed at the station, causing numerous logistical problems regarding the many detainees who were frequently required to remain on the island for several days or more. This came to be a frequent occurrence during the next decade, with the peak year at Ellis Island coming in 1907 when 1,004,756 were received. On April 17 of that year alone, 11,747 immigrants passed through the station--an all-time high. Detained immigrants for that year totaled 195,540. Following a decline in immigration after the recession in 1907, the number of foreigners landing at the island increased nearly to its earlier levels in the years before World War I, as 878,052 immigrants passed through the Port of New York in 1914.

From the outset the physical plant at Ellis Island bulged at the seams. In spite of improvisation, long-range planning, and new construction, the island's facilities continued to lag behind the demands placed upon them by the massive numbers of immigrants passing through the station. Thus, a number of projects, including construction of new buildings, additions to old ones, and remodeling of others, was initiated before the outbreak of World War I to provide the badly needed space. In 1908 the baggage and dormitory building on Island No. 1 was completed, and the capacity of the hospital on Island No. 2 was doubled with the construction of a new hospital extension and an administration building. That same year the kitchen and laundry building was remodeled to convert the entire upper floor to a large dining room accommodating 1,000 people at a sitting, and the main building was altered to provide additional dormitory space and improve the lighting, ventilation, and plumbing systems.

The years 1911-14 witnessed considerable improvements to the island's facilities. The contagious disease hospital complex on Island No. 3, which had been commenced in 1905, was opened for use in 1911.

That same year a third story was added to the west wing of the main building to provide day quarters for detainees and administrative space. In addition medical offices were moved from the second floor to a larger space on the lower floor of the main building and the old stairway through the large opening in the middle of the registry room floor was removed and replaced with one beneath the gallery, thus allowing the entire registry room to be used for immigrant inspection. The iron railings dividing the registry room floor into passageways were removed and replaced with simple, more comfortable benches. In 1913-14 a third story was added to the east wing of the main building to provide additional space for medical inspection, and a third story was added to the baggage and dormitory building, providing more and better ventilated dormitory space, separate day rooms, and large open-air porches. A new fireproof carpenter and bakery shop was begun on Island No. 1, and the first section of a new concrete, granite-filled seawall was completed, replacing a portion of the rapidly decaying old cribwork.

During World War I there was a sharp decline in immigration, as the numbers of newcomers passing through Ellis Island decreased from 178,416 in 1915 to 28,867 in 1918. Frederic C. Howe, a well-known municipal reformer and recently director of the People's Institute at Cooper Union in New York City, was named the new Commissioner of Immigration for the Port of New York just after the war erupted in 1914. He established as his goal a policy of humanizing the "Island of Tears" and making life less grim for detainees.

On July 30, 1916, explosions set off by German saboteurs at nearby Black Tom Wharf in New Jersey severely damaged the Ellis Island buildings. During the next two years repairs of the explosion damage were completed, one of the most notable being a new ceiling over the registry room constructed in the form of a Gustavino arch and augmented by a red-tile floor replacing the old worn asphalt.

When the United States entered the war on April 6, 1917, the Ellis Island facilities were used to hold in custody German merchant ship crews whose ships were lying in anchor in New York Harbor. Numerous

suspected enemy aliens throughout the nation were also rounded up and brought to Ellis Island for incarceration. In 1918-19 the United States Army and Navy took over the main building, the baggage and dormitory building, and the hospital complex on Islands Nos. 2 and 3 for use as a way station and treatment of returning sick and wounded American servicemen.

Thereafter, regular inspection of arriving aliens was conducted on board ship or at the docks. The close of the war was accompanied by the "Red Scare," as anti-foreign fears and hatreds were transferred from German-Americans to suspected alien communists, anarchists, socialists, and radicals. Hundreds of suspected alien radicals were interned at Ellis Island, and many were deported under new legislation based on the principle of guilt by association with any organization advocating revolution.

The aging and neglected facilities at Ellis Island were reopened for immigrant inspection in 1920, and postwar immigration quickly revived, with 560,971 immigrants passing through Ellis Island in 1921. Limited appropriations, however, restricted improvements at Ellis Island to the completion of much of the concrete and granite seawall and the beginning of landfill between Islands Nos. 2 and 3.

The first immigration quota law, passed in 1921, added to the problems of administration at Ellis Island since it provided that the number of any European nationality entering the United States in a given year could not exceed three percent of foreign-born persons of that nationality who lived here in 1910. Nationality was to be determined by country of birth, and no more than twenty percent of the annual quota of any nationality could be received in any given month. The total number of immigrants admissible under the system was set at nearly 358,000, but there were numerous classes exempted from the quota system.

Thereafter, steamship companies rushed to land each month's quota of immigrants in sharp competition, causing considerable congestion in the deteriorating Ellis Island facilities. Frederick A. Wallis, a deputy police commissioner in New York City who was appointed Commissioner of

Immigration at Ellis Island in June 1920, resigned in despair over the quota restrictions as well as Congress' rejection of his proposals to rehabilitate the island. In October 1921 Robert E. Tod, a New York banker and philanthropist, assumed the office of commissioner. While Tod managed to carry out some improvements to the Ellis Island facilities with limited funds, he too resigned in frustration in June 1923 to be replaced by Henry H. Curran, a New York City Republican who had run for mayor and been a magistrate and borough president of Manhattan.

The Immigration Act of 1924 had a significant impact on the operation of Ellis Island. The law further restricted immigration, changing the quota basis from the census of 1910 to that of 1890, and reducing the annual quota immigration to some 164,000. (Later in 1929 the act was amended with new quotas based on the 1920 census, and the maximum number of annual admissions was lowered to 150,000.) It also provided for the examination and qualification of immigrants in their countries of origin with inspections conducted by the staffs of United States consulates overseas. As a result of this law the principal function of Ellis Island was changed from that of a primary immigrant examination center to that of a center for the assembly, detention, and deportation of aliens who had entered the United States illegally or had violated the terms of their admittance. Fewer and fewer new immigrants, all of whom now received a final federal inspection on the ships entering New York Harbor, were sent to Ellis Island because their papers were not in order, their status was questioned, or they required medical treatment. Accordingly, the buildings at Ellis Island slowly fell into disuse and disrepair.

After the stock market crash of 1929 immigration to the United States was sharply reduced as a result of the lack of economic opportunity. Moreover, President Herbert C. Hoover ordered American consuls to enforce strictly the prohibition against admission of persons liable to become public charges. Following the spirit of Hoover's policy, Secretary of Labor William N. Doak led a national roundup of illegal aliens for prospective deportation and transferred many of them to Ellis Island.

In November 1931 Edward Corsi, an Italian immigrant who had passed through Ellis Island in 1907 and had been active in social service work among New York City immigrants, became Commissioner of Immigration for the Port of New York. During his administration, which lasted until early 1934, Corsi "humanized" the conditions under which the detainees were kept on Ellis Island, oversaw physical improvements to the station, and softened the harsher aspects of Doak's deportation policy.

In 1933 Frances Perkins, a long-time social service worker who had been appointed by President Franklin D. Roosevelt as his Secretary of Labor, established a nonpartisan committee of prominent citizens, under the chairmanship of Carleton H. Palmer, a New York business executive, to undertake a complete analysis of Ellis Island and to make recommendations for future improvements there. As a result of Corsi's efforts and the committee's recommendations issued in early 1934 the last major construction activities at Ellis Island were carried out during the next several years. Funds from the Public Works Administration allocated for landfill permitted the addition of recreation grounds on the Manhattan side of the main building, and landscaping of new playgrounds and gardens continued for several years with Works Progress Administration labor, including the area between Islands Nos. 2 and 3. The new concrete and granite seawall, portions of which had been constructed at intervals since 1913, was finally completed in 1934. In 1934-35 the baggage and dormitory building was remodeled to allow better segregation of the different classes of deportees. Other construction activities during the mid-1930s included a recreation hall and shelter on the recently-landscaped area between Islands Nos. 2 and 3; sun porches added to some contagious disease wards on Island No. 3; improved quarters for the medical staff on Island No. 2; a new fireproof ferry house built at the end of the ferry slip containing waiting rooms, lunch counters, guard rooms, and a repair shop; a new immigration building with fenced-in recreation space on both sides, on the recently landfilled area behind the new ferry house, intended as a place for immigrants to be segregated from deportees; and new fireproof passageways constructed to connect the ferry house and immigration building with Island No. 1.

After World War II erupted in Europe in September 1939, the United States Coast Guard occupied the immigration building, ferry house, and ground floor of the baggage and dormitory building to house and train recruits to patrol the region's waters. In 1940 the Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice, symbolic of the fact that immigrants had come to be considered primarily as potential threats to our national security. After the United States entered the war in December 1941 Ellis Island was again used as a detention center for suspected enemy aliens and as a hospital for returning wounded servicemen. The island's facilities were in such demand that administrative functions were transferred to the WPA Headquarters Building in Manhattan in 1943 for lack of room on the island.

Following the decommissioning of the Coast Guard station in 1946, the island remained in use primarily as a detention center for aliens whose status was questioned. A brief flurry of activity occurred on the island after the passage of the Internal Security Act of 1950, which excluded arriving aliens who had been members of Communist and Fascist organizations, and remodeling and repairs were performed on the buildings to accommodate the detainees who numbered as many as 1,500 at one point. In 1951 the United States Public Health Service closed the hospital complex on the island and some of the hospital buildings on Island No. 2 were occupied temporarily by the Coast Guard. As a result of the Immigration and Naturalization Act of 1952 and a liberalized detention policy in 1954, the number of detainees on Ellis Island dropped to less than 30. Accordingly, the Ellis Island facility, consisting of some forty structures, was closed in November 1954 and declared excess federal property.

From 1954 to 1965 Ellis Island was under the jurisdiction of the General Services Administration while a variety of proposals both from the public and private sectors were considered for the future disposition and utilization of the island's facilities. On May 11, 1965, President Lyndon B. Johnson issued Proclamation 3656 adding Ellis Island to Statue of Liberty National Monument, thus placing the island under the jurisdiction of the National Park Service.

CHAPTER II

FORMULATION OF AMERICAN IMMIGRATION POLICY AND STATUTE LAW: 1892-1954

A. Introduction

Between 1607 when the first permanent English settlement was established at Jamestown, Virginia, and the middle 1950s, nearly 40,000,000 people migrated to the United States and were legally admitted. Thus, the United States became "a nation of immigrants," a development that on the whole has profited the country materially, politically, and spiritually. Laws were never necessary to encourage aliens to come to the United States--they came on their own volition. Hence the problem became one of excluding undesirables or admitting the better qualified. The criteria to be applied to do this became the crux of considerable national debate and the debate in turn led to a large body of complex public law governing the admission and exclusion of aliens.

The specific purpose of this chapter will be to present an overview and analysis of American immigration law and policy during the years that Ellis Island served as the nation's principal immigration station from 1892 to 1954. It is not intended to provide a detailed history of American legislation and policy, but rather to examine the various public laws and national policies that governed operations and shaped procedures of immigrant examination and processing at Ellis Island. Only a brief historical treatment of the forces that led to passage of these laws and development of these policies will be provided to place them in their historical perspective.

Serious students of American immigration legislation and policy should consult a variety of scholarly studies and government publications. Among the works deserving of mention in this regard are: Robert A. Dwine, American Immigration Policy, 1924-1952 (New Haven, 1952); Roy L. Garis, Immigration Restriction: A Study of the Opposition to and Regulation of Immigration into the United States (New York, 1927); Oscar Handlin, The Uprooted: The Epic Story of the Great Migrations that Made the American People (Boston, 1951); Otto Heller, ed., Charles Nagel: Speeches and Writings, 1900-1928 (2 vols., New York, 1931); John Higham, Strangers in the Land: Patterns of American Nativism, 1860-1925 (New York, 1967); Max J. Kohler, Immigration and Aliens in the United States: Studies of American Immigration Laws and the Legal Status of

Aliens in the United States (New York, 1936); Franklin D. Scott, Emigration and Immigration (New York, 1963); Carl Wittke, We Who Built America: The Saga of the Immigrant (Rev. ed., Cleveland, 1964); and Benjamin Munn Ziegler, Immigration: An American Dilemma (Boston, 1953).

In addition the serious student of American immigration legislation and policy during the late nineteenth and early twentieth centuries should consult the Reports of the Industrial Commission on Immigration published in 1901 and the exhaustive 42-volume set of Reports of the Immigration Commission published in 1911. The former study included a substantive review of the following topics: statistics of immigration; social character and effects of immigration; economic effects of immigration; distribution and employment of immigrants; causes inducing immigration; assisted immigration; existing legislation restricting immigration; and proposed amendments to immigration legislation. The latter study included an investigation of the following topics: sources of immigration in Europe; general characteristics of incoming immigrants; methods employed to prevent immigration of aliens classed as undesirable in United States immigration statutes; and general status of the recent immigrants as residents of the United States and effect of such immigration upon the institutions, industries, and citizens of this country.

One other source that serious students of immigration legislation and policy should consult is Edith Abbott's Immigration: Select Documents and Case Records (Chicago, 1924). Abbott, who was Dean of the Graduate School of Social Service Administration of the University of Chicago, selected case records from the files of the Immigrants' Protective League of Chicago and the Immigrants' Commission of Illinois dealing with the admission, detention, exclusion, and deportation of aliens, many of whom passed through Ellis Island. The case records provide invaluable insights into the administration and implementation of American federal immigration laws and policies. A copy of the social case records detailed in the book may be seen in Appendix A.

B. Selective Period of Qualitative Controls, 1875-1920

By the time Congress was ready for the first time to consider basic legislation to restrict immigration, mass migration of aliens to the United States had become a national problem that required resolution at the national level. The action of Congress in this field marks what has been called the "Selective Period of Qualitative Controls" and covers the years between 1875 and 1920. During the years 1820-75, when there were no federal immigration laws other than those passed with the intent of assisting immigration, such as the passenger and steerage acts, immigration to the United States totaled 9,104,034, while immigration during the 1875-1920 period amounted to 24,550,769.[1]

1. First Federal Immigration Restrictions Against Orientals: 1875-82

The first immigration problem Congress decided to face was the one of what to do about the Chinese.[2] Hence the first restrictive immigration legislation enacted by Congress, the Act of March 3, 1875 (18 Stat. 477), was aimed at the Chinese. In brief, it provided for inquiry by American consular officers into contracts of immigrants from both China and Japan for services to be rendered in the United States which were lewd or immoral in purpose. Penalties were provided for American citizens transporting Chinese and Japanese without their free consent. Contracts to supply coolie labor were declared illegal and void. Immigration of convicts, except political prisoners and prostitutes, was forbidden with heavy civil and criminal penalties. Vessels were to be inspected for violations.[3]

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1. Marion T. Bennett, American Immigration Policies: A History (Washington, 1963), p. 15.

2. For more data on this problem see Walter MacArthur, "Opposition to Oriental Immigration," Annals of the American Academy of Political and Social Science, XXXIV (September, 1909), 239, and "Bibliography on Chinese in America" in George Washington University, A Report on World Population Migrations (Washington, 1956), pp. 164-65.

3. Bennett, American Immigration Policies, p. 16.

The second immigration bill passed by Congress and to become law was the Act of May 6, 1882 (22 Stat. 58). Known as the Chinese Exclusion Act, it commenced a racial exclusion policy which was to exist in some form until 1952. The effect of the Act of 1882, stopping all new immigration of Chinese laborers for ten years, was apparent in the immigration figures for the decade 1881-90 when immigration of Chinese dropped to 61,711 from the total of 123,201 that came during the high water mark decade (1871-80) of Chinese immigration. Such laborers as were already here were permitted to depart and re-enter upon the showing of a certificate of eligibility. Those not found to be lawfully entitled to remain were ordered deported. The law also barred Chinese from being admitted to citizenship.[4]

Congress continued to enact various Chinese exclusion laws. The Act of July 5, 1884 (23 Stat. 115), amended the Act of May 6, 1882, by extending the suspension of immigration of Chinese laborers an additional ten years and extending the application of the law to all subjects of China, except government personnel traveling on official business, and to all Chinese whether subjects of China or of any other foreign power.[5]

2. First General Federal Immigration Law: 1882

The first "general immigration law" enacted by Congress was the Act of August 3, 1882 (22 Stat. 214), excluding as immigrants "any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge," and "all foreign convicts except those convicted of political offenses." Such persons, with the exception of those convicted of political offenses, were to be returned to nations sending them to the United States and at the expense of shipowners providing their transportation.

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4. Ibid., p. 17.

5. Darrell Hevenor Smith and H. Guy Herring, The Bureau of Immigration: Its History, Activities, and Organization (Baltimore, 1924), pp. 215-19. For a more complete treatment of the history of Chinese exclusion laws in the United States see ibid., pp. 176, 213-30, and Arthur E. Cook and John J. Hagerty, Immigration Laws of the United States Compiled and Explained (Chicago, 1929), pp. 330-64.

The need for a general federal law regulating immigration had become apparent by 1882. In that year immigration totaled 788,992, and American laborers were becoming cognizant of the adverse effect of foreign competition on their livelihoods. States which had previously enacted laws similar to the Act of August 3, 1882, had found them declared unconstitutional beginning in 1875 on the ground that they were illegal restrictions of interstate commerce. Thus, the Act of August 3, 1882, ended a laissez faire attitude on federal regulation and control of immigration and established for the first time broad qualitative restrictions on immigration. The act also established the policy of collecting a head tax upon each alien entrant by water. The tax was fifty cents per person and was to be paid to port collectors for deposit in the United States Treasury. The money thus collected was to be used to defray the expenses of examination of passengers on their arrival to make sure they were not among the excluded classes, and for relief of those in distress. The act placed the responsibility for its implementation on the Secretary of the Treasury, and empowered him to make such rules and regulations "as he shall deem best calculated for carrying out the provisions of this act and the immigration laws of the United States." The local administration, however, was to be carried out by state officers to be designated by the governors of the various states involved, with which officers the Secretary of the Treasury was to make the necessary contracts for inspection, support, and relief of destitute aliens.[6]

3. Alien Contract Labor Laws: 1885-88

The Alien Contract Labor Law (23 Stat. 332) was passed on February 26, 1885, to aid the American labor classes. For some years employers interested in obtaining cheap labor from abroad had been running advertisements in foreign countries holding out glowing

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6. Jane Perry Clark, Deportation of Aliens from the United States to Europe [1931] (Reprint ed., New York, 1969), pp. 41-42; William C. Van Vleck, The Administrative Control of Aliens: A Study in Administrative Law and Procedure (New York, 1932), p. 6; and Smith and Herring, Bureau of Immigration, pp. 172-73. The Act of June 26, 1884 (23 Stat. 53), exempted from the head tax, entrants from vessels plying between Mexico or Canada and the United States until such time as land carriers should be taxed.

inducements for employment. When the immigrants arrived they often found no work awaiting them at the specified locations. The surplus of labor they created, however, served the contemplated purpose of forcing down the wage rates for domestic laborers. Thus, the act made it unlawful to import aliens or to assist in their importation or migration into the United States under any contract made prior to the importation or migration for the performance of labor or service of any kind. Such contracts were made void and unlawful with criminal penalties attached. Exceptions, however, were made for: foreigners temporarily living in the United States and their employees; skilled workmen for any new industry not established in the United States; and professional actors, singers, artists, lecturers, and relatives and personal friends of those already in the United States. The law, however, did not provide for inspection, machinery for the general execution of the provisions of the law, or the deportation of the contract laborer.[7]

The provisions of the basic Alien Contract Labor Law were supplemented by several acts during the next several years. Responsibility for the Alien Contract Labor Law was placed upon the Secretary of the Treasury by the Act of February 23, 1887 (24 Stat. 414), which required such local state boards or officers as he designated to report upon the condition and status of all alien arrivals as a basis for decision upon violations of the law. The Act of October 19, 1888 (25 Stat. 565), provided for return to their own country, within one year, of immigrants illegally landed and for money allowances to informers on violations of immigration laws.[8]

4. Demand for Qualitative Immigration Restrictions

The general immigration law of 1882 and the Alien Contract Labor Act of 1885 presented enforcement problems. There was also increasing concern regarding the growing numbers of immigrants coming

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7. Bennett, American Immigration Policies, p. 18; Smith and Herring, Bureau of Immigration, pp. 5-6, 173; and Van Vleck, Administrative Control of Aliens, pp. 6-7.

8. Smith and Herring, Bureau of Immigration, p. 6.

to America as the amount of immigration increased from 2,812,191 during 1871-80 to 5,246,613 during 1881-90.[9]

In July 1888 the House of Representatives passed a resolution authorizing the appointment of a Select Committee on Investigation of Foreign Immigration. This committee, sometimes referred to as the Ford Committee after its chairman, Melbourne Haddock Ford of Michigan, reported in January 1889: (1) on the difficulties arising from the rapid processing of immigrants at the gates of the country; (2) that excluded classes of convicts and paupers were slipping by; (3) that these convicts and paupers were actually being sent by European governments against our protests; (4) that it was costing New York State alone some $20,000,000 annually to take care of them; and (5) that there were numerous evasions of the contract labor law and few convictions.[10]

In June 1889 the Secretary of the Treasury reported on the difficulties in administering the immigration laws and the need for further legislation to remedy the confusion and tighten the rules for admissibility to the United States. Among the observations in the report were:

> By act of August 3, 1882, the Secretary of the Treasury is charged with the supervision of immigration into the United States, and is empowered to contract for that purpose with State commissions, boards, or officers charged with the local affairs of immigration at any port.
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> Contracts were accordingly made and are now in force with the State immigrant commission at Portland, Me., Boston, New York, Philadelphia, Baltimore, Key West, New Orleans, Galveston, and San Francisco. At other points where immigrants arrive there were no State immigrant officials, and

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9. Congressional Research Service, Library of Congress, History of the Immigration and Naturalization Service: A Report Prepared At the Request of Senator Edward M. Kennedy, Chairman, Committee on the Judiciary, United States Senate for the Use of the Select Commission on Immigration and Refugee Policy (Washington, 1980), p. 8.

10. U.S. Congress, House, Select Committee on Investigation of Foreign Immigration, To Regulate Immigration, 50th Cong., 2d sess., 1889, H. Rept. No. 3792, pp. 1-6.

the enforcement of the law was committed to collectors of customs, aided in some cases by immigrant inspectors appointed under the alien contract labor law. Experience has disclosed grave difficulties in the execution of the law through State agencies, as they are not subject to the exclusive official control of the Secretary of the Treasury.

Disputes have arisen as to the respective jurisdictions of national and State authorities, as have also serious differences in the settlement of of [sic] the accounts of certain State commissions, which were extraordinary and in excess of accounts for like service and expenses at other ports.

These difficulties would be obviated if the entire business relating to immigration were assumed by the General Government, and such action is recommended.

It has been found difficult to make the examination so thorough as to detect all who are included in the prohibited classes, especially at the larger ports, where vessels arrive crowded with immigrants all eager to land.

But a more serious difficulty, in the satisfactory administration of the law, is found in the facility with which prohibited persons may enter the United States from the British provinces and Mexico. From November, 1888, to April, 1889, inclusive, twenty-eight British steamships landed 1,304 immigrants at Portland, Me., but they previously touched at Halifax, and landed more than three times that number, most of whom, it is reported, came by rail through Canada into the United States without examination or restriction, and the steamships thereby escaped the payment of the passenger tax. Such unrestricted influx of immigrants has, it is believed, resulted in a large addition to the number of those who require public aid, and thus increased the financial burden of the States and municipalities where they chance to fall into distress.

The law now prohibits the landing of any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge. To these prohibitions should be added all persons afflicted with leprosy, or similar destructive and contagious diseases, and all persons inimical to our social and political institutions.

It would seem that one of the effective means of preventing the immigration of the prohibited classes would be to require all immigrants before embarkation to obtain certificates of character and fitness from our consular officers abroad, under regulations to be prescribed by the Secretary of State. Such a provision would doubtless prove of value in securing the objects of the law, and would probably tend to simplify and

lessen the labors of the local officers charged with its execution.

Relative to the Alien Contract Labor Act, the report noted:

> The chief purpose of this law was the protection of our own laborers by restricting the importation and immigration of foreigners under contracts to labor. To aid in its execution, immigrant inspectors have been stationed at the principal ports, and at important points on our Canadian and Mexican frontiers. They have rendered effective service, and a considerable number of this prohibited class of laborers have been returned to the country from whence they came.
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> The law undoubtedly is often evaded by the landing of European contract laborers in foreign territory contiguous to our own, whence they, as well as contract laborers whose homes are in such contiguous country, find ready access to the United States by railroads and other means of transportation.
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> The execution of the law is also impeded by the difficulty of obtaining legal proof of the contract under which these people seek admission into the country. It is believed that, as it stands, it has partially failed of its purpose, because of certain inherent defects, and the impracticability of its administration in some of its features that call for amendment.
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> It is doubtful if the amendment of October 19, 1888, provides due process of law for the taking into custody, and the returning to the country from whence he came, of a prohibited person who has been permitted to land, or for the recovery of the expense of his return. Neither is it obvious what good reason applies to the admission into the country of professional actors, artists, lecturers, and singers under contract, that does not apply with equal force to ministers of the Gospel, scientific men, and professors in colleges, whose right to like admission is questioned or denied.
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> By the terms of the law people living in the same hamlet or community are forbidden the ordinary contract relations of daily life and necessary business transactions, because they happen to live on opposite sides of the national boundary line. The wisdom or necessity of the law in this regard is not apparent, and its enforcement is manifestly impracticable.
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> Complaint is made of the hardships of the law in case of citizens of Canada and Mexico, who are employed on foreign railroads entering the United States. Their employment as civil engineers and firemen, traveling auditors, and in other capacities, calls them, more or less frequently, sometimes daily,

into the United States, and it is claimed they thus become amenable to the law.[11]

The earlier report of the House select committee led to the creation of a Standing Committee on Immigration in the Senate on December 12, 1889, and to a Select Committee in the House on December 20, 1889. A congressional investigation in 1890 issued a series of reports, the findings of which included: (1) large numbers of aliens were being landed every year in violation of the 1882 act; (2) the contract labor law was generally being invaded; (3) agents were being sent to Europe to arouse interest in America by circulating glowing descriptions of the wages paid; (4) steamship companies had large numbers of agents soliciting passengers in Europe; and (5) Canada was presenting a backdoor way for illegal entry of immigrants from Europe and Asia. The investigation found that the chief cause of the large number of immigrants landed in violation of the 1882 law was the divided authority provided for the implementation of the immigration act. Because the Secretary of the Treasury had to act through state boards and commissions, the operation of the law became cumbersome and uncertain due to the lack of a single responsible head. Hence a bill addressing these problems was introduced and later became the Act of March 3, 1891.[12]

About this time the Secretary of the Treasury reported on the department's successes and frustrations in administering the immigration laws. The secretary's annual report for fiscal year 1891 noted:

> The contract existing since 1882 between this Department and the Board of State Emigration Commissioners at the port of New York was terminated last April, because of a want of harmony between the officers of this Department and the Commissioners, and because it was believed that the Department could administer the service with greater economy and efficiency through agencies under its own control.

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11. Annual Report of the Secretary of the Treasury on the State of the Finances for the Year 1889, pp. XCII - XCV.

12. Congressional Research Service, History of the Immigration and Naturalization Service, p. 8; Bennett, American Immigration Policies, p. 21; and Smith and Herring, Bureau of Immigration, pp. 6-7. On April 19, 1890, the United States took over from the State of New York, responsibility for immigration matters at the Port of New York.

These expectations have been fully realized. A temporary immigrant depot was established at the barge office, which, though not entirely satisfactory, has met the immediate requirements of the service. Vigilance and economy have been exercised, and the expense for care and maintenance of immigrants under the present management has been only one-third of the cost for the corresponding period of the preceding year. From April 19 to October 1, 1890, $13,497.50 were expended, while calculated by a yearly average the same service would have cost under the State board $38,256.12.

The immigrant fund, made up from the head tax, was reduced during the period from July 1, 1889, to April 19, 1890, when the Department's own officers took charge, from $106,086.03 to $77,961.59, a decrease of over $28,000, while during the much shorter time intervening to the 1st of November the fund has been increased to $119,863.06, an increment of nearly $43,000. In the course of a few months the permanent depot at Ellis Island, in the harbor of New York, will be ready for use. At the ports of Portland, Boston, Philadelphia, Baltimore, Key West, New Orleans, Galveston, and San Francisco, the contracts with the State authorities for the conduct of the immigrant business remain in force.

The noticeable feature of our immigration in recent years has been a change in the character of many of the immigrants, who do not readily assimilate with our people, and are not in sympathy with our institutions.

So long as undesirable immigration was a matter of rare occurrence and desirable immigration the rule, the rational policy was pursued of permitting all to come to our shores who desired to do so. The conditions are now materially changed, and the tendency of Congress, as shown by the Alien Contract, Pauper and Chinese Exclusion Acts, has been to limit and restrict immigration.

It is a matter of public knowledge that transportation from any part of Europe to our Atlantic ports is so cheap and easy as practically to exclude none, and the consequence is that our asylums for the poor, the sick, and the insane, and our prisons are crowded with strangers, whose charge upon the public may be said to have begun with their landing.

Further legislation is needed to exclude persons unfit for citizenship, and it is therefore recommended that all immigrants be required, as a condition precedent to their landing, to produce evidence attested by our consular officers of their moral, mental, and physical qualifications to become good citizens.

> Our country owes too much in greatness and prosperity to its naturalized citizens to wish to impede the natural movement of such valuable members of society to our shores, and it is an additional argument in behalf of the proposed plan of certification, that it would lend encouragement to the continuance of such additions to our population.

Relative to enforcement of the Alien Contract Labor Law, the secretary observed:

> With the administration, at New York, of the immigration laws entirely within the control of the Department, a more satisfactory and effective enforcement has been possible of the laws against the introduction into the United States of laborers who come under contract. The inspectors appointed by the Department work under the direction of, and in sympathy with, the superintendent of immigration, and in a unity of interest to this end the object of the law is more surely obtained. From April 19, 1890, to October 1, 1890, but forty such persons were sent back. From all the ports less than fifty alien contract laborers were returned during the four years preceding March 1, 1889, while since that date two hundred have been so deported.
>
> The defense of our wage workers against unfair competition is so essential a part of the industrial protective system of the country, that nothing should be left undone in legislation or administration to make it effective. The law should, however, be amended, as suggested in my last report, so as to relieve clergymen, teachers, and scientists from its prohibitive features.[13]

5. Act of 1891

The Act of March 3, 1891 (26 Stat. 1084), was the most comprehensive immigration law to date, and it increased the height of the barriers against immigration. Section 1 of the act extended and strengthened the list of alien classes to be excluded:

> That the following classes of aliens shall be excluded from admission into the United States, in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers: All idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease,

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13. Annual Report of the Secretary of the Treasury on the State of the Finances for the Year 1890, pp. LXXIV - LXXVI.

> persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes, or to the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five, but this section shall not be held to exclude persons living in the United States from sending for a relative or a friend who is not of the excluded classes under such regulations as the Secretary of the Treasury may prescribe: Provided, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense. . . .

Other sections of the act codified existing immigration laws, made more complete provisions for the inspection and deportation of immigrants, provided for regulations of overland immigration, and established complete federal control of immigration. Section 3 of the act made it a violation of the Alien Contract Labor Law to encourage immigration by promises of employment through advertisements. Section 4 barred steamship companies from all solicitation of immigrant passengers, and they were permitted only to advertise their rates, facilities, and dates of sailing. Section 5 added to the list of classes not excluded by the Alien Contract Labor Law: ministers, members of the learned professions, and college and seminary professors. The large loophole of the 1885 act which permitted unlimited immigration of relatives and personal friends of people already in the United States was abolished. Section 6 provided criminal penalties for violations.

Section 7 ended the dual state-federal administration of immigration matters and established full federal control of immigration by creating the office of Superintendent of Immigration under supervision of the Secretary of the Treasury. This office would have charge over all immigration matters except the Chinese Exclusion Act, and to assist in this work the law authorized a chief clerk and two first-class clerks. The authority of the new Bureau of Immigration was enlarged by Section 8 which took away the power of inspection from state boards and commissioners and required medical examinations of arriving aliens by the Marine Hospital Service and

inspections by federal immigration officers whose decisions on admissibility were final, subject to administrative appeal. When immigrants were denied admission they might appeal to the Superintendent of Immigration whose decision was to be subject to review by the Secretary of the Treasury. In cases where it was deemed advisable, immigration officials were empowered to remove aliens applying for admission to detention quarters while their inspection was being completed.

Aliens who had come unlawfully to the United States were to be deported under the provisions of Sections 10 and 11 of the law. The power to expel, which had formerly been limited to contract laborers, was now extended to all classes of aliens who had entered in violation of the law, but it was to be exercised only within a year after entry. Deportation was at the expense of the owners of the transporting vessel under penalty for noncompliance. If the latter provision proved impossible, the persons were to be deported at government expense.[14]

In the Annual Report of the Secretary of the Treasury for fiscal year 1891 it was noted that pursuant to the Act of March 3, 1891, "all contracts with State boards have been abrogated, and the immigration business at all ports of the United States is now controlled and managed directly by the Treasury Department through a commissioner of immigration stationed at each principal port of entry, assisted by a suitable number of inspection officers." The change, according to the secretary, "proves to be a beneficial one, giving to the service uniformity, method, and greater efficiency."[15]

The Bureau of Immigration began formal operations on July 12, 1891. Twenty-four border inspection stations were established at ports of entry

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14. Congressional Research Service, History of Immigration and Naturalization Service, p. 9; Bennett, American Immigration Policies, pp. 21-22; Clark, Deportation of Aliens, p. 47; and Van Vleck, Administrative Control of Aliens, pp. 7-8.

15. Annual Report of the Secretary of the Treasury on the State of the Finances for the Year 1891, pp. LIX - LX.

along the seaboard and the Canadian and Mexican borders. Medical inspections were commenced simultaneously by the Marine Hospital Service.[16]

6. Agitation for Further Immigration Restrictions: 1890s

Despite the immigration laws already on the books native-Americanism became a thriving philosophy in many segments of American society during the 1890s. The American Protective Association became a political force to be reckoned with as it attempted to bring pressure to bear on elections in quest of its goal to restrict immigration and thus lessen the political control it believed to be exercised in the United States by an immigrant vote dominated by "ecclesiastical institutions" bent on weakening our democratic institutions.[17]

The Annual Report of the Secretary of the Treasury for fiscal year 1891 echoed many of the calls for immigration restriction. The number of aliens entering the United States in 1891 had increased some 22 percent from 421,877 in 1890 to 516,253 in 1891. The arrivals during the

> first four months of the present fiscal year (ending October 31, 1891) have been 189,788, an excess of 40,595, or of more than 27 per cent over the corresponding months of 1890. This extraordinary and progressive increase in the tide of alien immigration to the United States, which does not include the increased arrivals via Canada, has not failed to attract the attention of the whole country, and it will doubtless command the early consideration of Congress. If ever there was a question which ought to be treated independently of partisan politics this would seem to be such a question; and the practical unanimity in this matter of our citizens of all parties and of whatever nationality furnishes the opportunity for the adoption of measures dictated solely by patriotic considerations.
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> An analysis of the statement of arrivals during the last fiscal year shows that an increasing proportion of immigrants is coming to us from those classes and those countries of Europe whose people are least adapted to, and least prepared for, citizenship in a free republic, and are least inclined to assimilate with the general body of American citizens.

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16. Congressional Research Service, History of the Immigration and Naturalization Service, p. 9.

17. Bennett, American Immigration Policies, pp. 21-22.

With the approaching exhaustion of the supply of free arable land in the United States only a trifling percentage of immigrants now engage in farming on their arrival in this country, whatever may have been their former occupation. The vast majority of them crowd into our cities and large towns, with the inevitable result of overstocking the labor market and depressing wages, while the least efficient and more vicious among them soon drift into our poorhouses and prisons, to be a continuing burden upon our people. The laws already enacted by Congress for the purpose of checking this tendency and preventing the mischief which would result from unrestricted immigration have accomplished something. The attempt to enforce these laws efficiently has also developed a body of information, based on actual experience, which should be invaluable in framing future legislation. While the application of existing laws has very greatly diminished some of the specific abuses at which they were aimed, it obviously has not prevented a large increase in the total volume of immigration, and a distinct deterioration in its average quality.

The chief causes of the current increase of immigration lie on the surface. The higher wages, the better scale of living, the general and fairly uniform prosperity prevailing in this country, coupled with commercial and industrial depression abroad, the present trifling cost of steerage passage, and the wide publicity now given to all the first-named facts among the masses of Europe, are a sufficient explanation, though other reasons contribute to the result.

Among the more obvious and fatal weaknesses in the present attempt to winnow somewhat our incoming tide of immigration, and to exclude certain classes of aliens who are admitted by all to be either dangerous or undesirable, are these: (1) In the worst and most important classes of cases, to wit, criminals, ex-convicts, polygamists, and illegally "assisted" immigrants, the law supplies almost no means of ascertaining the facts. The personal statements of such immigrants obviously have little value as evidence, and it is only by accident that any other source of information is open to the inspection officers at the port of arrival. (2) With the increasing efficiency of inspection at our several seaports, and the fact of this vigilance made known to intending emigrants in Europe, an increasing number of aliens are now landing at Canadian ports and thence entering the United States by rail, thus practically avoiding all effective scrutiny, besides depriving the immigrant fund of the head tax which would otherwise be paid.

Congress alone can remedy these glaring defects in a system which has thus far necessarily been tentative and experimental. Plainly the process of sifting immigrants should at least begin abroad, to be completed, and not commenced, at the United States port of arrival. Some system of investigation

> or certification, consular or otherwise, in the country where the intending emigrant resides, is believed to be entirely practicable, and such a system, supplemented by continued vigilance at our ports of entry, ought to prove effective to the desired end. Considerations of humanity as well as of efficiency require that aliens of the prohibited classes shall not be permitted to come across the ocean to our ports, only to be sent back penniless and stranded.
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> As to the entrance of alien immigrants into the United States by rail across the Canadian border, the remedy would suggest itself of either securing an international arrangement for a uniform system of foreign or seaport inspection, or, failing that, of making our own inspection at the border as effective as possible, as a part of our own general system.[18]

An industrial depression during the early 1890s brought renewed efforts to restrict immigration, and both the Republican and Democratic parties adopted planks in their 1892 convention platforms favoring further immigration restriction. Continuing congressional investigations of immigration, notably one conducted by the Joint House Committee on Immigration and Naturalization and Senate Committee on Immigration in 1892, resulted in numerous legislative proposals in 1893, including educational tests for admission, but they all failed to pass except for the *Acts of February 15 and March 3, 1893.*[19]

18, Annual Report of the Secretary of the Treasury of the State of the Finances for the Year 1891, pp. LX - LXII. In June 1891 the Secretary of the Treasury appointed a five-person commission, with John B. Weber as chairman, to spend the summer in Europe studying the immigration question with special emphasis on the enforcement and implementation of the alien contract law. The two-volume report compiled by the commission should be consulted for data relative to the administration, enforcement, and functioning of the Alien Contract Labor Act in Europe. U.S. Department of the Treasury, Letter from the Secretary of the Treasury, Transmitting A Report of the Commissioners of Immigration Upon the Causes Which Incite Immigration to the United States, 2 vols. (Washington, 1892). One should also see John B. Weber and Charles Stewart Smith, "Our National Dumping-Ground: A Study of Immigration," North American Review, CLIV (April, 1892), 424-38, for further information on this subject.

19. Bennett, American Immigration Policies, p. 23, and U.S. Congress, House, Committee on Immigration and Naturalization, Immigration Investigation, 52d Cong., 1st sess., 1892, H. Rept. 2090, I-XXXI.

7. Act of February 15, 1893

On February 15, 1893, Congress passed an act (27 Stat. 449, 452) to prevent the introduction of contagious or infectious diseases into the United States. According to Section 7 of the law:

> whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera, or other infectious or contagious diseases, in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded, in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.[20]

8. Act of March 3, 1893

The Act of March 3, 1893 (27 Stat. 569), aimed at improvement of the administrative laws then in force. The commanding officers of vessels bringing immigrants to the United States were required to deliver to the local immigration officers manifests or lists of the aliens on board with detailed information as to each. Inspectors were to hold all immigrants not clearly entitled to land for the action of boards of special inquiry which were to be composed of four members. A favorable vote of three of these was necessary to entitle the applicant to admission and the one in the minority might appeal to the Superintendent of Immigration in the same way as the rejected immigrant. The manifests were to be verified before an American consular officer at the port of embarkation and show among other things that the immigrant passengers had been subjected to a physical examination before embarking, and that they did not, so far as the officers of the vessel knew, come within any of the "excludable classes." Steamship companies were required to file certificates with the Attorney General twice annually certifying that they

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20. Smith and Herring, Bureau of Immigration, p. 174. Earlier in September and November 1892 the Treasury Department had issued three circulars restricting immigration to the United States in view of the cholera epidemic raging in parts of Europe and Asia.

had at all times kept posted copies of the immigration laws at points where tickets for passage were sold.[21]

9. Regulations for Administration of Federal Immigration Laws: 1893

The Secretary of the Treasury issued a set of immigration regulations on April 25, 1893, under the authority conferred by Section 3 of the Act of August 3, 1882, to fully carry out the immigration laws and provide the details for their proper administration. The regulations read:

> ARTICLE 1. Collectors of customs will collect, as provided in section 1 of the act of August 3, 1882, a duty of 50 cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port of the United States, except such vessels as are employed exclusively between the ports of the United States and the ports of the Dominion of Canada, or of the ports of Mexico, as provided in section 22 of the act of June 26, 1884.
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> ART. 2. All such moneys collected must be deposited to the credit of the Treasurer of the United States on account of "immigrant fund" with an assistant treasurer of the United States, or national bank depositary, in the same manner as other miscellaneous collections are reported. Separate accounts of the receipts and expenditures of money under the act must be rendered monthly to the Secretary of the Treasury, on forms to be furnished by the Government for the purpose.
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> ART. 3. Collectors of customs on the Canadian frontier, and at all points where commissioners of immigration are not employed, are charged, within their respective districts, with the execution of the laws pertaining to immigration and all importation of laborers under contract or agreement to perform labor in the United States. They will employ all customs, immigration, and other officers assigned to them for duty in the enforcement of the immigration acts; and all such officers are hereby designated and authorized to act as immigration officers.

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21. U.S. Department of the Treasury, Bureau of Immigration, Report of the Immigration Investigating Commission to the Honorable The Secretary of the Treasury (Washington, 1895), p. 14; Bennett, American Immigration Policies, p. 23; Congressional Record, 52nd Cong., 2nd sess., XXIV, Part III, 2468-70; Smith and Herring, Bureau of Immigration, pp. 174-75; and Van Vleck, Administrative Control of Aliens, p. 8. The impact of this law on Ellis Island operations and American immigration patterns in general may be seen in Joseph H. Senner, "How We Restrict Immigration," North American Review, CLVIII (April, 1894), 494-99.

ART. 4. Whenever it shall be necessary, in making the examination of immigrants, to temporarily remove them from the vessel upon which they arrived to a desirable place provided for the examination, such immigrants shall not be regarded as landed so long as they are undergoing the examination and are in charge of the officers whose duty is to make such examination; and such removal shall not be considered a landing during the pendency of any question relating to such examination or while awaiting their return, as provided by law.

ART. 5. The commissioner of immigration shall enter of record the name of every immigrant found upon examination to be within either of the prohibited classes, with a statement of the decision in each case, and at the same time give notice in writing to the master, agent, consignee, or owner of the vessel upon which such immigrant arrived, together with the grounds of refusal to land such immigrant, that said vessel is required to return such immigrant to the port whence he came.

ART. 6. The regular examination of immigrants under the special inquiry required by statute will be separate from the public, but any immigrant who is refused permission to land, or pending an appeal in his case, will be permitted to confer with friends or counsel in such manner as the commissioner may deem proper.

ART. 7. Any immigrant claiming to be aggrieved by the decision of the inspection officers may appeal therefrom, and such appeal shall stay his deportation until decision shall be had thereon. Such appeal shall be in writing, and shall specify the grounds of appeal, and shall be presented to the commissioner, who shall at once forward such appeal to the Department with all the evidence in the case and his views thereon.

Any examining inspector dissenting from a decision to admit an immigrant may appeal therefrom, which appeal shall be in writing and specify the grounds thereof, and shall be forwarded by the commissioner to the Department in like manner as in cases of an appeal by an immigrant.

ART. 8. Upon a decision of the appeal the immigrant shall be at once landed or deported in accordance with such decision, and, in case landing is refused, the master, agent, consignee, or owner of the vessel by which the immigrant arrived shall be notified of such decision by the commissioner, and that the immigrant will be placed on board said vessel to be returned as aforesaid.

ART. 9. The expenses for the keeping and maintenance of such immigrants as are ordered to be returned pending the decision of their right to land and the subsequent expenses for

the keeping and maintenance of those ordered to be returned, and the expense of their return shall be borne by the owner or owners of the vessel on which they came.

ART. 10. At least twenty-four hours before the sailing of the vessel upon which immigrants are ordered to be returned, the master, agent, consignee, or owner of such vessel shall notify the commissioner of the proposed hour of sailing, who shall thereupon place on board all immigrants to be returned by such vessel as aforesaid, and in case any master, agent, consignee, or owner of such vessel shall refuse to receive such immigrants on board, or shall neglect to retain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the cost of their maintenance while on land, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less that $300 for each and every offense, and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid.

ART. 11. No vessel bringing immigrants in the steerage or in apartments other than in the first or second cabin, from ports where contagious or infectious diseases are prevailing, shall be admitted to entry unless it appear by the certificate of the consular officer at such port that said immigrants have been detained at the port of embarkation at least five days under medical observation in specially designated barracks or houses set apart for their exclusive use, and that their clothing, baggage, and personal effects have been disinfected before being placed on board by one of the following methods:

(1) Boiling in water not less than thirty minutes.

(2) Exposure to steam not less than thirty minutes, the steam to be of a temperature not less than 100° C. (212° F.), nor greater than 115° C. (239° F.), and unmixed with air.

(3) Solution of carbolic acid of a 2 per cent strength.

This method (No. 3) may be applied only to leather goods, such as trunks, satchels, boots, shoes; to rubber goods, etc., the articles to be saturated with the solution.

(4) Articles that would be destroyed or injured when subjected to any of the above methods may be disinfected by immersion in solution of bichloride of mercury, 1 part to 2,000, until all parts are thoroughly saturated, due precaution being taken against mercurial poisoning.

The above restrictions will also be applied to vessels bringing immigrants from noninfected ports, but who come from infected localities.

ART. 12. There shall be delivered to the commissioner of immigration at the port of arrival, by the master or commanding officer of the vessel, lists or manifests, made at the time and place of embarkation, of such immigrants, which shall in answer to questions at the top of said lists or manifests, state as to each of said passengers--

(1) Full name

(2) Age.

(3) Sex.

(4) Whether married or single.

(5) Calling or occupation.

(6) Whether able to read or write.

(7) Nationality.

(8) Last residence.

(9) Seaport for landing in the United States.

(10) Final destination in the United States.

(11) Whether having a ticket through to such final destination.

(12) Whether the immigrant has paid his own passage or whether it has been paid by other persons, or by any corporation, society, municipality, or government.

(13) Whether in possession of money; and, if so, whether upward of $30, and how much, if $30 or less.

(14) Whether going to join a relative; and, if so, what relative, and his name and address.

(15) Whether ever before in the United States; and, if so, when and where.

(16) Whether ever in prison, or almshouse, or supported by charity.

(17) Whether a polygamist.

(18) Whether under contract, express or implied, to perform labor in the United States.

(19) The immigrant's condition of health, mentally and physically, and whether deformed or crippled; and, if so, from what cause.

ART. 13. Said immigrants shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. There shall be delivered to each immigrant or head of a family, prior to or at the time of embarkation, or at some time on the voyage before arrival, as may be found most convenient, a ticket, on which shall be written his name, a number or letter, designating the list and his number on the list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or of the officer, first or second, below him in command, and of the surgeon of said vessel or other medical officer, as provided in sections 2 and 3 of the act of March 3, 1893; therefore the above affidavits must be attached to each list or manifest, which lists or manifests must be kept separate and not fastened together.

In case there is a surgeon sailing with the vessel, that officer must sign and verify each list or manifest, and the verification by another surgeon will not be in compliance with the law.

All forms of lists or manifests and affidavits sent out by authority of this Department are suggestive merely, and will not relieve any person from the necessity of complying strictly with all the provisions of said act of March 3, 1893.

ART. 14. In case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration lists or manifests, verified as aforesaid, containing the information above required as to all immigrants on board, there shall be paid to the collector of customs at the port of arrival the sum of $10 for each immigrant qualified to enter the United States concerning whom the above information is not contained in any list, as aforesaid, or said immigrant shall not be permitted so to enter the United States, but shall be returned like other excluded persons.

ART. 15. The certificate required by section 8 to be filed with the Secretary of the Treasury shall be filed upon the first days of January and July of each year.

ART 16. These regulations shall take immediate effect, except as to the last paragraph of article 7 and articles 11 to 16 inclusive, and as to those articles they will take effect on the 3d day of May, 1893.[22]

These regulations were supplemented with rules issued by Superintendent of Immigration Herman Stump on November 29, 1893. The rules were part of Department Circular No. 177 and read:

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22. Report of the Immigration Investigating Commission to the Honorable The Secretary of the Treasury, 1895, pp. 15-17.

The attention of all concerned is called to the following instructions:

RULE 1. All alien immigrants before they are landed shall be inspected and examined, as by law provided, on shipboard or at a suitable place provided for the convenience of the owners of vessels transporting them and the comfort of the immigrant, where they may be temporarily placed while undergoing such examination. During such time, and until finally discharged and landed, said immigrants shall be deemed and treated, as on shipboard, and the owners, consignee, or master of the vessel transporting them shall be liable for all expenses incurred in lodging, feeding, and caring for them, or said immigrants may be remanded on board ship or taken on board ship by the master thereof, who shall be responsible for their safe-keeping.

RULE 2. Upon arrival all alien immigrants shall be inspected and examined without unnecessary delay. Those qualified to land shall be promptly discharged. Those detailed for special inquiry shall have a speedy hearing and be either discharged or ordered deported. If an appeal is prayed, the record of proceedings shall at once be transmitted to the Superintendent of Immigration at Washington. All expenses incurred in lodging, feeding, and maintaining alien immigrants during the period covered by these proceedings shall be borne by the steamship company, owners, or master of the vessels transporting them. No appeal shall be received or transmitted which is applied for after the immigrant has been transferred from the immigrant station to be deported.

RULE 3. Upon the arrival of an alien immigrant, helpless from sickness, physical disability, or infancy, who is detained for further inquiry, one person only (if necessary) shall be detained to look after and care for such helpless immigrant, the natural guardian or a relative to be selected; the transportation company to be responsible for their maintenance whilst so detained. The remainder of the family (if any) shall proceed on their journey or defray their own expense.

RULE 4. In case of an immigrant not qualified to land, but who would be entitled, upon proof of certain facts, such as the case of a woman who claims to have a husband, father, or brother, residents in this country, able and willing to support her, she may be detained a reasonable time until such husband, father, or brother can be communicated with; the transportation company to be responsible for her maintenance in such and like cases until a final decision is reached.

RULE 5. Immigrants qualified to land shall be promptly discharged and landed, and if they desire to wait for friends or remittances they may be permitted to do so upon payment of all

costs and expenses, which should not be charged to the transportation company. In cases where an immigrant qualified to land is unable, from accident or unavoidable circumstances, to immediately continue his journey, and is without sufficient means to defray the expenses of the enforced delay, the Commissioner of Immigration may, in his discretion, pay said expense, reporting said case to the Bureau of Immigration with reasons for his action, and ask that such expense be paid out of the "immigrant fund."

RULE 6. That in case of the arrival of sick and disabled immigrants unable to travel, said immigrants shall be removed to hospitals provided for their case, and shall be maintained at the expense of the owner or master of the vessel transporting them until sufficiently recovered either to be landed or deported, and whilst detained in hospital shall not be considered as landed until examined and discharged, or said immigrant shall remain on shipboard until able and ready to be landed or deported.

RULE 7. Any alien immigrant who shall come into the United States in violation of law may be returned, as by law provided, at any time within one year from the date of his arrival, at the expense of the person or persons, vessel transportation company, or corporation bringing such alien; and any alien immigrant who shall become a public charge within one year after his arrival from causes existing prior to his landing may be returned at the expense of said above-named parties. The expense above mentioned shall include all expenses incurred for maintenance after such cases are brought to the attention of the Bureau of Immigration, provided said Bureau, upon investigation, has ascertained the case to be one for deportation and has so ordered.

RULE 8. Any immigrant who has been lawfully landed and has become a public charge within one year from date of landing, from accident or bodily ailment, of disease, or physical inability to earn a living, which is likely to be of a permanent character, shall be deported at the expense of the "immigrant fund," upon a proper case for relief being first established to the satisfaction of the Bureau of Immigration: Provided, That said pauper immigrant is delivered at a port designated by the Bureau of Immigration, free of charge, and said "immigrant fund" shall be liable to pay any public or charitable institution fixed charges, agreed upon, for the care of any alien immigrant who has fallen into distress within and until the end of one year from the time of landing, and has become a public charge from above causes, from the date of notification to the Bureau of Immigration and establishment of said immigrant's right to relief.

RULE 9. Immigrants who are detained under rules 4 and 6 (awaiting proofs, etc., or who are sick and in hospital) should pay for their own maintenance, and the transportation company

shall be held only as security for the payment of subsistence and hospital expenses. Access to such immigrants shall be permitted to an agent of said transportation company to request payment thereof, and should said immigrants refuse or be unable to pay the same it shall be a circumstance to be considered, upon arriving at a decision in his case, as to whether he may or may not be likely to become a public charge.

RULE 10. No charge for food, lodging, or maintenance, or for hospital attendance, medicines or other expenses shall be made in excess of the actual cost of furnishing the same, the intention being to make the service self-sustaining without profit.[23]

10. Administrative Changes Relative to the Organization and Growth of the Bureau of Immigration: 1891-1902

Various miscellaneous laws were passed between 1891 and 1902 that gradually enlarged the duties of the Superintendent of Immigration. The Sundry Civil Act of August 18, 1894 (28 Stat. 372), contained provisions regarding the Bureau of Immigration. The decision of immigration officers relative to deportation was made final unless reversed on appeal to the Secretary of the Treasury. The act required the secretary to report to the next session of Congress "a plan for the organization of the service in connection with immigration," together with "detailed estimates of the employees necessary for such service and their compensation and all other expenses." Another clause provided for the appointment of commissioners of immigration at various ports of entry by the President subject to Senate approval, the term of such appointees being four years.[24]

The Legislative, Executive, and Judicial Act of March 2, 1895 (28 Stat. 764), contained changes that were particularly significant for the bureau. The title Superintendent of Immigration was changed to Commissioner General of Immigration and this official was charged with the administration of the contract labor laws as well as with previously assigned duties. The law provided for five additional employees for the

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23. Ibid., pp. 18-19.

24. Smith and Herring, Bureau of Immigration, pp. 8-9, and Cook and Hagerty, Immigration Laws, p. 246.

office and allowances were made for three employees to be detailed to Washington, D.C., as conditions demanded.[25]

During 1899 inspection of immigrants at foreign ports was initiated under authority of the Act of February 15, 1893. An assistant surgeon of the Marine Hospital Service was sent to Naples with instructions to note for the benefit of the Immigration Service, any physical infirmities or defects which might prevent entry of the immigrant. No authority, however, was given to prevent embarkation of passengers unless they were suffering from a communicable disease. Transportation of defectives was prevented primarily by informing the steamship company that such emigrants would probably be refused admission to the United States.[26]

The Sundry Civil Act of June 6, 1900 (31 Stat. 588, 611), contained a section granting an appropriation for "enforcing alien contract labor laws and preventing the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign continuous territory." Moreover, it provided:

> . . . That one special inspector, whose compensation shall be paid from this appropriation, may be detailed for duty in the bureau at Washington, and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

Later on April 29, 1902, the Chinese exclusion laws were clarified and extended (32 Stat. 176), and the Secretary of the Treasury was charged with the duty of prescribing regulations for such exclusion.

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25. Congressional Research Service, History of the Immigration and Naturalization Service, p. 11, and Annual Report of the Commissioner General of Immigration, 1897, p. 8.

26. Smith and Herring, Bureau of Immigration, p. 10.

Collectors of customs determined the admissibility of Chinese, subject to appeal to the secretary.[27]

11. Act of March 3, 1903

In the Act of March 3, 1903 (32 Stat. 1213), Congress achieved a codification of existing law and provided some new restrictive provisions, including exclusion and expulsion on the sole ground of proscribed opinions. This law, the first extensive and detailed immigration statute, contained 39 sections, tightening the administrative provisions of immigration control, enlarging the criminal offenses and penalties and the detention and deportation provisions, and providing for better immigrant inspection. Section 2 of the act excluded the following classes of aliens from admission into the United States:

> . . . All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists [new restriction added in the aftermath of the assassination of President William McKinley by the anarchist terrorist, Leon Czolgosz], or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing

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27. Congressional Research Service, History of the Immigration and Naturalization Service, p. 11, and Van Vleck, Administrative Control of Aliens, pp. 8-9. The Act of February 14, 1903 (32 Stat. 828), placed the Bureau of Immigration in the newly-created Department of Commerce and Labor effective July 1 because the work of the bureau focused primarily on foreign contract labor and the enforcement of laws barring such labor.

> excluded classes: Provided, That nothing in this Act shall exclude persons convicted of an offense purely political, not involving moral turpitude: And provided further, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country; And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

The word "alien" was substituted for the word "alien immigrant," and thus the provisions of the act were extended to cover domiciled aliens returning after a temporary absence from this country. The period in which expulsion might be secured was extended to three years after entry. It was also provided that aliens who became public charges within two years after their entry from causes existing prior to landing should be deported. Section 20 of the act dealt with the procedure for enforcing the power to expel, the first reference to that matter in our national immigration laws:

> SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the persons bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this act.

The membership of the boards of special inquiry was reduced to three members, and the decision of two was to prevail with a dissenting member having the right of appeal. Section 36 provided that the act should not be construed to change the laws relating to exclusion of persons of Chinese descent.[28]

The law included a provision permitting the imposition of a $100 fine upon transportation companies in each instance where an alien with "a

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28. Bennett, American Immigration Policies, pp. 23-24, and Annual Report of the Commissioner General of Immigration, 1904, pp. 102-03.

loathsome or dangerous contagious disease" was brought to the United States, provided that the disease could have been detected in Europe by a competent medical examination. This fine was to be enforced not by filing suit but by refusing clearance papers to the offending carrier. In June 1903 Ellis Island Commissioner William Williams observed:

> This law gave the American people a new and valuable weapon with which to protect their interests, and I have used it freely. The first $100 fine was imposed in April 1903. In June alone this office imposed upon those steamship companies which persisted in bringing here diseased aliens fines aggregating over $7,500. I doubt whether any foreign steamship agent now has any misgivings as to the intention of the Government to keep out diseased aliens by every means at its command. Already very clear signs exist that the law will hereafter be obeyed, and the former alleged inability on the part of some foreign surgeons to discover caces [sic] of favus and trachoma prior to embarkation is very rapidly disappearing. The bringing of diseased aliens, with or without a law to the contrary, is a reckless thing, if only on account of the ready disseminating of disease among the healthy immigrants.[29]

12. Immigration Laws: 1904-06

Five additional immigration laws [33 Stat. 144; 33 Stat. 591; 33 Stat. 684; 33 Stat. 692; and 33 Stat. 1182] were passed during 1904-06. They did not, however, enlarge the excluded classes nor create additional restrictions which would do so. Among other things, these laws added citizens of Newfoundland to the list of those exempted from the head tax, authorized refunds of the head tax when collected erroneously, and charged officers of the insular government of the Philippines with administration of United States immigration laws in that country.[30]

By 1906 the problems pertaining to the naturalization of aliens had reached a stage where separation from the immigration work was

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29. Annual Report of the Commissioner General of Immigration, 1903, pp. 67-68; Clark, Deportation of Aliens, pp. 50-51; and Van Vleck, Administrative Control of Aliens, pp. 9-10.

30. Bennett, American Immigration Policies, p. 24; Smith and Herring, Bureau of Immigration, p. 11; and Cook and Haggerty, Immigration Laws, p. 248.

considered a necessity. On the recommendation of a presidential commission appointed by Theodore Roosevelt in 1905 such separation was partly accomplished by the Act of June 29, 1906 (34 Stat. 596), which changed the title and added to the duties of the Bureau of Immigration. Accordingly, the new Bureau of Immigration and Naturalization was split into the Division of Immigration and the Division of Naturalization.[31]

Thus, for the first time a central federal agency existed for supervision of the naturalization of aliens and maintenance of naturalization records. The law established fundamental procedural safeguards regarding naturalization. Power to grant or deny naturalization continued to be vested in the courts, but duplicates of all naturalization forms were to be filed with the Bureau of Immigration and Naturalization. Uniform fees were fixed, court clerks were required to account to the bureau for fees, and standard naturalization forms were prescribed. While the bureau was responsible for the central administration of the naturalization statutes, the field work relating to naturalization was done by representatives of the offices of United States attorneys under the Department of Justice.[32]

13. Act of February 20, 1907

Between the years 1875, when the first federal immigration restrictions were enacted by Congress, and 1903, when qualitative restrictions were codified, immigration totaled 11,383,731 persons. After the Act of March 3, 1891, immigration in the decade 1891-1900 did fall off somewhat to a total of 3,687,564 as compared to the 5,246,613 in the

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31. Smith and Herring, Bureau of Immigration, p. 12. Later in October 1909 the United States was divided into 23 districts, each in charge of an officer who was made responsible for the supervision both of general immigration and Chinese exclusion regulations. The functions of the naturalization and information divisions, meanwhile, were carried out relatively independently under the supervision of division chiefs. Ibid., pp. 13, 19.

32. Congressional Research Service, History of the Immigration and Naturalization Service, pp. 14-15. In 1909 legislation (35 Stat. 982) was passed transferring the field force that had been under the United States attorneys to the Department of Commerce and Labor. Ibid., p. 19.

previous decade. The type of immigrant, however, differed, the great majority now coming from the poorer countries of southeastern Europe. During the 1870s and 1880s the percentage of immigrants from northwestern Europe had been 73.6 and 72.0 respectively, with those coming from southeastern Europe amounting to only 7.2 and 18.3 for those decades. During the 1890s there was a perceptible shift to immigrants from southeastern Europe as their percentage rose to 51.9 compared with 44.6 for those entering from northwestern Europe. By 1900 the greatest deluge of immigrants of any decade in American history was beginning. In the decade 1901-10 some 8,795,386 immigrants (70.8 percent coming from southeastern Europe; 21.7 percent from northwestern Europe) came to our shores, triggering agitation for greater immigration restrictions and tighter inspection standards. Many of the arguments for increased restrictions were summed up by Commissioner Williams in 1903:

> In what follows I am merely repeating what I have said before in other words. But there are many trite things which bear repetition, and the facts concerning the continued coming here of large numbers of aliens, many of them of an inferior type even in their own homes, is one of these things.
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> (1) The great hulk of the present immigration proceeds from Italy, Austria, and Russia, and, furthermore, from some of the most undesirable sources of population of those countries. No one would object to the better classes of Italians, Austrians, and Russians coming here in large numbers; but the point is that such better element does not come, and, furthermore, the immigration from such countries as Germany and the British Isles has fallen to a very low figure.
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> (2) The great bulk of the present immigration settles in four of the Eastern States, and most of it in the large cities of those States. Notwithstanding the well-known demand for agricultural labor in the Western States, thousands of foreigners keep pouring into our cities, declining to go where they might be wanted because they are neither physically nor mentally fitted to go to these undeveloped parts of our country and do as did the early settlers from northern Europe.
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> In view of these two propositions, it is as irrevelant as it is misleading to assert that because immigration in the past has been a source of greatness to the country and because the great building and other industrial operations now going on in the United States require labor, therefore immigration should not be further restricted. Past immigration was good because most of it was of the right kind and went to the right place.

Capital can not, and it would not if it could, employ much of the alien material that annually passes through Ellis Island, and thereafter chooses to settle in the crowded tenement districts of New York. Let it be again plainly stated that these remarks are not directed against all immigration; that the great debt which this country owes to immigration in the past is cheerfully acknowledged; and that the strong, intelligent emigrant, of which class many are still coming here, is as welcome to-day as ever he was.

A strict execution of our present laws makes it possible to keep out what may be termed the worst element of Europe (paupers, diseased persons, and those likely to become public charges), and to this extent these laws are most valuable. Without a proper execution of the same it is safe to say that thousands of additional aliens would have come here last year. But these laws do not reach a large body of immigrants who, while not of this class, are yet generally undesirable, because unintelligent, of low vitality, of poor physique, able to perform only the cheapest kind of manual labor, desirous of locating almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wageworker, and unfitted mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classed as "undesirable." I believe that at least 200,000 (and probably more) aliens came here who, although they may be able to earn a living, yet are not wanted, will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards; and if these 200,000 persons could have been induced to stay at home, nobody, not even those clamoring for more labor, would have missed them. Their coming has been of benefit chiefly, if not only, to the transportation companies which brought them here.

Relying on the views generally expressed by the intelligent press throughout the country; on those expressed by nine out of ten citizens, whether native or foreign born, with whom one discusses the subject; on letters received from charitable and reformatory institutions in some of the Eastern States, and upon official observation at Ellis Island, I state without hesitation that the vast majority of American citizens wish to see steps taken to prevent these undesirable elements from landing on our shores. Attempts to take such steps will be opposed by powerful and selfish interests, and they will insist, among other things, on the value of immigration in the past to the United States and the enormous demand for labor, neither of them relevant as applicable to the particular question whether the undesirable immigrants shall be prevented from coming here.

Throughout the discussion of this question, which is becoming of greater importance to the United States every day, it is necessary to bear in mind that Europe, like every other part of the world, has millions of undesirable people whom she

would be glad to part with, and that strong agencies are constantly at work to send some of them here. To determine how to separate the desirable elements from the undesirable elements will tax the best skill of our lawmakers, but they will surely find a way to do this as soon as the American people have let it be known that it must be done.

Aliens have no inherent right whatever to come here, and we may and should take means, however radical or drastic, to keep out all below a certain physical and economic standard of fitness and all whose presence will tend to lower our standards of living and civilization. The only apparent alternative is to allow transportation companies, largely foreign (whether by their own agents or by men to whom a commission is paid for each immigrant secured is not important), to cause eastern and southern Europe to be scoured for aliens, not whose presence here will benefit the United States, not who belong to a stock which will add to the elements on which the country in the past has grown great, not who will bring a certain amount of wealth to their new homes, but who merely happen to have enough money to purchase tickets from Europe to some place in the United States and can bring themselves within the easy requirements of existing statutes. A too rapid filling up of any country with foreign elements is sure to be at the expense of national character when such elements belong to the poorest classes in their own respective homes.[33]

Responding to these issues, the Act of February 20, 1907 (34 Stat. 898), was a second attempt at summarizing and codifying the existing immigration laws. It increased the head tax on immigrants to $4 and added to the ever-growing categories of exclusion and deportation. The excluded classes were extended to include imbeciles, feeble-minded persons, persons with physical or mental defects which might effect their ability to earn a living, persons with tuberculosis, children unaccompanied by parents, persons who admitted commission of a crime before entry even when there had been no conviction, persons whose

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33. Annual Report of the Commissioner General of Immigration, 1903, pp. 70-71, and Robert A. Divine, American Immigration Policy, 1924-1952 (New Haven, 1952), p. 192. Further information on this topic may be found in Joseph H. Senner, "Immigration from Italy," North American Review, CLXII (June, 1896), 649-56; Henry Cabot Lodge, "Efforts to Restrict Undesirable Immigration," Century Magazine, LXVII (January 1904), 465-69; Frank P. Sargent, "The Need of Closer Inspection and Greater Restriction of Immigrants," Century Magazine, LXVII (January 1904), 470-73; and James Davenport Whelpley, "The 'Open Door' for Immigrants," Harper's Weekly, L (April 14, 1906), 517-19.

tickets had been paid for by any private organization or foreign government, and all children under sixteen unless accompanied by or going to one or both of their parents. The provisions as to the exclusion of persons connected with prostitution were extended to cover those coming for any other immoral purpose or those importing or attempting to import another for such a purpose. The act also authorized the president to enter into international agreements to regulate immigration, subject to Senate ratification.

Like its predecessors, the 1907 act provided more stringent provisions for enforcement, administration, and deportation. The act provided for statistics on departing aliens, denied the right of appeal from decisions of boards of special inquiry in cases of mental of physical disability, required better sanitary and less crowded conditions on incoming liners beginning in 1909, and established a Joint Immigration Commission consisting of three members of the House of Representatives, three members of the Senate, and three appointees of the president to conduct a full investigation into immigration matters. Professional actors, artists, lecturers, singers, ministers, professors, and domestic servants were made exceptions to the requirements of the contract labor laws.

Most important of the deportation provisions in the act were those extending the time limit for all deportations to three years after entry. The act arranged for deportable aliens "upon the warrant of the Secretary" [of Commerce and Labor] to be taken into custody and deported to their country of orgin, but, pending a final disposition of their cases, they might be released on bail bond, with security "approved by the Secretary." Section 24 of the act provided for the establishment of a Division of Information in the Bureau of Immigration and Naturalization, charged with the duty of promoting "a beneficial distribution of aliens admitted into the United States among the several states and territories desiring immigration." It provided for the detail of immigration officers and surgeons abroad, and permitted the commissioner general to prescribe the duties of the commissioners of immigration at the

several ports and regulations for the inspection of aliens along the borders with Canada and Mexico.[34]

14. Act of March 4, 1909

The Act of March 4, 1909 (35 Stat. 945, 969), abolished the "immigrant fund." Thereafter, such funds were covered into the United States Treasury as "revenue receipts," and specific annual appropriations were required to defray the costs of regulating immigration.[35]

15. Act of March 26, 1910

The Act of March 26, 1910 (36 Stat. 263), restated the list of excluded classes of immigrants and tightened the prohibitions against prostitution by immigrants. The act extended the excludable classes to "persons who are supported by or receive in whole or in part the proceeds of prostitution." The time limit for deportation was changed by the provision that:

> any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prositute; or who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute, shall be deemed to be unlawfully within the United States and shall be deported.[36]

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34. Bennett, American Immigration Policies, p. 25; "Annual Report of the Commissioner General of Immigration," in Reports of the Department of Commerce and Labor, 1907, p. 157; Clark, Deportation of Aliens, pp. 50-52; Van Vleck, Administrative Control of Aliens, pp. 10-11; Smith and Herring, Bureau of Immigration, pp. 12-13; and Congressional Research Service, History of the Immigration and Naturalization Service, pp. 17-18.

35. Smith and Herring, Bureau of Immigration, p. 13, and Congressional Research Service, History of the Immigration and Naturalization Service, p. 19.

36. Clark, Deportation of Aliens, pp. 52-53, and Bennett, American Immigration Policies, p. 25.

16. White Slave Traffic Act: 1910

In 1907 the Bureau of Immigration and Naturalization upgraded its efforts in the suppression of importation of alien women for purposes of prostitution or "other immoral purposes." A circular of special instructions with respect to the arrest and deportation of immoral alien women was issued, and a systematic campaign was inaugurated to enforce the circular. On June 6, 1908, President Theodore Roosevelt signed an agreement with fourteen European countries for cooperation in breaking up the white slave traffic. The terms of the agreement, which was signed by Great Britain, France, Germany, Belgium, Denmark, Spain, Italy, the Netherlands, Portugal, Russia, Sweden, Norway, and Switzerland, included:

> ARTICLE 1. Each of the Contracting Governments agrees to establish or designate an authority who will be directed to centralize all information concerning the procuration of women or girls with a view of their debauchery in a foreign country; that authority shall have the right to correspond directly with the similar service established in each of the other Contracting States.
>
> ART. 2. Each of the Governments agree to exercise a supervision for the purpose of finding out, particularly in stations, ports of embarkation and on the journey, the conductors of women or girls intended for debauchery. Instructions shall be sent for that purpose to the officials to any other qualified persons, in order to procure within the limits of the laws, all information of a nature to discover a criminal traffic.
>
> The arrival of persons appearing evidently to be the authors, the accomplices or the victims of such a traffic will be communicated in each case, either to the authorities of the place of destination, or to interested diplomatic or consular agents, or to any other competent authorities.
>
> ART. 3. The Governments agree to receive, in each case, within the limits of the laws, the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status and to ascertain who has induced them to leave their country. The information received will be communicated to the authorities of the country of origin of said women or girls, with a view of their eventual return.
>
> The Governments agree, within the limits of the laws, and as far as possible, to confide temporarily and with a view to

their eventual return, the victims of criminal traffic, when they are without any resources, to some institutions of public or private charity or to private individuals furnishing the necessary guaranties.

The Governments agree also, within the limits of the laws, to return to their country of origin such of said women or girls who ask to be so returned or who may be claimed by persons having authority over them. Such return will be made only after reaching an understanding as to their identity and nationality, as well as to the place and date of their arrival at the frontier. Each of the Contracting Parties will facilitate their transit over its territory.

Correspondence relative to the return (of such women or girls) will be made, as far as possible, through direct channels.

ART. 4. In case the woman or girl to be sent back can not herself pay the expenses of her transportation and she has neither husband, nor relations, nor guardian to pay for her the expenses occasioned by her return, they shall be borne by the country in whose territory she resides as far as the nearest frontier or port of embarkation in the direction of the country of origin, and by the country of origin for the remainder.

ART. 5. The provisions of the above articles 3 and 4 shall not infringe upon the provisions of special conventions which may exist between the contracting Governments.

ART. 6. The contracting Governments agree, within the limits of the laws, to exercise, as far as possible, a supervision over the bureaus or agencies which occupy themselves with finding places for women or girls in foreign countries.

ART. 7. The non-signatory States are admitted to adhere to this present Arrangement. For this purpose, they shall notify their intention, through diplomatic channels, to the French Government, which shall inform all the contracting States.

ART 8. The present arrangement shall take effect six months after the date of the exchange of ratifications. In case one of the contracting Parties shall denounce it, that denunciation shall take effect only as regards that Party, and then twelve months only after the date of said denunciation.

ART 9. The present arrangement shall be ratified and the ratifications shall be exchanged at Paris, as soon as possible.

In faith whereof the respective Plenipotentiaries have signed the present Agreement, and thereunto affixed their seals.

Done at Paris, the 18th of May, 1904, in single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic, and of which one copy, certified correct, shall be sent to each Contracting Party.[37]

The culmination of the efforts of Congress to curtail the "importation and harboring of women for immoral purposes," until additional legislation was passed in 1948, was the White Slave Traffic Act of June 25, 1910 (36 Stat. 825). Among other provisions the commissioner general was designated the authority of the United States Government to receive and centralize information concerning the procuring of alien women. The most significant part of the 1910 act was Section 6:

> That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, . . the Commissioner General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view of their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.
>
> Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procuration to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman

37. "Annual Report of the Commissioner General of Immigration," 1908, in Reports of the Department of Commerce and Labor, 1908, pp. 219-21.

> or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner General of Immigration, or who shall knowingly and wilfully [sic] state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procuration to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.
>
> In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reasons that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or fortfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.[38]

17. Act of March 4, 1913

By the Act of March 4, 1913 (37 Stat. 736), all business of immigration and naturalization was given to the newly-constituted Department of Labor. At the same time the Bureau of Immigration and Naturalization was divided into two separate bureaus, one of each subject, headed by a commissioner-general of immigration and a commissioner of naturalization. This act was to take effect immediately.[39]

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38. Smith and Herring, Bureau of Immigration, pp. 177-78; Bennett, American Immigration Policies, p. 25; and U. S. Congress, Senate, Committee on Immigration, Importing Women for Immoral Purposes, 61st Cong., 2d sess., 1909, S. Doc. 196. Much of the investigation leading up to this act was carried out at Ellis Island and in the surrounding New York City area.

39. Smith and Herring, Bureau of Immigration, p. 179, and Bennett, American Immigration Policies, p. 25.

18. Act of March 4, 1915

The Act of March 4, 1915 (38 Stat. 1164), permitted alien seamen to leave a vessel in port and seek employment on another ship. This opened the way to easy avoidance of immigration rules and regulations, since there was no check upon vessels leaving.[40]

19. Act of February 5, 1917

The Immigration Commission, known as the Dillingham Commission after its chairman, Senator William P. Dillingham, created by the 1907 immigration law made a massive 42-volume report in 1911 which reviewed all aspects of the immigration question, especially emphasizing past experience with immigration restrictions and making numerous suggestions for changes in the laws to increase their effectiveness. As a result of its investigation the commission was "unanimously of the opinion that in framing legislation emphasis should be laid upon the following principles":

> 1. While the American people, as in the past, welcome the oppressed of other lands, care should be taken that immigration be such both in quality and quantity as not to make too difficult the process of assimilation.
>
> 2. Since the existing law and further special legislation recommended in this report deal with the physically and morally unfit, further general legislation concerning the admission of aliens should be based primarily upon economic or business considerations touching the prosperity and economic well-being of our people.
>
> 3. The measure of the rational, healthy development of a country is not the extent of its investment of capital, its output of products, or its exports and imports, unless there is a corresponding economic opportunity afforded to the citizen dependent upon employment for his material, mental, and moral development.
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> 4. The development of business may be brought about by means which lower the standard of living of the wage earners. A slow expansion of industry which would permit the adaption and assimilation of the incoming labor supply is preferable to a very rapid industrial expansion which results in the immigration of laborers of low standards and efficiency, who imperil the American standard of wages and conditions of employment.

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40. Smith and Herring, Bureau of Immigration, p. 30.

Accordingly, the commission made a number of recommendations for changes in the immigration laws to increase their effectiveness.[41]

The conclusions of the commission virtually repeated the sentiments of Ellis Island Commissioner William Williams. In June 1909 he had commented:

> I have already adverted to the easy-going character of our exclusion laws and stated that even their strict enforcement keeps out only the very bad elements of foreign countries. Between these elements and those that are a real benefit to the country (as so many of our immigrants are) there lies a class who may be quite able to earn a living here, but who in doing so tend to pull down our standards of living. I am not now concerned with the question whether or not laws can be framed which will correctly describe this undesirable class. I wish merely to emphasize what must be known to every thinking person, that it is coming here in considerable numbers and that we are making no effort to exclude it. Few people are bold enough to claim that we are in urgent need of any more immigrants who will crowd into the congested districts of our large cities. And yet this is where a large percentage of our immigrants now go and stay. At a time when portions of the West are crying for out-of-door labor the congestion in New York City may be increasing at the rate of many thousands per month. Another way of putting this is to say that much of our present-day immigration is not responsive to the legitimate demands for additional labor in the United States. I think this fact should be made known throughout those sections of our country where many erroneously think that further restrictions of the right kind would increase the difficulties incident to obtaining labor for which there is a real demand. Quite the contrary is the case, for poor immigration tends to deter good immigrants from coming.[42]

The following year Williams observed:

> I have frequently pointed out that our statutes, except as they relate to contract laborers, exclude only such manifestly undesirable persons as idiots, the insane, paupers, persons

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41. U.S. Congress, Senate, Committee on Immigration, Reports of the Immigration Commission: Abstracts of Reports of the Immigration Commission, Vol. I, 61st Cong., 3d sess., 1910, S. Doc. 747, pp. 45-48.

42. "Annual Report of the Commissioner General of Immigration," 1909, in Reports of the Department of Commerce and Labor, 1909, pp. 231-32.

likely to become a public charge, persons with loathsome or dangerous contagious diseases, persons whose physical or mental defects prevent them from earning a living, convicted criminals, prostitutes, etc., and that even a strict execution of these laws makes it possible to keep out only the poorest and worst elements that might seek to come here. We have no statutes excluding those whose economic condition is so low that their competition tends to reduce the standard of our wageworker, nor those who flock to the congested districts of our large cities, where their presence may not be needed, in place of going to the country districts where immigrants of the right type are needed. As far back as 1901 reference was made by President Roosevelt in his annual message to Congress to those foreign laborers who "represent a standard of living so depressed that they can undersell our men in the labor market and drag them to a lower level," and it was recommended that "all persons should be excluded who are below a certain standard of economic fitness to enter our industrial fields as competitors with American labor." There are no laws under which aliens of the class described can be kept out, unless they happen to fall within one of the classes now excluded by statute (as they sometimes do); and yet organized forces are at work, principally on the other side of the ocean, to induce many to come here whose standards of living are so low that it is detrimental to the best interests of the country that the American laborer should be compelled to compete with them. These are matters which I have touched upon in some of my earlier reports and I will not repeat what is there said except to reiterate that one of the best means of encouraging the good immigration, which we want, is to prohibit that which is bad.[43]

In 1912 Williams listed a series of defects in the immigration laws which required remedial legislation. Among his observations were comments on the following topics:

(1) Mental defectives

There seems to be no good reason why Congress should not so legislate that all aliens who within a reasonable period after arrival (say five years) are shown to be mentally defective may be expelled by the executive authorities. . . .

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43. "Annual Report of the Commissioner General of Immigration," 1910, in Reports of the Department of Commerce and Labor, 1910, pp. 291-92.

(2) Alien seamen

The courts have held that alien employees of vessels are in important respects not subject to the immigration law, and that they may go on shore freely for the purposes of their calling. This privilege is being grossly abused and under it many aliens arriving here as members of crews, including waiters and cabin boys, some diseased, go on shore without inspection and thereafter remain in the United States. Some of these men, it is true, are ordinary deserters, but a great many use the ships' articles for the very purpose of landing in evasion of the immigration law, and sometimes they do this through the connivance of stewards and other ships' employees. . . .

(3) Alien criminals

A good illustration of the frequent indifference of the American people to matters obviously affecting their welfare is found in the utterly inadequate provision governing the exclusion of criminals. A great deal is being said about the foreign criminal in our midst, but little is heard of the fact that we are making it easy for him to come in and, having once entered, to remain. I shall illustrate by pointing out some of the defects in the statute:

(a) Only those criminals can be excluded who have been actually convicted abroad of crime or misdemeanor involving moral turpitude or who admit having committed such a crime or misdemeanor. . . .

(b) As matters stand to-day our Government makes no effort to obtain the valuable information undoubtedly contained in foreign criminal records as to many immigrants who come here. The transportation companies should be required to satisfy the immigration authorities as to each immigrant above a certain age that the criminal records of the locality from which he comes have been searched, and they should also be required to furnish a statement as to what, if anything, has been found therein, and a civil penalty should be imposed for furnishing false information.

(c) Many of our prisons, particularly those in the Eastern States, contain aliens who have committed crimes after (often immediately after) arrival, but they are not deportable therefore. The Government should have power to deport aliens who within a given period are convicted of crimes here, irrespective of what their record may have been at the time of entry.

(4) Miscellaneous defects

(a) Steamship companies bringing insane persons are subject to no fine. They should be subject to the same as for

bringing idiots, imbeciles, and epileptics; and such fine should be $200 instead of $100, as now provided.

(b) Section 19 of the immigration law makes it a misdemeanor for a steamship company to fail to pay the cost of maintaining at an immigrant station immigrants who are subsequently ordered deported. It should be similarly made a misdemeanor for them to fail to pay the cost of maintaining immigrants who are subsequently admitted pending the examination to determine whether or not they are admissible.

(c) The ships' manifests are full of inaccurate information concerning aliens, and this is often worse than no information at all. Yet no fine can be imposed except for failure to give any information, and then only on the master or commanding officer, who may have left port before action can be taken against him. The owners, agents, and consignees of vessels, as well as the masters, should be subject to fine for furnishing material false information concerning aliens.

(d) Section 18 of the law punishes the "negligent failure" of steamship officials to prevent the landing of aliens at a time or place other than as designated by the immigration officers. The presence of the word "negligent" makes it often impossible for the Government to punish those responsible for escapes from vessels. Whenever the Secretary of Commerce and Labor is satisfied that aliens shown to have arrived at a port are not produced for inspection, he should have power to impose a penalty.

(e) It should be made a penal offense for anyone to interfere with an immigration officer while performing his duties under the law.

(f) The immigration authorities should be specifically clothed with power to search vessels to determine whether or not aliens are concealed on board whom it is intended to land at a favorable opportunity.

(g) The contract-labor law is constantly being violated on a large scale, and, while the immigration authorities detect many of the violations in individual instances, yet the wholesale violations they are usually unable to detect, with the result that thousands of aliens continue to come here every year as a result of encouragement and solicitation. This is a large subject and it is not practicable here to do more than point out the inadequacy of the present law to accomplish its intended purpose.

(h) At great pains the authorities at one port may have reached the conclusion that an alien was ineligible, and yet under pressure of business or through oversight he may secure admission at another port where the authorities are ignorant of the facts on which he was excluded elsewhere; or this may at

> times occur at the same port without blame to anyone. The right of immigrants once excluded to return should be regulated and appropriate administrative fines imposed on all concerned in knowingly bringing them back in violation of such regulations. The statute now forbids a contract laborer from returning within one year. It is quite as important that paupers, persons likely to become a public charge, and these suffering from physical defects which will affect their ability to earn a living should be forbidden to return within a stated period except with the knowledge and consent of the department.[44]

Several bills incorporating many of the proposals of the Immigration Commission, as well as those by Commissioner Williams, were introduced in Congress but either failed of passage or were vetoed by Presidents William Howard Taft and Woodrow Wilson.[45] Public demand, however, became so strong for higher restrictions on immigration, including an immigration literacy test, that Congress passed the Immigration Act of February 5, 1917 (39 Stat. 874), over a second veto by Wilson. This law repealed the acts of 1903 and 1907 and all prior acts or parts thereof inconsistent with the new law. It also codified previous provisions excluding aliens and added some new classes to be excluded. The comprehensive 1917 act remained one of the basic immigration laws until 1952.[46]

The act identified 33 classes of aliens to be excluded. These were:

1. Idiots.
2. Imbeciles.
3. Feeble-minded persons.
4. Epileptics.
5. Insane persons.

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44. U.S. Congress, Senate, Ellis Island Affairs: Annual Report of William Williams, Commissioner of Immigration at New York, In Reference to Ellis Island Affairs for the Year Ended June 30, 1912, 62nd Cong., 3d sess., 1913, S. Doc. 1098, pp. 6-8, 12-13.

45. For more data on these vetoes see S. Doc. 1087, 62d Cong., 3d sess., and H. Doc. 1527, 63d Cong., 3d sess.. Also see S. Doc. 1098, p. 13.

46. Smith and Herring, Bureau of Immigration, pp. 179-204.

6. Those who have had one or more attacks of insanity at any time.

7. Persons of constitutional psychopathic inferiority.

8. Chronic alcoholics.

9. Paupers.

10. Professional beggars.

11. Vagrants.

12. The tubercular.

13. Persons with a loathsome or dangerous contagious disease.

14. Anyone with a physical or mental defect which may affect his ability to earn a living.

15. Those who have committed crimes involving moral turpitude.

16. Polygamists.

17. Anarchists.

18. Those who believe in or advocate overthrow of the government.

19. Those who believe in assassination of public officials.

20. Those who advocate destruction of property.

21. Those affiliated with any organization teaching the foregoing views.

22. Prostitutes or those coming into the United States for any immoral purpose.

23. Procurers and pimps.

24. Contract laborers, skilled or unskilled.

25. Laborers who have come in response to advertisement for laborers published abroad.

26. Persons likely to become a public charge for any reason.

27. Those who have been deported unless approved by the Attorney General.

28. Persons whose ticket or passage is paid for by another unless it is affirmatively shown they do not belong to one of the above excluded classes.

29. Persons whose passage is paid for by any corporation, association, society, municipality or foreign government, except aliens in transit.

30. Stowaways, unless authorized by the Attorney General.

31. Children under 16 years of age unaccompanied by parent or parents, or not coming to a parent, unless approved by the Attorney General.

32. Virtually all Asiatic immigration not already barred by the Chinese exclusion laws and the gentlemen's agreement with Japan. A so-called "barred zone" was created by degrees of latitude and longitude in order to eliminate most of China, all of India, Burma, Siam, the Malay States, a part of Russia, Arabia, Afghanistan, most of the Polynesian Islands, and the East Indian Islands. Excepted, however, were government officials, ministers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, travelers for curiosity or pleasure, and their legal wives and children under 16 years of age--unless they fail to maintain in the United States a status or occupation placing them in the excepted classes, in which event they shall be deported.

33. Those over 16 years old who cannot read some language except that an alien legally admitted may send for his wife, parents, grandparents or unmarried or widowed daughter over 55 years of age, whether they can read or not. It was necessary only to read a maximum of 40 simple words under the literacy test. Political refugees and those escaping religious persecution were exempt from the test as were those who had previously been legally admitted or were in transit.

Ten categories of exceptions were:

1. Exceptions for illiterates as noted under No. 33 above.

2. Political refugees. Convictions were not basis for exclusion.

3. The provision of the act relating to payment for tickets of passage was made inapplicable to aliens in transit through the United States.

4. Skilled labor could be admitted if in short supply in the United States as determined by the Attorney General.

5. Provisions against contract labor were not applicable to professional actors, artists, lecturers, singers, nurses, ministers, professors for colleges or seminaries, persons belonging to the learned professions or domestic servants.

6. The President was authorized to bar anyone when satisfied his passport has been issued by a foreign government to a country other than the United States but actually for the purpose of enabling such person to enter the United States by subterfuge and to the detriment of labor conditions here.

7. Aliens returning after a temporary absence after a residence of 7 consecutive years in the United States could be admitted in the discretion of the Attorney General.

8. Prohibitions against contract labor and illiteracy were not applicable to employees seeking temporary entry to assist a foreign exhibitor at a fair or exhibition.

9. The Commissioner of Immigration with approval of the Attorney General could exact bonds to control admission of those otherwise inadmissible aliens applying for temporary admission.

10. Nothing in the act was to bar accredited officials of foreign governments, their suites, families or guests.

Much more drastic provisions for the expulsion of aliens already in the United States were placed in the act. In most cases the period after entry, within which the power might be exercised, was increased to five years. The three-year limit was retained only for cases where there had been entry without inspection. Anarchists, persons coming within the terms of the "force of violence" statutes, persons connected with prostitution, and persons who had before entry been convicted of a crime or who admitted that they had committed it, might be deported without time limit. Thus, expulsion for these cases might take place at any time after entry prior to naturalization. So might persons who had been convicted more than once since entry of a crime involving moral turpitude, and sentenced to imprisonment for not less than a year in each case. For the commission of one such crime with a sentence of not less than one year, there might be expulsion within five years. The provision for the deportation of public charges was also extended to five years after entry, and the former provision that such expulsion should not take place except where the causes of the disability were shown to have existed at the time of landing was practically eliminated by the simple rule that the alien must show affirmatively that the causes did not exist at that time.

On the administrative side immigration officers were empowered, in both exclusion and expulsion cases, to issue process to compel the attendance of witnesses and the production of papers when that should be necessary for the investigation of the alien's eligibility to land or remain. A provision permitted an alien whose application for admission had been rejected by a board of special inquiry to be represented by counsel in the prosecution of his appeal to the Secretary of Labor. In expulsion cases the decision of the secretary to deport was made final in an effort to reduce to a minimum court action in immigration cases. In some cases of aliens otherwise excludable under the statute, the secretary was given discretionary power to admit. The most important classes thus provided for were aliens returning after a temporary absence to an unrelinquished domicile of not less than seven consecutive years, and those coming for a temporary stay only.

The act contained numerous other provisions. These included: (1) requiring the commissioner general of immigration to issue rules and regulations for admission or return of certain aliens and medical examinations; (2) placing (after agreement with foreign nations) immigration officers on foreign vessels and prescribing their duties; (3) requiring inspection by immigration officers of all aliens arriving by water to determine all defects other than physical or mental and giving such officers power to secure evidence; (4) setting up boards of special inquiry at various ports to determine cases of exclusion and deportation; and (5) describing in detail the powers and duties of the commissioner general of immigration and the various commissioners at the ports of entry.

Another provision expanded the Immigration Service's responsibilities for the inspection of alien seamen. The act required that a list of alien employees on vessels be submitted to the bureau, and that these employees be examined for disease and detained for treatment if necessary, the cost to be charged against the vessels that brought them to the United States. To accomplish this work, the agency appointed a Special Representative for Seamen's Work in 1918.

The act also doubled the previous $4 head tax on immigrants but excluded from the tax minors under 16 years of age who were accompanied by a parent. The United States Public Health Service was directed to make all medical inspections of aliens.[47]

Immigration officials hailed the new act in glowing terms. The commissioner general of immigration observed:

> This new measure became effective generally, under its own terms, on May 1, but the illiteracy-test clause thereof did not go into effect until May 5. The bureau has had only two months of actual experience in the working of the new law, therefore, and it might be thought that so short an experience could not be the basis of an expression of opinion, but such is not the case. The bureau had studied this new law for several years, during which time it was assisting in one way or another in its preparation and perfection. It knew the need, from past extensive experience, of most of the new provisions thereof. It became its duty, immediately upon the passage of the law, to commence the preparation of detailed regulations for the guidance of its officers in the law's enforcement; and although handicapped in many ways, especially by the fact that it was given a much shorter period than was originally intended in which to prepare such regulations and by the fact that during that short period war was declared, necessitating an adjustment of all its affairs to the new duties suddenly imposed upon it, the regulations were prepared with great care and already have proven in most respects workable and satisfactory. . . .
>
> In other words, the new law is, in most if not all respects, an eminently satisfactory piece of legislation; it is going to be of great benefit to the country. Some of its provisions have demonstrated their usefulness already, even as aids to the conduct of the war; others it is believed will be found to be of equal value in that respect as the war progresses; this although of course the law was not prepared nor passed in anticipation that it would ever be used as a war measure. But it is confidently believed that when the war is over and there is eventually a return to comparatively normal conditions with respect to immigration, the new measure will demonstrate the wisdom of those who prepared and passed it, especially with regard to the many admirable improvements made in the administrative features of the law. . . . While its application to concrete cases is necessarily still of a more or

47. Bennett, American Immigration Policies, pp. 26-28; Clark, Deportation of Aliens, pp. 54-58; Van Vleck, Administrative Control of Aliens, pp. 12-14; Smith and Herring, Bureau of Immigration, pp. 15-16; and Congressional Research Service, History of the Immigration and Naturalization Service, pp. 23-24.

> less experimental nature, the bureau believes that it can assert confidently that the law will prove not only effective in excluding from the country, or expelling therefrom, those classes that have been deemed by Congress to be economically or otherwise undesirable, but also in its many features that are intended to be--and that in practice necessarily will be found to be--a great improvement over previous laws simply from a humanitarian point of view. While the law has been made much stricter, much clearer, much more far-reaching than ever before, it has been couched in such language and arranged with such care that those charged with its enforcement can temper justice with mercy without doing violence to their consciences, and at the same time produce the results which it is known the law is intended to bring about.[48]

Nevertheless, the commissioner general complained some twelve years later that the act, instead of turning out to be a summary and clarification of existing law, became a motley piece of legislation, barely intelligible to immigration officials. He noted that

> the immigration act of 1917 (the general law), as a piece of legislative draftsmanship, is an impossible jumble, unintelligible, confusing and unreadable. Some of the paragraphs are so long, refer to so many subjects, and have no many provisos making exceptions as to what goes before that no human being can possibly know what they mean after reading them.[49]

20. Act of March 2, 1917

The Act of March 2, 1917 (39 Stat. 951), declared all citizens of Puerto Rico to be citizens of the United States.[50]

21. World War I Immigration Legislation

World War I had a direct impact on immigration and its administration. While immigration declined drastically, the war brought a

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48. "Annual Report of the Commissioner General of Immigration," 1917, in Reports of the Department of Labor, 1917, pp. 178-79. According to the statute, the literacy test required the reading of only forty words, not sentences, in any language. Ability to read English was not required. These oversights were corrected by the Nationality Act of 1940 (54 Stat. 1137) and the Internal Security Act of 1950 (64 Stat. 987).

49. Seventeenth Annual Report of the Secretary of Labor, 1929, p. 19.

50. Bennett, American Immigration Policies, p. 28.

number of new responsibilities to the Bureau of Immigration. As a means of protection from spies and enemy agents the Secretaries of State and Labor issued on July 26, 1917, a "joint order requiring passports and certain information from aliens who desire to enter the United States during the war." This was followed on May 22, 1918, by an act (40 Stat. 559) formulating, and in effect putting into legal form, the joint order and departmental regulations regarding passports and visas. The president was authorized to prescribe further rules, violations of which were to be punished by fine or imprisonment, for departure from or entry into the United States of any person whose presence was deemed contrary to public safety. This act, which in March 1921 was extended indefinitely, was made effective by the president's proclamation of August 8, 1918.

The Act of October 16, 1918 (40 Stat. 1012), later to be amended by the Act of June 5, 1920 (41 Stat. 1008), tightened the provisions in the general act for the expulsion of anarchists and persons advocating the overthrow of government by force or violence. These provisions were expanded so that belief in or advocacy of the proscribed doctrines, membership in proscribed organizations, and writing, publishing, or knowingly having in possession proscribed documents or publications became grounds for expulsion without limit of time after entry. This statute also provided that persons excluded under its provisions should never return to this country and made it a felony for them to attempt to reenter.[51]

On October 19, 1918, Congress passed a joint resolution (40 Stat. 1014) authorizing readmission to the United States of various classes of aliens who had been conscripted or had volunteered for service with the United States or cobelligerent forces. It allowed the readmission, after the war, of otherwise excludable persons who had served in the armed forces (including Czecho-Slovakian, Polish, or other independent forces attached to the United States or a cobelligerent army), permitted admission if cause for exclusion was acquired during military service,

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51. Van Vleck, Administrative Control of Aliens, p. 16, and Smith and Herring, Bureau of Immigration, pp. 204-05.

extended certain time limits, and eliminated the head tax for ex-servicemen.[52]

Deportation of certain immigrant aliens violating specified war acts was authorized by the Act of May 10, 1920 (41 Stat. 593). This legislation provided for deportation of "certain undesirable aliens" and denial of "readmission to those deported." In addition to the already excludable or deportable classes the following, upon warrant of the Secretary of Labor, might be deported:

> (1) All aliens who are now interned under section 4067 of the Revised Statutes of the United.States and the proclamations issued by the President in pursuance of said section under date of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, respectively.
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> (2) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following Acts or parts of Acts, the judgment on such conviction having become final, namely:
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> > (a) An Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, or the amendment thereof approved May 16, 1918;
> >
> > (b) An Act entitled "An Act to prohibit the manufacture, distribution, storage, use, and possession in the time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use and possession of the same, and for other purposes," approved October 6, 1917;
> >
> > (c) An Act entitled "An Act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918;
> >
> > (d) An Act entitled "An Act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918;

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52. Smith and Herring, Bureau of Immigration, pp. 205-06.

(e) An Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, or any amendment thereof or supplement thereto:

(f) An Act entitled "An Act to punish persons who make threats against the President of the United States," approved February 14, 1917;

(g) An Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, or any amendment thereof;

(h) Section 6 of the Penal Code of the United States.

(3) All aliens who have been or may hereafter be convicted of any offense against section 13 of the said Penal Code committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13, or of any offense committed during said period against the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in aid of a belligerent in the European War.[53]

The aforementioned Act of June 5, 1920 (41 Stat. 1008), permitted immigration of an illiterate alien if requested by someone who had served in the United States military forces and who married such an immigrant upon arrival at a United States immigration station.

Because of a severe labor shortage in the sugar beet, cotton, and fruit sectors of our agricultural economy and a similar shortage in railroad right-of-way maintenance and lignite coal mining the Secretary of Labor, on June 12, 1918, issued amendments to the immigration rules permitting temporary Mexican labor to enter the United States. The amendments included suspension of the literacy test, payment of head tax, and contract labor laws. Later the privilege was extended to all forms of mining and government construction work in the territory included within the Southern Department of the Army. The territorial restrictions were also expanded to include all ports on the Gulf of Mexico

53. Ibid., pp. 206-07.

and on the Atlantic Coast as far north as Charleston. The regulations were rescinded on March 3, 1921, and employers of the imported laborers were called upon to return them to Mexico.[54]

22. Act of December 26, 1920

Congress passed an act on December 26, 1920 (41 Stat. 1082), providing for the hospital treatment of diseased alien seamen. The law stated:

> That alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in section 35 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens, to, and the residence of aliens in, the United States," shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteeed and the collector of customs so notified by the immigration official in charge. Provided, That alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed: Provided further, That in cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against.[55]

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54. Data for this section has been obtained from Bennett, American Immigration Policies, pp. 28-29; Smith and Herring, Bureau of Immigration, pp. 16-18, 30-32, 104-07; and Congressional Research Service, History of the Immigration and Naturalization Service, pp. 24-25.

55. Smith and Herring, Bureau of Immigration, pp. 207-08.

C. Status of Immigration Procedures, Policies, and Regulations: Early 1920s

In 1924 the Institute for Government Research at Johns Hopkins University published an administrative history of the Bureau of Immigration, a monograph detailing the history, activities, and organization of the agency. The book, entitled The Bureau of Immigration: Its History, Activities, and Organization, contained a lengthy description of the activities of the agency which set forth the processes, procedures, and regulations governing the administration of immigration in the United States as they existed in the early 1920s. Since these processes, procedures, and regulations had a direct bearing on the implementation of the immigration laws at Ellis Island, they will be examined here.

The activities of the Bureau of Immigration consisted of three basic elements: (a) determination of eligibility for entry of aliens wishing to enter the United States; (b) after such determination, prevention from entry of those who were ineligible and expulsion or deportation of those who, though having gained entry, were found to be here in violation of the law; and (c) admission of eligibles, which comprised much of the agency's general administrative work.

1. Determination of Eligibility

According to the study the "basic provisions for the determination of eligibility" lay in "the law," with its definition of excludable classes of aliens." To decide which of the alien applicants for admission fell within the excluded categories, certain administrative processes were essential. Turning to the listed classes of "ineligibles" or "excludables,"

> two distinct groups may be observed, the basis of exclusion or admission in the two cases differing materially.
>
> The first group contains those aliens whose eligibility or ineligibility is based upon no individual or personal virtue, defect, or failure to comply with the law. The eligibility, or lack of it, is outside and beyond them and (if ineligibility) may exist because of the accident of birth which makes them members of an Oriental, or so-called non-assimilable race, or

residents of the "barred zone." Or again, such ineligibility may arise because of the chance of emigration at a date which brings the alien within the excess number of a "nationality quota" of admission.

The process involved in dealing with this first group may be designated as concerned with "mass eligibility."

The second group to be considered in determining eligibility consists of those aliens who must be dealt with individually; that is, all immigrants not included in the first group. More specifically the group includes aliens whose eligibility is to be judged solely upon individual or personal qualifications or the lack of them.

In this phase of work concerned with "individual eligibility" the service deals with the mentally, morally, physically, and economically unfit, enemies of organized government, polygamists, and illiterates.

2. Mass Eligibility

Determination of mass eligibility was essentially a negative process and fell "strictly speaking, without the sphere of administrative action." It was "to a degree, automatic." The authors of the study stated:

The fact that the law (in the case of the barred zone), the law reinforced by treaty (as for the Chinese), the law backed by numerical records (the quota plan), or an agreement between the nations concerned (the Japanese), says in effect "These shall not enter" bars emigration (in theory at least) from the native country to the United States. Normally no administrative process or activity for selection at our gates is necessary, because only exceptions to the rules appear, in accordance with the law.

If, in the face of this, members of such groups do appear for entry, or are known to be entering the United States, one of two things is true: either such aliens are claimants for legitimate exception to existing exclusion, or ineligibility regulations, or they are entering or seeking to enter contrary to the law.

In either case the task is immediately removed from the field of determining mass eligibility. In the former, (aliens claiming legitimate exception to exclusion regulations) individual investigation or inspection must be made to determine the legitimacy of the claim, which at once translates the activity to another sphere: "individual eligibility."

The process follows on directly to two sub-divisions. If the applicant proves to be eligible, his case at once comes under the class of normal examination, involving the work of medical inspection and other routine processes. If, however, the applicant is declared ineligible, the activity becomes one of preventing illegal entry, or of deportation, depending upon conditions.

If the second condition exists: namely, attempted entry in violation of the law, the task again becomes one of prevention of entry or deportation.

3. Individual Eligibility

Determination of individual eligibility or ineligibility involved personal examination of each entrant. As such it constituted the major work of the Immigration Service and was carried on directly by immigration officers or in cooperation with agents of other government departments.

a. Information Prior to Entry

Securing information concerning aliens before they arrived at a United States port involved cooperative relations with other government agencies. One phase of activity involving examination prior to arrival at port concerned the physical and mental condition of the aliens. The report noted:

Information with regard to incoming aliens is obtained by immigration officers from the ship's passenger manifest which is required to be furnished. For the purposes of manifesting, alien passengers are regarded as falling into three classes: first cabin, second cabin, and steerage.

There is required in the manifest a surgeon's certificate as to the physical and mental condition of aliens aboard ship, and this certificate involves certain cooperative agreements.

In cases where no surgeon ships with a vessel bearing aliens to the United States, the certificate must be signed by a reputable physician located at the port of embarkation or last port of call. This certificate must be verified before a United States consular officer or other officer qualified to administer oaths.

In case a surgeon does ship with the vessel the manifest must be verified by him before an immigration officer at the port of arrival. Any changes in the condition of alien

passengers which may have occurred or developed during the voyage must be noted in the manifest before it is verified.

More detailed procedures were necessary with regard to furnishing information on alien seamen. Special forms were provided for this purpose, listing arriving and departing seamen. Clearance was denied vessels until such requirements were met and deposit covering possible levying of administrative fines made. All alien seamen "illegally landed" while a vessel was in port were to be reported with "the name, nationality and description of said aliens and 'any information likely to lead to . . . apprehension.'[11] The requirements for identification of seamen, as outlined in the "Immigration Rules" read:

> . . . (d) When a vessel calls at several United States ports the list of arriving seamen . . . shall be delivered to the immigration official in charge at the port of arrival, who will give his receipt therefor to the master; the report of the illegal landings required . . . shall be made to the immigration official in charge at the port of arrival or call where the illegal landing occurs; and the list of departing, deserted, and landed seamen required . . . shall be delivered to the immigration official in charge at the final port of call i.e., the port from which the vessel departs sailing foreign.
>
> The immigration official in charge at any port of call or final clearance foreign shall promptly notify the immigration official in charge at the port of initial entry (where the incoming crew list is filed) of any and all changes occurring in the crew of any vessel subsequent to departure from such initial port of arrival; and such report shall be filed with the crew list to which it refers.
>
> (e) A card register of arriving seamen shall be prepared and kept in the following manner: Masters or other officers of vessels in the foreign trade shall furnish each alien seamen in their employ with a card containing his name, age at date of issue, nationality, personal description, and his photograph. A duplicate of said card shall be furnished by the master or other officer to the immigration officials. The latter, on the first occasion when the seaman is examined, shall complete the card and duplicate by signing his name along the margin of the photograph, partly thereon and partly on the card itself, and by having the seaman do likewise. Also, the examining immigration official shall indicate on the original and duplicate cards the status of the seamen under the law . . . The original of the card, after being so completed, shall be delivered to the seaman; the duplicate shall be filed and properly indexed for future reference. . . .

(f) No seaman shall be allowed by an immigrant inspector to land from a vessel, either temporarily or permanently, without being registered in the foregoing manner and furnished with an identification card, unless he presents such a card showing that he already has been registered. If any owner, agent, consignee, or master of a vessel pays off or discharges or fails to retain on board any alien who has not been given the inspection required by this rule, such vessel thereby becomes liable to prosecution . . . and steps to that end shall be taken at once by the immigration official in charge.

The problem of identification relative to aliens who "habitually" crossed the "land boundaries of the United States" resulted in rules similar to those applying to seamen. The report noted:

With a view to avoid delays and embarrassment in cases of aliens who, residing upon either side of the line, habitually cross and recross the boundary upon legitimate pursuits, an identification card will be furnished such persons upon application to the immigration official in charge at the place of ingress and egress. The applicant for such a card shall be required to furnish two unmounted photographs of himself, of appropriate size, for attachment to the card, and shall supply the data necessary to fill out the card in complete form. To guard against the use of the card by any other person than the one to whom furnished (through its being lost or stolen or otherwise improperly acquired) the official issuing the card shall require the applicant to sign his name partly on the margin of the photograph and partly on the body of the card itself. The card may be issued also to United States citizens desirous of availing themselves of this means of ready identification. It shall constitute a pass which shall be promptly honored by immigration officials simply upon satisfying themselves that the person presenting it is the person represented by the photograph thereto attached and therefor the rightful holder of the card.

b. Examination at Ports of Entry

Examination of aliens at foreign ports or on shipboard, together with furnishing of documentary information, was followed by inspection at ports of entry. This latter function constituted the prime administrative activity of the bureau. The study stated:

. . . Distinction is made, in the first place, between classes of aliens on shipboard. Where a vessel puts in at a port possessing an immigration station, the passengers are divided as first-class, second-class, and steerage. The last group is usually removed to an immigration station for

> examination, while aliens of the first two classes are generally given a primary examination aboard ship. Only those aliens of the cabin classes whose admissibility is in doubt are removed to an immigration station. In case there is no immigrant station, all three classes are examined on board ship.
>
> Another differentiation lies with the personnel conducting examinations. Such personnel varies with the purpose of the inspection: ships' surgeons and officers of the Public Health Service for physical or mental examinations, and immigration officers for other tests.
>
> Since the handling of examinations of the individual by differing personnel involves also the varying purpose of the examination, discussion of these inspectional activities may be best conducted under the "purpose" classification, and so far as possible in the natural sequence.

If immigration officials found alien immigrants to be "politically ineligible," they certified that determination and the activity became one of "exclusion or deportation, instead of examination or admission." Both the Department of State and the Department of Justice might become involved in such matters "but immigration officers alone" decided "the status of the alien" and no other examination supplanted that prescribed by the law.

Representatives of the Department of State were more directly involved in other activities of the Immigration Service. Where exemption from a literacy test was claimed on grounds of relationship by adoption, immigration rules provided that "nothing less shall be accepted as sufficient proof than a certificate from an officer who is shown by a notation placed thereon by a United States diplomatic or consular officer to be in charge of the records involved." In the examination of individuals claiming exemption from "mass ineligibility" rules, the evidence produced by the claimant "must be of a convincing nature and its authenticity shall be attested by the consular officer of the United States located nearest such place of domicile."

The production of valid passports of the country to which emigrating aliens owed allegiance, viseed by the American consul in the country where travel originated, was a prerequisite to examination by the Immigration Service. There were exceptions, however, regarding the necessity for presenting passports. The exceptions were:

citizens of Canada, Newfoundland, Bermuda, and the Bahama Islands, or subjects domiciled therein; citizens of St. Pierre and Miquelon, or citizens of France domiciled therein; with certain exceptions, aliens who have been residents of Mexico within the forty-mile border zone for at least one year prior to the date upon which they start upon their trip to the United States; aliens, regardless of nationality, regularly domiciled in the United States who return thereto, after an absence not exceeding six months, from Canada, Newfoundland, Bermuda, the Bahama Islands, or St. Pierre and Miquelon; aliens making round-trip cruises from American ports without transshipment from the vessel on which departure occurred; and aliens who are passengers on vessels which touch at United States ports while enroute to foreign destinations.

Physical and mental examination of the alien constituted one of the most important activities of the Immigration Service. A preliminary examination of aliens by competent surgeons was required either at the port of embarkation or last port of call of a vessel. Such examination could be conducted by surgeons "not only unconnected with the Immigration Service but even with the United States Government."

The final physical and mental examination of immigrants, however, was the responsibility of the U. S. Public Health Service. The report noted:

> Medical officers detailed for any duty under the immigration law are, in matters of administration subject to the direction of the immigration officer in charge at the port, or other location, to which they may be detailed. In considering and determining medical questions, however, they are guided by instructions issued by the Surgeon-General of the Public Health Service.
>
> It is the duty of the medical officers of the Public Health Service to submit to the immigration officers, two kinds of evidence: (1) certificates as to findings of fact, and (2) testimony in the form of professional opinions. As an instance, the question as to whether an alien has a particular defect or disease "is purely medical and is therefore for the medical officer to determine: the question of the effect of such disease on the alien's earning capacity is a practical one, and therefore for the immigration officer to determine, although such immigration officer may desire, and having obtained may consider an expression of opinion by the medical officer on the practical phase of the matter."

The specific duties of the medical officers, as defined by the Immigration Service regulations, were:

> To conduct physical and mental examinations of all arriving aliens, including alien seamen subject thereto, and to certify for the information of the immigration officers and boards of special inquiry any and all physical and mental defects and diseases.
>
> To furnish the required information in such form as to enable the proper immigration officers to determine whether the alien concerned belongs to one of the excluded classes.
>
> To convene medical boards for the consideration of appeals made in the cases of aliens, certified for insanity or mental defect; also in other cases as provided for by these regulations.
>
> To submit such opinions as may be necessary to assist the Secretary of Labor in determining whether certain penalties shall be imposed in connection with the certification for certain classes of physical and mental diseases and defects in cases of arriving aliens.
>
> To certify, when requested and when the facts so justify, that an arriving alien who has been excluded is helpless from sickness, mental or physical disability or infancy, in order that the deportation of an accompanying alien may be effected.
>
> To certify, when the facts so justify, that an excluded or deportable alien is in need of special care and attention or of the services of a special attendant.
>
> When requested by the proper immigration officers to submit in writing for the information of the Secretary of Labor estimates as to the probable length of time medical treatment may be necessary to effect a cure in cases of arriving aliens who may be adjudged to have come to the United States in violation of law.
>
> To render when necessary a certificate in regard to the condition of insane aliens which will enable them to be held for treatment at the expense of the United States until they may be safely deported.
>
> To render opinions when requested by the proper immigration officers as to the curability of a "contagious disorder" affecting the wife or minor children of a domiciled alien or certain minor children of a citizen.
>
> To give an opinion as to the age of an alien, when requested to do so by the proper immigration officers.

To render opinions, when requested to do so by the proper immigration officers, as to whether an alien may be "physically capable of reading."

To designate to the proper immigration officers such aliens as may be in need of hospital care and treatment, as provided under the law and these instructions, and to recommend their transfer to hospital or other suitable place and there supervise or conduct such care and treatment as may be necessary.

To designate to the proper immigration officers such arriving aliens as it may be necessary to transfer to hospitals for the purpose of completing their medical examination.

Upon request of the proper immigration officers, and in accordance with such special departmental authority as may be necessary, to determine the physical and mental condition of aliens charged with being unlawfully in the United States, and who have been taken into custody by the immigration officers under departmental warrants of arrest. Also when requested, to submit in writing for the information of the Secretary of Labor estimates as to the length of time that medical treatment may be needed in such cases.

To conduct physical and mental examination of aliens along the borders of Canada and Mexico, subject to such special rules and arrangements as the Commissioner-General of Immigration, with the approval of the Secretary of Labor, may prescribe.

Immigration officers were responsible for the designation of persons subject to medical examination and were required to provide adequate facilities for such work. The examination procedure was described in brief:

The alien to be examined passes before the examining surgeon who first questions the alien as to his age, destination, etc., or propounds to him one or two simple "sums" in addition. Immediately afterwards he carefully observes the alien's eyes, tests his pupillary light reflex, and everts the upper eyelids. He then makes an inspection of the alien's scalp, face, neck, and hands. The alien then turns at a right angle, and as he proceeds the medical officer observes the posterior aspects of his scalp as well as his posture and gait.

If any abnormality was observed during this inspection, the alien was detained for a medical examination, including necessary laboratory tests.

Should an alien be certified for mental defects he had the right of appeal to a board of Public Health Service medical officers and he could present before the board, at his own expense, one expert medical witness. Reexamination could be made at the request of the Secretary of Labor, the commissioner general of immigration, a commissioner of immigration, an immigration inspector in charge, or whenever the chief medical officer at the port deemed such action advisable. A medical board could also be convened at the request of any of these officers. The alien, however, had no right of appeal except in the case of certification for mental defects.

If the alien were found to be sound mentally and physically, he was turned over to immigration officials for examination as to other provisions of the law. Where from a medical standpoint, a doubt arose as to an alien's admissibility, he was detained in a hospital or returned on board ship, pending further observation and consideration by medical officers.

If the alien were found mentally or physically unfit for entry, the matter, subject to appeal, fell under the process of exclusion. While discovery that an alien had a loathsome or dangerous contagious disease was sufficient warrant for deportation, exceptions were made where the diseased person was

> (a) the wife or minor child of an alien who is shown to have taken up his permanent residence in the United States; (b) the wife of a naturalized citizen, married to him abroad prior to his naturalization; or (c) the minor child of a naturalized citizen, born abroad to him prior to his naturalization, such alien shall be held until it is ascertained whether the disorder will be easily curable or whether landing may be permitted without danger to others.

Seamen were also included in the list of exceptions to this rule. Seamen certified as physically or mentally defective were either detained on board ship or placed in a hospital unless arrangements were made with an immigration officer to place such seamen in an immigration station at the expense of the vessel or transportation company employing them. Immigration Service regulations further provided:

> . . . No seaman afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome contagious or dangerous contagious disease shall be permitted to land permanently in a port of the United States, and a seaman so afflicted shall be permitted to land temporarily only in the event that he is entitled to receive, or the circumstances are such as to require for humane or sanitary reasons that he shall be afforded, treatment in either a public-health or other hospital. . . . If a certificate requiring the vessel to be fined is issued . . . the seaman shall be detained and treated in hospital designated by the immigration official in charge "at the expense of the vessel." If such a certificate is not rendered, . . . arrangements shall be made for the treatment of the seaman in a marine hospital or in a contract hospital of the Public Health Service; the expense to be borne by the marine hospital fund in the cases of those who are "beneficiaries" of such fund, and to be guaranteed and paid, and the payment enforced, in accordance with the regulations of the Public Health Service in the cases of those employed on foreign vessels. . . .

Although not an immediate part of the inspection process, the matter of hospital treatment was integrally connected with it. The placing of an alien in a hospital subsequent to medical examination, while directly the result of the report of a medical officer, was accomplished only upon order of an immigration officer. In general, the procedure with regard to hospital treatment for both alien immigrants and seamen was:

> . . . no application for hospital treatment of aliens afflicted with tuberculosis or a loathsome contagious or dangerous contagious disease, . . . will be considered unless submitted promptly to the immigration official in charge at the port of arrival . . . and unless in addition such application shows that the applicant or some one on his behalf is willing and about to deposit at once a sum sufficient to pay for treatment for 60 days, or less if a shorter time is estimated as that within which a cure possibly may be effected, and to furnish bond in a penalty of not less than $300 providing that at least 15 days prior to the expiration of said period a further deposit will be made sufficient to cover cost of treatment for 30 days additional and a remittance of a similar amount 15 days prior to the expiration of the period covered by this deposit, and so on until the alien is cured and permanently landed or the case otherwise disposed of, the bond also to provide that a sum sufficient to defray the cost of forwarding the alien to final destination will be furnished, when and if needed, and, in the event the alien is a person who, from infancy or other cause, will require an attendant to accompany him to final destination

> if landed or to the country of origin if eventually deported, that such an attendant or funds sufficient to defray cost of employing one will be furnished. . . .

Admission to a hospital postponed application of all tests other than those relating to physical and mental examinations. If the alien were released as cured, he was immediately subject to other tests for admissibility. If the hospital detention showed the alien to be incurable, but not a menace to his associates, because of a communicable disease, he was at once subject to deportation.

Aliens approved as sound mentally and physically became the direct charge of immigration officers for further examination. Immigration regulations provided for primary inspection:

> . . . At each of the ports of New York, Boston, Providence, Philadelphia, Baltimore, Key West, New Orleans, Galveston, San Juan, San Francisco, Seattle, Honolulu, Vancouver, Quebec, Halifax, and St. John two immigrant inspectors shall pass upon the case of each arriving alien. The two inspectors to serve *together for this purpose shall be designated from day to day* by the immigration officials in charge at such ports. The challenging of decisions of one inspector by another shall be continued. At seaports other than those herein enumerated and at the land border ports double inspection shall be maintained whenever feasible.
>
> . . . As to each alien applying to enter the United States, the appropriate immigration officers shall determine, as promptly as in their estimation the circumstances permit, whether or not he is entitled to apply for admission, and, if so, whether or not he is clearly and beyond a doubt *entitled to land.*

Procedures with regard to admission of alien seamen (including Chinese) were of a special nature. After alien seamen had passed the regular physical examination and been issued identification cards, their cases followed a specified procedure:

> If the inspector ascertain that the seaman's intention is not to reship foreign or to remain on a vessel that sails foreign, the inspection shall proceed as though the seaman were an alien passenger applying for admission, and he shall be admitted or held for special inquiry in regular course, the uncompleted card being taken up. If it is ascertained that it is the seaman's intention to remain on the vessel or to reship foreign, the

> inspection shall proceed sufficiently to develop to a reasonable degree whether or not the alien belongs to one of the excluded classes, a notation thereupon to be placed upon the card indicating the inspector's opinion as to the seaman's admissibility if he were applying for entry. . . .
>
> If such seaman is already in possession of the identification card prescribed . . . the "primary immigration inspection" shall consist merely in determining that the presenter is the proper holder of the card and in ascertaining whether or not it is his intention to reship. If he asserts it is his intention to reship foreign, the "inspection" shall be closed by returning his card to him, unless it is necessary to order such seaman held on board or to remove him to an immigration station or other similar place or to a hospital . . . in either of which contingencies the card shall be retained and returned to the seaman only if he is eventually allowed to reship foreign. If he asserts an intention not to reship foreign, then the inspection shall proceed as though the seaman were an alien passenger applying for admission, the seaman to be admitted or held for special inquiry in regular course as the facts may require. . . .
>
> Whenever it is ascertained that a seaman applying for either permanent or temporary admission belongs to the excluded class [namely] "Persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their re-embarkation at a foreign port of their attempt to be readmitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission," the case shall promptly be brought to the attention of the department with request for instructions.

Disabled seamen were also subject to special Immigration Service rules. A disabled seaman who, despite disability, did not intend to relinquish his occupation might, under such regulations as the officer in charge deemed proper, pass through the United States to a foreign destination by the most expeditious and direct route. Where he was

> suffering from a loathsome contagious or dangerous contagious disease, or with tuberculosis in any form, or from a mental disability, or is in such physical or mental condition as to render him a person likely to become a public charge, the master must make arrangements for his proper care while in transit and furnish a sum of money sufficient to defray the expenses thereof. These provisions are made in the interest of trade and because of the peculiar position occupied by seamen under principles of international comity; and in all cases to which they apply the immigration officials shall confer not only

with the master but with the consular representative of the country to which the vessel belongs.

Each alien seeking a landing for the purpose of proceeding directly through the United States to a foreign country was to be examined. If found to be in one of the excluded classes, he was refused permission to land, though cases where refusal of such permission would cause exceptional hardship might be reported to the bureau for special ruling.

Of the tests for eligibility other than medical, the broadest and most specific in determining admissibility was the literacy test. It applied to all aliens over sixteen years of age with the following exceptions:

(a) Persons who are physically incapable of reading.

(b) Persons of any of the following relationships to United States citizens, admissible aliens, or legally admitted residents of the United States, when such persons are sent for or brought in by such citizens, admissible aliens, or admitted aliens; Father, if over 55 years of age; grandfather, if over 55 years of age; wife; mother; grandmother; unmarried daughter; or widowed daughter.

(c) Persons seeking admission to the United States to avoid religious persecution in the country of their last permanent residence.

(d) Persons previously residing in the United States who were lawfully admitted, have resided continuously here for five years, and return to the United States within six months from the date of their departure.

(e) Persons in transit through the United States.

(f) Persons lawfully admitted and who later go in transit through foreign contiguous territory. The period an alien may remain in foreign contiguous territory while in transit under this exemption shall be limited to sixty days. An alien may leave and enter the United States at the same port and still be in transit within the meaning hereof.

(g) Exhibitors and employees of fairs and expositions authorized by Congress.

Aliens whose ability to read could be proved by ordinary methods approved by the Department of Labor could be excused from actually taking the test. The literacy examination was for ability to read matter

printed in legible type in a language or dialect designated by the alien. In applying the test immigration officials used keyed and numbered slips. The class and serial numbers of the slips and the designated language or dialect were recorded upon the manifests or board minutes. Interpreters were used when necessary; if they were not available special methods were provided:

> In the event the applicant is subject to the reading test and is unable to satisfy the examining or challenging inspectors of his ability to read matter printed in the designated language or dialect, it shall be the duty of either the examining or the challenging inspectors to detain the applicant for special inquiry and to record upon the manifest and detention cards, for the information of the board, the class and serial numbers of the slip used in the primary examinations. Applicants so detained shall be examined by board of special inquiry as to their ability to read, in the same manner as aliens detained for special inquiry upon other grounds.

Aliens in transit across the United States were exempted from "the operation of the literacy test," although Immigration Service rules did not necessarily exempt aliens from examination to detect illiteracy. Regarding seamen the literacy test was applied only in case application was made for permanent landing.

According to Immigration Service regulations the remaining tests to determine the admissibility of aliens were arbitrarily classified under three headings: (1) economic fitness; (2) moral fitness; and (3) technical fitness. In the absence of specific statutory provision as to what constituted economic unfitness, decisions were based on administrative regulations and the exercise of individual judgment. The bureau's regulations offered the following advice to immigration inspectors:

> . . . No hard and fast rule can be laid down as to the amount of money an alien should have. This is only one element to be considered in each case, but generally he should have enough to provide for his reasonable wants and those of accompanying persons dependent upon him until such time as he is likely to find employment; also when bound for an interior point, railroad tickets or funds with which to purchase the same.

Exceptions were made for unaccompanied children under sixteen years of age. Agency regulations provided that officials, after personal examination of such children

> . . . may admit, without examination by a board, otherwise admissible unaccompanied children, who he is satified will not be put at work unsuited to their years, if he is also satisfied beyond a reasonable doubt (1) that the five facts enumerated in . . . [Rule 6, Subdiv. I] exist, or (2) that the child is to attend a designated reputable institution of learning, for which suitable provision has been made in advance, or (3) that the child is merely in transit, and the person by whom accompanied will convey him through and out of the United States, or (4) that the child is to make a temporary visit to close relations.

The term "morally unfit" included, according to the law

> . . . persons who have been convicted of, or admit having committed a felony or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; , . . prostitutes or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution. . . .

As in the case of the "economically unfit," the immigration officials were to use their judgment in "acertaining the facts from any sources available, weighing circumstantial evidence, and rendering decision."

Aliens who were "technically unfit" included those previously deported and who sought to return, Chinese "exempts" or Chinese citizens of the United States who had temporarily left this country and desired to return, contract laborers, assisted immigrants, and stowaways or workaways. Immigration regulations required officials to determine, in cases of deportees who applied for admission within a year, whether the alien was the person he represented himself to be, whether he had been deported, and if so whether it was within the year. Similar investigative work was carried on with regard to assisted aliens, and stowaways were automatically placed within the jurisdiction of special boards of inquiry.

Alien contract laborers were excludable by law as a class. The law, however, permitted advance applications for the privilege of importing skilled labor, and such aliens, provided they were otherwise admissible, could be admitted according to the following Immigration Service regulations:

> The application shall be in the form of an affidavit, . . . and shall state clearly all facts and circumstances material to the case, including (a) the number and sex of the persons whom the applicant desired to import, (b) a nontechnical description of the work which it is intended they shall perform, (c) whether the industry is already established or is new in the United States, (d) the approximate length of time required for one to become skilled in the trade, (e) the wages paid and hours of labor required, (f) whether or not a strike exists or is threatened among applicant's employees or there is a lockout against such employees, (g) what city or cities if any constitute the center of the trade in this country, (h) whether or not there are any journals specially devoted to the industry, and (i) the nature of the efforts if any made to secure the desired labor in the United States and the results of such efforts. The application shall be supported by such affidavits . . . as the applicant can furnish. The applicant shall also furnish, or agree to furnish at a later date, the names, ages, nationality and last permanent foreign residence of the aliens whom he desires to import, and the name of the port at which and of the vessel by which they will arrive, and the date of the proposed arrival.

The applications were investigated by contract labor inspectors, who were under the direction of immigration officers in charge. The regulations required the inspector to

> . . . forward two copies each of the application of the accompanying affidavits and of the report of the investigation respectively together with his recommendation, to the Bureau.

The entire record was summarized by the bureau and forwarded to the department for approval. When a decision was

> rendered by the Secretary upon the application the immigration official in charge shall be notified immediately, and he in turn shall notify the applicant of the purport of such decision. If it is favorable, a copy of the record will be transmitted to the port at which it is proposed the alien contract laborers shall enter, with instructions to the immigration official there in

charge to admit such laborers if upon arrival and examination they are found to be admissible under all other provisions of the law.

A special group whose technical fitness required proof included aliens who had lived in the United States but were returning after a temporary absence abroad. The law provided that aliens of seven years' continuous residence in the United States might, after absence from this country, be readmitted upon return under such conditions as the Secretary of Labor prescribed. Immigration Service regulations defined a temporary absence as six months or more. The duty of exacting convincing proof with regard to claimed residence or absence fell on the local immigration officer, who was required to make a full report to the bureau in case of expulsion.

Another case of technical eligiblity for entrance was the temporary admission of otherwise inadmissible aliens, which involved the exercise of wide ranging judgment on the part of immigration officials. Immigration regulations provided:

> In cases in which aliens who are mandatorily excluded from permanent entry apply for the privilege of entering the United States temporarily, they shall be required to show that their termporary entry is an urgent necessity or that unusual and grave hardship would result from a denial of their request. . . . The submission of an unmounted photograph, in duplicate, may be required when needed as a means of identifying the temporarily admitted alien in connection with his departure at the port of entry or some other port. Ordinarily such cases should be reported as they arise to the department for special ruling. In instances, however, in which the cases fall into regular channels and can be handled under general instructions (for instance, the admission of physically or mentally afflicted aliens from Canada to receive urgent and special treatment or to undergo operations in medical institutions on this side of the boundary) they may be handled under general instructions, which will be issued by the bureau and the department upon request.

c. Special Inquiry and Appeals

If at any point in the various examinations doubt arose as to the alien's eligibility, or if he were declared inadmissible, the case could be appealed to a three-member board of special inquiry, the

decision of which, in certain cases, could be appealed to the Secretary of Labor. Detailed provisions were made in the law for the establishment and functioning of these boards, and the legal provisions were supplemented by a considerable body of immigration regulations. When an alien was certified for a physical defect other than tuberculosis or a loathsome or dangerous contagious disease, the board of special inquiry was to decide on the basis of evidence, whether the certified defect might affect the alien's ability to earn a living. Cases passed upon adversely for admission by a board of special inquiry might be referred back to the board by the bureau or department for the purpose of obtaining additional evidence, the case being thereby reopened. If new evidence were obtained, the board was required to make a new decision, in which it might reaffirm, alter, or reverse the previous decision. Applicants, if unable to satisfy examining inspectors as to their reading ability in the literacy tests, were turned over to the boards for further examination.

Immigration Service regulations stated that while the alien could have one friend or relative present after the preliminary part of the hearing was completed, such a person could not be employed by him as counsel. If such a person were a witness, he must have already completed giving his testimony, might not be an agent or a representative at an immigration station of an immigrant aid society, and must actually be related to or be an acquaintance of the alien.

All immigrant children under sixteen years of age, unaccompanied, were held for special inquiry, unless a parent already in the United States appeared in person with satisfactory evidence of relationship and responsibility. The board could admit such children provided:

> . . . they are strong and healthy, (2) that while abroad they have not been the objects of public charity, (3) that they are going to close relatives who are able and willing to support and properly care for them, (4) that it is the intention of such relatives to send them to day school until they are sixteen, and (5) that they will not be put at work unsuited to their years. . . .
>
> The board shall admit when it is satisfactorily shown that an otherwise admissible child is going to one or both of its

> parents. Where the board finds the five above-mentioned facts do not exist but that the case is otherwise especially meritorious, it shall so report orally or in writing to the officer in charge and defer final action until such officer personally has inspected the child. If in his judgment the child should be admitted, he shall so state to the board (this fact being entered of record), which thereupon may admit. When in the opinion of such officer the child is not clearly admissible the board shall exclude and give notice of the right of appeal.

Alien arrivals at United States seaports, known as "stowaways" or "workaways," were held for special inquiry examination. Admission of such aliens was possible only by unanimous decision of the board that beyond doubt the alien, except for having been a stowaway, was entitled to land. Alien seamen expressing intention of reshipping but changing that intention and applying for permission to remain permanently in the United States, if declared excludable or of doubtful admissibility by the examiner fell automatically to the board of special inquiry. Where witnesses resided at a distance from the port decision was to be withheld by the board, and the officer in charge was to initiate an investigation, "the evidence in that manner procured to be placed before the board promptly upon its receipt."

With certain exceptions aliens had the right of appeal from decisions of boards of inquiry, declaring such aliens ineligible for entry. Immigration regulations required aliens to be informed of their right of appeal, and that fact entered on the record. An

> alien desiring to appeal may do so individually or through any society admitted to an immigration station or through any relative or friend or through any person, including attorneys, permitted to practice before the immigrant authorities. Where such an appeal has been taken any further appeal shall be disregarded. Appeals purporting to be filed on behalf of an alien, but without his knowledge or consent previously obtained may be ignored.

Appeals could also be taken by a board member who dissented from a majority vote of a board of inquiry to admit an alien. In such case the alien was allowed the same opportunity for representation as though he were making appeal himself against an exclusion ruling. His brief or argument, however, was to be submitted at the same time as the board member's appeal was forwarded to the bureau. The regulations noted:

> Appeals must be filed promptly. The immigration officer in charge may refuse to accept an appeal filed after the alien has been removed from an immigration station for deportation, provided the alien had a reasonable opportunity to appeal before such removal. Any appeal filed more than forty-eight hours after the time of an excluding decision may be rejected by the immigration officer in charge in his discretion.

4. Exclusion and Deportation

If inadmissibility were certified after examination of the alien, the work of exclusion or deportation came into play. The process was that of exclusion, provided the alien had not technically "entered" the United States. If technical entry had been made, the process became one of deportation.

a. Exclusion

The problem of exclusion rested upon immigration and Public Health Service officers at United States ports of entry. Considerable power relative to the stay of exclusion cases rested with these officials. Immigration regulations stated:

> Whenever, either before or after receipt of a decision from the bureau or the department affirming an excluding decision, the local immigration officials learn of new evidence of such relevancy and materiality as in their opinion to require that, in justice to the alien or the United States, it be considered by the board, they may stay deportation and request the bureau's permission to reopen the case, at the same time briefly stating the general nature of the new evidence.

b. Deportation

Immigration Service regulations contained detailed provisions for the deportation of those entering or found illegally in the United States. The following classes were declared to be deportable:

> (a) Any alien who has entered the United States prior to May 1, 1917, and who at the time of entry was a member of any one of the classes excluded under any provision of the immigration act of February 20, 1907; limitation five years; retrospective.

(b) Any alien who has entered the United States subsequent to April 30, 1917, and who at the time of entry was a member of any one of the classes excluded by section 3, or the last proviso to section 18, or the last proviso to section 23, of the act of February 5, 1917; limitation five years; not retrospective.

(c) Any alien who shall have entered or who shall be found in the United States in violation of the act of February 5, 1917; limitation five years; not retrospective.

(d) Any alien who shall have entered or who shall be found in the United States in violation of any other law, to wit, the Chinese exclusion law; limitation five years; retrospective.

(e) Any alien who becomes a public charge from causes and affirmatively shown to have arisen subsequent to landing; limitation five years; retrospective.

(f) Any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials; limitation three years; retrospective.

(g) Any alien who shall have entered the United States by land at any place other than one designated by the Commissioner-General as a port of entry for aliens, or at any time not designated by immigration officials; limitation three years; retrospective.

(h) Any alien who shall have entered without inspection; limitation three years; retrospective.

(i) Any alien who may be sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, unless such alien has been pardoned or the court or judge sentencing him has recommended to the department, at the time of imposing sentence, or within 30 days thereafter, that he be not deported; limitation--that the crime shall have been committed within five years after entry; retrospective with respect to time of entry, but not retrospective with respect to conviction; deportation shall not occur until termination of imprisonment.

(j) Any alien who may be sentenced more than once to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, unless such alien has been pardoned or the court or judge sentencing him has recommended to the department, at the time of imposing sentence or within 30 days thereafter, that he be not deported; no limitation; retrospective with respect to time of entry, but not retrospective with respect to conviction; deportation shall not be effected until termination of imprisonment.

(k) Any alien who shall be found an inmate of or connected with the management of a house of prostitution; no limitation; retrospective.

(l) Any alien who shall be found practicing prostitution; no limitation; retrospective.

(m) Any alien who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; no limitation; retrospective.

(n) Any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes or where prostitutes gather; no limitation; retrospective.

(o) Any alien who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; no limitation; retrospective.

(p) Any alien who shall import or attempt to import any person for the purpose of prostitution or any other immoral purpose; no limitation; retrospective.

(q) Any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways specified in section 19, shall return to and enter the United States; no limitation; retrospective.

(r) Any alien convicted and imprisoned for a violation of any of the provisions of section 4; no limitation; retrospective.

(s) Any alien who was convicted or who admits the commission prior to entry of a felony or other crime or misdemeanor involving moral turpitude; no limitation; retrospective.

(t) Any alien of the classes described in the act approved October 16, 1918, concerning members of the anarchistic and similar clases; no limitation; retrospective.

(u) Any alien who shall be found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; no limitation; retrospective.

(v) Any alien who, after having been admitted as one exempt from the geographical zone clause of sec. 3, fails to maintain his status as such; no limitation; not retrospective.

Thorough investigation was required in all cases where credible information had been received or where there was reason to believe that an alien was subject to arrest and deportation on a warrant. The work fell to immigration officers nearest the place where the alien was located.

Immigration regulations contained detailed requirements relative to warrants for arrest. The application for a warrant

> must state facts showing prima facie that the alien comes within one or more of the classes subject to deportation after entry, and, except in cases in which the burden of proof is upon the alien (Chinese) involved, should be accompanied by some substantial supporting evidence. If the facts stated are within the personal knowledge of the inspector reporting the case, they need not be in affidavit form. But if based upon statements of persons not sworn officers of the Government (except in cases of public charges covered by subdivision 4 hereof), the application should be accompanied by the affidavit of the person giving the information or by a transcript of a sworn statement taken from that person by an inspector. In all cases shown in subdivision 1 to be subject to a time limitation the application must be accompanied by a certificate of landing (to be obtained from the immigration officer in charge at the port where landing occurred) unless entry without inspection within such limitation is confessed, or a reason given for its absence. In the absence of such certificate, effort should be made to supply the principal items of information mentioned in the blank form provided for such certificate.
>
> The application in such cases must be accompanied by a certificate of the official in charge of the institution in which the alien is confined, or other responsible public official if the alien is not confined, showing that the alien is being maintained at public expense. There should be submitted also, whenever readily available, evidence (such as certificates from attending physicians, etc.) tending to show that the causes for the alien's being a public charge existed prior to entry.

The warrant must also specify the place to which the alien is being deported.

Upon receipt of the warrant the alien was to be taken before persons named therein and granted a hearing to enable him to show cause why he should not be deported. Pending final determination of the case the alien was taken into custody or permitted to remain in a place of security at the discretion of the immigration officer in charge. The procedure of the hearing was outlined in the regulations:

> At the beginning of the hearing under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued, and shall be apprised that he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the conduct of the hearing, and to offer evidence to meet any evidence presented or adduced by the Government. Objections and exceptions of counsel shall not be entered on the record, but may be presented by him in accompanying brief. If during the hearing it shall appear to the examining inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is in the country in violation of law, the alien's attention shall be directed to the facts which constitute such reason, and he shall be given an opportunity to show cause why he should not be deported therefor.

The full record of the hearings was forwarded to the bureau, together with any written argument by counsel, and the recommendations of the examining officer and the officer in charge for determination as to whether a deportation warrant should be issued.

Regulations required that notice of deportation of the immigrant be given the steamship company concerned, together with a brief description of the alien and other appropriate data, including cause of deportation, physical and mental condition, and destination. If an appeal from an excluding decision were dismissed the alien was to be notified immediately as was the transportation company that was to take the alien back to his country of origin. The notice was to include the cause of rejection and the class in which the alien arrived and was to be deported.

Excluded aliens could be placed on board ship for deportation immediately upon exclusion if this was necessary in the judgment of the immigration officer in charge. Twenty-four hours advance notice of the sailing of the vessel was required to be given to the immigration officer in charge, so that he had opportunity to place on board the aliens who were to be deported.

Special procedures were established for the care and treatment of detained or arrested women and girls. The regulations stated:

> When it is necessary to detain or hold arrested women and girls they shall not be incarcerated by immigration officials in jails or other similar places unless such incarceration is absolutely unavoidable; but if there is not attached to the immigration station or quarters a room suitable for such purpose, and if such aliens are not already being held in some proper institution, arrangements shall be made for their detention by some philanthropic or other similar society, preferably under the control of organizations or persons of the same nationality and religion as the detained aliens.
>
> To the fullest extent practicable there shall be designated at each immigration station or substation a female employee whose particular duty shall be to care for arrested women and girls if such aliens are detained in the immigration station or quarters, and to see that they are properly cared for if detained elsewhere. For convenience, such employees shall be called "special officers." In furtherance of this provision the said special officer shall keep in touch and cooperate with such philanthropic and similar societies as assist the immigration officials in the handling of these cases. . . .
>
> If in any case the ends of proper and humane administration seem so to require, the special officer shall conduct an investigation or submit a report, or both, independently of the investigation and report of the inspector conducting the hearing under the warrant of arrest; all under and through the officer in charge of the station or district.
>
> It being the purpose of this special procedure to humanize the administration of the law, it is important that the cases of women and girls shall be handled in a particularly considerate and careful manner, not only while the aliens are being detained in this country but, in the event of deportation, after they arrive in the country of their nativity or at the port where they originally embarked for the United States. In furtherance of their proper treatment abroad arrangements have been made (in addition to those for some time existing by virtue and in pursuance of the White-Slave Traffic International Agreement and of section 6 of the act of June 25, 1910, for correspondence by the Commissioner-General of Immigration with representatives of the respective foreign Governments, parties to said agreement) for advising certain women's organizations in Europe and elsewhere with respect to the facts and circumstances of all cases in which it is deemed that advices should be sent abroad to insure that upon disembarkation at the foreign port women and girls will be at least in a position where responsible and charitably disposed persons will have knowledge of them and be able, whenever possible, to extend assistance.

> Thus, to the fullest extent practicable, in cases in which deportation is effected on grounds of immorality, it will be insured that deportation will not result in affording means for the further degradation of the alien, but rather in placing her in the way of opportunities for reformation. All correspondence with representatives of foreign countries and representatives of foreign women's societies shall be conducted by the bureau of Washington. . . .

Aliens lawfully residing in the United States who had become public charges through physical disabilities occurring subsequent to landing could be deported with their consent and the bureau's approval within three years from date of landing. Deportation in these cases was at government expense provided the alien was delivered to the immigration officers at a designated port free of charge.

Special provisions were made for the care of insane and diseased aliens under deportation orders. When immigration officers found that an alien about to be deported required special attention, the steamship company was required to provide the necessary care, not only during the ocean voyage but also during any foreign inland journey upon return. The regulations provided:

> From the foreign port of debarkation the steamship company must forward the alien to destination in charge of a proper custodian (all expenses to be borne by such company), except only in cases where foreign public officials decline to allow such custodian to proceed and themselves take charge of the alien, which fact must be shown by signing the form provided. . . .
>
> Whenever, without excuse satisfactory to the immigration officer in charge at the port of embarkation, a steamship company has failed for a period of 90 days after departure of an alien requiring special care and attention under this rule to comply with any of the terms thereof, including cases in which it has failed to return sheets properly filled out, such immigration officer shall report this fact forthwith to the bureau, and thereafter the Secretary of Labor, without further notice and during such period as he shall determine, will exercise his right . . . to employ suitable persons to accompany to their final destination aliens deported on a vessel of such steamship company requiring special care and attention.

Procedures for the deportation of alien seamen were also described in the regulations. Any alien

> who shall come to a United States port as a seaman and land or remain in the United States otherwise than in pursuance of and in accordance with the provisions of this rule shall be arrested, . . . whenever and wherever found in this country within three years from the date of landing or from the date when his status changed from that of a seaman to that of an alien here resident. Such alien then shall be brought before a board of special inquiry and subjected to a thorough examination under all provisions of the immigration law applicable to the case of an alien seeking admission; such investigation, if any, as may be necessary to develop evidence concerning him shall be conducted and he shall be subjected also to the medical examination required in the cases of alien applicants for admission. If rejected by the board he shall be allowed an appeal to the department unless the rejection is upon a ground with respect to which the law prohibits an appeal; and in any event the record of the board of special inquiry shall be transmitted to the bureau for submission to the department, in order that a final decision may be rendered whether upon appeal or not. Upon the issuance of the warrant the alien shall be deported at the expense of the immigration appropriation.

If any alien were certified to be helpless from sickness, mental or physical disability, or infancy and was accompanied by another, the accompanying alien could be rejected and deported as a protector or guardian of the helpless alien. The regulations stated:

> When in the opinion of the appropriate immigration officials an alien likely to be rejected as helpless . . . is accompanied by one or more aliens whose protection or guardianship in the event of alien's rejection will be required, one of such accompanying aliens (preferably a relative or natural guardian) shall be detained and the determination of his case may be postponed pending decision of the case of the alien whom he accompanies.

On the other hand, if an alien were rejected and deported solely because an accompanying alien was required to protect or guard him, he was not classified as belonging to the group excludable because he had been deported previously.

Some cases arose where though deportation was certified, conditions prevented the execution of the order. The regulations provided:

> Aliens whose prompt deportation cannot be accomplished because of war or other conditions may, upon permission secured from the department, be released and permitted to accept self-supporting employment under the conditions hereinafter stated.
>
> Such release shall be temporarily only, and any alien, who violates the conditions exacted shall immediately be taken into custody and detained as an alien deportee under the outstanding excluding decision or department warrant, the facts in such cases to be promptly reported to the department.
>
> A photograph and complete personal description of the alien shall be taken for purposes of identification. The cost of the photograph will be borne by the immigration appropriation.
>
> No alien shall be released under the conditions herein prescribed unless he has assurance of self-supporting employment, secured through the United States Employment Service or otherwise, as may be found most practicable in individual cases. Immigration officials will in proper cases facilitate the execution of application forms and otherwise assist in arranging matters incident to the employment of the alien.

The prospective employer of such aliens was subject to strict requirements. As a condition preceding the temporary admission or employment of an alien who had been excluded or ordered deported, the employer was required to disclose fully to the immigration officer having the alien in custody, his plans with reference to the employment of the alien including wages, how often paid, housing conditions, and duration of employment. The employer was required to provide in writing:

> (1) That he will abide by and comply with the terms of this rule.
>
> (2) That he will pay the current rate of wages for similar labor in the community in which the released alien is to be employed.
>
> (3) That with respect to housing and sanitation the laws and rules of the States in which the alien is employed will be observed. If employed in a State that has no law on said subject, such conditions must be satisfactory to the Secretary of Labor.
>
> (4) That he will keep the immigration officer in charge of the case advised promptly of any change made in his plans as originally disclosed, with respect to the place, duration, or

character of the employment of the alien by him, and wages and times of payment thereof.

(5) That he will notify such officer immediately upon learning that the alien released to him has left his employ (without his previous knowledge of the alien's intent to do so) and will furnish all possible information to assist immigration officers in ascertaining whether or not the conditions of this rule are being observed.

(6) That he will retain from the released alien's wages the sums named in subdivision 3 hereof and transmit same for deposit in the Postal Savings Bank in the manner therein specified.

Before release for the purpose of accepting employment, the alien was required to apply for permission to open an account in a Postal Savings Bank selected by the immigration officer in charge of the case. The employer was required to withhold 25 percent of the alien's wages and transmit that amount to the officer in charge who then deposited it in the bank account. The funds so deposited remained at interest to the alien's credit until his departure from the United States. If the employment terminated and no other work was open, the alien was returned to custody at the expense of his own funds on deposit. Aliens failing to comply with the regulations or breaking the law could be taken into custody and a release terminated.

Immigration rules also made provision for readmission after deportation. Aliens

rejected or arrested and deported . . . who apply for admission within one year after such deportation are mandatorily, excluded, unless prior to applying, at either a seaport or a land border port, they shall have obtained the consent of the Secretary to their again presenting themselves for examination. Application for this privilege always shall be submitted to the immigration official in charge at the port where the alien was previously rejected or the immigration official in charge of the district in which the alien was arrested for deportation, and shall be forwarded by such official to the bureau, accompanied by the record previously formulated, unless the bureau already, through warrant or appeal proceedings, has come into possession of such record. The telegraphing of such applications shall be avoided as far as possible and, when granted, always shall be at the expense of the alien or those interested in him both as to the application (which should be

prepared) and telegraphic response from the department (which will be transmitted "collect"). Aliens rejected solely as "accompanying aliens," or deported solely on the ground of being "under sixteen unaccompanied" may reapply for admission without securing permission in advance.

5. Admission

Once it was determined that an alien was eligible to enter the United States the Bureau of Immigration was required to perform a variety of administrative activities as part of the admission process, including compilation of records, levying of fines, and collection of taxes.

a. Head Tax

One of the first general administrative duties was the collection of the head tax levied upon each admitted alien. The actual duty of collecting the tax was the responsibility of customs collectors.

Upon arrival of aliens at a United States port the immigration officer in charge notified the collector of customs as to the number of such aliens (other than those exempt from the tax) together with the name of the transportation agent or other person responsible for payment of the head tax due. The immigration officer was required to specify the number of aliens (1) being held for special inquiry; (2) claiming to enter for the purpose of passing through the United States; (3) making unsupported claims to American citizenship; (4) making unsupported claims to being accompanied by children under sixteen years of age; and (5) claiming to enter for temporary stays, after an uninterrupted residence of at least one year in Canada, Newfoundland, Mexico, or Cuba. After such certification was made by immigration officers to the collector of customs the latter collected a tax of $8 for each certified alien.

Detailed provisions were made in the regulations relative to collection of the head tax from alien seamen. If the seaman were discharged in a United States port by the master or any officer of the vessel bringing him to the United States and he was regularly admitted, the head tax was paid by the "master, owner, agent, or consignee of the vessel," or "transportation line" responsible. The regulations also stipulated:

> If the seaman lands without being discharged and voluntarily applies to the immigration officials for examination, or is apprehended after entering without inspection and examined, and as a consequence of either examination is admitted, the seaman shall be required to pay the tax himself as a condition precedent to his regular admission.

b. Fines

Administrative fines could be collected by the Bureau of Immigration for a variety of violations, including solicitation of immigration by transportation companies, bringing in diseased aliens, non-delivery of manifests, failure to pay expenses of detained aliens, refusal to receive or return deported aliens, failure to pay return expenses of deported aliens, employing diseased aliens on passenger vessels, and failure to report illegally landed aliens or to furnish such lists before departure. The regulations for the collection of fines provided that in cases of certain certified violations the following procedure would be followed:

> The officer in charge shall serve promptly upon the master, agent, owner, or consignee of the vessel, or other responsible person, a notice to the effect that the ascertained facts indicate that a fine should be imposed under the section of the law involved in the particular case; that he will be allowed 60 days from the date of service of the notice within which to submit evidence and be heard in reference to the matter; and that in the meantime the vessel on which the alien arrived will be granted clearance papers upon condition that he deposit with the collector of customs, prior to the time of sailing, a sum equal to the fine specified in the said notice, such sum to be held as security for the payment of the fine in the event it should be imposed, and in cases arising under section 9, a sum equal to that paid by the alien involved for his transportation to this country from the initial point of departure, such latter sum to be held by the collector of customs in a special deposit and to be delivered to the alien when deported through the immigration official in charge at the port.

Provisions detailed the procedures for service of notice and presentation of evidence why fines should not be imposed. Complete data was forwarded to the bureau by the officer in charge, together with his views as to whether the fine should be imposed. If no evidence were

submitted within sixty days or once it was known that a fine would not be contested, the officer in charge was to report such facts to the bureau. The regulations stated:

> Upon receipt of departmental decision the collector of customs shall be notified of its terms. If the fine is imposed, the amount retained as security shall be deposited and accounted for by the collector. If the fine is not imposed, he shall return such amount.

c. Bonds

Under certain conditions aliens, although excludable, could be released from custody under bond. When detention occurred during wait for a decision on appeal, the regulations stipulated:

> Where the landing of an alien under bond is authorized, unless different instructions are given, the bond shall be in the sum of $500, and the alien shall not be released until it has been furnished and the immigration official in charge has satisfied himself of the responsibility of the sureties. If within a reasonable time after landing under bond is authorized a satisfactory bond is not furnished, instructions shall be requested of the bureau.
>
> . . . If the acceptance of a cash deposit is authorized, the deposit, unless different instructions are given, shall be in the form of a postal money order and in the sum of $500. A receipt for the deposit shall be issued by the officer in charge, showing the object for which the money has been accepted and the disposition to be made thereof. The money order shall be then transmitted to the department, by which it will be deposited in the postal savings bank at Washington, in such manner as to permit the interest accruing thereon to be paid semiannually and transmitted to the person making the cash deposit.

Immigration officers in charge could decline to extend an alien's time to appeal or to delay deportation except on condition that there be deposited a sum of money sufficient to defray the cost of maintenance during the extension or delay granted. The regulations further provided:

> The amount of any bond under which an arrested alien may be released shall be $500, unless different instructions are given by the department, which, prior to release, shall approve

the bond, except that the approval of the local United States attorney, or the Commissioner of Immigration or the inspector in charge of the district as to form and execution shall be sufficient to warrant the release of such alien pending approval of the bail bond by the Secretary of Labor. United States bonds may be accepted in lieu of sureties on bail bond, or sureties may deposit United States bonds instead of justifying in real estate. Aliens who are unable to give bail shall be held in jail only in case no other secure place of detention can be found.

d. Expenses

Expenses relative to the detention of aliens were met in a variety of ways. The regulations provided:

> The owners, masters, agents, and consignees of vessels bringing aliens shall pay all expenses incident to or involved in their removal from the vessel or their detention . . . irrespective of whether the aliens removed or detained are subsequently admitted or deported; such expenses to include those of maintenance, medical treament in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation; also all expenses of hospital treatment where granted. . . . When aliens are fed under an exclusive privilege . . . the expenses of maintenance generally shall be deemed the charges at which the privilege holder agrees to furnish them food. At ports where the Immigration Service maintains hospitals the hospital expenses shall be such as are fixed by the department, and at other hospitals they shall be such as are fixed by the authorities thereof.

In cases where it was necessary that an alien removed to a hospital be accompanied by an attendant, the expenses of the attendant must be paid for in the same manner as those of the patient. With regard to the securing of payment the regulations provided:

> Immigration officers are under no obligation to order the removal of aliens from a vessel for inspection or hospital treatment until the steamship companies have obligated themselves in a manner satisfactory to such officers for the payment of the expenses hereinbefore referred to, and at their option they may require payment in advance, or security, for each and every one thereof; and for failure on the part of a steamship company at any time during the course of detention to pay such expenses, the aliens may be returned to the vessel.

Certain detention expenses were paid for by the Immigration Service. These included cases where aliens were held as witnesses, expenses entailed by insane aliens whose health or safety would be imperiled by immediate deportation, and cases where wives and minor children of naturalized citizens were accorded treatment but the husband or father was unable to pay expenses.

The cost of maintaining aliens pending deportation on warrant could be paid by the United States. No allowance for expenses was made for aliens who had become public charges from causes existing prior to landing. Immigration officers were required to report to the United States district attorney, in the case of proceedings against a procurer or contractor, the amount of the cost of deporting the alien in order that expenses to the government could be recovered. If an alien were deported by consent, the charges incurred for his case or treatment from the date of notification to an immigration officer until expiration of one year after landing would be paid by the bureau at acceptable rates. Ordinary witnesses subpoenaed by the Immigration Service had no provision for expenses. Alien seamen held deportable by the decision of a board of appeal were deported upon a warrant issued by the Labor Department at the expense of immigration appropriations. If alien seamen were admitted by an inspector, board, or the department, the identification card and head tax were eliminated.

6. Miscellaneous Activities

Commissioners of immigration and immigration inspectors in charge were authorized by law to subpoena witnesses and require production of books, papers, and documents. This power was to be exercised only when necessary according to immigration regulations:

> . . . Whenever an inspector conducting an investigation or a board of special inquiry holding a hearing is of opinion that a certain witness whose testimony is deemed essential to a proper decision of the case will not appear and testify or produce books, papers, and documents unless commanded to do so, such inspector or the chairman of such board shall request the commissioner or inspector in charge to issue a subpeona and have it served upon such witness. If an alien or his authorized representative requests that a witness be

> subpoenaed, he shall be required, as condition precedent to the granting of the request, to state in writing what he expects to prove by such witness or the books, papers, and documents indicated by him and to show affirmatively that the proposed evidence is relevant and material and that he has made diligent efforts without success to produce the same. The examination of the witness or of the books, papers, and documents produced by him shall be limited to the purpose specified in the written assignment of the alien or his authorized representative. But when a witness has been examined by the investigating officer and counsel has not had an opportunity to cross-examine such witness and it is apparent that such witness will not appear for cross-examination unless commanded to do so, a subpoena shall issue.

If it were found that a witness whose evidence was demanded by the United States, or the alien concerned, was unlikely to testify or appear, or produce evidence unless ordered to do so, the commissioner or inspector in charge was required to issue a subpeona and have it served upon the witness by an immigration officer. Furthermore, the department could

> stay the deportation "of any aliens found to have come in violation of any provision" of the immigration act when the testimony of such aliens is necessary on behalf of the United States in the prosecution of offenders against the immigration act or any other law of the United States, and that the cost of maintenance and a witness fee in the sum of $1 per day may be paid by the department in each such case, or the alien witness may be released under bond of not less than $500 conditioned for his production when required as a witness or for deportation. Therefore the alien to be detained must have come to the United States in violation of the immigration act, and his deportation must have been stayed by the department, before detention charges and witness fees, or release under bond, can be authorized; and such authorization can be given only in cases in which at least one cause for the proposed deportation of the alien arose prior to entry. Such cases should be reported promptly to the bureau, with a statement of all facts and circumstances material to decision of the question whether the authorization desired shall be granted.

Commissioners of immigration or inspectors in charge were required to serve notice upon owners, officers, or agents of a vessel or transportation line, in case the immigration officers had reason to believe that the provisions of the law had been violated and that it was their intention to recommend to the Secretary of Labor that a prosecution be

brought. In such case the owner, officer, or agent was allowed sixty days within which to submit to the department, through the commissioner of immigration or inspector in charge and the commissioner general of immigration, a statement of reasons why the proposed proceedings should not be brought.

Immigration officers boarding vessels to inspect passengers or crew were required to observe the conditions on the vessel relative to sanitation and comfort. A written report of the inspection was to be submitted to the immigration officer in charge of the port.

Public law required the posting of immigration laws by transportation companies in pursuance of which the bureau furnished, upon application, a summary of the 1917 law in English. Posting of this law in appropriate foreign languages was considered adequate observance of the law. The bureau required the filing of certificates in relation to posting the immigration laws and other matters, on the part of transportation companies, on January 1 and July 1 of each year.[56]

D. Period of Numerical or Quantitative Restrictions: 1921-52

1. Background

There are two broad theories of immigration control. One is that there should be no alien admissions unless there is specific provision for their admission. The other theory is that admission of aliens should be permitted unless there is a specific prohibition against it. Up until 1921 America's immigration policies were within the framework of the second theory. The thrust of "restrictions" has since been toward making immigration a privilege instead of an alien right.

Until 1921 restrictions permitted immigration limited by controls aimed at eliminating only those deemed unfit because of specific physical,

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56. Smith and Herring, Bureau of Immigration, pp. 35-111. Much of the data in this section was excerpted from U. S. Bureau of Immigration, Immigration Laws . . . Rules of May 1, 1917, December 1920-May 1921 (5th ed., Washington, 1921). One should also see Mary T. Waggaman, "Immigrant Aid: Legislative Safeguards, and Activities of Bureau of Immigration," Monthly Labor Review, XVI (February, 1923), 248-56, for more information on this topic.

mental, moral, racial, religious, or economic reasons. During the "Selective Period" prior to 1921, however, pressures were building up for numerical control. These pressures developed largely because of a change in the type of immigrant who started coming to the United States about 1880 and who furnished the bulk of immigration soon thereafter. Prior to that date the "old immigration," mostly from northern and western Europe, had been predominantly Caucasion in stock, Anglo-Saxon in blood, Protestant in religion, and rural in background. The comparatively small groups of their personalities or racial strains did not materially affect the direction taken by the majority of American society. The socio-economic and political backgrounds and ideals of the "old immigration" led to its rapid assimilation into the "American prototype."

Beginning about 1880 and accelerating after 1890, as northern and western Europe became more industrialized and its birthrate declined, there was a tremendous shift in the source of immigration from the countries of southern and eastern Europe (see statistical chart on following page). The "new immigration" was largely from Russia, Italy, Poland, Austria-Hungary, Greece, Turkey, Spain, and the Balkans. People from these countries were Latin, Slavic, and Semitic in race, and Catholic, Orthodox, and Hebrew in religion. The "new immigration" did not quickly assimilate in American culture, and these national groups tended to settle in separate communities in the large eastern cities, insisting upon their own schools, social clubs, and foreign language newspapers. In addition growing resentment against Japanese in California and elsewhere in the 1890s led to fears of the "Yellow Peril."[57]

While public pressure was building during the pre-World War I years for numerical control of the "new immigration," immigration officials also voiced sentiments on behalf of tighter restrictions and national quotas to curtail the growing waves of immigrants. Before he retired in June 1913 Commissioner General of Immigration David J. Keefe commented:

> During the fiscal year ended June 30, 1912, 1,033,212 aliens applied for admission, of whom only 1.4 per cent were excluded for all causes. Present indications are that for the fiscal year ending June 30, 1913, there will be approximately

SOURCES OF IMMIGRATION:
1820-1950

Decade	Percentage from Northwestern Europe	Percentage from Southeastern Europe	Percentage from Non-European Areas
1820-30	68.0	2.2	29.8
1831-40	81.7	1.0	17.3
1841-50	93.0	0.3	6.7
1851-60	93.6	0.8	5.6
1861-70	87.8	1.5	10.7
1871-80	73.6	7.2	19.2
1881-90	72.0	18.3	9.7
1891-1900	44.6	51.9	3.5
1901-10	21.7	70.8	7.5
1911-20	17.4	59.0	23.6
1921-30	31.2	29.1	39.7
1931-40	37.4	28.6	34.0
1941-50	47.3	12.7	40.0
1820-1950	48.4	36.2	15.4

Divine, American Immigration Policy, p. 192.

1,375,000 applicants for admission and that the percentage of exclusions will not exceed that of the previous year. This great influx, composed largely of unskilled laborers, undoubtedly is due largely to the activities of ticket agents and others, who solicit and induce aliens to migrate.

Notwithstanding the small percentage of rejections, there are those who constantly criticize the Immigration Service on every conceivable ground, even to the extent of asserting that the law is being so enforced as to reduce the labor supply at a time when there is a great demand for labor, especially in connection with agricultural pursuits. Much of this criticism is not honest; such as is honest is usually based upon ignorance of the law and conditions. Thus those who say the farm-labor supply is being interfered with seem to assume that immigrants from southern and eastern Europe go on the farms, whereas practically none of them do, although they may have been farm laborers in their native countries. As a matter of fact, over 80 per cent of the immigrants of to-day come from southern and eastern Europe or western Asia, and very few of these have any intention of performing or could be induced to perform farm work in the United States, and in the main dependence must be had upon the 18 or 20 per cent from northern or western Europe for the farmers' labor supply, so far as it can be expected to come from overseas. What the bulk of these aliens do is either to enter unskilled city occupations or engage in common labor in manufacturing, mining, or construction work. As a matter of fact, our immigration is poorly assorted in the industrial sense, and unquestionably it is having a disastrous effect on American unskilled labor. . . .

However, in my opinion, the best suggestion that has yet been made regarding the further restriction of immigration is that recently proposed as a substitute for the illiteracy test, although I can see no reason why the illiteracy test should not be placed in the law simultaneously with it. The suggestion in question is that the number of aliens of any nationality, exclusive of temporary visitors, admitted to the United States in any fiscal year should be required by law not to exceed 10 per cent of the number of persons of such nationality resident in the United States at the time the next preceding census was taken, but the minimum number of any nationality admissible in any fiscal year should be not less than 5,000. It is not contemplated that this provision shall apply to Canada, Newfoundland, Mexico, or Cuba. Nationality under this plan would be determined by country of birth, and colonies and dependencies would be regarded as separate countries. If there had been admitted from any particular country its yearly quota, all aliens of that nationality thereafter applying would be rejected unless it should be shown that they were returning from a temporary visit, or were coming to join near relatives, or were members of clearly defined professional and business classes.

> Analysis of the statistics of foreign population given in the last census and a comparison of the figures representing 10 per cent, respectively, of the various nationalities concerned with immigration statistics showing average annual immigration for the 10 years 1903 to 1912, inclusive, indicates some very interesting results that would flow from the adoption of this suggestion, and it is apparent that in the main the reduction in immigration that would be accomplished would be constituted of reductions from countries of southern and eastern Europe and western Asia. Thus under this plan 134,312 Italians could come annually, while the average number per year during the past decade has been 207,152; from Austria-Hungary, 167,053 could come, against an annual average for the past decade of 219,782; from Greece, 10,128, against 20,118; from Turkey in Europe, 5,000, against 10,832. On the other hand, 250,133 natives of Germany would be entitled to come annually, while the average annual immigration of such people during the past decade has been only 35,139; Denmark could send 18,165, compared with 6,971 that have been coming; and the United Kingdom would be allowed a maximum of 257,353, against 95,826.[58]

The developments of the 1880-1920 era, which witnessed a "new immigration from a different part of Europe and a different part of Asia," had ramifications for American immigration legislation and policy. Efforts were commenced to restrict immigration not only by qualitative restrictions but also by quantitative controls. Vigorous attempts were also begun to discriminate among potential immigrants on the basis of race or other considerations if it appeared to Congress that a particular race or class of immigrant offered less chance of readily assimilating into the dominant pattern of American life.[59]

The extreme dislocations to the political and socio-economic structures of Europe in the wake of World War I, combined with unemployment, housing shortages, and demobilization in the United States, created both a cause for increased immigration and a reason to prevent it. The Secretary of Labor observed in his annual report in 1919:

> Economic pressure and political unrest and oppression are all potent promoters of emigration. The first, of course,

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58. "Annual Report of the Commissioner General of Immigration," 1913, in Reports of the Department of Labor, 1913, pp. 343-44.

59. Bennett, American Immigration Policies, p. 39.

accounts for the greater part of the enormous movements from Europe to the New World, but the effect of the German revolution of 1848, and other political disturbances in this regard must not be overlooked, nor can we forget that oppression, as well as economic causes, was behind the great Jewish influx from Russia and Romania. At the present time disturbed economic and political conditions both prevail in intensified form over a great part of Europe, instead of only locally as in the past.[60]

Two years later the commissioner general pointedly stated:

With the cessation in 1918 of general hostilities in war-spent Europe, speculation became rife among those interested in the immigration question as to the quantity and character of immigration this country would draw from that continent after it became apparent that peace was really established and something like normal conditions of ocean travel were restored. Some predicted that the stupendous task of reclaiming Europe from the devastation and waste of years of war would appeal to the patriotic motives and claim the time and attention of the vast majority of those who, at a time other than extraordinary, might be expected to find their way here. Others were of the view that an irresistible spirit of unrest in the post-war period, disturbed political and economic conditions, and the reopening of the lanes of travel after a closed period of some five years would, if unchecked by restrictive legislation, bring upon us an unprecedented flood of immigration.

The steadily increasing numbers of arrivals in the closing months of the fiscal year 1920 suggested the probable accuracy of the view of the last mentioned school of thought. The press of arriving aliens in the succeeding months and until emergency legislation, drastic in its restrictive measures, began to stay the tide demonstrated with startling clearness the accuracy of this view.[61]

The Senate Judiciary Committee, in reviewing the status of immigration during the immediate postwar years, later stated:

There were many thousands of victims of the ravages of war in Europe. There were poverty, distress, hunger and

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60. Fifth Annual Report of the Secretary of Labor, 1919, p. 45.

61. Annual Report of the Commissioner General of Immigration, 1921, p. 5.

> disease everywhere, as well as disturbances and confusions among the populations of the new governments created within the territory of the old nations. It was estimated that between 2,000,000 and 8,000,000 persons in Germany alone wanted to come to the United States. A congressional committee confirmed a published statement of a commissioner of the Hebrew Sheltering and Aid Society of America that, 'If there were in existence a ship that could hold 3,000,000 human beings, the 3,000,000 Jews of Poland would board it to escape in America.'
>
> Fraudulent passports were being issued and fraudulent entry documents were sold. Even fraudulent steamship tickets were sold to the desperate population of many countries in Europe.[62]

The massive influx of immigration to the United States beginning in 1920 contributed to pressures "to halt the European invasion." The rationale used to support measures that would restrict immigration was perhaps best summed up in the Manchester Union:

> Such a suspension of immigration is imperative for two reasons: The country is now passing through the inevitable period of commerical and industrial adjustment which follows every big war. Unemployment is wide-spread, and on the increase. Obviously our first concern is to provide employment at a living wage to the wage-earners, both men and women, who are already here. To permit the present flood of immigration to continue can only mean further saturation of the labor market with disastrous results to wage-standards and living standards. The second, and equally important, reason for putting up the bars against the millions who seek to escape from the almost unendurable burden which the Great War has put upon the shoulders of Europe is that grave peril and menace to the safety and integrity of American institutions is involved through the admission into our citizenship of a great mass of people, entirely unfamiliar with our system of government, uninformed and unresponsive to our ideals, and peculiarly susceptible to the blandishments of the professional agitator of Bolshevik tendencies.
>
> The country owes a very great and unescapable duty to its working people in this matter. Labor, like capital, is subject to the law of supply and demand. An oversupply of labor means a demoralized labor market, just as an oversupply of money demoralizes the money market. No sane man desires

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62. Bennett, American Immigration Policies, p. 40.

> any return of property in which the working classes as a whole do not share. There may be selfish interests who would like to encourage immigration in order to break the labor market. They are on an exact parity with that class of capitalists who find in a demoralized money market their best chance of fattening their own purses. Neither of these classes contributes either to the prosperity or contentment of the country. Their improper and wholly selfish purposes should be rebuked and their counsels disregarded.[63]

2. Quota Act of 1921

The 66th Congress passed overwhelmingly an immigration bill, restricting immigration to three percent of the foreign-born population in the United States in 1910, and submitted it to President Woodrow Wilson for his signature on February 26, 1921, but he killed it with a pocket veto. The proposed measure was immediately introduced in both houses during the 67th Congress and, after approval by President Warren G. Harding, became law on May 19, 1921 (42 Stat. 5).[64]

Known as the Quota Act of 1921, this law, which went into effect on June 3, was a stop-gap measure that expired one year later and was the first strictly "immigration law" which provided "for actually limiting the number of aliens." The law limited the number of any nationality entering the United States to three percent of foreign-born persons of that nationality who lived here in 1910, as determined by the census. Nationality was to be determined by country of birth. Not more than twenty percent of the admissible aliens of any nationality could arrive monthly. The law did not apply to the following classes: government officials, their dependents, servants, and staffs; aliens in transit through this country; tourists or businessmen here temporarily; and aliens under

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63. Quoted in "To Halt the European Invasion," Literary Digest, LXVII (December 25, 1920), 14-15. An example of extreme anti-foreign sentiment during this period may be seen in Henry A. Wise Wood's pamphlet "Who Shall Inherit the Land of Our Fathers?," published by the American Defense Society in 1923. Files, Henry Guzda, Historian, Department of Labor.

64. Annual Report of the Commissioner General of Immigration, 1921, p. 16, and Smith and Herring, Bureau of Immigration, pp. 208-10.

eighteen years of age who were children of United States citizens. The following classes of aliens were counted against a quota so long as the quota existed but could be admitted after their nation's quota was filled: aliens returning from a temporary visit abroad; aliens who were professional actors, artists, lecturers, singers, nurses, ministers, college or seminary professors; aliens belonging to recognized learned professions; and aliens employed as domestic servants. Aliens were exempt from the quota provisions after one year's residence in a country in the Western Hemisphere. Preferences were to be given as far as possible to the wives, parents, siblings, children under eighteen years of age, and fiances of citizens of the United States, aliens then in the United States who had applied for citizenship, and persons eligible for United States citizenship who had served honorably in the United States military forces during the war.

Under this law approximately 355,825 aliens would be permitted to enter the United States per year as quota immigrants. Northern and western European immigrants would have an annual total quota of some 200,000 as compared with about 155,000 for immigrants from southern and eastern Europe--a drastic change in the trend of immigration in that average yearly immigration from northern and western Europe had been only 183,000 in the years just before World War I whereas that from southern and eastern Europe had been 783,000.

The bill provided that it was in addition to and not a substitution for the provisions of other immigration laws. In effect, the bill thus applied only to immigration from Europe, certain islands in the Pacific and Atlantic oceans, Africa, Australia, New Zealand, Persia, and the territory formerly comprising Asiatic Turkey.[65]

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65. Bennett, American Immigration Policies, pp. 40-44; Annual Report of the Commissioner General of Immigration, 1921, pp. 16-19; Annual Report of the Commissioner General of Immigration, 1922, pp. 3-5; and "Our '3 Per Cent' Immigration Snarl," Literary Digest, LXX (October 1, 1921), 14-15. See the following page for a list of the number of aliens admissible under the act.

NUMBER OF ALIENS ADMISSIBLE UNDER QUOTA ACT OF 1921

Country or place of birth.	Quota June 3-30, 1921.	Quota fiscal year 1922.
Albania	22	287
Austria	571	7,444
Belgium	119	7,557
Bulgaria	23	301
Czechoslovakia	1,905	14,269
Danzig	22	285
Denmark	433	5,644
Finland	298	3,890
Fiume [1]	5	71
France	437	5,692
Germany	5,219	68,039
Greece	232	3,286
Hungary	432	5,635
Italy	3,224	42,021
Jugoslavia	491	6,405
Luxemburg	7	92
Netherlands	276	3,602
Norway	930	12,116
Poland	1,528	20,019
Eastern Galicia [2]	451	5,781
Portugal (including Azores and Madeira Islands)	177	2,269
Rumania	569	7,414
Russia (including Siberia)	2,627	34,247
Spain	51	663
Sweden	1,531	19,573
Switzerland	287	3,715
United Kingdom	5,923	77,206
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, San Marino, and Iceland)	6	86
Armenia	122	1,588
Palestine	4	56
Smyrna District [3]	34	438
Syria	69	905
Other Turkey (Europe and Asia)	16	215
Other Asia (including Persia and territory other than Siberia which is not included in the Asiatic Barred Zone. Persons born in Siberia are included in the Russia quota)	6	78
Africa	9	120
Australia	21	271
New Zealand	4	50
Atlantic islands (other than Azores, Madeira, and islands adjacent to the American continents)	5	60
Pacific Islands (other than New Zealand and islands adjacent to the American continents)	2	22
Total	27,298	355,825

[1] Given up by Austria and Hungary, and therefore can not be included in either of these countries.

[2] As Eastern Galicia was given up by Austria, according to the treaty of St. Germain, but is not yet allotted to any other country (the eastern boundary of Poland being not yet defined), the quota of Eastern Galicia will be 5,781 (Poland 20,019) for the fiscal year 1922.

[3] The Smyrna District is under Greek military administration; no treaty had gone into effect detaching this district from Turkey or placing it under Greek administration or under local parliament; the quota for the Smyrna District will be 438 (Turkey 215) for the fiscal year 1922.

Annual Report of the Commissioner General of Immigration, 1921, p. 18.

In 1922, after the Quota Act of 1921 had been in operation for one year, the commissioner general commented about its administration. He noted:

> The admissions in excess of quotas . . . the total number being 2,508, represent a theoretically temporary disposition of cases in which absolute and immediate rejection would have inflicted great hardship on innocent immigrants. Reference to the sources of the principal excesses--Other Asia, Turkey, Hungary, Poland, and Yugoslavia--is probably sufficient to explain and also to justify the action of the Secretary of Labor in exercising leniency in these cases. Nearly all of the excess admissions occurred during the first six months of the fiscal year, before the seriousness of the law had been fully realized, and the arrival of these aliens after their respective quotas were exhausted represents in part the eagerness of the aliens themselves to get in before the gates were closed, and in part the efforts of competing steamship lines to carry as much as possible of the limited immigrant business of the year. The latter seems to have been by far the more important factor. The last group admission in these excess cases occurred under a departmental order of December 23, 1921, known as the Christmas order, which saved upward of 1,000 immigrants from immediate deportation. Following this a more rigid application of the law was inaugurated, and a considerable number of aliens were rejected and deported, with the result that comparatively few excess-quota cases arose during the latter months of the fiscal year.
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> The administration of the quota law during its initail [sic] year developed many problems, and, especially, during the first six months of its operation, greatly overtaxed the machinery of the service and particularly the facilities at Ellis Island; but now that it is possible to review its accomplishments, unaffected by its discouragements, I do not hesitate to say that the per centum limit law has accomplished the purpose for which it was obviously enacted with a degree of success which few anticipated.
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> A glance at the foregoing table will clearly show that while the countries of southern and eastern Europe, including Asiatic Turkey and the new nations created out of Turkish territory since the World War, have in the main exhausted, and in several instances exceeded, the quotas allotted to them, the opposite is true of nearly all of the countries of northern and western Europe, which, for the purpose of this discussion, include the British Islands, Scandinavia, Germany, Belgium, the Netherlands, Switzerland, and France. The status of these two areas, as well as that of all other countries which are within the scope of the quota law, are interestingly shown in the table which follows:

Immigration of aliens into the United States under the per centum limit act of May 19, 1921, during the fiscal year 1921-22, by specified areas.

Area	Total number admissable during fiscal year 1921-22	Number admitted and charged to quota during the fiscal year 1921-22	Per cent of quota admitted
Northern and western Europe	198,082	91,862	46.4
Southern and eastern Europe and Asiatic Turkey territory	158,200	150,774	95.3
Other	713	1,317	184.7

> This table needs little comment, but it is interesting to note that the older sources of immigration, in northern and western Europe, have exhausted less than one-half of their quotas during the fiscal year, while on the other hand Russia is the only country of southern and eastern Europe for which any considerable part of a quota remained on June 30. In other words, the movement of the year from the older sources is apparently a perfectly normal one, although considerably smaller than it was prior to the World War, but it is impossible to say how many aliens would have come from southern and eastern Europe and Turkey had it not been for the limitation afforded by the per centum limit act. . . .[66]

3. Extension of Quota Act of 1921

The Act of May 19, 1921, expired by limitation on June 30, 1922, but under a joint resolution approved May 11, 1922 (42 Stat. 540), its operation was extended to June 30, 1924. The joint resolution amended the Quota Act by imposing a fine of $200 on transportation companies for each alien brought to the United States in violation of the act, and required the offending company to refund the passage money of each alien brought unlawfully in excess of the quotas. As amended the

66. Annual Report of the Commissioner General of Immigration, 1922, pp. 6-7. See the following page for a table showing immigration of aliens into the United States under the Quota Act of 1921 during fiscal year 1922.

Immigration of aliens into the United States under the per centum limit act of May 19, 1921, during the fiscal year 1921-22.

Country or place of birth.	Total admissible during fiscal year 1921-22.[1]	Number admitted and charge to quota during the fiscal year 1921-22.[2]	Per cent of quota admitted.
Albania	288	280	97
Austria	7,451	4,797	64.4
Belgium	1,563	1,581	101.2
Bulgaria	302	301	99.6
Czechoslovakia	14,282	14,248	99.8
Danzig	301	85	28.2
Denmark	5,694	3,284	57.6
Finland	3,921	3,038	77.5
Fiume	71	18	25.3
France	5,729	4,343	75.9
Germany	68,059	19,053	28
Greece	3,294	3,447	104.7
Hungary	5,638	6,035	107.2
Italy	42,057	42,149	100.2
Luxemburg	92	93	101.1
Netherlands	3,607	2,468	68.5
Norway	12,202	5,941	48.7
Poland (including eastern Galicia)	25,827	26,129	101.1
Portugal (including Azores and Madeira Islands)	2,520	2,486	98.6
Rumania	7,419	7,429	100.1
Russia (including Siberia)	34,284	28,908	84.4
Spain	912	888	97.4
Sweden	20,042	8,756	43.6
Switzerland	3,752	3,723	99.2
United Kingdom	77,342	42,670	55.2
Yugoslavia	6,426	6,644	103.3
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Memel, Monaco, San Marino, and Iceland)	86	144	167.4
Armenia	1,589	1,574	99
Palestine	56	214	382.1
Syria	906	1,008	111.2
Turkey (Europe and Asia, including Smyrna District)	656	1,096	165.9
Other Asia (including Persia, Rhodes, Cyprus, and territory other than Siberia, which is not included in the Asiatic barred zone. Persons born in Siberia are included in the Russia quota)	81	528	651.9
Africa	122	195	159.8
Australia	279	279	100
New Zealand	54	75	138.9
Atlantic islands (other than Azores, Madeira, and Islands adjacent to the American continents)	65	83	127.7
Pacific islands (other than New Zealand and islands adjacent to the American continents)	26	13	50
Total	356,995	243,953	68.3

[1] The quotas here given differ in some instances from the figures as originally published, the differences being due to the inclusion of the foreign-born population of Alaska, Hawaii, and Porto Rico in a revision of the basic population.

[2] Subject to possible slight revision due to pending cases in which additional admissions chargeable to the quotas of the fiscal year 1921-22 may occur.

Annual Report of the Commissioner General of Immigration, 1922, p. 5.

Quota Act also required a five-year residence in a country of the Western Hemisphere before an alien could be exempt from the law's provisions.[67]

4. Immigration Act of 1924

The most far-reaching immigration act in American history to date was the Immigration Act of May 26, 1924 (43 Stat. 153), supplanting the stop-gap Quota Act of 1921. Under the new act the number of each nationality to be admitted annually to the United States was limited to two percent of the population of that nationality resident in the United States according to the 1890 census, thus reducing annual quota immigration from all countries, except the independent countries of the Western Hemisphere from 357,803 to 164,677. A maximum of ten percent of any annual quota could be admitted during any one month except in cases where the quota was less than 300 for the entire year. Immigration from the entire world, with the exception of Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, and independent countries in Central and South America was subject to quota limitations. The two percent formula was "weighted" in favor of northern and western Europe which received 85.6 percent whereas southern and eastern Europe received only 12.4 percent.

The new act provided a detailed definition for the term "immigrant." An "immigrant" was

> any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to

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67. Annual Report of the Commissioner General of Immigration, 1922, pp. 4-5, and Smith and Herring, Bureau of Immigration, pp. 210-11. Later in 1922 the expulsion provisions of the statute were extended to any aliens convicted of violations of the federal Narcotic Drugs Act of 1909. See the following page for a table of admissible aliens under the extended Quota Act of 1921.

-Number of aliens admissible under the act of May 19, 1921, entitled "An act to limit the immigration into the United States," as extended by Public Resolution 55, Sixty-seventh Congress, approved May 11, 1922.

Country or region of birth.[1]	Number admissible annually.	Highest number admissible in any month.
Albania	288	58
Armenia (Russian)	230	46
Austria	7,451	1,490
Belgium	1,563	313
Bulgaria	302	61
Czechoslovakia	14,357	2,871
Danzig, free city of	301	60
Denmark	5,619	1,124
Finland	3,921	784
Fiume, free State of[2]	71	14
France	5,729	1,146
Germany	67,607	13,524
Greece	3,294	659
Hungary	5,638	1,128
Iceland	75	15
Italy	42,057	8,411
Luxemburg	92	19
Memel region[3]	150	30
Netherlands	3,607	721
Norway	12,202	2,440
Poland	21,076	4,215
Eastern Galicia[4]	5,786	1,157
Pinsk region[5]	4,284	857
Portugal (including Azores and Madeira Islands)	2,465	493
Rumania	7,419	1,484
Bessarabian region[6]	2,792	558
Russia (European and Asiatic)[7]	21,613	4,323
Esthonian region[8]	1,348	270
Latvian region[9]	1,540	308
Lithuanian region[10]	2,310	462
Spain (including Canary Islands)	912	182
Sweden	20,042	4,008
Switzerland	3,752	750
United Kingdom	77,342	15,468
Yugoslavia	6,426	1,285
Other Europe (including Andorra, Gibraltar, Liechtenstein, Malta, Monaco, and San Marino)	86	17
Palestine	57	12
Syria	928	185
Turkey (European and Asiatic, including Smyrna region and Turkish-Armenian region)	2,387	478
Other Asia (including Cyprus, Hedjaz, Iraq (Mesopotamia), Persia, Rhodes, and any other Asiatic territory not included in the barred zone. Persons born in Asiatic Russia are included in the Russian quota)	81	16
Africa	122	25
Atlantic Islands (other than Azores, Canary Islands, Madeira, and islands adjacent to the American Continents)	121	24
Australia	279	56
New Zealand and Pacific islands	80	16
Total	357,803	71,561

Annual Report of the Commissioner General of Immigration, 1922, pp. 8-9.

> enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

In effect, the act divided immigrants into two classes--quota and nonquota. The former were aliens chargeable against the quotas of their respective countries. The latter were aliens who could enter the United States without reference to quota limitations, including.

> (a) an immigrant who is the unmarried child under 18 years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9; (b) an immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad; (c) an immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; (d) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or (e) an immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

The immigrant was given the burden of proof to show admissibility rather than the United States government. All quota and nonquota immigrants were required to have an immigration visa issued by a United States consul before they could be admitted to the country, thus providing for a method of selection and qualification in the immigrant's country of origin:

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. . .

(f) Nor immigration visa shall be issued to an imigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

The annual and monthly limitation under the various quotas was to be controlled by limiting the number of quota immigration visas issued in any month or year by the American consulates in the countries of origin. Preference in the issuance of quota visas was to be given to a quota immigrant who was the unmarried child under 21 years of age, or the father, mother, or wife of a United States citizen who was 21 years of age or over, and to a quota immigrant skilled in agriculture, his wife, and dependent children under the age of sixteen years, if accompanying or following to join him. The preference in the case of persons skilled in agriculture was not applicable to immigrants of any nationality the annual quota for which was less than 300. In no case were the combined preferences to exceed fifty percent of the annual quota of any nationality.

Section 11 of the act provided that after July 1, 1927, quotas were to be calculated under a detailed formula. This section stated:

(a) The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota for any nationality shall be 100.

(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

(d) For the purpose of subdivisions (b) and (c) the term "inhabitants in continental United States in 1920" does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines.

(e) The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. After the making of a proclamation under this subdivision the quotas proclaimed therein shall

continue with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (e) of section 12. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

(f) There shall be issued to quota immigrants of any nationality (1) no more immigration visas in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration visas than 10 per centum of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the Commissioner General, with the approval of the Secretary of Labor, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality.

(g) Nothing in this act shall prevent the issuance (without increasing the total number of immigration visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a non-quota immigrant.

If an alien were not eligible for naturalization he could not be admitted as an immigrant except for certain specified classes of nonquota immigrants. According to the commissioner general of immigration, the import of this provision

will be readily understood when it is considered that the naturalization laws state that the provisions thereof "shall apply to aliens being free white persons and to aliens of African nationality and to persons of African descent." This, in effect, means that persons other than members of the Caucasian, or white, race and of the African, or black, race are not eligible to citizenship through naturalization and, therefore, with certain exceptions, not eligible for admission to the United States as immigrants. Included in the category of persons ineligible to citizenship are the Chinese, Japanese, East Indians, and other peoples indigenous to Asiatic countries and adjacent islands.

The peoples chiefly affected by the provision referred to are those who, under section 2 of the immigration act of May 19, 1921, were exempted from quota requirements as "aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration" and "aliens from the so-called Asiatic barred zone as described in section 3 of the immigration act." In the first

> instance the countries referred to were China, immigration from which has been regulated under laws based on treaties ever since 1882, and Japan, immigration from which has been regulated under the so-called passport agreement of 1907, and, in the second, the provision refers to the so-called Asiatic barred-zone provision of the general immigration law of 1917. Neither the barred-zone provision of the act of 1917 nor the laws relating to Chinese are repealed by the new law, although the provisions of the former legislation in both instances are more or less modified by provisions of the new law.

Immigration officers were given authority to order the detention of "pretending seamen on board vessels bringing them to a U. S. port and their deportation on the same vessel." The penalty for "failure to so detain and deport" was set at "$1,000 for each alien seaman."[68]

The Immigration Act of 1924 had an immediate and significant impact on immigration. The following year the commissioner general of immigration reported to the Secretary of Labor on the first year of operation under the new law:

> As a consequence of these provisions only 1.6 per cent of the total number of aliens applying at our seaports during the past year were turned back, and represented among those refused admission were many whom the steamship lines had accepted as passengers without their having secured the necessary or proper papers and aliens who arrived as stowaways. To state it differently, approximately 4 out of every 1,000 holding proper immigration visas were excluded. The writer is sanguine that the plan which you have so strongly advocated, of stationing experienced immigration officers at the various consulates as technical advisers, will meet with universal approval by the respective foreign governments, and that eventually the harrowing scenes which so often have attended the rejection of aliens at our portals no longer will be witnessed. Perhaps the hardships connected with the enforcement of our immigration laws never can be entirely

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68. Annual Report of the Commissioner General of Immigration, 1924, pp. 24-30, and ibid., 1925, pp. 2-5; Bennett, American Immigration Policies, pp. 47-58; Congressional Research Service, History of the Immigration and Naturalization Service, pp. 34-35. The effective date of the national origins system was twice extended by joint resolutions of Congress, first to July 1, 1928 (44 Stat. 1455), and then to July 1, 1929 (45 Stat. 400). When the national origins formula went into effect on July 1, 1929, the annual quota was further reduced from 164,667 to 153,714.

avoided, since in their application to individual men and women they frequently dissipate the most cherished ambitions, but these hardships can be minimized; and in this endeavor the cooperation of the Governments to which the prospective immigrants bear allegiance may be hopefully anticipated.

During the fiscal year covered by this report a grand total of 458,435 aliens were examined and admitted, formal record being made thereof, under the immigration laws. It will be observed . . . that of this number over 60,000 were of the nonimmigrant class (that is, entering the country with a temporary status) and that more than 64,000 were aliens of the returning resident class. A significant figure included in the above is that covering aliens born in adjoining territory, the total running to more than 175,000. These aliens, with their wives and children, are not chargeable to any quota. In other words, of the grand total of aliens admitted with formal record, as above set forth, 311,115 were not chargeable to quotas, being of the nonimmigrant or nonquota classes. This figure is notable as showing the latitude provided by the present immigration laws for the admission of the temporary classes of alien travel and aliens coming for permanent stay from adjoining territory.

While the quotas in operation for the last year made possible the admission of 164,667 aliens, the number of quota immigrants actually admitted was 145,971, showing that the possibilities of admission afforded by the act of 1924 were not fully utilized. . . . Included within the grand total of aliens first cited above were 1,349 aliens who arrived during the previous fiscal year and whose cases were disposed of during the period covered by this report.[69]

In 1927 the Commissioner General praised the 1924 act by observing:

As indicated by what has preceded, the present quota law, coupled with preinspection abroad, accomplishes, with a minimum of hardship and complaint, even more than its most ardent proponents expected of it.

The State Department exercises exclusive jurisdiction abroad in determining who shall be granted visas to come to this country and the work of its representatives is characterized by the utmost fairness to all applicants. The aliens here no less than those resident in the Old World, have come to have an understanding of its essentials. It is humane,

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69. Annual Report of the Commissioner General of Immigration, 1925, pp. 2-3.

it is just, it is definite, and all with a proper regard for the assimilative capacity of our own country. It is not, however, selective in the sense that it permits us to take or even invite those whom we particularly prefer or need when we prefer or need them, but it does permit of a sane, deliberate preliminary filtering abroad of candidate immigrants, a separation of the specifically proscribed form those not specifically inhibited by law--all unaccompanied by the hysteria of complaint and criticism that characterized the old system of unlimited immigration. In other words, while we can not say who shall apply nor whom we prefer or need, yet to those who do present themselves to our consuls abroad we are afforded an opportunity to say, as to any individual, "You are specifically disqualified by certain provisions of our laws and we can not give you a visa. . ." This "first come first served" process which permits economic undesirables to get within reach on the current limited waiting lists and to crowd out many economic desirables is faulty, but even with its faults it is infinitely better than the old haphazard one, when the volume of the flood was regulated by the capacity of shipbuilders to build ships in which to carry immigrants, the lines to buy them, and Ellis Island to accommodate the human cargoes.[70]

In 1928 the Commissioner General commented on the impact of the Immigration Act of 1924 on Ellis Island operations:

Prior to 1921 when the first quota law was enacted or, perhaps more accurately, prior to 1924 when the last quota law was enacted, the great bulk of immigration poured through our seaports, and Ellis Island, New York Harbor, was the great portal--the gateway through which the immigrant entered the land of opportunity. The land border ports were of secondary importance. If the expressions "Ellis Island" and "Immigration" were not synonymous, one could hardly think of the one without thinking of the other. Ellis Island was the great outpost of the new and vigorous Republic. Ellis Island stood guard over the wide-flung portal. Ellis Island resounded for years to the tramp of an endless invading army. Its million or more immigrants a year taxed its resources to the utmost. It was the target of the demagogue, the sob-story writer, the notoriety seeker, and the occasional fault-finding busybody puffed up with conceit, who meekly submitted to every form of official surveillance in his own country, accepting the same as a matter of course, but felt it unbefitting his dignity on entering free America to conform without protest and criticism to reasonable and necessary immigration regulations. Ellis Island is freed of this inundating horde and largely freed of carping

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70. Annual Report of the Commissioner General of Immigration, 1927, pp. 7-8.

critics, but Ellis Island has lost its proud place in the ground immigration scheme. Its million or more immigrants yearly have shrunk to several hundred thousand.[71]

5. Immigration Legislation: 1924-29

During the period 1924-29 the two percent formula, based on the population of 1890, was in effect under the aegis of the Immigration Act of 1924. Additional legislation was enacted by Congress that had a bearing on the 1924 act. These enactments show that within two years of passage of the basic act and before the national origins formula was operative Congress began to make exceptions and include within it additional classes of immigrants who could be admitted.[72]

a. The Act of May 26, 1926 (44 Stat. 654), classified honorably discharged alien veterans of the American armed forces, together with their minor children and spouses as nonquota immigrants, subject only to various qualitative provisions of the Act of February 5, 1917.

b. The Act of May 26, 1926 (44 Stat. 657), permitted Spanish subjects to enter Puerto Rico without regard to the 1924 act, except to Section 23 which related to the immigrant's burden of proof to show that he was not excludable under the law.

c. The Act of June 8, 1926, provided for the first steps in making naturalization a function of the executive branch of the government instead of one exercised by the judiciary. Judges of United States district courts were empowered to designate naturalization examiners to conduct preliminary hearings of a judicial nature. The findings of these hearings were to be reported to the courts by the

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71. Annual Report of the Commissioner General of Immigration, 1928, p. 1.

72. In July 1926, by Executive Order No. 4476, and again in February 1928, by Executive Order No. 4813, the President issued detailed regulations in regard to passports and other documents required of aliens. Van Vleck, Administrative Control of Aliens, p. 19.

examiners, with their recommendations, for final action by the courts at the final hearings on naturalization petitions.

d. The Act of July 3, 1926 (44 Stat. 812), added to the nonquota class of immigrants, wives and children of alien ministers and professors if the wives and children arrived in America before July 1, 1927, and if the ministers or professors entered prior to July 1, 1924.

e. The Act of February 25, 1927 (44 Stat. 1234), declared residents of the Virgin Islands to be United States citizens. Although this was actually a naturalization act, it had the effect of enlarging the class of citizens who otherwise would have been subject to the Immigration Act of 1924 as aliens. The same could be said in a more limited way with reference to the Act of March 4, 1927 (44 Stat. 1418), pertaining to some citizens in Puerto Rico.

f. The Act of April 2, 1928 (45 Stat. 401), exempted American Indians born in Canada from terms of the Immigration Act of 1924.

g. The Act of May 29, 1928 (45 Stat. 1009), added to the list of nonquota immigrants women who had lost citizenship prior to September 22, 1922, by reason of marriage to an alien but who, at the time of application for an immigration visa, were unmarried. The act increased from 18 to 21 the age of unmarried children of United States citizens who could secure nonquota visas because of relationship, and permitted the husband of a United States citizen by marriage occurring prior to June 1, 1928, to enter as a nonquota immigrant. The law provided that wives and unmarried children under 21 years of age of alien residents of the United States who had been lawfully admitted for permanent residence would secure preference under the quota in applying for visas. It also increased from sixteen to eighteen years of age dependent children of skilled agriculturists who were entitled to preference.

h. The Act of March 2, 1929, authorized the voluntary registry of aliens "not ineligible to citizenship, in whose case there is no record of admission for permanent residence," if the alien could make satisfactory showing in four areas. He must show that he (1) entered the United States prior to June 3, 1921 (the date when the first quota act became effective); (2) had resided in the United States since such entry; (3) was a person of good moral character; and (4) was not subject to deportation. The act was designed for those aliens who had been legally admitted to the United States for permanent residence but of whose admission there was no record or no record could be found, and those aliens who had entered illegally but were persons of good moral character, not subject to deportation, and able to meet the other requirements of the law.

i. The Act of March 4, 1929 (as amended June 25, 1929), provided that in all cases where aliens had been expelled by administrative process, they should not be permitted to return to this country and made their return or attempt to return a felony, punishable by fine or imprisonment or both. This was a departure from previous laws, for under former acts persons deported, except those connected with prostitution or those expelled as "radicals," might later reapply for admission. Under this act expulsion meant permanent banishment.[73]

6. Analysis of American Immigration Law: 1929

In 1929 a well-documented and condensed study of American immigration law and procedure was written by Arthur E. Cook, a member of the District of Columbia bar and a former assistant to the Secretary of Labor, and John J. Hagerty, an executive of the United States Lines and a former professor of law at Catholic University of America. This study, entitled Immigration Laws of the United States

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73. Van Vleck, Administrative Control of Aliens, pp. 19-20; Bennett, American Immigration Policies, pp. 59-62; Cook and Hagerty, Immigration Laws, p. 327; Report of the Ellis Island Committee, March 1934, pp. 91-92; Annual Report of the Commissioner General of Immigration, 1926, p. 21; Fifteenth Annual Report of the Secretary of Labor, 1927, p. 114-15; and Sixteenth Annual Report of the Secretary of Labor, 1928, pp. 64-65.

Compiled and Explained, is a valuable guide for understanding the way in which the immigration laws were implemented in the post-1924 period and should be consulted by any serious student of immigration legislation. The book contained data under the following subheadings:

I. Scope of the Immigration Laws
   A. General Application
   B. General Qualifications of Immigrants
   C. Documents Required of Aliens for Entry into the United States
II. On How to Obtain Visas
III. Aliens Excluded from the United States
IV. Procedure When Aliens are Excluded at Ports
V. Deportation of Aliens
VI. Crimes and Penalties Under Immigration Laws
VII. Text of Immigration Laws (1885-1929)
VIII. Treaty and Laws Governing the Admission of Chinese (1882-1913)
IX. Immigration Forms
X. Educational Institutions Approved by the Secretary of Labor in Accordance with Section 4(e) of the Immigration Act of 1924
XI. United States Consular Offices Abroad

7. Immigration Legislation: 1929-52

The second or national origins period under the Immigration Act of 1924 began with the application of the national origins formula on July 1, 1929. The commissioner general commented on the new formula prior to its being implemented:

> The new quotas will reduce the number of quota immigrants who may be admitted in any fiscal year from 164,667 to 153,714. Increases in the quotas of Austria, Belgium, Finland, Great Britain and Northern Ireland, Greece, Hungary, Italy, Latvia, Lithuania, The Netherlands, Poland, European and Asiatic Russia, Spain, Turkey, and Yugoslavia will result, while the quotas of Czechoslovakia, the Free City of Danzig, Denmark, France, Germany, Irish Free State, Norway, Portugal, Rumania, Sweden, and Switzerland will be reduced.

> The quotas of Great Britain and Northern Ireland, Italy, and The Netherlands are the chief gainers and those of Denmark, Germany, the Irish Free State, Norway and Sweden are the principal losers.[74]

The 1929-52 period falls into three historical segments: the years from 1929 to 1940 that witnessed the Great Depression; the years from 1941-45 that witnessed American involvement in World War II; and the years from 1946-52 that witnessed America's adjustment to postwar and Cold War realities.

a. The Depression Decade: 1929-39

Total immigration during the 1930s was 528,431 compared to 4,107,209 for the preceding decade--a development directly attributable to the economic collapse. In fact, the depression did more to restrict immigration than any immigration law and thus it cannot be said with certainty just what effect the imposition of the national origins plan had on immigration during the first decade after it became operative.[75]

During the 1929-40 period Congress continued to enact legislation that provided for exemptions diluting the force of the basic law and tightening selected provisions of the 1924 act. There was little relaxation of the prohibitions in the basic 1917 act. A trend was evident, however, toward relaxing racial restrictions and in liberalizing the nonquota provisions of the 1924 act.

(1) The Act of June 13, 1930 (46 Stat. 581), provided for entry of Chinese wives of American citizens married prior to the approval of the 1924 act. Such persons could enter as nonquota aliens, provided that they were admissible under the immigration laws.

(2) The Act of July 3, 1930 (46 Stat. 849), provided for admission of women eligible by race to citizenship and who had

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74. Annual Report of Commissioner General of Immigration, 1929, p. 3.

75. Bennett, American Immigration Policies, p. 62.

married American native-born, honorably discharged World War I veterans. Certain women, such as those who were ill, immoral, previously deported, or contract laborers, were excluded under the terms of the 1917 act.

(3) The Act of July 3, 1930 (46 Stat. 854), gave nonquota status to female immigrants who had lost citizenship by reason of marriage to an alien or by residence abroad.

(4) The Act of February 18, 1931 (46 Stat. 1171), tightened deportation authority to be used against alien drug peddlers. The law provided that any alien--except an addict who was not a dealer or peddler of narcotics--who was convicted and sentenced

> for a violation of or conspiracy to violate any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, transportation, sale, exchange and dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, or any salt, derivative, or preparation of opium or coca leaves, shall be taken into custody and deported in the manner provided for by law.

(5) The Act of July 2, 1932 (47 Stat. 571), granted citizenship to women born in Hawaii prior to June 14, 1900, thus removing immigration restrictions against them.

(6) The Act of March 17, 1932 (47 Stat. 67), provided that an alien instrumental musician would not be granted exemption under the 1917 act, prohibiting contract labor, unless such musician was of "distinguished merit" or had an engagement requiring "superior talent." Unscrupulous promoters had been organizing "opera companies" in Italy for the purpose of bringing in otherwise inadmissible immigrants.

(7) The Act of May 25, 1932, a section of a naturalization statute, permitted aliens who had been deported or ordered deported from the United States to apply for permission to reenter after one year from their deportation or departure. This law amended the Act of March 4, 1929.

(8) Executive Order 6166, issued on June 10, 1933, consolidated the bureaus of Immigration and Naturalization of the Department of Labor into one bureau named the Immigration and Naturalization Service at the head of which was placed a commissioner of immigration and naturalization.

(9) The Act of June 28, 1932 (44 Stat. 336), declared natives of the Virgin Islands living in foreign countries to be nonquota immigrants subject only to restrictions of the 1917 act against the diseased and immoral.

(10) The Act of July 1, 1932 (47 Stat. 524), provided for the posting of bonds by nonimmigrants and student nonquota immigrants insuring their departure if they failed to maintain the status in which they had been admitted to the United States outside the quotas.

(11) The Act of July 6, 1932 (47 Stat. 607), restricted foreign traders and their dependents in nonimmigrant status.

(12) The Act of July 11, 1932 (47 Stat. 656), exempted from the quota parents of American citizens over 21 years of age and husbands of citizens by marriage after July 1, 1932. With regard to marriages after that date a preferential status was provided, and the restriction that the petitioning wife must be at least 21 years of age was removed.

(13) The Philippine Independence Act of March 24, 1934 (48 Stat. 456), provided that, upon the withdrawal of American sovereignty, our immigration laws should apply to persons born in the Philippine Islands to the same extent as in the case of natives of other foreign countries.

(14) The Act of April 19, 1934, substantially reduced naturalization fees and exempted World War I veterans from payment of any fee in obtaining a new certificate of citizenship.

(15) The Act of May 24, 1934, was a step toward removing the differences which had existed between men and women in their capacity to transmit citizenship to their children. According to the Twenty-Second Annual Report of the Secretary of Labor in 1934, the key provisions of the law were:

> Section 1 was directed toward the amendment of section 1993 of the Revised Statutes. That section, in force from 1855, declared to be a citizen a child born out of the limits and jurisdiction of the United States whose father was a citizen at the time of the child's birth. As now amended, the law provides that a child born after the date of the 1934 act, out of the limits and jurisdiction of the United States, whose father or mother is a citizen at the time of the birth of such child, shall be a citizen of the United States, provided certain requirements as to residence are complied with.
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> Section 2 of the act amends a provision enacted on March 2, 1907. The 1907 provision was to the effect that a child born without the United States of alien parents should be deemed a citizen on the parent being naturalized during the minority of the child and the child taking up residence in the United States during minority. Such provision has been held to be applicable only where the father becomes naturalized in a case where both parents are living and the martial status continues throughout the minority of the child. As now amended, the provision is applicable where either parent becomes naturalized. It contains, however, the restriction that the citizenship of the child shall begin 5 years after the minor child begins to reside permanently in the United States. This latter provision has been administratively construed to require that such residence shall begin 5 years before the child attains majority.
>
> Section 3 provides that upon a citizen marrying an alien the citizen spouse may renounce citizenship in the United States before a court having naturalization jurisdiction; but such renunciation shall not be made during war, and if war be declared within 1 year after renunciation the renunciation shall be void.
>
> Section 4 amends the law relating to the naturalization of married women. The former provision was to the effect that the alien wife of a citizen might petition for naturalization without a declaration of intention and without more than 1 year's residence in the United States. The amended provision is to the effect that an alien who marries a citizen, or an alien whose husband or wife is naturalized after the date of the act, may petition for citizenship without a declaration of intention and without proof of more than 3 years' residence in the United States. It thus places the alien husband of a citizen wife in

the same advantageous position respecting naturalization as the alien wife of a citizen husband.

(16) The Act of June 27, 1934 (48 Stat. 1245), declared all persons born in Puerto Rico on or after April 11, 1899, (the date of the treaty of peace between the United States and Spain), and not citizens of a foreign power, to be citizens of the United States, except for those who previously had and lost such citizenship. The act, however, provided for naturalization of such persons with proper limitations. The enactment also contained a provision that a woman, who was a native and permanent resident of Puerto Rico and who had lost American nationality prior to March 2, 1917, by marriage to an alien, should have the same exemptions extended to her under the naturalization laws as were extended to an American woman who had lost United States citizenship through marriage to an alien.

(17) The Act of May 14, 1937 (50 Stat. 164-65), amended the 1924 act, Section 9(f), to tighten restrictions on preference quota immigrants and amended Section 13(a) to add to the list of immigrants allowed entry those who were preference quota immigrants, the same being specified in the visa. This act also slammed the door on those who made marriages to get a nonquota or preference quota status but who, subsequent to entry into the United States, had the marriage annulled retroactively to the date of marriage.

(18) The Act of May 14, 1937 (50 Stat. 164), amended Section 23 of the 1917 act by authorizing the commissioner general of immigration, with the approval of the Secretary of Labor, to enter into contract for the support and relief of aliens who, at any time after entry, fell into distress or required public aid. Such aliens were to be removed to their native countries at government expense, and were ineligible for readmission except upon the approval of the Secretaries of State and Labor.

(19) The Act of May 16, 1938 (52 Stat. 377), extended to Puerto Ricans, who had failed to exercise their privilege of

establishing United States citizenship, the additional opportunity to do so.[76]

b. Special Studies on Immigration and Deportation Law During the 1930s

Three studies of United States immigration and deportation legislation, policy, and procedure, prepared during the 1930s, are deserving of mention as sources for further reference. While not the only studies available on this subject, the three studies hereafter referred to are among the most useful in documenting the interpretation and implementation of the laws and policies governing the admittance and expulsion of persons to and from the United States during the 1930s.

In 1931 Jane Perry Clark, an instructor in government at Barnard College in New York City, wrote a book entitled Deportation of Aliens from the United States to Europe. Perry examined material in statute law, court decisions, administrative orders, and more than 500 case files in the records of the Bureau of Immigration covering the period from 1925-30 to explain why and how persons were deported from the United States to Europe. The two most important sections of this study dealt with "Deportation Law and its Interpretation" and "Deportation Law and its Administration." Included under the first section were the following topics and sub-topics:

1. Prospective Public Charges (What Does "Liable to Become a Public Charge" Mean?; Voluntary Repatriation)

2. Actual Public Charges ("Within Five Years After Entry"; What is a Public Charge?; "Causes Not Affirmatively Shown to Have Arisen Subsequent to Landing"; "Constitutional Psychopathic Inferiority"; Federal vs. State Government in Public Charge Cases)

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76. Bennett, American Immigration Policies, pp. 62-65; Eighteenth Annual Report of the Secretary of Labor, 1930, p. 70; Nineteenth Annual Report of the Secretary of Labor, 1931, p. 51; Twentieth Annual Report of the Secretary of Labor, 1932, p. 71, 77; Twenty-Second Annual Report of the Secretary of Labor, 1934, pp. 56-57; Twenty-Fifth Annual Report of the Secretary of Labor, 1937, pp. 94-95; and Twenty-Seventh Annual Report of the Secretary of Labor, 1939, p. 95.

3. Criminals Involved in Moral Turpitude (What is Moral Turpitude?; Statute of Limitation Regarding Deportation of Criminals; Sentence; Effect of Pardon on Deportability)

4. Anarchists, Prostitutes, and Other "Undesirables" (Anarchists and Other Radicals; Revocation of American Citizenship; Prostitution; "An Immoral Purpose"; Narcotic Law Violators)

5. Illegal Entries (Borders; Penalties; Students and Visitors; Stowaways; Statute of Limitations in Illegal Entry)

Among the subjects and sub-topics relating to the second theme of deportation law administration were:

1. Administrative Standards and Methods (Administrative Organization in Relation to Deportation; Powers and Functions; Judicial Review of Deportation Decisions)

2. Initial Stages of Procedure (Report and Investigation; Preliminary Statement; Warrant of Arrest; Possibility of Release)

3. Procedure Continued (Hearing; Board of Review)

4. Middle of the Process (Detention Period; Country of Which Deportation Takes Place; American-Born Children of Deportees; Detention Again)

5. Deportation and Afterwards (Warrant of Deportation; Deportation Party and Train; Voyage; Permanent Bar Against Return)[77]

A second important study of immigration and deportation legislation and administrative procedure was William C. Van Vleck's The Administrative Control of Aliens: A Study in Administrative Law and Procedure (New York, 1932). Van Vleck, dean of the George Washington University Law School, studied the two administrative processes of alien control: exclusion and expulsion. The former involved the stopping of aliens at the borders or ports of entry of the United States, inspecting

77. Clark, Deportation of Aliens, pp. 9-21. Clark summarized the classes of deportation, a copy of which may be seen in Appendix 8.

them as to their right under the law to be admitted, and either admitting or deporting them. The latter involved the procedure by which aliens already within the country could be arrested, examined as to their right to remain here, and deported if their presence was found to be in violation of the law.

Research for the study that was published by the Commonwealth Fund was gathered in three steps. First, he spent a period of time in observation at Ellis Island and at the Board of Review in the Department of Labor in Washington, D.C., to gain first-hand knowledge of the administration of the immigration laws and a background of ideas as to the problems involved in their implementation. Second, a detailed study and analysis of the records of 1,000 cases (500 exclusion and 500 expulsion) on file at the Department of Labor was carried out. Third, a study was made of the immigration cases before the Supreme Court and the lower federal courts, of immigration rules and statutes, and of the reports of the Secretary of Labor and the commissioner general of immigration.

Van Vleck provided a legal background and synopsis of the administrative organization of the exclusion and expulsion processes of alien control. Concerning the general outline of the procedure for exclusion, he noted:

> The procedure for exclusion is set out at length and with considerable detail in the statutes. It may be divided into six steps: first, the application to the consular officers of the United States, in the country from which the alien is coming, for an immigration visa; second, an examination by the officers of the transportation company made necessary by the statutory requirement that manifests be prepared giving specified information as to aliens brought for admission; third, a medical examination, both physical and mental, conducted at the port of entry by medical officers of the United States Public Health Service; fourth, a preliminary examination by immigrant inspectors as to the qualifications of the alien for entry on grounds other than those covered in the medical inspection; fifth, a hearing before a board of special inquiry; and sixth, an appeal to the Secretary of Labor. Not all steps are necessary in every case. When the alien has passed the medical examination and the preliminary examination or "primary inspection" by the immigration inspector, he is admitted. The hearing before the board of special inquiry is necessary only

> where the primary inspection has thrown doubt on the eligibility of the alien to enter, and the appeal to the Secretary is necessary only where the board of special inquiry has decided against the alien, or where one member of the board dissents from the decision of the other two to admit. In the case of citizens of Canada, Newfoundland, Mexico, Panama, Cuba, Haiti and the Dominican Republic, and certain British and French territories, coming temporarily as non-immgrants, no passports or visas are required. The provisions of the statue as to manifests apply only to cases of arrival of aliens by water at ports of the United States. . . .

Special types of cases were also studied as part of the exclusion process: persons likely to become a public charge, persons who had committed crimes, persons who were of Chinese descent, persons claiming American citizenship, and discretionary cases.

In terms of the expulsion process, Van Vleck described the background legislation and procedure of administering deportation proceedings. He observed:

> The statutes confer on the Secretary of Labor wide and summary powers to expel from the country aliens already here. They contain detailed enumeration of the causes which shall be grounds for expulsion, but only two references to the administrative procedure: "shall upon the warrant of the Secretary of Labor be taken into custody and deported," and "pending the disposal of the case the alien so taken into custody may be released." There are no provisions as to hearings, the right to counsel, or the right to appeal as there are in the statutory provisions in regard to exclusion. The only procedural requirements provided for in the statutes are that there must be a warrant of arrest issued by the Secretary of Labor at the time the alien is taken into custody, and that pending the decision on his case the alien so arrested may be released on bond. Directions and requirements in regard to the administrative procedure in expulsion cases are contained in the immigration rules made by the department, and in the decisions of the federal courts on petitions for writs of habeas corpus.
>
> Steps in the expulsion procedure. The administrative process thus provided for consists of certain well-defined steps. These are the investigation of suspicious cases, the application to the department at Washington for a warrant of arrest, the arrest of the alien under this warrant, a hearing before a local immigration officer, the review of the record by the Board of Review in the department at Washington, and finally the decision by the Assistant to the Secretary of Labor which will be evidenced either by the cancellation of the warrant of arrest or the issuing of a warrant of deportation.

Special types of cases included under the expulsion process were: public charges within five years; crimes committed before entry; likely to become a public charge at the time of entry; prostitutes or persons connected with prostitution; "Red" cases; cases of entry without inspection; and cases of administrative discretion. The study was concluded with an examination of the general principles of judicial review. As part of this examination questions of law, procedure, discretion, and fact were discussed.[78]

In June 1933 Secretary of Labor Frances Perkins appointed a nonpartisan Ellis Island Committee "to inquire impartially into conditions at Ellis Island and the welfare of immigrants generally and to make recommendations for the guidance of the Department." Headed by Carleton H. Palmer, a New York businessman, as chairman, the committee investigated conditions at Ellis Island, the results of which are found elsewhere in this report, and studied some of the many problems relating to the admission and treatment of aliens. Under a section entitled "Conditions At Large" the committee report, which was published in March 1934, dealt with the following subjects:

I. Conditions by Admission
   - A. Restriction by Quota
   - B. Uniting Separated Families
   - C. Extending Non-Quota Status to Prevent Separation of Families
   - D. Appeal from Consular Decisions
   - E. Admission After Temporary Absence
   - F. Medical Examinations Abroad
   - G. The Literacy Test
   - H. Foreign Students
   - I. Codification

78. Van Vleck, Administrative Control of Aliens, pp. 1-2, 40-41, 53-66, 83, 112-41, 149-209.

II. Re-Entry Permits
   A. Purpose of Re-Entry Permits
   B. Procedure in Applying for Re-Entry Permits
   C. Period for Which Permits are Valid
   D. Literacy Test for Those Seeking to Return Under Permits

III. Deportation
   A. Causes for Deportation
   B. What Constitutes "Entry"?
   C. Aliens Who Entered as Children
   D. Safeguarding the Family - Discretion Not to Deport
   E. Burden of Proof in Public Charge Cases
   F. Who is a Public Charge? Paying for Care in Public Institutions
   G. Deportation for Mere Belief
   H. Deportation Procedure
   I. Methods Used in Apprehending Aliens
   J. Preliminary Hearing and Issuance of a Warrant of Arrest
   K. The Hearing
   L. Review of Medical Diagnosis by U. S. Public Health Service
   M. Board of Review--Separation of Judicial and Enforcement Functions
   N. Detention Prior to Deportation
   O. Release from Custody Pending Deportation
   P. Illegal Entry--Waiving Criminal Prosecution
   Q. Removal from the United States

IV. Certificates of Registry
   A. Aliens Whom the Act of March 2, 1929, Was Designed to Aid
   B. Procedure for Securing Certificates
   C. Extending the Privilege of Obtaining Certificates of Registry
   D. Limiting the Period of Deportability for Illegal Entry
   E. Persons without Nationality
   F. Political, Racial, and Religious Refugees[79]

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79. Report of the Ellis Island Committee, March 1934, pp. 55-131.

c. The War and Postwar Decade: 1940-52

During the 1940-52 period national security and public safety concerns dominated American society as the nation grappled first with its involvement in World War II and later with Cold War tensions and reconversion to peacetime activities. Such issues were reflected in the immigration legislation of the period.

(1) The Alien Registration Act of June 28, 1940 (54 Stat. 670), reflected the growing uneasiness of the United States with the world situation. Among other things, this act amended Section 19 of the 1917 act to add the following to the list of deportable classes of aliens: convicted smugglers; those who had aided others to enter or try to enter the United States illegally; those who were convicted of carrying or possessing weapons in violation of law; and those who violated Title I of the act making it unlawful for anyone to impair the loyalty, morale, or discipline of the military or naval forces of the United States. The act made it unlawful to advocate or attempt to overthrow the government by force or violence and provided for deportation of aliens who did so. The key provision of the act so far as immigration restrictions were concerned was Title III, which read in part:

> Sec. 30. No visa shall hereafter be issued to any alien seeking to enter the United States unless said alien has been registered and fingerprinted in duplicate. One copy of the registration and fingerprint record shall be retained by the consul. The second copy shall be attached to the alien's visa and shall be taken up by the examining immigrant inspector at the port of arrival of the alien in the United States and forwarded to the Department of Justice, at Washington, District of Columbia.
>
> Any alien seeking to enter the United States who does not present a visa (except in emergency cases defined by the Secretary of State), a reentry permit, or a border-crossing identification card shall be excluded from admission to the United States.

Subsequent sections of this title provided for registration and fingerprinting of every alien already in the United States, or who entered thereafter, who was over 14 years of age and who remained within the country for thirty days, for registration by parents or guardians of those

under 14 years of age, and for exemption from the requirement for foreign government officials and their families. Provision for special regulations was made for compliance by alien seamen, holders of border-crossing identification cards, aliens confined in institutions under order of deportation, or of any class not lawfully admitted for permanent residence. Registration was to be under oath, and there were severe penalties for failure or refusal to register or be fingerprinted or for fraud in registration.

(2) The Act of July 1, 1940 (54 Stat. 711), further restricted the alien nonimmigrants defined in Section 3(1) of the 1924 act to "an accredited official of a foreign government recognized by the government of the United States, his family, attendants, servants and employees."

(3) The Nationality Act of October 14, 1940 (54 Stat. 1137), codified and revised the naturalization, citizenship, and expatriation laws, regulations, and proceedings. It defined the term "national of the United States" to mean a citizen of the United States or a person who, though not a citizen, owed permanent allegiance to the United States, thus not including "aliens" in the term. The act provided that one who had lost citizenship by expatriation of his parents did not have to comply with the immigration laws if he had not acquired nationality of another country by affirmative act of his own and returned to the United States before reaching the age of 25 years. The act also provided for the registry of aliens, and it permitted those dual nationals who lost citizenship through serving in the armed forces of foreign countries to come in as nonquota immigrants for the purpose of recovering citizenship upon complying with the 1917 and 1924 acts.

(4) Increasing emphasis upon the security aspects of immigration was shown by congressional approval of the President's Reorganization Plan No. V (54 Stat. 230), effective June 14, 1940 (5 C.F.R. 2132), which transferred the Immigration and Naturalization Service from the Department of Labor to the Department of Justice. This transfer was a national security measure, designed to provide more

effective control over aliens in light of international developments. In terms of functions, the Service's emphasis was thus shifted from exclusion of aliens during the 1920s and 1930s to combatting alien criminal and subversive elements. The latter focus required close cooperation with United States attorneys and the Federal Bureau of Investigation. Under the new organizational setup the commissioner was given broad powers by the Act of June 28, 1940 (54 Stat. 670), to make rules and regulations not in conflict with the law to aid in its administration and enforcement. The transfer to the Department of Justice was written into the public law in the Act of October 29, 1945 (59 Stat. 551), amending Section 23 of the 1917 act.

(5) The Act of June 20, 1941 (55 Stat. 252), extended the provisions of the Act of May 22, 1918, providing that during the existence of the current national emergency, proclaimed by President Roosevelt on May 22, 1941, or when the United States was at war, the President might, by proclamation, restrict the entry and departure of aliens "in the interests of the United States." The act authorized consular and diplomatic officers to refuse visas to any alien who, in their opinion, desired to enter the United States "for the purpose of engaging in activities which will endanger the public safety."

(6) The Act of October 13, 1941 (55 Stat. 736), amended the Alien Registration Act of 1940, making it a felony to reproduce fraudulently any alien registration receipt card.

(7) In 1943 the head tax on immigrants was waived and other steps taken by the Acts of April 29, 1943 (57 Stat. 70), and December 23, 1943 (57 Stat. 643), to encourage agricultural laborers to come to the United States on a temporary basis from other countries in the Western Hemisphere to facilitate the production of food for the war effort.

(8) The Act of July 13, 1943 (57 Stat. 553), strengthened existing provisions for authorization of deportable aliens.

(9) The Act of December 17, 1943 (57 Stat. 600), repealed all of the Chinese exclusion acts dating back to 1882. A quota of 105 was assigned to alien Chinese.

(10) To combat the farm labor shortage during the war, the Act of February 14, 1944 (58 Stat. 11), not only suspended the head tax on agricultural labor from Latin American countries but suspended the provisions of Section 3 of the 1917 act relating to the prohibition of contract laborers, literacy, and payment of passage by corporations and others. It was necessary, however, for such labor to maintain its agricultural status to avoid deportation. Such status was conferred on those industries and services essential to marketing and distribution of agricultural products, including timber.

(11) The Act of February 14, 1944 (58 Stat. 17), allowed the War Manpower Commission to provide for the temporary migration of workers from Western Hemisphere countries pursuant to agreements with such countries for employment in industries and services essential to the war effort. Agreements were subsequently made for the importation of laborers with British Honduras, Jamaica, Barbados, and the British West Indies.

(12) The Act of March 4, 1944 (58 Stat. 111), made it a misdemeanor to "stow away" on aircraft, and the Act of April 4, 1944 (58 Stat. 188), did the same with reference to ships, thus helping to restrict illegal immigration from these sources.

(13) The Act of June 28, 1944 (58 Stat. 571), was one of a number of laws providing funds to insure return to their own countries of temporary workers allowed to enter the United States to overcome war-caused labor shortages, maintain them temporarily in reception centers, and provide them with emergency medical aid. Appropriations for this activity were continued by the Act of December 28, 1945 (59 Stat. 645).

(14) The Act of July 1, 1944 (58 Stat. 682), consolidated and revised laws relating to the Public Health Service. Section 325 of the act specified that the Surgeon General should provide for the physical and mental examination of aliens as required by the immigration laws and prohibit immigration of anyone whose disease might endanger the country. Provision was made for cooperation with the Immigration and Naturalization Service in the use of facilities.

(15) The Act of September 27, 1944 (58 Stat. 746), added to the list of excludable aliens in the 1917 act those "persons who have departed from the jurisdiction of the United States for the purpose of evading or avoiding training or service in the Armed Forces of the United States during time of war or during a period declared by the President to be a period of national emergency."

(16) The Act of December 19, 1944 (58 Stat. 816), pertained to the imposition of penalties and detention expenses against vessel owners arising from aliens being brought to the United States under circumstances prohibited by the 1917 and 1924 acts.

(17) The Act of July 3, 1945 (59 Stat. 361), authorized an appropriation of funds to assist in the entry and departure of alien labor on a temporary basis for work in the war industries, other than agriculture previously provided for as an exception to contract labor.

(18) The Act of October 29, 1945 (59 Stat. 551), amended the 1924 act to make ineligible for citizenship those debarred under Section 303 of the Nationality Act of 1940 or Section 3(a) of the Selective Training and Service Act of 1940.

(19) The Act of December 28, 1945 (59 Stat. 659), known as the War Brides Act, lifted the prohibition against mentally and physically defective aliens who were the alien spouses or children of honorably discharged United States citizens who were veterans of World War II. These dependents were declared to be nonquota immigrants.

(20) The Act of December 29, 1945 (59 Stat. 669), known as the International Organizations Immunities Act, amended the 1924 act to include within its definition of persons representing foreign governments, who were exempt from the immigration and registration laws, those accredited representatives of foreign governments and their officers, employees, and families accompanying them to the United States in connection with representation to international organizations, such as the United Nations. These classes were declared to be "nonimmigrants" under the 1924 act.

(21) In 1946, following the war, special efforts were made to help rehabilitate the Philippine Islands which were declared a republic on July 4 of that year. The Philippine Rehabilitation Act of 1946 provided for the training of people from those islands by the Public Health Service, Bureau of Public Roads, Weather Bureau, and other government agencies. Those trainees sent to the United States were declared by the Act of April 30, 1946 (60 Stat. 135), to be nonimmigrants within the definition of the 1924 act while temporarily in this country. They were, however, subject to the Alien Registration Act of 1940. The rehabilitation act was amended by the Act of July 2, 1948 (62 Stat. 1224), for the further objective of training Filipinos. The act was later amended on September 7, 1949 (63 Stat. 692), extending its benefits to June 30, 1951.

By the Philippine Trade Act of 1946 (60 Stat. 141), passed also on April 30, citizens of the Philippines who lived in the United States for three continuous years prior to November 30, 1941, and who sought to resume status here between July 4, 1946, and July 3, 1951, were granted nonquota status. In return, the Philippines agreed that United States citizens should have a nonquota status in the Philippines if returning there between the same dates after having lived there prior to November 30, 1941. The President was authorized to enter into an executive agreement with the President of the Philippines to implement the terms of this arrangement.

(22) The Alien Fiancees or Fiances Act of June 29, 1946 (60 Stat. 339), provided that prior to midnight, July 1, 1947, the alien fiancee or fiance of a United States citizen who was serving in or who had been honorably discharged from the armed forces during World War II could be admitted as a nonimmigrant for three months unless otherwise excludable under the immigration laws. Furthermore, it provided that the parties to the proposed marriage be able and intend to contract the marriage within the period for which the alien was admitted. Otherwise such alien was to be deported. This act was amended by the Act of June 28, 1947 (61 Stat. 190), extending the date to December 31, 1947, and again by the Act of March 24, 1948 (62 Stat. 84), further extending the date to December 31, 1948, after which date the law expired.

(23) The Act of July 2, 1946 (60 Stat. 416), amended the Nationality Act of 1940, extending the right of naturalization to all Philippine citizens whether or not they had served honorably in the United States military forces, as originally required. Also included were persons of races indigenous to India and all persons whose blood was preponderantly white, African, Filipino, or of racial stock indigenous to the continents of North and South America. Also included were persons who possessed, either singly or in combination, a preponderance of Chinese or Indian blood or half-blood if the rest was of that of the aforementioned eligible races. This meant assignment of allocation to the quotas of these peoples.

(24) The Act of August 9, 1946 (60 Stat. 975), exempted Chinese alien wives of American citizens from the quota limitations of the Act of December 17, 1943, repealing the Chinese exclusion laws.

(25) The Act of April 28, 1947 (61 Stat. 55), provided for a six months' extension and final liquidation of the farm labor supply program conducted since 1944 and annually extended. The program was to be concluded December 31, 1947, thus ending the temporary suspension of contract labor prohibitions by special legislation.

(26) The Act of July 1, 1947 (61 Stat. 214), was passed in response to the pressure building up on account of millions of World War II refugees and displaced persons who were desirous of emigrating to the United States. The act provided for acceptance of membership by the United States in the International Refugee Organization, established in New York City on December 15, 1946, by the United Nations. Congress provided, however, that this action should not constitute or authorize action whereby (1) any persons would be admitted without prior approval by Congress or (2) have the effect of modifying in any way the immigration laws.

(27) The Act of July 22, 1947 (61 Stat. 401), amended the War Brides Act to provide that the alien spouse of an American citizen by a marriage occurring before thirty days after enactment of the act, should not be considered inadmissible because of race if otherwise admissible under the War Brides Act.

(28) The basic 1917 act was modified by the Act of July 30, 1947 (61 Stat. 630), pertaining to the contents of manifests to be furnished the Immigration and Naturalization Service by the steamship companies.

(29) The Act of August 4, 1947 (61 Stat. 756), created the district in New York City within which the United Nations had supreme jurisdiction. American authorities were specifically prohibited from impeding the transit to or from the headquarters district of aliens having business there. Even aliens from countries with which the United States did not have diplomatic relations were accorded diplomatic privileges and immunities though they might reside outside the United Nations headquarters district. Their privileges could be restricted to their residences, offices, and transit between them and the district.

(30) The Act of January 27, 1948 (62 Stat. 6), known as the Information and Educational Exchange Act, authorized the Secretary of State to provide for interchanges on a reciprocal basis between the United States and other countries of teachers, students, and

leaders in specialized fields of knowledge in furtherance of the objectives of the act. The law classified such persons as nonimmigrant visitors for business who were to be admitted under Section 3(2) of the 1924 act. Persons failing to maintain their status as students or teachers or who engaged in subversive activities were deportable under the 1924 act.

(31) The Act of May 19, 1948 (62 Stat. 241), amended the 1924 act to include as nonquota immigrants children under 21 years of age or the spouses of American citizens and gave preferential quota status to fathers and mothers of United States citizens over 21 years of age or husbands of citizens by marraiges occurring on or after January 1, 1948.

(32) The Act of May 25, 1948 (62 Stat. 268), denied admission to aliens who sought to enter the United States for purposes which would endanger the public safety in the opinion of the Attorney General.

(33) The Act of June 25, 1948 (62 Stat. 1009), known as the Displaced Persons Act, was one of the most significant legislative enactments in the post-World War II era. Between 1946 and 1948 some 40,000 displaced persons were admitted to the United States under the President's directive of December 22, 1945. The Displaced Person's Act, which became effective on July 1, 1948, authorized, within a two-year period, the issuance of 202,000 quota visas to eligible displaced persons located in the French, British, and American zones in Germany, Italy, and Austria. Eligible displaced orphans in these zones were to have 3,000 nonquota visas. The quota allotment included 2,000 for Czechoslovakians. In addition, the law provided for adjustment of status of 150,000 displaced persons who had entered the United States prior to April 1, 1948.

Preferences were established under the act. The first class was made up of not less than thirty percent of the visas issuable under the act to persons who would work at agricultural pursuits. A second preference was given to persons of designated occupational, educational,

and professional qualifications and their dependents. Third preference went to those who were blood relatives of citizens and alien residents of the United States and their dependents. Within these preferences, first priority went to certain war veterans and second priority to those persons in displaced persons' camps.

The law further required that each family group admitted under the act be assured of a job and housing. Fifty percent of the German and Austrian quotas were to be available exclusively to persons of German ethnic origin who were born in Poland, Czechoslovakia, Hungary, Rumania, and Yugoslavia and who, on the date of the act, resided in Germany or Austria. Not less than forty percent of the visas were to be issued to persons whose place of origin had been de facto annexed by a foreign power. This area, while not defined, was generally interpreted to mean the areas in Poland, Latvia, Estonia, and Lithuania, which were taken over by the Soviet Union and not legally recognized by the United States.

The emergency aspect of the act was the provision for mortgaging future quotas to accomplish the purposes of the act. This provision was strongly taken advantage of so that some of the southern and eastern European countries soon mortgaged their quotas far into the future. A Displaced Persons Commission was created to adminster the act. Existing requirements of health, literacy, and other qualifications to be met by normal quota immigrants were not set aside for the displaced persons.

The Displaced Persons Act was amended by the Act of June 16, 1950 (64 Stat. 219). The number of refugees and displaced persons who could be admitted was enlarged to 414,744. Provisions in the 1948 act, challenged as being discriminatory particularly against Jews and Catholics, were eliminated. Additional safeguards were provided against entry of those whose admission might be against the national interest. While primary responsibility for administration remained in the Displaced Persons Commission, the Department of State, and the Immigration and Naturalization Service were given certain authority over its decisions, and the latter bureau continued the work relating to adjustment of status of

displaced persons residing in the United States. The date for issuance of visas under the act was extended to June 30, 1951, although in some instances, such as orphans, visas could be issued until June 30, 1951. The amending act tightened provisions relating to maintenance of employment status and loyalty to the United States and its institutions.

The Act of July 12, 1951 (65 Stat. 119), further amended the Displaced Persons Act, again broadening its provisions for admissibility and eliminating from the 1924 act prohibitions against contract labor and payment of passage so far as displaced persons were concerned. Between July 1, 1948, and June 30, 1952, some 393,542 immigrant aliens were admitted to the United States under the Displaced Persons Act of 1948.

(34) The Act of July 1, 1948 (62 Stat. 1206), amended the 1917 act to permit voluntary deportation in certain cases and suspension of deportation in hardship cases even though the alien was not racially eligible for citizenship.

(35) The Act of July 3, 1948 (62 Stat. 1238), pertained to the further recruitment of agricultural workers from Western Hemisphere countries on a temporary basis. Immigration laws were not waived by this enactment.

(36) The Act of April 21, 1949 (63 Stat. 56), authorized foreign service officials to complete the processing of cases involving alien fiances and fiancees which were pending when the act permitting their entry expired. The act required that the citizen and his or her prospective spouse must have personally met and that the alien must arrive at a port of entry with a valid visa within five months after April 21, 1949. Such aliens could become permanent residents after marriage.

(37) The Act of June 20, 1949 (63 Stat. 208), provided for administration of a Central Intelligence Agency established pursuant to the National Security Act of 1947. Section 8 of this law authorized entry into the United States of not more than 100 aliens

annually for permanent residence without compliance with the immigration laws. These were to be chosen based on the findings of the Director of the Central Intelligence Agency, the Attorney General, and the Commissioner of Immigration and Naturalization that their entry was in the interest of national security or essential to the furtherance of "the national intelligence mission."

(38) Pressure from employers in the American Southwest led to passage of the Agricultural Act of October 31, 1948 (63 Stat. 1051), which had a bearing on immigration in providing for recruitment of agricultural labor in continued short supply. Temporary Mexican labor was authorized to enter the United States but was otherwise subject to the immigration laws until December 31, 1953.

(39) The Foreign Economic Assistance Act of June 5, 1950 (64 Stat. 198), Section 202, made funds available to the Secretary of State for the necessary expenses of selected citizens of China for study, teaching, or research in the United States. It also authorized the Attorney General to make regulations under which such citizens of China would be granted permission to work.

(40) The Act of June 30, 1950 (64 Stat. 306), made quota provisions for a special group of immigrants. It provided relief for the sheep-raising industry by making 250 special quota immigration visas available to certain alien sheepherders for one year. Later the Act of April 9, 1952 (66 Stat. 50), authorized up to 500 special quota immigration visas for alien sheepherders.

(41) The Act of August 1, 1950 (64 Stat. 384), declared citizens of Guam born after April 11, 1899, to be United States citizens, thus eliminating any immigration restrictions upon them.

(42) The Act of August 9, 1950 (64 Stat. 464), permitted as nonquota immigrants the admission of racially inadmissible alien spouses and minor children of citizen members of the armed forces. This act, which amended Section 13(c) of the 1924 act, was reenacted on

March 19, 1951 (65 Stat. 5), and had the effect of extending for another twelve months the requirement that the marriages thereunder should have occurred twelve months after the enactment of the act.

(43) The Internal Security Act of September 22, 1950 (64 Stat. 987), represented congressional response to the mounting national concern for the "presence of aliens in the United States whose activities are or may be detrimental to the safety and security of this country" during the postwar years--a concern that increased with the onset of the conflict in Korea in 1950. The purpose of this long and detailed law, which had provisions that affected almost every activity of the Immigration and Naturalization Service, was to protect the United States from un-American and subversive activities, amending the earlier acts of February 5, 1917, and October 16, 1918, for that purpose.

The act made membership in or adherence to the beliefs of Communist and totalitarian organizations cause for exclusion, deportation, or denial of naturalization. Communist organizations and officers were required to register. Existing laws were augmented relative to the classes of persons considered as internal security risks. Aliens seeking to engage in activities "which would be prejudicial to the public interest or would endanger the safety and welfare of the United States" were prohibited from entering the United States. The act further stipulated that aliens about whom "there is reason to believe" they would be "subversive to the national security" were banned. The act strengthened the administrative and enforcement work of the bureau in these fields, stiffening parole controls and requiring every resident alien to make an annual report of his address. Deportation authority and procedures established by the Act of 1917 were strengthened.

Naturalization of subversives was prohibited. A knowledge of the fundamentals of the history and form of government of the United States was required for naturalization. The requirement of the Nationality Act of 1940 for a speaking knowledge of English was amended to require the ability to read and write English to qualify for naturalization.

(44) The Act of March 28, 1951 (65 Stat. 28), clarified the immigration status of certain aliens relative to membership in or affiliation with various totalitarian organizations. It was designed primarily to benefit former members of Fascist and Nazi youth organizations, especially if they married United States citizens. In effect it forgave such affiliation for those aliens who (1) were under sixteen years of age when they were affiliated, (2) were affiliated by operation of a law, (3) were affiliated in order to obtain food, employment, or the essentials of living, and (4) for five years prior to application for admission had been actively opposed to the beliefs of totalitarian organizations and whose admission would be in the public interest.

(45) The Act of July 12, 1951 (65 Stat. 119), related to Mexican agricultural labor and established standards for wages and working conditions for legally contracted foreign labor. Reception centers for the laborers were to be established at or near points of entry.

(46) The Act of March 20, 1952 (66 Stat. 26), made it a crime to conceal or transport illegally entered aliens.[80]

8. Background and Impact of Immigration and Nationality Act of 1952

In 1947 the United States Senate authorized a complete investigation of our immigration system by its Committee on the Judiciary. The subjects that the study was to cover included:

> (1) The history and development of our immigration policy; (2) the administration of our immigration and deportation laws, and practices thereunder; (3) the extent, if any, to which aliens have entered the United States in violation or circumvention of such laws, and the extent, if any, to which aliens have been permitted to remain or have remained in the United States in violation or circumvention of such laws; (4) the situation with respect to displaced persons in Europe and all aspects of the displaced persons problem; and (5) the effect upon this country of any change in the immigration laws.[81]

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80. Bennett, American Immigration Policies, pp. 65-108, and Congressional Research Service, History of the Immigration and Naturalization Service, pp. 47, 51, 59.

81. Quoted in Bennett, American Immigration Policies, p. 109.

This was the first comprehensive investigation of the American immigration system by Congress since the one carried out in 1907-10. The product of the extensive 2-1/2-year inquiry at home and abroad was Senate Report No. 1515, entitled "The Immigration and Naturalization Systems of the United States," published in April 1950. The foreword to the report stated in part:

> The pattern of our present immigration system is established not only by 2 comprehensive immigration laws [Act of February 5, 1917, and Act of May 26, 1924] which are still in effect, but by over 200 additional legislative enactments. In addition, there have been a number of treaties, Executive orders, proclamations, and a great many rules, regulations, and operations instructions. The immigration laws are, moreover, so closely intertwined with the naturalization laws that it is essential for the two sets of laws to be considered together.
>
> The subcommittee concluded early in its study that it would be unwise and impracticable to submit the proposed changes in the form of numerous amendments to the patchwork of our present immigration and naturalization laws. It was, therefore, decided to draft one complete omnibus bill which would embody all of the immigration and naturalization laws. . . .[82]

The committee submitted an omnibus bill which, with some modification, became the Immigration and Naturalization Act of June 27, 1952 (66 Stat. 163), after passage over the veto by President Harry S Truman. The stated purpose of the bill, also known as the McCarran-Walter Act after its sponsors, Senator Patrick A. McCarran of Nevada and Representative Francis E. Walter of Pennsylvania, was "to repeal all immigration and nationality laws and to enact a completely revised immigration and nationality code." The principal changes the act sought to implement were:

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82. Quoted in Bennett, American Immigration Policies, pp. 109-10. Senate Report No. 1515 was divided into three parts: I--The Immigration System (Background; Characteristics of the Population of the United States; Enforcement Agencies; Excludable and Deporable Classes; Admissible Aliens; Adjustment of Status; Procedures; Territories and Possessions); II--The Naturalization System; and III--Subversives. The contents of the report are summarized in ibid., pp. 109-20.

1. Elimination of race as a bar to immigration and naturalization.

2. Elimination of discrimination between sexes.

3. Introduction of a system of selective immigration by giving a special preference to skilled aliens urgently needed in this country.

4. Provision for a more thorough screening of aliens, especially of security risks and subversives.

5. Broadening of the grounds for exclusion and deportation of criminal aliens, mostly in accordance with recommendations made by the Senate Special Committee to Investigate Organized Crime in Interstate Commerce.

6. Provision for structural changes in the enforcement agencies for greater efficiency.

7. The safeguarding of judicial review and provision for fair administrative practice and procedure.

The subject matter of the act was divided into four main titles: I--General; II--Immigration; III--Nationality and Naturalization; and IV--Miscellaneous. The law

> generally preserved previous immigration policies, including the national-origins plan and the quota system, but preferences were created for skilled aliens and relatives; it incorporated court interpretations of immigration policies and made provision for safeguarding due process and fair administrative practices and procedures; it revised procedures for gaining and losing citizenship; it made all races eligible for immigration and naturalization; it strengthened internal security provisions; it enlarged the grounds for exclusion, but provided greater procedural safeguards for aliens subject to deportation; it emphasized reciprocity in such matters as fees, duration of validity of nonimmigrant visas, the number of entries permitted, and the waiving of passport and visa requirements for nonimmigrants; it codified in one comprehensive statute for the first time all laws dealing with immigration and naturalization;

and it provided for structural changes in the enforcement agencies to improve the efficiency of the administration of immigration and nationality laws.[83]

Title I of the act set forth in detail the definitions of some fifty terms used in the act. Administration of the act, like that of the Immigration Act of 1924, followed the principle of dual responsibility. The Secretary of State and diplomatic and consular officers of the State Department were responsible for the administration of the act abroad, while the Attorney General and the commissioner of immigration and naturalization were responsible for its administration within the United States. Coordination of information with intelligence and security agencies was provided. The Bureau of Security and Consular Affairs was established within the State Department to perform functions of the passport and visa divisions, and the bureau's administrator was given a rank corresponding with that of the commissioner of immigration and naturalization in the Justice Department.

Title II essentially retained the national origins plan and quota system, the annual quota for any quota area being fixed at one-sixth of one percent of the number of inhabitants in the continental United States in 1920. This set of quotas, totaling 154,657, was the fourth set of quotas in the history of the nation and was to go into effect on January 1, 1953. Computation of quotas for the Asian-Pacific Triangle, where the total quotas were limited to 2,000, was provided for with the exclusion of China, with a quota of 105, and Japan, with 185, from the quota ceiling. Maximum quotas of 100 each were set up for colonies and dependent areas. The act provided that quota numbers available should be reduced by the number of quota numbers mortgaged or deducted from annual quotas authorized under the hardship provisions of Section 19(c) of the 1917 act, the Displaced Persons Act of 1948, and other congressional acts.

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83. Bennett, American Immigration Policies, pp. 133-37, and Congressional Research Service, History of the Immigration and Naturalization Service, p. 61.

The law eliminated racial and sexual barriers as a restriction on immigration and naturalization, and selection of immigrants within quotas was changed by a new system of preferences. Special preference, consisting of at least fifty percent of each quota, was given to certain groups whose skills or services were urgently needed in the United States because of their education, technical training, specialized experience, or exceptional ability. Second preference was given to parents of adult American citizens (at least thirty percent of each quota), and third preference to spouses and children of permanent resident aliens (at least twenty percent of each quota). Any portion of a quota not used for these three preference groups was made available to other quota immigrants and up to twenty-five percent of these visas were to be reserved for fourth-preference immigrants--brothers, sisters, and adult sons and daughters of United States citizens. Visas for quota immigrants would be processed in the order of these preferences.

The act somewhat modified the definition of a nonquota immigrant, and considerably broadened the provisions of prior law to admit more nonquota immigrants. The new definition was:

> (A) an immigrant who is the child or the spouse of a citizen of the United States;
>
> (B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;
>
> (C) an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and the spouse or the child of any such immigrant, if accompanying or following to join him;
>
> (D) an immigrant who was a citizen of the United States and may, under Section 324(a) or 327 of Title III, apply reacquisition of citizenship;

(E) an immigrant included within the second proviso to Section 349(a)(1) of Title III;

(F) (i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States, and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

(G) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of nonquota status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

Section 212 of the 1952 law listed 31 classes of aliens ineligible to receive visas and excluded them from admission to the United States. This list retained most of the categories established by prior law commencing in 1917 on a qualitative basis:

1. Aliens who are feeble-minded.
2. Aliens who are insane.
3. Aliens who have had one or more attacks of insanity.
4. Aliens afflicted with psychopathic personality, epilepsy or a mental defect.
5. Aliens who are narcotic drug addicts or chronic alcoholics.
6. Aliens afflicted with tuberculosis in any form or with leprosy or any dangerous, contagious disease.

7. Aliens with disease or defect that may affect ability to earn a living.
8. Aliens who are paupers, professional beggars, or vagrants.
9. Aliens who have been convicted of a crime involving moral turpitude (other than a purely political offense), or aliens who admit committing acts which constitute the essential elements of such a crime; except that aliens who have committed only one such crime while under the age of 18 years may be granted a visa if the crime was more than 5 years prior to the date of application for visa or application for admission to the United States, unless the crime resulted in confinement in which case the alien must have been released for more than 5 years prior to date of application.
10. Aliens who have been convicted of two or more offenses (other than purely political) regardless of whether the conviction was in a single trial or whether the offenses arose from a single misconduct and regardless of whether the offenses involved moral turpitude, for which aggregate sentences imposed confinement for 5 years or more.
11. Aliens who are polygamists.
12. Prostitutes, procurers and pimps.
13. Aliens coming to the United States to engage in any immoral sexual act.
14. Aliens seeking entry to do skilled or unskilled labor if the Secretary of Labor has certified that there is already sufficient labor of the type involved or that such aliens will adversely affect wages and working conditions.
15. Aliens likely to become public charges.
16. Aliens who have been excluded or deported unless application for entry has been approved by the Attorney General.
17. Aliens who have been arrested and deported or who have fallen into distress and have been removed or who have been removed as alien enemies, unless application has been consented to by the Attorney General.

18. Stowaways.
19. Aliens who have sought visas by fraud or willful misrepresentation of a material fact.
20. Aliens who at the time of application for admission do not have a valid unexpired immigrant visa, reentry permit, bordercrossing identification card or other valid entry document.
21. Quota immigrants whose visa has been issued without compliance with Section 203, which allocates visas within quotas.
22. Aliens ineligible to citizenship, except nonimmigrants, and those who have departed the United States to avoid military service in time of war or emergency declared by the President.
23. Aliens convicted of violation of laws relating to illicit possession of or traffic in narcotic drugs.
24. Aliens who have not resided for at least 2 years in the land from which they seek to migrate.
25. Aliens who cannot read and understand some language or dialect, except those lawfully admitted for permanent residence and who are returning from a temporary visit abroad, or those under 16 years of age or physically unable to read, or certain close relatives of our citizens, or resident aliens or refugees.
26. Nonimmigrants without passports valid for 6 months and entitling them to return home or go elsewhere.
27. Aliens whom the consular officer or Attorney General knows, or has reason to believe, seek to enter to engage in activities prejudicial to the public interest.
28. Aliens who are anarchists, advocate or teach opposition to organized government, are members or affiliated with the Communist Party or other totalitarian party; aliens who advocate the principles of Communism and totalitarianism; and aliens who are members of organizations required to register under the Subversive Activities Control Act, subject to the exceptions heretofore noted.

29. Aliens as to whom there is reasonable ground to believe they would engage in subversive activities.
30. Any alien accompanying another ordered excluded and deported and certified to be helpless, whose protection or guardianship is required by the alien excluded and deported.
31. Any alien who shall have knowingly and for gain encouraged or assisted any other alien to try to enter the United States in violation of law.

As defined by the law nonimmigrants were aliens seeking to enter the United States temporarily that must be able to show they were able and willing to leave when their temporary permit expired. Aliens could only be nonimmigrants if they were foreign government officials, temporary visitors for business or pleasure, aliens in transit through the United States or to the United Nations, crewmen, treaty traders, students, representatives to international organizations and their families, attendants, and employees, temporary workers or industrial trainees, or members of the foreign press, radio, film, and information media, the latter class to be allowed entry only if their countries accorded reciprocal treatment to representatives of the American press and information media. Under the new provisions a "trader" must be engaged in trade of a "substantial" nature, and it must be carried on "principally" between the United States and the foreign state of which the alien was a national. The class was enlarged to include aliens who under treaty provisions sought entry to direct or develop operations of commercial enterprises. A minimum age for student nonimmigrants was no longer required, but they were to be "qualified to pursue a full course of study" and the institution of learning approved by the Attorney General after consultation with the United States Office of Education.

Chapter 5 of Title II covered the matter of deportation, continuing the grounds upon which aliens could be deported that were found in prior law. Such grounds were made retroactive and many of the previously existing loopholes were closed. At the same time greater procedural safeguards were accorded to aliens.

If an alien received a pardon for a criminal conviction he was no longer deportable. Aliens representing foreign governments who violated their status were no longer deportable unless the Attorney General determined it necessary for the public safety or security. While deportability of an alien was being determined, the alien could be arrested, taken into custody, and released under bond or on conditional parole. Courts had the ultimate right to review these matters, but a special inquiry officer initially presided over a hearing to determine deportability, subject to appeal to the Attorney General. Notice, representation by counsel, and the right to cross examination were accorded aliens under this procedure. Deportation without hearing was authorized for crewmen, stowaways, aliens who, once deported, illegally reentered, and aliens rejected on grounds of membership in a subversive organization or for security reasons.

An alien ordered deported might be confined for six months or released on conditions determined by the Attorney General. If he had not been deported after six months he was subject to strict supervision under regulations by the Attorney General. Failure to conform to these regulations made the alien subject to conviction for a felony and imprisonment for up to ten years. A court could order his release for good cause including compassionate reasons. An alien could not be deported if he would be subject to physical persecution.

The new law made significant changes relative to the discretionary authority to adjust the status of aliens in this country either from an illegal status to a legal one or from one legal status to another. The Attorney General was required to report to Congress each case in which he suspended deportation if the alien was in the criminal, subversive, immoral, or narcotic classes.

The 1952 act required rather detailed information as to all aliens seeking immigration visas. The act incorporated the substance of the Alien Registration Act of 1940, strengthening the enforcement provisions relating to registration procedure. A central index of all aliens admitted or excluded was established, and provision was made for the Immigration

and Naturalization Service to have available, upon request by the Attorney General, any record of any agency, including confidential files, as to the identity and location of aliens in the United States.

Provisions were made for controls over alien seamen or crewmen that were additions to prior laws. One addition permitted an immigration officer to grant an alien crewman a conditional permit to land temporarily for up to 29 days, subject to revocation and removal of the crewman from the United States for violation or indication of intent to violate the conditions of admission.

All aliens applying for admission had to be registered and fingerprinted, except that at the discretion of the Secretary of State this requirement could be suspended for nonimmigrants, foreign government officials, and those with diplomatic status. Aliens applying for an immigrant visa had to submit to a physical and mental examination, but nonimmigrants were required to do so only if, in the opinion of the consul, it was necessary to determine eligibility for a visa.

All aliens arriving at ports of the United States were to be examined by one or more immigration officers, who were authorized to board vessels, aircraft, and vehicles bringing aliens to the United States. If the examining officer found an alien not to be clearly entitled to land or if his decision to admit him was challenged by another immigration officer, the alien was then detained for further inquiry by a special inquiry officer selected by the Attorney General. The inquiry officer conducted a hearing and made a decision based on the evidence produced at the hearing--a decision that could be appealed to the newly-created board of immigration appeals.

Exclusion for medical reasons was determined by United States Public Health Service medical officers, subject to appeal to the Surgeon General where a hearing was accorded before a special board of medical officers selected by him. An exclusion decision based on the finding of the board was final. There was no judicial review of alien exclusion decisions except for the writ of habeas corpus which would lie only where the alien was detained.

The head tax required since 1882 was abolished by the 1952 act. Immigrant visas cost $25 for verification and issuance. Nonimmigrant visas were charged for according to regulation prescribed by the Secretary of State on a basis of reciprocity.[84]

9. Immigration Legislation: 1953-54

Subsequent to the Immigration and Nationality Act of 1952, Congress entered upon an era of gradual relaxation of immigration restrictions. In some instances the basic 1952 act was modified directly, and in others it was modified indirectly by special enactments which set up independent provisions outside the framework of the 1952 act but which affected its operation. This was especially the case relative to the issue of distress abroad in overpopulated countries and the flight of people from behind the Iron Curtain.

a. The Act of July 29, 1953 (67 Stat. 229), provided for admission, as nonquota immigrants, of not more than 500 eligible orphans under ten years of age who were adopted abroad or were to be adopted in the United States by American citizens serving abroad in the armed forces or employed abroad by our government.

b. The Act of August 7, 1953 (67 Stat. 400), commonly referred to as the Refugee Relief Act of 1953, was the first major breach in the numerical restrictions of the 1952 act. It authorized issuance of 205,000 special nonquota immigrant visas over a three-year period to certain refugees, escapees, expellees, and relatives of United States citizens and alien residents. The visas were assigned as follows:

> 90,000 visas to certain escapees and German expellees; 10,000 visas for escapees in North Atlantic Treaty Organization countries; 2,000 visas for Polish ex-soldiers (Anders Poles); 60,000 visas for Italian refugees and relatives; 17,000 visas for Greek refugees and relatives; 17,000 visas for Netherlands refugees and relatives; 2,000 visas for non-Asian, Far Eastern refugees; 3,000 visas for Asian refugees in the Far East; 2,000 visas for Chinese Nationalists, and 2,000 visas for certain Arab refugees.

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84. Bennett, American Immigration Policies, pp. 136-52.

In addition, the act provided for 4,000 special nonquota immigrant visas to eligible alien orphans. The act also authorized adjustment from refugee status to permanent residence of 5,000 aliens already in the United States. None of these 214,000 "back-door" immigrants were to be charged against the quotas, thus abandoning the mortgaging of quotas as provided for in the Displaced Persons Act of 1948. The act provided that private agencies could borrow up to $5,000,000 from the United States Treasury to finance the immigration of those they sponsored. Executive Order No. 10487, September 16, 1953, designated the Department of State as the agency of the government to adminster the act, except for the handling of loans which was given to the Department of the Treasury.

c. The Act of June 18, 1954 (68 Stat. 264), provided for temporary admission into the United States of certain Philippine traders in order to facilitate continuation and development of normal commercial relations. These aliens were accorded a status similar to that of treaty traders, and while not admitted for permanent residence, it was possible for them to remain for lengthy periods if they maintained their trader status.

d. The Act of July 20, 1954 (68 Stat. 495-96), authorized certain former citizens of the United States who lost their citizenship solely by reason of having voted in Japanese elections between September 2, 1945, and April 27, 1952, to regain their United States citizenship by taking the applicable oath before any nationalization court or diplomatic or consular officer prior to July 20, 1956.

e. The Communist Control Act of August 24, 1954 (68 Stat. 775), defined the nature of the American Communist Party and provided that whoever knowingly and willingly became a member of the organization, or of any similar subversive group, was not entitled to the rights, privileges, and immunities which would otherwise be accorded. Fourteen specific actions were listed which could be used in court instructions to aid juries in determining affiliation of defendants accused of connection with the Communist Party or its front or infiltrated organizations. Thus, the act had a significant effect on immigration

because of prohibitions as to entry, naturalization, and deportation of Communists provided in the McCarran-Walter Act of 1952.

f. The Act of August 31, 1954 (68 Stat. 1044), amended the Refugee Relief Act of 1953 to extend to June 30, 1955, the time within which certain nonimmigrants could apply for adjustment of their status on the grounds of fear of persecution because of race, religion, or political opinion if they returned home. The act specified that immigration visas could not be issued thereunder for Greeks, Italians, or Netherlands refugees until they had satisfied consular officials that they would have suitable employment and housing if permitted entry under the act.

g. Two acts, the Expatriation Act of 1954 (68 Stat. 1146) and the Act of September 3, 1954 (68 Stat. 1232), were significant for their effect on citizenship of immigrants. The Expatriation Act was an amendment to the 1952 act to provide for the forfeiture of United States citizenship upon conviction of advocating or conspiring to overthrow the government of the United States by force, or for treason or levying war against this country. The latter act strengthened the authority of the Attorney General over aliens ordered deported, requiring in cases where deportation orders were outstanding for six months or more that the alien conform to regulations to be promulgated by the Attorney General for reporting, examinations, and other controls. A $1,000-fine or one-year imprisonment, or both, were provided for violations.

h. The Act of August 20, 1954 (68 Stat. 745), provided that in prosecution of cases for violation of the 1952 act, among others, the constitutional right against self-incrimination of witnesses could be waived under appropriate judicial safeguards. A similar waiver could be afforded by Congress in cooperation with a United States District Court in the course of a congressional investigation of security or immigration matters.[85]

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85. Ibid., pp. 194-99.

APPENDIXES

APPENDIX A

Social Case Records: Detention, Exclusion, Deportation, Expulsion, Bringing Over Relatives in Abbott, Immigration, 1924.

1. Mary Baranowski. (*Temporary Detention*) . . . . .
2. Joseph and Rachel Rosenbaum. (*Exclusion—Feeble-minded*)
3. Karolina Klimek. (*Exclusion—Contagious Disease*) . . .
4. The Family of Nicholas Kapalo. (*Sick Child—Curable Disease*) . . . . . .
5. Nicolo and Francesca Archieri. (*Contagious Disease—Hospital Treatment*) . . . . . .
6. Josef Roeder. (*Contagious Disease—Hospital Treatment*) .
7. Katerina Kosice. (*Excluded—Contagious Disease*) . . .
8. Carl and Johanna Peterson and Their Children. (*Sick Child—Possible Permanent Disability*) . . . . . .
9. Rachel and Kazia Aronoff. (*Attempted Deportation—Hospital Treatment—Contagious Disease*) . . . . . .
10. Wife and Children of Michael Kubelik. (*Excluded—Contagious Disease*) . . . . . .
11. Andrew Cesky. (*Detention—Citizenship Claimed*) . . .
12. Bozena Jozka. (*Excluded—Fugitive from Justice*) . . .
13. Henry Pahl. (*Excluded—Criminal Record*) . . . . .
14. Max Rothstein. (*Stowaway*) . . . . . .
15. Rozalia Slovienski. (*Misstatement to Inspector*) . . . .
16. Maryana Rosozki. (*Young Woman Manifested to Unsatisfactory Address*) . . . . . .
17. Rosa Markewicz. (*Exclusion—Young Woman Manifested to Male Relatives*) . . . . . .
18. Three Polish Girls: Maryanna Czarnecowska, Maryanna Kruza, Maryanna Vraza. (*Exclusion—Unsatisfactory Conditions in Chicago*) . . . . . .
19. Axenia Balik. (*Exclusion—Girl Manifested to Uncle*) . .
20. Greta Schmidt. (*Exclusion—Young Woman Assisted by "Cousin"*) . . . . . .
21. Rachel Badad. (*Girl Coming to Fiancé—Admission on Bond*)
22. Esther Litski. (*Illegal Entry*) . . . . . .
23. Riva Leah Zimber. (*Detention of Deformed Alien Abroad*) .
24. Mary Zabern. (*Arrival without Passport*) . . . . . .
25. Jacob Joseph. (*Illiteracy—Temporary Admission*) . . .
26. Rosa Livitzki. (*Illiteracy—Difficulties of Temporary Admission*) . . . . . .

Abbott, Immigration: Select Documents and Case Records, pp. 298-460.

APPENDIX B

Summarization of Classess of Deportation: 1931

Deportation Within Three Years of Entry[1]

I. Aliens found within three years after their entry to have entered illegally by land or water.

For all practical purposes, this provision has been changed, for by the act of 1924 it is provided that any alien entering the United States since July 1, 1924 without an unexpired immigration visa may be deported at any time after entry.[2]

II. Aliens who fall into distress or need public aid, from causes arising after their entry and desirous of returning home may be removed from the United States within the three-year category.

This provision came into prominence during the economic depression of 1930-1931 when persons began to be removed more frequently than formerly on this ground. It is held to constitute repatriation rather than technical deportation and so does not prohibit return to the United States at a later date.[3]

Deportation Within Five Years of Entry[4]

I. Aliens entering or found in the United States in violation of the 1917 immigration law or any other law of the United States.

This provision was commonly used for deportation of aliens violating the 1921 quota act, but for practical purposes has been removed for aliens entering after July 1, 1924. As indicated above, they may be deported without time limit if they enter without inspection, without an immigration visa, etc., or remain longer than allowed by the act or regulation.[1]

II. Aliens who at the time of entry were members of one or more of the classes excluded by law but not recognized as such on entering the country.

So if an alien is found within five years after any entry to the country to be a member of one of the excludable classes (with certain exceptions) he may be deported from the country. Confusion may arise from the fact that for deportation purposes some of the excludable categories have been removed from the five-year class for deportation, i.e. an alien found on entering the United States to be a prostitute is excludable; but an alien prostitute in the United States may be deported no matter how long she has been here.[2]

Persons excludable at the time of entry who may be deported within the five-year category are, *in brief*:

a. Persons with mental defects, such as idiots, imbeciles, feeble-minded epileptics, persons of constitutional psychopathic inferiority,[3] etc.

b. Paupers, professional beggars, vagrants.

c. Certain diseased, as persons with a loathsome or dangerous contagious disease, or tuberculosis in any form.

d. Aliens not included above, when certified by an examining physician as mentally or physically defective so that their ability to earn a living is interfered with.

Such physical difficulties as the loss of the sight of an eye, the loss of a limb, etc., do not necessarily mean a person is excludable, but depend on circumstances of his financial ability or occupation.

e. Persons who are liable to become a public charge.[4]

f. Contract laborers, etc.,

The provision for the exclusion of contract laborers is very complete and embraces all kinds of skilled and unskilled manual labor, but does not include professional actors, artists, nurses, ministers, professors, etc. Skilled labor if otherwise admissible may be imported if labor of like kind unemployed cannot be found in the United States.

g. Persons previously deported unless deported before March 4, 1929, permission having been granted to reapply for admission before that date.[5]

h. 1. Aliens whose ticket or passage is paid for by another person or persons, unless it is shown that such aliens are not members of another excludable class.

In other words, this category is *in addition to* other reasons for exclusion and the fact alone that a relative pays the passage of an alien is no reason taken by itself for that alien's exclusion.

2. Aliens whose ticket or passage is paid for by an association, corporation, etc.

i. Stowaways

If stowaways are otherwise eligible for admission, they may be admitted in the discretion of the Secretary of Labor.

j. Children under sixteen years, coming alone and not coming to one or both of their parents.

If such children are otherwise eligible and are not liable to become a public charge they may be admitted.

k. Natives of certain specified Asiatic districts and islands.

This provision is not applicable to government officers, ministers, lawyers, artists, travelers, etc., nor their legal wives or children.

l. Illiterates.

Aliens over 16, physically capable of reading, who are illiterate, except certain close relatives over fifty-five years of age of admissible aliens or American citizens, or religious refugees.

m. Aliens ineligible to citizenship.

n. Aliens in excess of quota.

o. Aliens entering the United States from foreign contiguous territory applying for admission to the United States must prove they were taken to that territory by a transportation company which had submitted to and complied with the requirements of the 1917 immigration act.

If such compliance is not had, two years' residence is necessary in the foreign contiguous territory before application may be made for entry into the United States.

p. Aliens with defective documents.

q. Polygamists

Deportation Irrespective of Time of Entry[1]

I. Aliens who within five years after entry become a public

charge from causes not affirmatively shown to have arisen subsequent to landing.[1]

II. Alien anarchists.[2]

a. 1. Persons believing in overthrow by force or violence of the government of the United States

2. Persons who advocates the overthrow by force or violence of the government of the United States.

3. Persons who believe in the overthrow by force or violence of all forms of law.

4. Persons who disbelieve in organized government.

5. Persons who advocate the overthrow by force or violence of all forms of law.

6. Persons who are opposed to organized government.

7. Persons who advocate the assassination of public officials.

b. Members of unlawful organizations.

1. Members of or affiliated with organizations entertaining and teaching disbelief in or opposition to organized government, or

2. Advocating or teaching the duty, necessity, or propriety or the unlawful assaulting or killing of any officer, either of specific individuals or officers generally of the government of the United States or other organized government, because of his or their official character, or

3. Advocating or teaching the unlawful destruction of property.

c. Anarchists as defined by act of October 16, 1918, as amended June 5, 1920.

1. Aliens who are anarchists.

2. Aliens who advise, advocate, teach, or who are members of or affiliated with any organization, as-

sociation, society, or group, that advises, advocates or teaches opposition to all organized government.

3. Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society or group, that advises, advocates or teaches: (1) the overthrow by force or violence of the government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assault or killing of any officer or officers (either of specific individuals or of officers generally of the government of the United States or of any other organized government because of their official character, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage.

4. Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching: (1) the overthrow by force or violence of the government of the United States or of all forms of law, or (2) the duty, necessity, or propriety of the unlawful assaulting or killing any officer or officers (either specific individuals or of officers generally) of the government of the United States or of any other organized government, or (3) the unlawful damage, injury, or destruction of property (4) sabotage.

5. Aliens who are members of or affiliated with any

organization, association, society or group that writes, circulates, distributes, prints, publishes, or displays or causes to be written, circulated, distributed, printed, published or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display any written or printed matter of the character described.

d. War-time "undesirables" as defined by the Act approved May 10, 1920. This act includes various categories of aliens undesirable in war-time, such as the interned, those convicted of war-time conspiracies, violation of the espionage acts, trading with the enemy, etc. All persons deported under its provisions are by it denied readmission to the country.

III. Any alien involved in a crime of "moral turpitude", under circumstances that he

a. admits the commission or has been convicted of the commission prior to entry to the United States of a felony or other crime or misdemeanor involving "moral turpitude."

b. has been convicted in this country and sentenced subsequent to May 1, 1917 to a term of one year or more for a crime, etc. involving "moral turpitude," committed within five years after entry.

c. has been convicted in this country more than once and sentenced subsequent to May 1, 1917 more than once to a term of imprisonment for one year or more because of conviction in this country of a crime, etc. involving "moral turpitude," committed at any time after entry.[1]

IV. Any alien

a. found an inmate of or connected with the management of a house of prostitution or practicing prostitution after entering the United States.

b. receiving, sharing in, or deriving benefit from any part of the earnings of any prostitute.

c. managing or employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather or who in any way assist any prostitute or protects or promises to protect from arrest any prostitute.

d. importing or attempting to import any person for the purpose of prostitution or for any other immoral purpose.
Thus bringing an alien into the country for any immoral purpose is sufficient ground for the deportation of the alien importer. However, conviction for violation of the "Mann Act" *within* the United States is not necessarily ground for deportation of the convicted alien.[1]

e. who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purpose in any of the ways hereinbefore specified shall return to and enter the United States.

f. convicted and imprisoned for importing into the United States an alien for purposes of prostitution, or for any other immoral purpose or for directly or indirectly importing or attempting to import into the United States any alien for the

purpose of prostitution or any other immoral purpose, or holding or attempting to hold any alien for any such purpose in pursuance of such illegal importation.[1] If after the alien has been excluded and deported or arrested and deported in pursuance of the provisions of this act which relate to prostitutes, procurers, or similar immoral persons, he attempts to return to the United States, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment for a term of not more than two years.[2]

V. Any alien involved in narcotic traffic under the provisions of the act February 18, 1931. It is now provided that "any alien except an addict, if not a dealer or peddler who shall violate or conspire to violate any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, sale, exchange, dispensing, giving away, importation or exportation of opium, coca leaves, heroin, or any salt, derivative or preparation of opium or coca leaves shall be taken into custody and deported."

VI. Any alien entering the United States illegally since July 1, 1924, or found here after such illegal entry, or who remains here longer than permitted by the 1924 immigration act or regulations made under it.

VII. Alien seamen

Until the case of Philippides *v.* Day, Sup. Ct. No. 92, March 23, 1931, it was held that alien seamen landing contrary to the provisions of the 1917 immigration act could be deported only within three years after landing, while those landing contrary to the provisions of the 1924 act were deportable at any time. Since the Philippides case, all time limit is removed for deportation of seamen.

Clark, Deportation of Aliens, pp. 60-69.

CHAPTER III

STATISTICS CONCERNING IMMIGRATION TO THE UNITED STATES AND THROUGH THE PORT OF NEW YORK: 1892-1954

The purpose of this chapter is to present statistics concerning immigration to the United States and through the Port of New York during the period 1892-1954 when Ellis Island served as the principal immigration station of the nation. The statistics are divided under two topical headings:

A. Immigration Statistics
B. Exclusion and Deportation Statistics

A. IMMIGRATION STATISTICS: 1892-1954

Tables 1, 2, and 3 present statistics relative to total immigration to the United States and through the Port of New York during the period 1892-1954. Tables 4 - 10 present a statistical breakdown of the total immigration to the United States by month, sex, race or people, and country for varying time spans during that period. It should be kept in mind that these statistics refer to "immigrant aliens admitted" for the years 1892-94 and 1898-1954 and to "immigrant aliens arrived" for the years 1895-97. It should also be kept in mind that these numbers include steerage and first and second cabin passengers. Hence not all of those entering the United States through the Port of New York passed through Ellis Island.

1. Immigration to the United States: 1892-1924

	Through Port of New York	Total U.S.	
1892	445,987	579,663	
1893	343,422	439,730	
1894	219,046	285,631	
1895	190,928	258,536	
1896	263,709	343,267	
1897	180,556	230,832	(From June 15, 1897,
1898	178,748	229,299	to December 16,1900,
1899	242,573	311,715	immigration through
1900	341,712	448,572	the Port of New York
1901	388,931	487,918	was handled at the
1902	493,262	648,743	Barge Office in Battery
1903	631,835	857,046	Park
1904	606,019	812,870	
1905	788,219	1,026,499	
1906	880,036	1,100,735	
1907	1,004,756	1,285,349	
1908	585,970	782,870	
1909	580,617	751,786	
1910	786,094	1,041,570	
1911	637,003	878,587	
1912	605,151	838,172	
1913	892,653	1,197,892	
1914	878,052	1,218,480	
1915	178,416	326,700	
1916	141,390	298,826	
1917	129,446	295,403	
1918	28,867	110,618	
1919	26,731	141,132	
1920	225,206	430,001	
1921	560,971	805,228	
1922	209,778	309,556	
1923	295,473	522,919	
1924	315,587	706,896	
Total	14,277,144	20,003,041	
	(71.4% of total)		

Statistics based on Annual Reports of the Commissioner General of Immigration, 1892-1924, and data supplied by U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C.

2. Immigration to the United States: 1925-54

	Through Port of New York	Total U. S.
1925	137,492	294,314
1926	149,289	304,488
1927	165,510	335,175
1928	157,887	307,255
1929	158,238	279,678
1930	147,982	241,700
1931	63,392	97,139
1932	21,500	35,576
1933	12,944	23,068
1934	17,574	29,470
1935	23,173	34,956
1936	23,434	36,329
1937	31,644	50,244
1938	44,846	67,395
1939	62,035	82,998
1940	48,408	70,756
1941	23,622	51,776
1942	10,173	28,781
1943	1,089	23,725
1944	1,075	28,551
1945	2,636	38,119
1946	52,050	108,721
1947	83,884	147,292
1948	104,665	170,570
1949	113,050	188,317
1950	166,849	249,187
1951	142,903	205,717
1952	183,222	265,520
1953	87,483	170,434
1954	98,813	208,177
Total	2,336,862	4,175,428
	(56.0% of total)	

Statistics based on data supplied by U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C., and data found in Annual Reports of the Commissioner General of Immigration, 1925-32; Ziegler, Immigration: An American Dilemma, p. 17; and Bennett, American Immigration Policies, p. 332.

3. Immigration to the United States by Decades: 1892-1954

	Through Port of New York	Total U. S.
1892-1900	2,406,681 (77.0% of total)	3,127,245
1901-1910	6,745,739 (76.7% of total)	8,795,386
1911-1920	3,742,915 (65.3% of total)	5,735,811
1921-1930	2,298,207 (56.0% of total)	4,107,209
1931-1940	348,950 (66.0% of total)	528,431
1941-1950	559,093 (54.0% of total)	1,035,039
1951-1954	512,421 (60.3% of total)	849,308

Statistics based on data supplied by U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C., and Annual Reports of the Commissioner General of Immigration, 1892-1954.

4. Immigrant Aliens Admitted to the United States by Months: 1897-1931

Year ended June 30—	July	August	September	October	November	December	January	February	March	April	May	June	Total
1897	21,476	18,836	20,338	20,857	14,871	11,230	7,202	8,810	19,431	31,582	35,748	20,561	230,832
1898	14,951	13,895	20,460	21,046	15,170	13,063	9,629	11,727	25,516	34,074	32,354	16,824	229,299
1899	17,114	16,779	25,380	25,469	22,718	17,833	10,683	14,478	29,704	40,276	33,954	37,337	311,715
1900	24,293	26,086	28,977	36,920	33,527	26,083	16,786	22,701	49,431	60,807	69,464	64,408	448,572
1901	38,945	33,424	33,401	38,468	28,230	26,082	18,297	26,483	48,900	66,362	82,837	52,569	487,918
1902	35,019	32,403	43,021	47,804	43,300	37,548	23,220	30,763	77,488	95,607	107,001	75,560	648,743
1903	30,782	45,649	58,228	63,014	55,177	50,201	31,851	47,267	91,606	126,286	137,514	98,821	857,046
1904	67,375	64,322	78,330	81,516	68,027	44,396	28,528	33,967	78,225	91,323	101,428	75,433	812,870
1905	87,791	69,777	72,768	75,325	71,037	62,857	36,236	67,105	120,908	137,050	127,511	112,536	1,026,499
1906	78,080	83,409	77,549	66,758	61,374	62,118	51,127	68,698	132,892	150,397	150,927	119,900	1,100,735
1907	84,403	81,592	95,341	99,974	94,621	85,486	64,417	85,541	139,115	145,236	184,886	154,734	1,285,349
1908	97,132	98,825	98,694	111,513	117,476	66,574	27,220	23,381	32,517	41,274	36,317	31,947	782,870
1909	27,870	27,782	38,238	40,994	37,070	46,003	43,868	67,154	113,038	116,754	107,939	86,470	751,786
1910	66,219	59,777	67,619	76,608	85,049	68,711	50,242	57,980	136,745	135,052	133,544	105,025	1,041,570
1911	73,153	78,674	85,921	83,905	74,353	59,481	30,361	42,826	81,687	98,036	95,361	71,019	878,587
1912	51,737	50,110	62,699	69,418	61,765	61,926	38,453	46,380	91,185	99,839	113,635	82,425	838,172
1913	78,101	82,377	105,611	108,300	94,739	76,315	46,441	59,156	98,958	136,371	137,202	176,261	1,197,882
1914	135,244	126,180	136,247	134,140	104,671	95,387	44,708	46,873	92,821	119,885	107,796	71,728	1,218,490
1915	60,277	37,706	29,143	30,416	26,298	20,944	15,481	13,873	19,263	24,532	29,089	22,598	328,700
1916	21,504	21,949	24,513	25,450	24,646	18,001	17,203	24,740	27,596	30,560	31,021	30,764	298,826
1917	26,035	20,075	36,308	37,056	34,437	30,002	24,745	19,238	15,512	20,523	10,487	11,095	295,493
1918	9,367	10,047	9,228	9,284	6,446	6,987	6,356	7,388	6,510	9,541	15,217	14,247	110,618
1919	7,780	7,862	9,997	11,771	8,499	10,748	9,852	10,578	14,105	16,860	16,063	17,987	141,123
1920	18,152	20,597	26,584	32,418	27,219	37,913	31,858	30,606	39,971	48,210	53,772	62,692	430,001
1921	62,892	67,369	76,031	82,164	73,458	79,690	66,690	58,303	63,714	59,314	69,764	46,093	805,228
1922	35,564	37,902	46,217	53,201	34,488	22,080	15,928	10,792	14,803	18,967	24,169	24,776	369,566
1923	41,241	42,735	49,581	54,120	49,814	33,932	28,773	30,118	42,888	52,433	52,909	44,168	522,919
1924	55,542	55,228	59,431	58,628	52,782	55,794	38,878	29,901	35,585	36,375	32,285	36,309	706,996
1925	11,681	23,290	27,941	27,402	29,345	28,098	20,982	20,913	26,619	26,744	26,045	25,304	304,514
1926	18,590	22,421	26,721	28,685	26,642	21,089	19,672	20,041	29,504	33,400	33,533	24,790	304,488
1927	23,263	29,236	35,297	34,628	30,756	23,805	18,904	21,695	20,898	33,034	31,819	24,000	335,175
1928	23,420	28,418	31,000	31,719	27,738	22,350	18,146	20,888	28,270	30,709	26,158	20,419	307,235
1929	20,553	24,629	29,317	29,917	24,805	18,367	17,806	17,254	20,145	28,566	25,711	22,490	279,678
1930	20,006	22,778	28,090	26,740	21,522	17,842	14,767	13,586	19,769	22,261	19,414	14,964	241,709
1931	13,328	14,816	17,792	13,942	9,209	8,439	4,981	3,147	3,577	3,470	3,700	3,584	97,180

Annual Report of the Commissioner General of Immigration, 1931, p. 229.

5. Immigrant Aliens Admitted to the United States, with Comparative Percent, By Sex: 1892-1931

Period	Total immigrants	Number		Per cent	
		Male	Female	Male	Female
1892	579,663	361,864	217,799	62.4	37.6
1893	439,730	280,344	159,386	63.8	36.2
1894	285,631	169,274	116,357	59.3	40.7
1895	258,536	149,016	109,520	57.6	42.4
1896	343,267	212,466	130,801	61.9	38.1
1897	230,832	135,107	95,725	58.5	41.5
1898	229,299	135,775	93,524	59.2	40.8
1899	311,715	195,277	116,438	62.6	37.4
1900	448,572	304,148	144,424	67.8	32.2
Total, 10 years, 1891-1910	8,795,386	6,141,942	2,653,444	69.8	30.2
1901	487,918	331,055	156,863	67.9	32.1
1902	648,743	466,369	182,374	71.9	28.1
1903	857,046	613,146	243,900	71.5	28.5
1904	812,870	548,100	263,770	67.6	32.4
1905	1,026,499	724,914	301,585	70.6	29.4
1906	1,100,735	764,463	336,272	69.5	30.5
1907	1,285,349	929,976	356,373	72.4	27.6
1908	782,870	506,912	275,958	64.8	35.2
1909	751,786	519,969	231,817	69.2	30.8
1910	1,041,570	738,038	303,532	70.7	29.3
Total, 10 years, 1911-1920	5,735,811	3,643,335	2,092,426	63.5	36.5
1911	878,587	570,057	308,530	64.9	35.1
1912	838,172	529,931	308,241	63.2	36.8
1913	1,197,892	808,144	389,748	67.5	32.5
1914	1,218,480	798,747	419,733	65.6	34.4
1915	326,700	187,021	139,679	57.2	42.8
1916	298,826	182,239	116,587	61.0	39.0
1917	295,403	174,479	120,924	59.1	40.9
1918	110,618	61,880	48,738	55.9	44.1
1919	141,132	83,272	57,860	59.0	41.0
1920	430,001	247,626	182,376	57.6	42.4
Total, 10 years, 1921-1930	4,107,209	2,292,988	1,824,221	55.8	44.4
1921	805,228	449,422	355,806	55.8	44.2
1922	309,556	149,741	159,815	48.4	51.6
1923	522,919	307,522	215,397	58.8	41.2
1924	706,896	423,186	283,710	59.9	40.1
1925	294,314	163,252	131,062	55.5	44.5
1926	304,488	170,567	133,921	56.0	44.0
1927	335,175	194,163	141,012	57.9	42.1
1928	307,255	166,977	141,278	54.3	45.9
1929	279,678	142,132	137,546	50.8	49.2
1930	241,700	117,028	124,674	48.4	51.6
1931	97,139	40,821	56,318	41.8	58.2

Annual Report of the Commissioner General of Immigration, 1931, p. 238.

6. Immigrant Aliens Admitted to the United States, by Race or People: 1899-1931

Race or people	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	Total 10 years 1901-1910
Total	311,715	448,572	487,918	648,743	857,046	812,870	1,026,499	1,100,735	1,285,349	782,870	751,786	1,041,570	8,795,386
African (black)	412	714	594	832	2,174	2,386	3,598	3,786	5,235	4,626	4,307	4,966	33,504
Armenian	674	982	1,855	1,151	1,759	1,745	1,878	1,895	2,644	3,299	3,108	5,508	24,842
Bohemian and Moravian (Czech)	2,526	3,060	3,766	5,590	9,591	11,911	11,757	12,958	13,554	10,164	6,850	8,462	94,603
Bulgarian, Serbian, and Montenegrin	94	204	611	1,291	6,479	4,577	5,823	11,548	27,174	18,246	6,214	15,130	97,093
Chinese	1,638	1,250	2,452	1,631	2,192	4,327	1,971	1,485	770	1,263	1,841	1,770	19,702
Croatian and Slovenian	8,632	17,184	17,928	30,233	32,907	21,242	35,104	44,272	47,826	20,472	20,181	39,562	309,727
Cuban	1,374	2,678	1,622	2,423	2,944	4,811	7,259	5,591	5,475	3,323	3,380	3,331	40,159
Dalmatian, Bosnian, and Herzegovinian	367	675	732	1,004	1,736	2,636	2,639	4,568	7,393	3,747	1,868	4,911	30,654
Dutch and Flemish	1,660	2,702	3,299	4,117	6,490	7,832	8,408	9,735	12,467	9,526	6,114	13,012	83,096
East Indian	15	9	20	84	83	258	145	271	1,072	1,710	337	1,782	5,762
English	10,712	10,897	13,488	14,942	28,451	41,479	50,865	45,079	51,126	49,056	39,021	53,498	387,005
Finnish	6,097	12,612	9,999	13,958	18,864	10,157	17,012	14,136	14,860	6,746	11,687	15,736	133,065
French	2,278	2,095	4,036	4,122	7,166	11,557	11,347	10,379	9,392	12,881	10,423	21,107	111,410
German	26,632	29,682	34,742	51,686	71,752	74,790	82,360	86,813	92,936	73,038	58,534	71,380	698,061
Greek	2,396	3,773	5,919	8,115	14,376	12,625	12,144	23,127	46,283	28,808	20,262	39,135	210,794
Hebrew	37,415	60,764	58,098	57,688	76,203	106,236	129,910	153,748	149,182	103,387	57,551	84,260	976,263
Irish	32,345	35,607	30,404	29,001	35,366	37,076	54,266	40,959	38,706	36,427	31,185	38,382	371,772
Italian (north)	13,091	17,316	22,103	27,620	37,429	36,699	39,930	46,286	51,564	24,700	25,150	30,780	342,261
Italian (south)	65,639	84,346	115,704	152,915	196,117	159,329	186,390	240,528	242,497	110,547	165,248	192,673	1,761,948
Japanese	3,395	12,628	5,249	14,455	20,041	14,382	11,021	14,243	30,824	16,418	3,275	2,798	132,706
Korean	22	71	47	28	564	1,907	4,929	127	39	26	11	19	7,697
Lithuanian	6,858	10,311	8,815	11,629	14,432	12,780	18,604	14,257	25,884	13,720	15,254	22,714	158,089
Magyar	5,700	13,777	13,311	23,610	27,124	23,883	46,030	44,261	60,071	24,378	28,704	27,302	318,674
Mexican	163	361	350	716	486	447	227	141	91	5,682	15,591	17,760	41,490
Pacific Islander	172	188	107	160	185	41	22	13	3	2	7	61	601
Polish	28,466	46,938	43,617	69,620	82,343	67,757	102,437	95,835	138,033	68,105	77,565	128,348	873,660
Portuguese	2,096	4,241	4,176	5,309	8,433	6,338	4,855	8,729	9,648	6,809	4,606	7,657	66,560
Rumanian	96	393	761	2,033	4,740	4,364	7,818	11,425	19,200	9,629	8,041	14,199	82,210
Russian	1,774	1,200	672	1,551	3,608	3,901	3,746	5,814	16,807	17,111	10,038	17,294	80,603
Ruthenian (Russniak)	1,400	2,832	5,288	7,533	9,843	9,592	14,473	16,257	24,081	12,361	15,808	27,907	143,143
Scandinavian (Norwegians, Danes, and Swedes)	23,249	32,952	40,277	55,780	79,347	61,029	62,284	58,141	53,425	32,789	34,996	52,037	530,105
Scotch	1,752	1,757	2,004	2,432	6,219	11,483	16,144	16,463	20,516	17,014	16,446	24,612	133,333
Slovak	15,838	29,243	29,343	36,934	34,427	27,940	52,368	38,221	42,041	16,170	22,586	32,416	332,446
Spanish	996	1,111	1,202	1,954	3,297	4,662	5,590	5,332	9,495	6,636	4,939	5,837	48,944
Spanish American	110	97	276	496	978	1,006	1,658	1,585	1,060	1,063	890	900	10,672
Syrian	3,708	2,920	4,064	4,982	5,551	3,653	4,822	5,824	5,880	5,520	3,668	6,317	50,2[illegible]
Turkish	28	184	136	165	449	1,482	2,145	2,033	1,902	2,327	820	1,283	12,[illegible]
Welsh	1,350	762	674	780	1,278	1,820	2,531	2,367	2,754	2,504	1,699	2,244	18,[illegible]
West Indian (except Cuban)	144	78	82	137	1,497	1,942	1,548	1,476	1,381	1,110	1,024	1,150	11,3[illegible]
Other peoples	193	22	45	147	89	665	851	1,027	2,058	1,530	1,537	3,330	10,772

Race or people	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	Total 10 years 1911-1920	1921	1922	1923	1924	1925
Total	878,587	838,172	1,197,892	1,218,480	326,700	298,826	295,403	110,618	141,132	430,001	5,735,811	805,228	309,556	522,919	706,896	294,314
African (black)	6,721	6,759	6,634	8,447	5,660	4,576	7,971	5,706	5,823	8,174	66,471	9,873	5,248	7,554	12,243	791
Armenian	3,092	5,222	9,353	7,785	932	964	1,221	221	282	2,762	31,834	10,212	2,249	2,396	2,940	576
Bohemian and Moravian (Czech)	10,223	8,439	11,091	9,928	1,651	642	327	74	105	415	41,895	1,743	3,086	5,537	5,869	1,833
Bulgarian, Serbian and Montenegrin	10,222	10,657	9,087	15,084	3,506	3,146	1,134	150	205	1,064	54,255	7,700	1,370	1,893	2,482	418
Chinese	1,307	1,608	2,022	2,354	3,469	2,239	1,843	1,576	1,697	2,148	19,263	4,017	4,465	4,074	4,670	1,721
Croatian and Slovenian	18,982	24,366	42,499	37,284	1,942	791	308	33	23	493	126,718	11,025	3,783	4,163	4,137	530
Cuban	3,914	3,155	3,099	2,539	3,402	3,442	3,428	1,179	1,169	1,510	27,837	1,523	608	1,347	3,412	912
Dalmatian, Bosnian, and Herzegovinian	4,400	3,672	4,520	5,149	305	114	94	15	4	63	18,336	930	907	671	205	61
Dutch and Flemish	13,862	10,935	14,507	12,566	6,675	6,443	5,393	2,200	2,735	12,730	88,046	12,813	3,749	6,604	7,840	3,189
East Indian	517	165	188	172	82	80	69	61	68	160	1,562	353	223	156	154	45
English	57,258	49,689	55,522	51,746	38,662	36,168	32,246	12,980	26,889	58,366	419,526	54,627	30,429	60,524	59,930	50,580
Finnish	9,779	6,641	12,756	12,805	3,472	5,649	5,900	1,867	968	1,510	61,347	4,233	2,605	8,087	3,975	689
French	18,132	18,382	20,652	18,166	12,636	19,518	24,405	6,840	12,598	27,390	178,719	24,122	13,617	34,871	48,632	23,240
German	66,471	65,343	80,865	79,871	20,729	11,556	9,682	1,992	1,887	7,338	346,683	24,168	31,218	68,643	95,627	54,215
Greek	37,021	31,566	38,644	45,881	15,187	26,792	25,919	2,602	813	13,998	238,423	31,828	3,821	4,177	8,262	1,068
Hebrew	91,223	80,595	101,330	138,051	26,497	15,108	17,342	3,672	3,055	14,292	491,165	119,036	53,524	49,719	49,989	10,292
Irish	40,246	33,922	37,023	33,898	23,503	20,636	17,462	4,657	7,910	20,784	240,041	39,056	17,191	30,386	42,364	42,661
Italian (north)	30,312	26,443	42,534	44,802	10,660	4,905	3,798	1,074	1,238	12,918	178,690	27,459	6,098	9,064	11,576	1,784
Italian (south)	159,638	135,830	231,613	251,612	46,557	33,909	35,154	5,234	2,137	84,852	986,566	195,037	35,056	39,226	47,633	6,512
Japanese	4,575	6,172	8,302	8,941	8,609	8,711	8,925	10,168	10,056	9,279	83,738	7,531	6,361	5,652	8,481	682
Korean	8	33	64	152	146	154	194	149	77	72	1,049	61	58	104	122	26
Lithuanian	17,027	14,078	24,647	21,584	2,638	590	479	135	169	422	81,709	820	1,602	1,828	1,991	329
Magyar	19,996	23,599	30,610	44,538	3,604	981	434	32	52	252	124,098	9,377	6,037	6,922	7,146	885
Mexican	18,784	22,001	10,954	13,089	10,993	17,198	16,438	17,602	28,844	51,042	206,946	29,603	18,246	62,709	87,648	32,378
Pacific Islander	12	3	11	1	6	5	10	17	6	17	88	13	1	14	12	3
Polish	71,446	85,163	174,365	122,657	9,065	4,502	3,109	668	732	2,519	474,226	21,146	6,347	13,210	29,371	3,178
Portuguese	7,469	9,403	13,566	9,647	4,376	12,208	10,194	2,319	1,574	15,174	85,930	18,856	1,867	2,802	3,892	720
Rumanian	5,311	8,329	13,451	24,070	1,200	953	522	155	89	898	54,978	5,925	1,520	1,397	1,727	391
Russian	18,721	22,558	51,472	44,957	4,459	4,858	3,711	1,513	1,532	2,378	156,159	2,387	2,456	4,346	9,531	1,225
Ruthenian (Russniak)	17,724	21,965	30,588	36,727	2,933	1,365	1,211	49	103	258	112,923	958	698	1,168	2,356	667
Scandinavian (Norwegians, Danes, and Swedes)	45,859	31,001	38,737	36,053	24,263	19,172	19,596	8,741	8,261	16,621	248,904	25,812	16,678	37,630	40,978	20,148
Scotch	25,625	20,293	21,293	18,997	14,310	13,515	13,300	5,204	10,364	21,180	164,131	24,640	15,696	38,627	61,397	27,503
Slovak	21,415	25,281	27,234	25,819	2,069	577	244	35	65	3,824	106,583	35,047	6,001	6,230	5,523	620
Spanish	8,068	9,070	9,042	11,064	5,705	9,259	15,019	7,909	4,224	23,594	102,954	27,448	1,579	3,525	3,664	588
Spanish American	1,153	1,342	1,363	1,544	1,607	1,881	2,587	2,281	3,082	3,934	20,794	3,326	1,448	1,990	3,065	2,349
Syrian	5,444	5,525	9,210	9,023	1,767	676	976	210	231	3,047	36,109	5,105	1,334	1,207	1,595	450
Turkish	918	1,336	2,015	2,693	273	216	454	24	18	140	8,087	383	40	237	358	87
Welsh	2,248	2,239	2,830	2,558	1,390	983	703	275	608	1,452	15,379	1,746	956	1,626	2,633	1,107
West Indian (except Cuban)	1,141	1,132	1,171	1,294	822	948	1,369	732	1,223	1,546	11,481	1,553	978	1,467	2,211	325
Other peoples	3,328	3,600	3,828	3,820	1,877	3,388	2,097	314	347	1,346	23,119	3,237	742	668	937	406

Race or people	1926	1927	1928	1929	1930	1921–1930, total	1931	1899–1931, total
Total	304,488	335,175	307,255	279,678	241,700	4,107,209	97,139	19,495,832
African (black)	894	955	956	1,254	1,808	41,574	884	142,559
Armenian	741	983	1,062	929	790	22,878	619	81,729
Bohemian and Moravian (Czech)	2,494	2,406	1,248	1,427	853	27,296	266	169,646
Bulgarian, Serbian, and Montenegrin	532	600	531	585	744	16,956	429	160,030
Chinese	1,375	1,051	931	1,071	970	24,345	748	66,946
Croatian and Slovenian	692	821	939	1,075	1,314	28,478	668	491,407
Cuban	1,476	1,916	2,058	2,141	2,122	15,508	727	88,373
Dalmatian, Bosnian, and Herzegovinian	75	89	95	119	108	2,020	69	52,721
Dutch and Flemish	3,256	3,125	2,880	2,949	4,713	50,218	2,001	227,923
East Indian	50	51	38	66	51	1,177	65	8,590
English	44,206	40,165	33,507	29,846	34,960	472,873	12,708	1,313,716
Finnish	674	629	544	509	656	17,402	310	230,833
French	22,237	19,318	17,903	16,867	13,771	234,223	4,908	533,633
German	58,675	56,587	54,157	55,631	34,415	536,236	13,613	1,644,107
Greek	1,386	2,557	2,948	3,025	3,793	59,754	2,663	517,802
Hebrew	10,287	11,483	11,639	12,479	11,526	339,954	5,692	1,911,253
Irish	42,475	44,726	38,193	30,922	34,947	362,921	10,814	1,053,500
Italian (north)	1,486	2,637	2,653	2,631	2,822	83,200	1,731	631,279
Italian (south)	7,555	15,892	16,087	16,452	20,494	399,277	12,239	3,310,015
Japanese	599	660	522	716	796	31,999	626	265,092
Korean	52	47	22	49	27	598	21	3,458
Lithuanian	303	549	326	409	426	8,692	320	286,029
Magyar	1,076	1,049	1,112	1,342	1,542	36,798	999	500,036
Mexican	42,638	60,765	57,765	38,980	11,915	448,648	2,627	700,134
Pacific Islander	2	5	2	4	.....	65	6	1,180
Polish	3,175	4,209	4,238	3,507	4,924	83,355	2,008	1,508,653
Portuguese	703	843	844	863	780	32,250	626	191,703
Rumanian	319	422	443	685	432	13,101	245	154,068
Russian	938	1,249	1,249	1,352	1,834	26,897	967	207,599
Ruthenian (Russniak)	505	445	411	532	473	8,213	168	268,669
Scandinavian (Norwegians, Danes, and Swedes)	19,418	19,236	15,864	19,428	8,478	220,467	3,947	1,065,824
Scotch	27,298	25,544	23,177	21,920	28,117	203,764	7,618	602,355
Slovak	531	1,017	2,107	2,448	3,214	62,826	1,474	548,410
Spanish	809	1,045	1,018	899	1,760	41,954	734	196,693
Spanish American	2,519	3,185	3,490	3,250	3,237	27,865	1,848	81,286
Syrian	488	554	613	632	837	12,745	344	100,107
Turkish	197	112	143	127	176	1,826	75	22,042
Welsh	1,314	1,300	1,728	1,659	2,043	16,167	650	52,848
West Indian (except Cuban)	373	351	394	380	600	8,660	428	32,138
Other peoples	391	396	484	438	526	8,290	279	42,728

Alien arrivals prior to July 1, 1898, were not recorded by race or people.

Annual Report of the Commissioner General of Immigration, 1925 and 1931, pp. 226 and 126-27, respectively.

7. Immigrant Aliens Admitted to the United States by Countries of Last Permanent Residence: 1892-1925

Country	1892	1893	1894	1895	1896	1897	1898
Austria-Hungary	76,937	57,420	38,638	33,401	65,103	33,031	39,797
Belgium	4,026	3,324	1,709	1,058	1,261	760	695
Denmark	10,125	7,720	5,003	3,910	3,167	2,085	1,946
France (including Corsica)	4,678	3,621	3,080	2,628	2,463	2,107	1,990
German Empire	119,168	78,756	53,989	32,173	31,885	22,533	17,111
Greece	660	1,072	1,356	597	2,175	571	2,339
Italy (including Sicily and Sardina)	61,631	72,145	42,977	35,427	68,060	59,431	58,613
Netherlands	6,141	6,199	1,820	1,388	1,583	890	767
Norway	14,325	15,515	9,111	7,580	8,855	5,842	4,938
Poland	40,536	16,374	1,941	791	691	4,165	4,726
Portugal (including Cape Verde and Azores Islands)	3,400	4,631	2,196	1,452	2,766	1,874	1,717
Roumania	--	--	729	523	785	791	900
Russian Empire and Finland	81,511	42,310	39,278	35,907	51,445	25,816	29,828
Spain	4,078	206	925	501	351	448	577
Sweden	41,845	35,710	18,286	15,361	21,177	13,162	12,398
Switzerland	6,886	4,744	2,905	2,239	2,304	1,566	1,246
Turkey in Europe	1,331	625	298	245	169	152	176
United Kingdom:							
England	34,309	27,931	17,747	23,443	19,492	9,974	9,877
Ireland	51,383	43,578	30,231	46,304	40,262	28,421	25,128
Scotland	7,177	6,215	3,772	3,788	3,483	1,883	1,797
Wales	729	1,043	1,001	1,602	1,581	870	1,219
Europe, not specified	--	--	60	24	9	25	1
Total Europe	570,876	429,139	277,052	250,342	329,067	216,397	217,786
China	--	472	1,170	539	1,441	3,363	2,071
Japan	--	1,380	1,931	1,150	1,110	1,526	2,230
Other Asia	--	540	1,589	2,806	4,213	4,773	4,336
Total Asia	--	2,392	4,690	4,495	6,764	9,662	8,637
Africa	--	--	24	36	21	37	48
Australia, Tasmania, New Zealand, and Pacific Islands, not specified	--	--	244	141	112	199	201
British North America	--	--	194	239	273	290	350
Central America	--	--	32	21	17	6	7
South America	--	--	39	36	35	49	39
Mexico	--	--	109	116	150	91	107
West Indies	--	2,593	3,177	3,096	6,828	4,101	2,124
All other countries	8,787	5,606	70	14	--	--	--
Grand Total	579,663	439,730	285,631	258,536	343,267	230,832	229,299

Annual Report of the Commissioner General of Immigration, 1907, pp. 112-15.

Country of last permanent residence	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	Total 10 years 1901–1910
All countries	311,715	448,572	487,918	648,743	857,046	812,870	1,026,499	1,100,735	1,285,349	782,870	751,786	1,041,570	8,795,386
Total Europe	297,349	424,700	469,237	619,068	814,507	767,933	974,273	1,018,365	1,199,566	691,901	654,875	926,291	8,136,016
Austria	62,491 (Austria and Hungary)	114,847 (Austria and Hungary)	113,390 (Austria and Hungary)	171,989 (Austria and Hungary)	206,011 (Austria and Hungary)	177,156 (Austria and Hungary)	111,990	111,598	144,992	82,983	80,853	135,793	2,145,266 (Austria and Hungary)
Hungary							163,703	153,540	193,460	85,526	89,338	122,944	
Belgium	1,101	1,196	1,579	2,577	3,450	3,976	5,302	5,099	6,396	4,162	3,692	5,402	41,635
Bulgaria	52	108	657	851	1,761	1,325	2,043	4,666	11,359	10,827	1,054	4,737	39,280
Denmark	2,690	2,926	3,655	5,660	7,158	8,525	8,970	7,741	7,243	4,954	4,395	6,984	65,285
France, including Corsica	1,694	1,739	3,150	3,117	5,578	9,406	10,168	9,386	9,731	8,788	6,672	7,383	73,379
Germany	17,476	18,507	21,651	28,304	40,086	46,380	40,574	37,564	37,807	32,309	25,540	31,283	341,498
Greece	2,333	3,771	5,910	8,104	14,090	11,343	10,515	19,489	36,580	21,489	14,111	25,888	167,519
Italy, including Sicily and Sardinia	77,419	100,135	135,996	178,375	230,622	193,296	221,479	273,120	285,731	128,503	183,218	215,537	2,045,877
Netherlands	1,029	1,735	2,349	2,284	3,998	4,916	4,954	4,946	6,637	5,946	4,698	7,534	48,262
Norway	6,705	9,575	12,248	17,484	24,461	23,808	25,064	21,730	22,133	12,412	13,627	17,538	190,505
Portugal, including Cape Verde and Azores Islands	2,054	4,234	4,165	5,307	9,317	6,715	5,028	8,517	9,608	7,307	4,956	8,220	69,149
Rumania	1,606	6,459	7,155	7,196	9,310	7,087	4,437	4,476	4,384	5,228	1,590	2,145	53,008
Russia	60,982	90,787	85,257	107,347	136,093	145,141	184,897	215,665	258,943	156,711	120,460	186,792	1,597,306
Spain, including Canary and Balearic Islands	385	355	592	975	2,080	3,906	2,600	1,921	5,784	3,899	2,616	3,472	27,935
Sweden	12,797	18,650	23,331	30,894	46,028	27,763	26,591	23,310	20,589	12,809	14,474	23,745	249,534
Switzerland	1,326	1,152	2,201	2,344	3,983	5,023	4,269	3,846	3,748	3,281	2,694	3,533	34,922
Turkey in Europe	80	285	387	187	1,529	4,344	4,542	9,510	20,767	11,290	9,015	18,405	79,976
United Kingdom:													
England	45,123 (United Kingdom)	9,951	12,214	13,575	26,219	38,626	64,709	49,491	56,637	47,031	32,809	46,706	388,017
Ireland		35,730	30,561	29,138	35,310	36,142	52,945	34,995	34,530	30,556	25,033	29,855	339,065
Scotland		1,792	2,070	2,560	6,143	11,092	16,977	15,866	19,740	13,506	12,400	20,115	120,469
Wales		764	701	753	1,275	1,730	2,503	1,841	2,660	2,287	1,584	2,120	17,464
Other Europe	6	2	18	37	5	143	13	48	107	97	46	151	665
Total Asia	8,972	17,946	13,593	22,271	29,966	26,186	23,925	22,300	40,524	28,365	12,904	23,533	243,567
China	1,660	1,247	2,459	1,649	2,209	4,309	2,166	1,544	961	1,397	1,943	1,968	20,605
Japan	2,844	12,635	5,269	14,270	19,968	14,264	10,331	13,835	30,226	15,803	3,111	2,720	120,797
India	17	9	22	93	94	261	190	216	898	1,040	203	1,696	4,715
Turkey in Asia	4,436	3,962	5,783	6,223	7,118	5,235	6,157	6,354	8,053	9,753	7,506	16,212	77,393
Other Asia	15	93	61	36	577	2,117	5,081	351	386	372	141	1,937	11,056
Total America	4,533	5,468	4,417	6,901	11,048	16,510	25,378	57,625	41,784	60,014	82,257	89,577	395,411
British North America	1,322	398	540	636	1,068	2,837	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Central America	180	42	150	306	678	714	1,195	1,149	970	1,217	930	2,893	[illegible]
Mexico	161	237	347	709	628	1,009	2,537	1,907	1,406	6,067	16,251	18,691	49,642
South America	90	124	203	337	589	1,667	2,575	2,757	2,779	2,316	1,906	2,151	17,280
West Indies	2,565	4,656	2,176	4,711	8,170	10,193	16,641	13,656	16,689	11,888	11,180	11,244	107,548
Other America	217	13	1	103	26	90	161	33,012	22	17	49	43	33,523
Africa	51	30	173	87	176	686	757	712	1,486	1,411	858	1,072	7,368
Australia, Tasmania, and New Zealand	456	214	325	384	1,150	1,461	2,091	1,682	1,947	1,098	839	998	11,975
Pacific islands (not specified)	354	314	173	182	109	94	75	51	42	81	53	99	2,049

Country of last permanent residence	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	Total 10 years 1911-1920
All countries	878,587	838,172	1,197,892	1,218,480	326,700	298,826	295,403	110,618	141,132	430,001	5,735,811
Total Europe	764,757	718,875	1,055,855	1,058,391	197,919	145,699	133,083	31,063	24,627	246,295	4,376,564
Austria	82,129	85,854	137,245	134,831	9,215	3,171	857	53	26	268	453,649
Hungary	78,928	93,028	117,580	143,321	9,296	2,020	401	8	27	84	442,693
Belgium	5,711	4,169	7,405	5,703	2,399	966	396	73	268	6,574	33,746
Bulgaria	4,695	4,447	1,753	9,189	1,403	764	151	19	22	90	22,533
Czechoslovakia										3,426	3,426
Denmark	7,555	6,191	6,478	6,262	3,312	3,322	2,744	1,630	1,352	3,137	41,963
Finland										756	756
France, including Corsica	8,022	8,628	9,675	9,296	4,511	4,156	3,187	1,798	3,379	6,945	61,897
Germany	32,061	27,788	34,329	35,734	7,799	2,877	1,857	447	52	1,001	143,945
Greece	25,226	21,449	22,817	35,832	12,592	27,034	23,974	1,910	380	11,981	184,201
Italy, including Sicily and Sardinia	182,882	157,134	265,542	283,738	49,688	33,665	34,596	5,250	1,884	95,145	1,109,524
Netherlands	8,358	6,619	6,902	6,321	3,144	2,910	2,235	944	1,098	5,167	43,718
Norway	13,950	8,675	8,587	8,329	7,986	5,191	4,659	2,578	1,995	4,445	66,395
Poland										4,813	4,813
Portugal, including Cape Verde and Azores Islands	8,374	10,230	14,171	10,898	4,907	12,259	9,975	2,224	1,222	15,472	89,732
Rumania	2,522	1,997	2,155	4,032	481	90	66	59	19	1,690	13,311
Russia	158,721	162,395	291,040	255,660	26,187	7,842	12,716	4,242	1,403	995	921,201
Spain, including Canary and Balearic Islands	5,074	6,327	6,167	7,591	2,762	5,769	10,232	4,295	1,573	18,821	68,611
Sweden	20,780	12,688	17,202	14,800	6,585	6,248	6,368	2,208	2,243	5,862	95,074
Switzerland	3,458	3,505	4,104	4,211	1,742	663	911	331	381	3,785	23,091
Turkey in Europe	14,438	14,481	14,128	8,199	1,008	313	152	15	10	1,033	54,677
United Kingdom:											
England	52,426	40,408	43,303	35,864	21,502	12,896	8,354	2,037	5,163	27,871	249,944
Ireland	29,112	25,879	27,876	24,688	14,185	8,639	6,406	331	474	9,591	146,181
Scotland	18,796	14,578	14,220	10,682	4,668	2,655	1,868	260	1,283	9,347	78,357
Wales	2,162	2,162	2,745	2,183	1,007	512	513	219	351	1,253	13,107
Yugoslavia (Serb, Croat, and Slovene Kingdom)										1,868	1,888
Other Europe	377	243	371	967	1,180	1,717	1,463	42	16	1,735	8,111
Total Asia	17,428	21,449	35,358	34,273	15,211	13,204	12,756	12,701	12,674	17,505	192,559
China	1,460	1,765	2,105	2,502	2,660	2,460	2,237	1,795	1,964	2,330	21,278
Japan	4,520	6,114	8,281	8,929	8,613	8,680	8,991	10,213	10,064	9,432	83,837
India	524	175	179	221	161	112	109	130	171	300	2,082
Turkey in Asia	10,229	12,788	23,955	21,716	3,543	1,670	393	43	19	5,033	79,389
Other Asia	695	607	838	905	234	282	1,026	520	456	410	5,973
Total America	94,408	96,941	103,980	122,881	111,237	137,455	147,856	65,465	102,232	163,368	1,144,818
British North America	56,830	55,990	73,802	86,139	82,215	101,551	105,399	32,452	57,782	90,025	742,185
Central America	1,190	1,243	1,473	1,622	1,252	1,135	2,073	2,220	2,580	2,360	17,159
Mexico	19,889	23,238	11,926	14,614	12,340	18,425	17,869	18,524	29,818	52,361	219,004
South America	3,049	3,969	4,249	5,869	3,801	4,286	6,931	5,343	5,271	4,112	41,880
West Indies	13,403	12,467	12,456	14,451	11,598	12,027	15,507	6,879	6,836	13,808	128,424
Other America	39	18	23	136	31	31	77	47	46	702	1,147
Africa	956	1,009	1,409	1,539	934	894	566	299	189	648	8,443
Australia, Tasmania, and New Zealand	964	794	1,229	1,336	1,282	1,484	1,014	925	1,234	2,066	12,348
Pacific islands (not specified)	59	104	111	110	117	90	128	165	76	119	1,079

Country of last permanent residence	1921	1922	1923	1924	1925	Total 5 years 1921-1925
All countries	805,228	309,556	522,919	706,896	294,314	2,638,913
Total Europe	652,364	216,385	307,920	364,339	148,366	1,689,374
Albania				250	79	329
Austria	4,947	5,019	8,103	7,505	899	26,473
Belgium	6,168	1,541	1,590	2,006	726	12,088
Bulgaria	585	297	392	550	140	1,964
Czechoslovakia	40,884	12,541	13,840	13,554	2,462	83,281
Danzig, Free City of					243	243
Denmark	6,260	2,709	4,523	5,281	2,444	21,217
Esthonia				765	131	896
Finland	3,795	2,767	3,644	3,662	480	14,348
France, including Corsica	9,652	4,220	4,380	6,387	2,906	28,445
Germany	6,803	17,931	48,277	75,091	46,068	194,170
Great Britain, Ireland:						
England	33,431	15,249	21,558	24,466	13,897	108,601
Ireland	28,435	10,579	15,740	17,111	26,650	98,515
Scotland	16,954	9,018	23,019	33,471	12,378	93,840
Wales	1,757	886	1,182	1,553	897	6,275
Greece	28,502	3,457	3,333	4,871	826	40,989
Hungary	7,702	5,756	5,914	5,806	616	25,794
Italy, including Sicily and Sardinia	222,260	40,319	46,674	56,246	6,203	371,702
Latvia				1,473	208	1,736
Lithuania				2,369	472	2,841
Luxemburg					150	150
Netherlands	6,493	1,990	3,150	3,783	1,723	17,139
Norway	7,428	5,392	11,743	11,966	5,273	42,421
Poland	95,089	28,635	26,538	28,806	5,341	184,409
Portugal, including Azores and Cape Verde Islands	19,195	1,950	2,384	4,769	619	28,917
Rumania	25,817	10,287	11,947	11,142	1,163	60,356
Russia	6,398	17,143	17,507	12,649	1,775	55,472
Spain, including Canary and Balearic Islands	23,818	655	841	932	275	26,531
Sweden	9,171	6,624	17,916	18,310	8,391	60,412
Switzerland	7,106	3,398	3,849	3,842	2,043	19,735
Turkey in Europe	6,391	1,660	3,748	1,481	263	13,636
Yugoslavia	23,536	6,047	6,181	5,835	724	42,323
Other Europe	4,894	405	450	328	144	6,221
Total Asia	25,034	14,263	13,706	22,065	3,578	78,645
China	4,009	4,406	4,986	6,992	1,937	22,330
Japan	7,878	6,716	5,809	8,801	723	29,927
India	511	300	257	183	65	1,376
Syria and Palestine				2,946	670	3,616
Turkey in Asia	11,735	1,998	2,183	2,820	51	18,787
Other Asia	901	783	470	323	132	2,609
Total America	124,248	77,473	199,987	318,913	141,496	862,117
Canada and Newfoundland	72,317	46,810	117,011	200,690	102,753	539,581
Central America	2,254	970	1,275	2,000	1,199	7,698
Mexico	30,758	19,551	63,768	89,336	32,964	236,377
South America	5,015	2,668	4,727	9,270	2,470	24,150
West Indies	13,774	7,449	13,181	17,559	2,106	54,069
Other America	130	25	15	58	4	232
Africa	1,301	520	[illegible]	900	412	3,661
Australia, Tasmania and New Zealand	2,191	855	711	635	416	4,808
Other Pacific islands	90	60	45	44	46	285

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8. Immigration to the United States from Europe, Asia, North America, Mexico, West Indies, and Other Countries by Specified Periods: 1820-1931

Period or year	Total number of immigrants	Number from —								Per cent from —							
		Europe			Asia	Canada and Newfoundland [3]	Mexico	West Indies	Other countries [4]	Europe			Asia	Canada and Newfoundland [3]	Mexico	West Indies	Other countries [4]
		Northern and western [2]	Southern and eastern [2]	Total						Northern and western [2]	Southern and eastern [2]	Total					
Total, 112 years, 1820-1931	37,859,151	18,366,611	13,971,644	32,338,255	906,840	2,919,384	759,269	433,965	461,738	48.5	36.9	85.4	2.4	7.7	2.0	1.2	1.3
1820-1830	151,824	103,116	3,389	106,505	16	2,486	4,818	3,998	33,999	68.0	2.2	70.2	.....	1.6	3.2	2.6	22.4
1831-1840	599,125	489,739	5,949	495,688	48	13,624	6,599	12,301	70,965	81.8	1.0	82.8	.....	2.2	1.1	2.1	11.8
1841-1850	1,713,251	1,502,062	5,439	1,507,501	82	41,723	3,271	13,528	57,146	93.0	.3	93.3	.....	2.4	.2	.8	3.3
1851-1860	2,598,214	2,431,336	23,324	2,452,660	41,455	59,309	3,078	10,660	31,052	93.6	.8	94.4	1.6	2.3	.1	.4	1.2
1861-1870	2,314,824	2,031,642	33,628	2,065,270	64,630	153,878	2,191	9,046	19,809	87.8	1.4	89.2	2.8	6.6	.1	.4	.9
1871-1880	2,812,191	2,070,373	201,889	2,272,262	123,823	383,640	5,162	13,957	13,347	73.6	7.2	80.8	4.4	13.6	.2	.5	.5
1881-1890	5,246,613	3,778,638	958,413	4,737,046	88,380	393,304	1,913	29,042	16,928	72.0	18.3	90.3	1.3	7.5	.....	.6	.3
1891-1900	3,687,564	1,643,492	1,915,486	3,558,978	69,942	3,311	971	33,666	20,602	44.6	51.9	96.5	1.9	.1	.....	.9	.6
1901-1910	8,795,386	1,910,035	6,225,981	8,136,016	243,567	179,226	49,642	107,548	79,387	21.7	70.8	92.5	2.8	2.0	.6	1.2	.9
1911-1920	5,735,811	997,438	3,370,126	4,370,564	192,559	742,185	219,004	123,424	82,075	17.4	58.9	76.3	3.4	12.9	3.8	2.2	1.4
1921-1930	4,107,209	1,284,023	1,193,830	2,477,853	97,900	924,515	459,287	74,809	73,255	31.3	29.0	60.3	2.4	22.5	11.2	1.8	1.8
1911-1915	4,459,831	780,900	2,005,597	3,795,797	123,719	354,976	82,007	64,377	38,955	17.7	67.4	85.1	2.8	8.0	1.8	1.4	.9
1911	878,587	202,391	562,366	764,757	17,425	50,832	19,889	15,403	9,280	23.0	64.0	87.0	2.0	6.5	2.3	1.8	.7
1912	838,172	161,290	557,585	718,875	21,449	55,990	23,236	12,467	6,163	19.2	66.5	85.7	2.6	6.7	2.8	1.5	.7
1913	1,197,892	182,886	872,989	1,055,875	33,468	73,802	11,926	12,458	8,493	15.3	72.9	88.2	3.0	6.1	1.0	1.0	.7
1914	1,218,480	164,133	894,258	1,058,391	34,273	80,359	14,614	14,451	10,812	13.4	73.4	86.8	2.8	7.1	1.2	1.2	.9
1915	326,700	79,200	118,719	197,919	16,211	82,215	12,340	11,598	7,417	24.2	36.3	60.5	4.7	25.2	3.8	3.6	2.3
1916-1920	1,275,980	207,538	373,229	580,767	68,840	387,209	36,997	59,047	43,120	16.3	29.3	45.6	5.4	30.3	10.7	4.6	3.4
1916	298,826	51,055	94,044	145,099	13,204	101,551	18,426	12,027	7,920	17.1	31.7	48.8	4.4	33.9	6.2	4.0	2.7
1917	295,403	38,500	94,583	133,083	12,750	105,309	17,869	15,607	10,789	13.0	32.0	45.0	4.3	35.7	6.0	5.3	3.7
1918	110,618	12,946	18,117	31,063	12,701	32,462	15,524	8,879	6,999	11.7	16.4	28.1	11.5	29.3	16.8	8.0	6.3
1919	141,132	18,039	6,588	24,627	12,674	57,782	29,818	8,820	7,405	12.8	4.7	17.5	9.0	40.9	21.1	6.3	5.2
1920	430,001	86,998	159,297	246,295	17,505	90,025	52,361	13,808	10,007	20.2	37.1	57.3	4.1	20.9	12.2	3.2	2.3
1921-1930	2,633,913	708,011	866,353	1,580,374	78,645	539,581	236,377	54,069	40,867	26.6	37.4	64.0	3.0	20.5	8.9	2.1	1.5
1921	805,228	138,551	513,813	652,364	25,034	72,317	30,758	13,774	10,981	17.2	63.8	81.0	3.1	9.0	3.8	1.7	1.4
1922	309,556	79,437	136,948	216,385	14,263	40,810	19,551	7,449	5,098	25.7	44.2	69.9	4.6	13.1	6.3	2.4	1.7
1923	522,919	156,429	151,491	307,920	13,705	117,911	63,783	13,181	7,334	29.9	29.0	58.9	2.6	22.4	12.2	2.5	1.4
1924	706,896	203,346	160,993	364,339	22,065	200,690	80,326	17,559	12,907	28.8	22.8	51.6	3.1	28.4	11.6	2.5	1.8
1925	294,314	125,248	23,118	148,366	3,578	102,753	32,964	2,106	4,547	42.6	7.9	50.5	1.2	34.9	11.2	.7	1.5
1926-1930	1,468,296	581,013	207,407	788,479	18,755	354,934	222,910	20,830	32,388	39.6	14.1	53.7	1.3	26.2	15.2	1.4	2.2
1926	304,488	126,437	29,135	155,562	3,413	93,368	43,310	3,222	5,607	41.5	9.6	51.1	1.1	30.7	14.2	1.1	1.8
1927	335,175	126,721	41,047	168,308	3,666	84,580	67,721	4,019	6,813	37.8	12.4	50.2	1.1	25.3	20.2	1.2	2.0
1928	307,255	116,267	42,246	158,513	3,380	75,281	59,016	4,058	7,007	37.9	13.7	51.6	1.1	24.5	19.2	1.3	2.3
1929	279,678	114,469	44,129	158,598	3,758	66,461	40,154	4,300	6,411	40.9	15.8	56.7	1.3	23.8	14.4	1.6	2.3
1930	241,700	97,118	50,320	147,438	4,535	35,254	12,703	5,225	6,546	40.2	20.8	61.0	1.9	27.0	5.2	2.2	2.7
1931	97,139	34,719	27,190	61,909	3,345	22,183	3,333	2,490	3,873	35.7	28.0	63.7	3.5	22.8	3.4	2.6	4.0

[1] See headnote, Table 81.
[2] Northern and western Europe comprises Belgium, Denmark, France, Germany, Ireland, Luxemburg (1925 to 1931), Netherlands, Norway, Sweden, Switzerland, and England, Ireland, Scotland, Wales, and United Kingdom not specified. Southern and eastern Europe comprises the other countries on that continent.
[3] From 1820 to 1868 includes all British North American possessions.
[4] Includes Central and South America, Africa, Australia, Pacific Islands, and countries not specified.

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9. Immigration to the United States by Countries During Specified Periods: 1820-1931

NOTE.—Data for years prior to 1906 cover countries whence aliens came, and for years following, countries of last permanent residence. Owing to changes in the list of countries separately reported and to changes in boundaries, data for certain countries are not comparable throughout

Country	1820-1830	1831-1840	1841-1850	1851-1860	1861-1870	1871-1880	1881-1890	1891-1900	1901-1910	1911-1920	1921-1930	1931	Total 112 years 1820-1931
All countries	151,824	599,125	1,713,251	2,598,214	2,314,824	2,812,191	5,246,613	3,687,564	8,795,386	5,735,811	4,107,209	97,139	37,859,151
Europe, total	106,606	495,686	1,597,501	2,452,660	2,065,270	2,272,262	4,737,046	3,558,978	8,136,016	4,376,564	2,477,653	61,909	32,338,255
Albania [1]											1,663	222	1,885
Austria					7,800	72,969	353,719	592,707	2,145,266	453,649	32,868	739	4,133,976
Hungary										442,693	30,980	887	
Belgium	28	22	5,074	4,738	6,734	7,221	20,177	18,167	41,635	33,746	15,846	551	153,939
Bulgaria [1]								160	39,280	22,533	2,945	200	65,118
Czechoslovakia [2]										3,426	102,194	2,016	107,636
Denmark	189	1,063	539	3,749	17,004	31,771	88,132	50,231	65,285	41,983	32,430	555	333,021
Estonia [1]											1,576	104	1,680
Finland [1]											16,891	327	17,774
France, including Corsica	8,868	45,575	77,262	76,358	35,930	72,200	50,464	30,770	73,379	61,897	49,616	1,830	584,205
Germany	7,729	152,454	434,626	951,667	787,468	718,182	1,452,970	505,152	341,498	143,945	412,202	10,401	5,918,294
Great Britain:													
England	15,837	7,611	32,092	247,125	222,277	437,706	644,680	216,726	388,017	249,044	157,420	4,825	2,624,260
Scotland	3,180	2,667	3,712	38,331	38,769	87,564	149,869	44,188	120,469	78,357	159,781	3,895	730,782
Wales	170	185	1,261	6,319	4,313	6,631	12,640	10,557	17,464	13,107	13,012	890	86,049
Not specified [4]	8,302	65,347	220,979	132,160	341,537	16,142	168	67					783,741
Greece	20	49	16	31	72	210	2,308	15,979	167,519	184,201	51,084	1,763	423,252
Ireland	54,338	207,381	780,719	914,119	435,778	436,871	655,482	388,416	339,065	146,181	220,591	7,305	4,586,246
Italy, including Sicily and Sardinia	439	2,253	1,870	9,231	11,725	55,759	307,309	651,893	2,045,877	1,109,524	455,315	13,599	4,664,594
Latvia [1]											3,399	227	3,626
Lithuania [1]											5,015	403	5,418
Luxemburg											727	32	759
Netherlands	1,127	1,412	8,251	10,789	9,102	16,541	53,701	26,758	48,262	43,718	26,948	1,143	247,762
Norway [3]	94	1,201	13,903	20,931	11,631	95,323	176,380	95,015	190,505	68,531	68,531	1,280	801,395
Poland [4]	21	369	105	1,164	2,027	12,970	51,806	96,720		4,813	227,734	3,604	401,333
Portugal, including Azores, Cape Verde, and Madeira Islands	160	829	550	1,055	2,698	14,082	16,078	27,508	69,149	89,732	29,994	542	253,257
Rumania					11	6,348	12,750	53,008	13,311	67,646	933	154,007	
Russia	89	277	551	457	2,512	33,284	213,262	505,290	[11] 597,306	921,201	61,742	335	3,342,326
Spain, including Canary and Balearic Islands	2,616	2,125	2,209	9,208	6,697	5,266	4,419	8,731	27,935	68,611	28,958	476	167,341
Sweden [3]					37,667	115,922	391,776	226,266	249,534	95,074	97,249	1,298	1,214,786
Switzerland	3,257	4,821	4,644	25,011	23,286	98,909	81,988	31,179	34,922	23,091	29,676	864	281,082
Turkey in Europe	21	7	59	83	129	337	1,562	3,626	79,976	54,677	14,859	59	155,195
Yugoslavia (Serb, Croat, and Slovene Kingdom) [1]										1,888	49,084	959	51,811
Other Europe	3	40	79	6	8	1,091	682	122	665	8,111	9,603	446	20,766
Asia, total	15	48	82	41,455	64,630	123,823	68,350	71,236	243,567	192,350	97,400	3,345	906,540
China	3	8	35	41,397	64,301	123,201	61,711	14,799	20,605	21,278	29,907	1,150	378,395
India	9	39	36	43	69	163	269	68	4,713	2,082	1,880	123	9,600
Japan [5]					186	149	2,270	25,942	129,797	83,837	33,462	653	276,296
Turkey in Asia [6]					2	57	3,220	26,799	77,363	79,389	19,165	139	206,174
Other Asia	3	1	11	15	72	243	1,910	3,628	11,089	5,973	12,980	1,280	37,175
America, total	11,951	33,424	62,460	74,720	166,607	404,044	426,967	38,972	361,388	[1] 183,671	1,516,716	30,816	4,272,245
Canada and Newfoundland [7]	2,466	13,624	41,723	59,309	153,878	383,640	393,304	3,311	179,226	742,185	924,615	22,163	2,919,384
Mexico	4,818	6,599	3,271	3,078	2,191	5,162	1,913	971	49,642	219,004	459,287	3,333	759,269
West Indies	3,998	12,304	13,526	10,360	9,046	13,957	28,042	33,066	107,648	123,424	74,899	2,496	433,965
Central America	107	44	368	449	95	157	404	549	8,192	17,159	15,789	1,107	44,400
South America	542	853	3,579	1,224	1,397	1,128	2,304	1,075	17,280	41,899	42,215	1,695	115,194
Other America [10]											31	2	33
Others, total	33,350	60,966	53,169	29,379	18,317	12,062	14,220	18,378	53,915	23,017	15,240	1,069	342,111
Africa	17	64	58	210	312	358	857	350	7,368	8,443	6,286	417	24,727
Australia, New Zealand, and appertaining islands					38	6,880	7,017	2,740	11,975	12,348	8,299	616	52,917
Other Pacific Islands						1,038	5,557	1,225	1,049	1,079	427	36	10,401
Countries not specified	33,333	59,911	53,144	29,169	17,969	790	789	14,063	[11] 33,523	1,147	228		254,066

† See headnote, Table 31.
[1] Countries added to the list since the beginning of the World War are heretofore included with the countries to which they belonged.
[2] Bulgaria, Serbia, and Montenegro prior to 1920.
[3] United Kingdom not specified.
[4] From 1820 to 1868 the figures for Norway and Sweden are combined.
[5] From 1899 to 1919 Poland is included with Austria-Hungary, Germany, and Russia.
[6] No record of immigration from Japan until 1861.
[7] No record of immigration from Turkey in Asia until 1869.
[8] From 1820 to 1898 included all British North American possessions.
[9] Included with countries not specified prior to 1925.
[10] This includes 32,897 persons returning in 1906 to their homes in the United States. This year was the first in which aliens returning to the United States were recorded by country of last permanent residence instead of country whence they came, and since this year aliens reporting their residence as the United States have been shown in immigration statistics as nonimmigrants.

Annual Report of the Commissioner General of Immigration, 1931, pp. 220-21.

10. Immigration to the United States from Europe: 1892-1954

Year	All countries [1]	Total	Northwestern Europe				Central Europe			Eastern Europe		Southern Europe	
			Great Britain	Ireland [2]	Scandinavia [3]	Other Northwestern [4]	Germany [5]	Poland	Other Central [6]	U.S.S.R. and Baltic States [7]	Other Eastern [8]	Italy	Other Southern [9]
1954	208,177	92,121	16,672	4,655	5,459	11,853	33,098	67	2,873	475	104	13,145	3,726
1953	170,434	82,352	16,635	4,304	5,537	11,145	27,329	136	2,685	609	86	8,432	5,250
1952	265,520	193,626	22,177	3,526	5,416	12,476	104,236	235	23,529	549	137	11,342	10,004
1951	205,717	149,545	14,898	3,144	5,502	10,973	87,755	98	10,365	555	223	8,958	7,074
1950	249,187	199,115	12,755	5,842	5,661	10,857	128,592	696	17,792	526	277	12,454	3,663
1949	188,317	129,592	21,149	8,678	6,665	12,286	55,284	1,673	7,411	694	246	11,695	3,809
1948	170,570	103,544	26,403	7,534	6,127	13,721	19,368	2,447	6,906	397	485	16,075	4,481
1947	147,292	83,535	23,788	2,574	4,918	14,662	13,900	745	4,622	761	249	13,866	3,550
1946	108,721	52,852	33,552	1,816	1,278	8,651	2,598	335	511	153	98	2,636	1,224
1945	38,119	5,943	3,029	427	224	365	172	195	206	93	97	213	917
1944	28,551	4,509	1,321	112	281	619	238	292	216	157	109	120	944
1943	23,725	4,920	974	165	239	1,531	248	394	206	159	54	49	901
1942	28,781	11,153	907	83	371	5,622	2,150	343	396	197	117	103	864
1941	51,776	26,541	7,714	272	1,137	9,039	4,028	451	786	665	299	450	1,730
1940	70,756	50,454	6,158	839	1,260	7,743	21,520	702	5,628	898	491	5,302	1,913
1939	82,998	63,138	3,058	1,189	1,178	5,214	33,515	3,072	5,334	1,021	620	6,570	2,367
1938	67,895	44,495	2,262	1,085	1,393	8,352	17,199	2,403	5,195	960	542	7,712	2,392
1937	50,244	31,863	1,726	531	971	2,512	10,895	1,212	8,763	629	533	7,192	1,899
1936	36,329	23,480	1,810	444	646	1,745	6,346	869	2,728	378	424	6,774	1,821
1935	34,956	22,778	1,413	454	688	1,808	5,201	1,504	2,357	418	453	6,566	1,916
1934	29,470	17,210	1,305	443	557	1,270	4,392	1,032	1,422	607	347	4,374	1,461
1933	23,068	12,383	979	338	511	1,045	1,919	1,232	981	458	352	3,477	991
1932	35,576	20,579	2,057	539	938	1,658	2,670	1,296	1,749	696	592	6,662	1,852
1931	97,139	61,909	9,110	7,305	3,144	4,420	10,401	3,604	4,500	1,396	1,192	13,399	3,438
1930	241,700	147,438	31,015	23,445	6,919	9,170	26,569	9,231	9,184	2,772	2,159	22,327	4,647
1929	279,678	158,598	21,327	19,921	17,379	9,091	46,751	9,002	8,081	2,450	2,153	18,008	4,435
1928	307,255	158,513	19,958	25,268	16,184	9,079	45,778	8,755	7,091	2,652	1,776	17,728	4,244
1927	335,175	168,368	23,669	28,545	16,860	9,134	48,513	9,211	6,559	2,933	1,708	17,297	3,939
1926	304,488	155,562	25,528	24,897	16,818	8,773	50,421	7,126	6,020	3,323	1,596	8,253	2,807
1925	294,314	148,366	27,172	26,650	16,810	8,548	46,068	5,341	4,701	3,121	1,566	6,203	2,136
1924	706,896	364,339	59,490	17,111	35,577	16,077	75,091	28,806	32,700	20,918	13,173	56,246	9,150
1923	522,919	307,920	45,759	15,740	34,184	12,469	48,277	26,538	34,038	21,151	16,082	46,674	7,008
1922	309,556	216,385	25,153	10,579	14,625	11,149	17,931	28,635	29,363	19,910	12,244	40,319	6,477
1921	805,228	652,364	51,142	28,435	22,854	29,317	6,803	95,089	77,069	10,193	32,793	222,260	76,409
1920	430,001	246,295	38,471	9,591	13,444	24,491	1,001	4,813	5,666	1,751	3,913	95,145	48,009
1919	141,132	24,627	6,797	474	5,590	5,126	52	([10])	63	1,403	51	1,884	3,197
1918	110,618	31,063	2,516	331	6,506	3,146	447	([10])	61	4,242	93	5,250	5,471
1917	295,403	133,083	10,735	5,406	13,771	6,731	1,857	([10])	1,258	12,716	369	34,596	45,644
1916	298,826	145,699	16,063	8,639	14,761	8,715	2,877	([10])	5,191	7,842	1,167	33,665	46,779
1915	326,700	197,919	27,237	14,185	17,883	12,096	7,799	([10])	18,511	26,187	2,892	49,688	21,441
1914	1,218,480	1,058,391	48,729	24,688	29,391	25,591	35,734	([10])	278,152	255,660	21,420	283,738	55,288
1913	1,197,892	1,055,855	60,328	27,876	32,267	28,096	34,329	([10])	254,825	291,040	18,036	265,542	43,626
1912	838,172	718,875	57,148	25,879	27,554	22,921	27,788	([10])	178,882	162,395	20,925	157,134	35,249
1911	878,587	764,757	73,384	29,112	42,285	25,549	32,061	([10])	159,057	158,721	21,655	182,882	40,051
1910	1,041,570	926,291	68,941	29,855	48,267	29,852	31,283	([10])	258,737	186,792	25,287	215,537	27,740
1909	751,786	654,875	46,793	25,033	32,496	17,756	25,540	([10])	170,191	120,460	11,659	183,218	21,729
1908	782,870	691,901	62,824	30,556	30,175	22,177	32,309	([10])	168,509	156,711	27,345	128,503	32,792
1907	1,285,349	1,199,566	79,037	34,530	49,965	26,512	37,807	([10])	338,452	258,943	36,510	285,731	52,079
1906	1,100,735	1,018,365	67,198	34,995	52,781	23,277	37,564	([10])	265,138	215,665	18,652	273,120	29,975
1905	1,026,499	974,273	84,189	52,945	60,625	24,693	40,574	([10])	275,693	184,897	11,022	221,479	18,156
1904	812,870	767,933	51,448	36,142	60,096	23,321	46,380	([10])	177,156	145,141	12,756	193,296	22,197
1903	857,046	814,507	33,637	35,310	77,647	17,009	40,086	([10])	206,011	136,093	12,600	230,622	25,492
1902	648,743	619,068	16,898	29,138	54,038	10,322	28,304	([10])	171,989	107,347	8,234	178,375	14,423
1901	487,918	469,237	14,985	30,561	39,234	9,279	21,651	([10])	113,390	85,257	5,199	135,996	10,665
1900	448,572	424,700	12,509	35,730	31,151	5,822	18,507	([10])	114,847	90,787	6,852	100,135	8,360
1899	311,715	297,349	13,456	31,673	22,192	5,150	17,476	([10])	62,491	60,982	1,738	77,419	4,772
1898	229,299	217,786	12,894	25,128	19,282	4,698	17,111	4,726	39,797	29,828	1,076	58,613	4,633
1897	230,832	216,397	12,752	28,421	21,089	5,323	22,533	4,165	33,031	25,816	943	59,431	2,893
1896	343,267	329,067	24,565	40,262	33,199	7,611	31,885	691	65,103	51,445	954	68,060	5,292
1895	258,536	250,342	28,833	46,304	26,852	7,111	32,173	790	33,401	35,907	768	35,427	2,574
1894	285,631	277,052	22,520	30,231	32,400	9,514	53,989	1,941	38,638	39,278	1,027	42,977	4,537
1893	439,730	429,324	35,189	43,578	58,945	17,888	78,756	16,374	57,420	42,310	625	72,145	6,094
1892	579,663	570,876	42,215	51,383	66,295	21,731	119,168	40,536	76,937	81,511	1,331	61,631	8,136

Historical Statistics of the United States: Colonial Times to 1970, pp. 105-06.

B. Exclusion and Deportation Statistics: 1892-1954

Tables 1 - 7 provide various statistics concerning the exclusion and deportation of aliens from the United States during 1892-1954.

1. Aliens Debarred and Aliens Deported After Entering the United States: 1892-1907

Year ended June 30—	Immigration.	Debarred from entering.																		Deported after entry.		
		Idiots.	Imbeciles.	Feebleminded.	Insane persons.	Epileptics.	Constitutional psychopathic inferiority.	Surgeon's certificate of mental defect which may affect alien's ability to earn a living, other than idiots, imbeciles, feebleminded, epileptics, insanity, or constitutional psycopathic inferiority.	Tuberculosis (noncontagious).	Loathsome or dangerous contagious diseases.	Surgeon's certificate of physical defect which may affect alien's ability to earn a living, other than loathsome or dangerous contagious diseases or noncontagious tuberculosis.	Surgeon's certificate of defect mentally or physically which may affect alien's ability to earn a living.	Chronic alcoholism.	Paupers or likely to become public charges.	Professional beggars.	Vagrants.	Coming in consequence of advertisements.	Had been deported within one year.	Geographically excluded classes. (Natives of that portion of Asia and islands adjacent thereto described in section 3.)	Contract laborers.	Assisted aliens
1892	579,663	4			17					80				1,002						932	25
1893	439,730	3			8					81				431						518	
1894	285,631	4			5					15				892						553	
1895	258,536	6												1,714						694	1
1896	343,267	1			10					2				2,010						776	
1897	230,832	1			8					1				1,227						328	3
1898	229,299	1			12					258				2,251						417	79
1899	311,715	1			19					348				2,599						741	82
1900	448,572	1			32					393				2,974						833	2
1901	487,918	6			16					309				2,708						327	50
1902	648,743	7			27					709				3,044						276	
1903	857,046	1			23					1,773				5,812						1,088	9
1904	812,870	16			33					1,560				4,798						1,502	38
1905	1,026,499	38			92					2,188				7,898						1,164	19
1906	1,100,735	92			139					2,273				7,089						2,314	
1907	1,285,349	29			189					3,822				6,868						1,434	

Year ended June 30—	Debarred from entering—Continued.																	Deported after entry.		
	Stowaways.	Accompanying aliens (under sec. 18).	Under 16 years of age unaccompanied by parent.	Criminals.	Polygamists.	Anarchists.	Prostitutes and aliens coming for any immoral purpose.	Supported by proceeds of prostitution.	Aliens who procure or attempt to bring in prostitutes and females for any immoral purpose.	Unable to read (over years of age).	Under passport provision, section 3.	Under provisions Chinese exclusion law.	Under last proviso section 23.	Exceeded quota, act of May 19, 1921.	Without proper passport under State Department regulations.	Alien enemies.	Total debarred.	Under immigration law.	Under Chinese exclusion law.	
																			By immigration officers.	By United States marshals.
1892				26			80										2,164	637		
1893				12													1,053	577		
1894				8			2										1,389	417		
1895				4													2,419	177		82
1896																	2,799	238		120
1897				1													1,617	263		227
1898				2													3,030	199		220
1899				8													3,798	263		192
1900				4			7										4,246	355		288
1901				7			3										3,516	303		440
1902				9			3										4,974	465		519
1903				51	1		13										8,769	547		704
1904				35		1	9		3								7,994	779		783
1905				44	3	1	24		4			394					11,879	845		647
1906		180		205	5	1	30		2			122					12,432	676		319
1907		134		341	10		18		1		60	160					13,004	905		336

Annual Report of the Commissioner General of Immigration, 1922, pp. 114-15.

2. Aliens Debarred from the United States by Causes: 1892-1931

Cause for which debarred from entering

Period or year (ended June 30)—	Idiots	Imbeciles	Feeble-minded	Insane persons	Epileptics	Constitutional psychopathic inferiority	Surgeon's certificate of mental defect which may affect alien's ability to earn a living, other than idiots, imbeciles, feeble-minded, epileptics, insanity or constitutional psychopathic inferiority	Tuberculosis (noncontagious)	Loathsome or dangerous contagious disease	Surgeon's certificate of physical defect which may affect alien's ability to earn a living, other than loathsome or dangerous contagious diseases or tuberculosis[1]	Chronic alcoholism	Paupers or likely to become public charges	Professional beggars	Vagrants	Coming in consequence of advertisements	Had been deported within 1 year	Geographically excluded classes (Natives of that portion of Asia and islands adjacent thereto described in sec. 3)	Contract laborers	Assisted aliens
1892-1907	211			628					13,822			54,256						13,843	306
1908	20	45	121	159	25			6	2,000	370		3,710	31					1,932	54
1909	18	43	121	141	26			8	2,582	370		4,402	66					1,172	34
1910	16	40	125	139	28			5	2,135	312		15,918	9					1,786	34
1911	12	26	126	111	23			15	2,331	3,055		12,039	9					1,336	116
1912	10	44	110	105	28			15	1,733	2,288		8,160	22					1,333	94
1913	18	54	483	175	22			2	2,552	4,208		7,946	10					1,624	129
1914	14	68	995	172	25			4	3,253	6,537		15,760	25					2,783	330
1915	6	27	302	98	30		29	1	1,701	928		15,657	39					2,722	698
1916	5	17	224	123	26		49	3	1,163	1,667		10,392	35					2,090	521
1917	9	19	224	112	34	3	55	7	1,495	1,679	10	7,881	12					1,116	250
1918	4	5	19	64	31	20	10	17	469	305	24	2,825	9	2	1	31	19	474	92
1919	1	7	20	48	49	37	9	3	385	334	10	4,002	3			9	19	774	96
1920	9	20	49	56	47	38	9	11	541	353	8	5,305	7	3		20	27	1,164	108
1921	10	31	63	93	11	39	15	4	856	620	5	5,875	25		2	21	12	993	136
1922	7	35	70	82	12	41	23	14	972	573	2	5,531	2	4		24	22	809	161
1923	10	17	74	72	18	55	23	5	955	846	3	8,242			3	69	21	1,409	206
1924	4	21	80	65	20	69	41	9	1,486	706	8	8,134	1	1		46	20	1,219	325
1925	3	10	39	47	13	25	14	8	562	345	8	3,031	2	11	1	16		462	12
1926	6	9	64	48	13	87	30	8	507	199	8	3,595		5	1	17		724	55
1927	1	4	31	26	8	38	26	3	308	113	4	1,348	1	1		14		404	46
1928			10	13	3	7	1	1	196	103		344			2	3		85	4
1929		1	2	18	1	1	2		171	98		260		1		16		77	1
1930	1		3	11	3	7	4	1	102	59		252				38		93	3
1931			2	4	1	12	1		68	35		112				10		43	6

[1] Prior to 1918 includes both mental and physical defects.

Cause for which debarred from entering—Continued

Period or year (ended June 30)—	Stowaways	Accompanying aliens (under sec. 18)	Under 16 years of age, unaccompanied by parent	Criminals	Polygamists	Anarchists	Prostitutes and aliens coming for any immoral purpose	Supported by proceeds of prostitution	Aliens who procure or attempt to bring in prostitutes and females for any immoral purpose	Unable to read (over 16 years of age)	Under passport provision, sec. 3	Under provisions of Chinese exclusion law	Under last provisio sec. 23, act of 1917, or sec. 17, act of 1924	Exceeded quota, act of May 10, 1921	Without proper passport under State Department regulations	Alien enemies	Without proper visa under immigration act of 1924	Total debarred
1892-1907		814		787	19	3	189		10		60	676						85,143
1908		168	88	136	6	2	124		43		272	190						10,902
1909		206	138	273	24		323		181		81	413						10,411
1910		316	296	580	134	5	316	1	179		59	819						24,270
1911		359	549	644	57		253	5	141		27	905						22,349
1912		226	395	892	98	2	263	7	192		50	350						16,057
1913		367	402	806	40	2	367	4	253		48	333						19,988
1914		508	718	758	31	1	380	5	254		92	322						33,041
1915		341	539	276	16	5	291	7	192		88	218						24,121
1916		478	643	245	2		439	5	307		84	377						18,867
1917	38	563	501	257	2	12	510	6	371	391	86	279				6		16,028
1918	161	133	206	160	4	3	161		85	1,598	53	251				49		7,297
1919	464	131	207	251	2	2	88	3	46	1,458	40	101	3			40		8,620
1920	1,241	186	291	855	1		211	10	54	1,839	56	60	22			1		11,796
1921	2,221	158	200	178	16	1	81	10	61	1,460	58	80	94	1	254	5		13,779
1922	1,488	180	146	176	2		113	3	94	1,249	6	225	107	1,662	292			13,731
1923	1,929	198	262	364	1	4	180		146	2,095	12	321	141	2,880	462			20,819
1924	2,436	257	297	548	2	2	163	1	149	1,708	8	500	322	10,114	1,554			30,284
1925	308	78	76	281		2	53	1	42	523	3	188	101	661	6		18,007	25,390
1926		77	94	273	1		56	4	35	652			39				13,938	20,660
1927		29	43	160			27	1	21	353			40				16,215	19,766
1928		15	16	59			11	1	4	60			16				17,885	18,839
1929		9	16	35	2		4	2	3	45			16				17,337	18,127
1930		13	7	40			8	1	4	37			4				7,640	8,233
1931		6	2	19			7		3	12			3				9,308	9,744

Annual Report of the Commissioner General of Immigration, 1931, pp. 251-52.

3. Immigrant Aliens Debarred from the United States: 1906-24

	At Port of New York	Total U.S.
1906	7,877	12,432
1907	6,752	13,064
1908	4,643	10,902
1909	4,361	10,411
1910	14,771	24,270
1911	12,917	22,349
1912	8,294	16,057
1913	10,720	19,938
1914	16,588	33,041
1915	2,674	24,111
1916	2,342	18,867
1917	1,671	16,028
1918	483	7,297
1919	521	8,626
1920	1,720	11,795
1921	3,819	13,779
1922	3,898	13,731
1923	4,110	20,619
1924	6,370	30,284
Total	114,531 (35.0% of total)	327,601

Annual Reports of the Commissioner General of Immigration, 1906-24.

4. Aliens Deported Under Warrant Proceedings after Entering the United States: 1907-32

Year Ended June 30	No. Deported from all Ports of the U.S.	No. Deported from Ellis Island
1907	995	656
1908	2,069	1,079
1909	2,124	1,217
1910	2,695	1,360
1911	2,788	1,519
1912	2,456	1,364
1913	3,461	1,889
1914	4,610	2,136
1915	2,564	833
1916	2,781	536
1917	1,853	219
1918	1,569	131
1919	3,068	370
1920	2,762	812
1921	4,517	1,302
1922	4,345	1,158
1923	3,661	511
1924	6,409	1,582
1925	9,495	1,952
1926	10,904	2,285
1927	11,662	1,961
1928	11,625	2,001
1929	12,908	1,839
1930	16,631	1,764
1931	18,142	2,437
1932	19,426	3,073
Total	169,920	35,786 (21% of total)

Annual Reports of the Commissioner General of Immigration, 1907-32.

5. Aliens Excluded from the United States by Cause: 1892-1954

Period	Total	Subversive or anarchistic	Criminals	Immoral Classes	Mental or physical defectives	Likely to become public charges	Stowaways	Attempted entry without inspection or without proper documents	Contract laborers	Unable to read (over 16 years of age)	Other
1892-1900	22,515	--	65	89	1,309	15,070	--	--	5,792	--	190
1901-1910	108,211	10	1,681	1,277	24,425	63,311	--	--	12,991	--	4,516
1911-1920	178,109	27	4,353	4,824	42,129	90,045	1,904	--	15,417	5,083	14,327
1921-1930	189,307	9	2,082	1,281	11,044	37,175	8,447	94,084	6,274	8,202	20,709
1931-1940	68,217	5	1,261	253	1,530	12,519	2,126	47,858	1,235	258	1,172
1941-1950	30,263	60	1,134	80	1,021	1,072	3,182	22,441	219	108	946
1951-1954	13,678	197	1,184	117	661	120	244	10,530	9	9	607
Total	610,000	408	11,760	7,921	82,119	219,319	15,903	174,913	41,937	13,660	41,467

In 1941-1953 figures represent all exclusions at seaports and exclusions of aliens seeking entry for 30 days or longer at land ports.

Bennett, American Immigration Policies, p. 339.

6. Aliens Apprehended, Deported, and Required to Depart from the United States: 1892-1954

Period	Aliens apprehended 1/	Aliens expelled		
		Total	Aliens deported	Aliens required to depart 2/
1892-1954	4,666,176	5,416,313	443,210	3,973,103
1892-1900	-	3,127	3,127	-
1901-1910	-	11,558	11,558	-
1911-1920	-	27,912	27,912	-
1921-1930	128,484	164,390	92,157	72,233
1931-1940	147,457	210,416	117,086	93,330
1941-1950	1,377,210	1,581,774	110,849	1,470,925
1951-1954	3,013,025	3,417,136	80,521	2,336,615

1 Aliens apprehended first recorded in 1925.

2 Aliens required to depart first recorded in 1927.

Bennett, American Immigration Policies, p. 340.

7. Aliens Deported from the United States by Cause: 1892-1954

Period	Total	Subversive or anarchistic	Criminals	Immoral classes	Violators of narcotic laws	Mental or physical defectives	Previously excluded or deported	Failed to maintain or comply with conditions of non-immigrant status	Entered without proper documents	Entered without inspection or by false statements	Public charges	Unable to read (over 16 years of age)	Miscellaneous
1908 - 1961 1/	492,217	1,499	42,610	16,191	3,357	27,085	33,750	62,411	126,962	123,240	29,519	16,761	15,832
1908 - 1910	6,888	-	236	784	-	3,228	-	-	-	1,106	474	-	1,060
1911 - 1920	27,912	353	1,209	4,324	-	6,364	178	-	-	4,128	9,086	704	1,566
1921 - 1930	92,157	642	8,383	4,238	374	8,936	1,842	5,556	31,704	5,265	10,703	5,977	8,537
1931 - 1940	117,086	253	16,597	4,838	1,108	6,301	9,729	14,669	45,480	5,159	1,886	8,329	2,737
1941 - 1950	110,849	17	8,945	759	822	1,360	17,642	13,906	14,288	50,209	143	1,746	812
1951 - 1954	80,521	147	3,286	456	260	192	2,091	13,419	30,026	29,723	164	2	815

1 Deportation statistics by cause are not available prior to fiscal year 1908.

Bennett, American Immigration Policies, p. 341.

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As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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