

# Handout B: History of American Political Rhetoric and Immigration Law Reform

## Part 1: The Founding Era

### Introduction:

Article 1, Section 8 of the U.S. Constitution empowers the Congress to “Establish a Uniform Rule of Naturalization.” The first national law concerning immigration was the Naturalization Act of 1790, which stated that any free white person who had resided in the United States for at least two years could apply for full citizenship (women and blacks were ineligible for citizenship). Congress also required applicants to demonstrate “good character” and swear an oath to uphold the Constitution. In 1795, naturalization standards were changed to require five years’ prior residence in the United States, and again in 1798 to require 14 years’ residence. The 1798 revision was passed amidst the anti-French fervor of the Quasi-War and sought to limit the influence of foreign-born citizens in federal elections. During Thomas Jefferson’s presidency, the 1798 standards were repealed to require five years’ residence once more.

## Document 1: President George Washington, letter to Vice President John Adams, November 15, 1794

### Source:

<https://founders.archives.gov/documents/Washington/05-17-02-0112>

### Text

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

### Questions:

1. What advantage does the United States stand to gain from the immigration of foreigners, according to Washington?
2. How does Washington see the challenge of assimilation taking place?
3. Washington wrote this letter in the midst of an influx of German, Irish, and French immigrants, many of whom generally supported the views of the Jeffersonian Republicans. How does this information shed additional light on your interpretation of this letter?

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## Document 2: President Thomas Jefferson, annual report to Congress, December 8, 1801

### Source:

<https://founders.archives.gov/documents/Jefferson/01-36-02-0034-0003>

Text
I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship, under a residence of fourteen years, is a denial to a great proportion of those who ask it; and controuls a policy pursued, from their first settlement, by many of these states, and still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress, that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe?

### Questions:

1. Why is Jefferson in favor of easing the requirements for naturalization? To what extent might Jefferson's support of France colored his view?

## Document 3: Naturalization Act of 1795

### Source:

<https://founders.archives.gov/documents/Jefferson/01-36-02-0034-0003>

Text
For carrying into complete effect the power given by the constitution, to establish an uniform rule of naturalization throughout the United States:
... Any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:—
First. He shall have declared, on oath or affirmation . . . his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty . . .
... That he has resided within the United States, five years . . .
... The court admitting such alien shall be satisfied that he has resided within the limits and under the jurisdiction of the United States five years; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same.

### Questions:

1. Who is eligible for naturalization under this law?
2. What must the candidate promise on oath?
3. What additional qualities are to be present in acceptable candidates for citizenship?

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## Part 2: Resistance to Immigration, late nineteenth and early twentieth centuries

### Introduction:

Immigrants of Asian descent began arriving in the United States in the middle of the 1800s. It was not until after the end of the Civil War in 1865 that their numbers became significant. These immigrants were at first concentrated primarily in West Coast cities and worked as laborers (especially on the railroad), farmers, and merchants. They predominately moved into their own culturally distinct neighborhoods within these cities. Asian immigrants were exploited as cheap labor, feeding the insatiable need for workers in the ever-expanding West. The Chinese Exclusionary Act of 1882 passed at the behest of organized labor tapped into deep nativist sympathies in the United States at the time.

Starting in the 1890s, a surge of immigration, identified by historians as the “new wave,” began to arrive in the United States. Advances in steamship transportation and the changing economic and political situations in Europe meant increasing numbers of immigrants came from southern and eastern Europe instead of northwest Europe, as they had in previous decades. This difference in origin, language, and ethnicity meant they stood out more than the previous generation of immigrants. This new wave of immigration coincided with the Progressive Era (c. 1890–1920), which gave rise to a eugenics movement in the United States. Though not all Progressives espoused eugenics, some stressed the natural superiority of northern Europeans and, in particular, the “Anglo-Saxon race.” The National Origins Formula of immigration quotas began in 1921 with the Emergency Quota Act (Document 9).

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### Document 2: President Thomas Jefferson, annual report to Congress, December 8, 1801

#### Source:

<https://www.ourdocuments.gov/doc.php?flash=false&doc=47&page=transcript>

Text
Until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days to remain within the United States. . . .
. . . That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

#### Questions:

1. How long does this act suspend Chinese immigration?
2. What additional restriction is placed on the Chinese immigrants that are already here?

## Document 5: President Grover Cleveland, speech, October 1, 1888

### Source:

<https://millercenter.org/the-presidency/presidential-speeches/october-1-1888-message-regarding-chinese-exclusion-act>

Text
Its object is to more effectually accomplish by legislation the exclusion from this country of Chinese laborers.
The experiment of blending the social habits and mutual race idiosyncrasies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic, and injurious to both nations. . . .
. . . Inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific Coast. This has induced me to omit no effort to find an effectual remedy for the evils complained of and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own and wholly disconnected with American citizenship

### Questions:

1. Why is Cleveland against allowing Chinese immigration?
2. Why does he see it necessary to take action at this time?

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## Document 6: *A History of the American People*, vol. 5, by Woodrow Wilson, 1902

### Source:

[https://books.google.com/books/about/A\\_History\\_of\\_the\\_American\\_People.html?id=HHwQAAAAAYAAJ](https://books.google.com/books/about/A_History_of_the_American_People.html?id=HHwQAAAAAYAAJ)

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

### Questions:

1. What changes in immigration to the United States alarm Wilson?
2. What is the problem with immigrants from southern and eastern Europe, according to Wilson?

## Document 7: Emergency Quota Act of 1921

### Source:

<https://loveman.sdsu.edu/docs/1921EmergencyQuotaAct.pdf>

Text
AN ACT
To limit the immigration of aliens into the United States. . . .
. . . The number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign born persons of such nationality resident in the United States as determined by the United States census of 1910. . . .
The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement shall be the population basis for the purposes of this Act. . . .
. . . The number of aliens of any nationality who may be admitted in any month shall not exceed 20 per centum of the total number of aliens of such nationality who are admissible in that fiscal year. . . .
That in the enforcement of this Act preference shall be given so far as possible to the wives, parents, brothers, sisters, children under eighteen years of age, and fiancées, (1) of citizens of the United States, (2) of aliens now in the United States who have applied for citizenship in the manner provided by law, or (3) of persons eligible to United States citizenship who served in the military or naval forces of the United States

### Questions:

1. What does this act do to the overall level of immigration to the United States?
2. How does this act change the nature of the immigration that is allowed?

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## Part 3: Immigration in the late twentieth century and beyond

### Introduction:

The quotas and restrictions of the 1920s remained largely in place until the administration of President Lyndon Johnson, who undertook a sweeping reform project of many of the most important public policy sectors. As part of his reform agenda, Johnson signed into law the Immigration and Nationality Act of 1965, which ended use of the National Origins Formula. The reforms of 1965 initiated a substantial change in the ethnic and national origin of immigrants and this accounts for the rapid growth of the non-European population seen today. The immigration debate in recent years has centered on the status of those immigrants who come to the country without having the proper permission. Since the early 2000s, advocates of open immigration and amnesty have pushed for the Development, Relief, and Education for Alien Minors Act, more commonly known as the DREAM Act. The latest version of this act was introduced on May 11, 2011. As of publication, the DREAM Act has not been signed into law.

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### Document 8: Summary of the Immigration Reform and Control Act (IRCA) or the Simpson–Mazzoli Act of 1986

#### Source:

<https://millercenter.org/the-presidency/presidential-speeches/october-1-1888-message-regarding-chinese-exclusion-act>

The Immigration Reform and Control Act (IRCA) was passed by Congress in 1986 and signed into law by President Ronald Reagan (R) on November 6, 1986. The law made it illegal for employers to knowingly hire individuals unauthorized to work in the United States and established a system for verifying the legal status of employees. The Immigration and Naturalization Service and the U.S. Border Patrol were provided increased funding for the purpose of enforcing immigration law. IRCA also created new, separate visa categories for temporary agricultural work (H-2A) and temporary nonagricultural work (H-2B).

The Immigration Reform and Control Act granted temporary legal status to individuals residing in the United States without legal permission who had entered the country before January 1, 1982, had resided continuously in the country since that time, and were otherwise admissible under the law. Individuals who had entered the country legally but whose legal status had since expired were also eligible. Eligible individuals had to apply for such status within 18 months of the effective date of the act.

Individuals who had been convicted of a felony or at least three misdemeanors or had taken part in political, religious, or racial persecution were ineligible to apply for the temporary legal status.

Following the receipt of temporary legal status, such individuals could apply for permanent residency and a Green Card if they had continued to reside in the United States since the grant of legal status, had not been convicted of a felony or at least three misdemeanors, had a minimum understanding of the English language and U.S. civics, and were otherwise admissible. The law also waived most grounds for exclusion, excepting criminal, security, or drug-related grounds, for the purpose of maintaining family unity when possible.

#### Questions:

1. What did this law allow unauthorized immigrants to the United States to do?
2. What conditions must be met to take advantage of this allowance?



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## Document 9: Summary of the Development, Relief, and Education for Alien Minors Act of 2011 (or DREAM Act) by the Congressional Research Service, proposed in the Senate on May 11, 2011

### Source:

<https://www.congress.gov/bill/112th-congress/senate-bill/952>

Text
Authorizes the Secretary of Homeland Security (DHS) to cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who: (1) entered the United States on or before his or her 15th birthday and has been present in the United States for five years preceding this Act's enactment; (2) is a person of good moral character; (3) is not inadmissible under specified grounds of the Immigration and Nationality Act; (4) has not participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; (5) has not been convicted of certain offenses under federal or state law; (6) has been admitted to an institution of higher education (IHE) in the United States or has earned a high school diploma or general education development certificate in the United States; and (7) was age 35 or younger on the date of this Act's enactment.

### Questions:

1. What age group does this proposed legislation address regarding unauthorized immigrants?
2. This proposed legislation allows the secretary of Homeland Security to change the status of an immigrant to “lawfully admitted for permanent residence” provided they meet certain conditions. What are these conditions? How do these compare with the conditions set forth in the previous document?