OLLI Week 3. Placing U.S. 1924 Immigration Law in a Global Setting

(Please remember this is a clunky, very preliminary idea of what I would need to develop in this chapter! Lots of repetition and gaps still abound here but it is a very rough outline of what I would want to look at in this chapter. Write and tell me what you think. msjayes@yahoo.com)

Intro: One of the things I am rethinking quite a bit is how different the history and debates over migration look when placed in a global setting. This essay looks at the 1924 legislation through the advent of State control over mobility and documents, and the extension of scientific management approaches to national population. It also looks at a dark outcome of the US 1924 precedent in the spurring the European quest for territorial expansion to handle its perceived surplus population. And ultimately, the quota system led to tragedy when the quotas of 1924 were used to justify US inflexibility in the face of the WWII refugee crises. The quotas began as a U.S. political maneuver and became a tragic barrier with fatal consequences for tens of thousands.

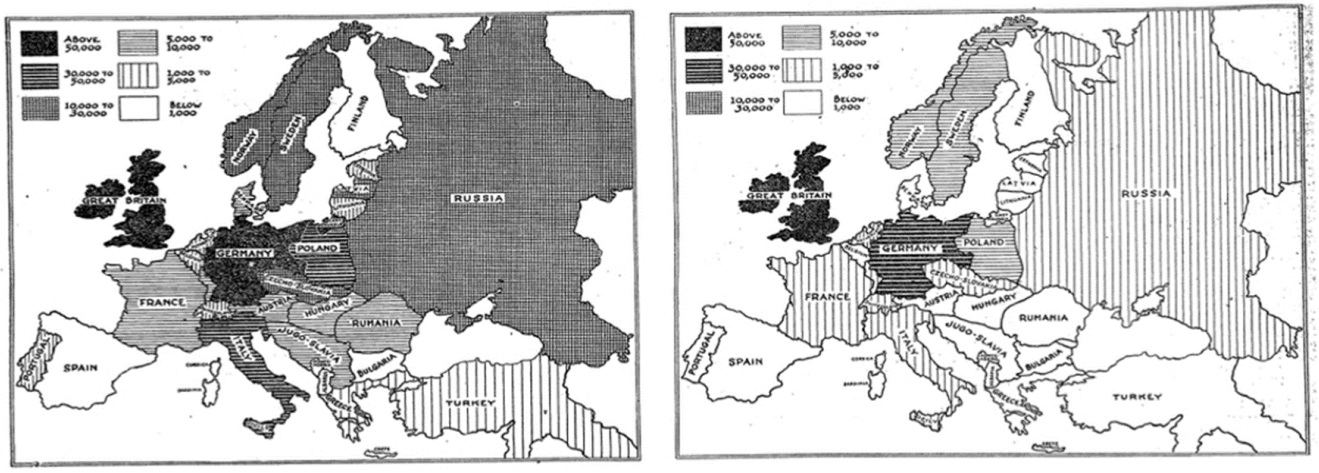
The 1924 Act wasn't just a shameful reflection of American national prejudice against "new immigrants," it was part of the development of a global system of state control over human mobility and the management of national populations. Because the US and its European imitators had powerful positions in shaping the new international norms these systems of regulation take on global significance. It's time to examine the 1924 Act in its global setting.

AMERICA OF THE MELTING POT COMES TO END
By DAVID A. REED, Senator From Pennsylvania.
New York Times (1923-Current file); Apr 27, 1924;
ProQuest Historical Newspapers The New York Times (1851 - 2007)
pg. XX3

AMERICA OF THE MELTING POT COMES TO END

Effects of New Immigration Legislation Described by Senate Sponsor of Bill—Chief Aim, He States, Is to Preserve Racial Type as It Exists Here Today

HOW NEW LEGISLATION WILL CHANGE THE FLOW OF IMMIGRATION FROM EUROPE TO THE UNITED STATES



FLOW UNDER THE PRESENT LAW

FLOW UNDER THE PROPOSED LAW
(Under the House Bill 161,990 Would Be Admitted).

One key theme in our discussion of the forces shaping the 1924 law last week was that U.S. immigration reform responded primarily to cultural anxieties rather than actual numbers. The striking phrase above, ""Preserve Racial Type," was an explicit reflection of fears that the old "Anglo Saxon stock" faced challenges from Eastern Europe, but immigration reform also seen as a tool to deal with the threat of radicals, labor unrest, urban poverty and disease, etc. Immigrants were a convenient scapegoat for the many tensions in America in 1924 and a blatant effort to literally "turn back the clock" to an earlier era.

[Something we did not address - The problem was not really that immigrants were not assimilating, but that they were assimilating all too well. After 30 years of high immigration the second generation was challenging old elites for control of cities across America. Chicago had its first Irish mayor 1893, Boston in 1885. It was the visibility of these political forces more than their poverty stricken tenement relatives, that unnerved old elites.]

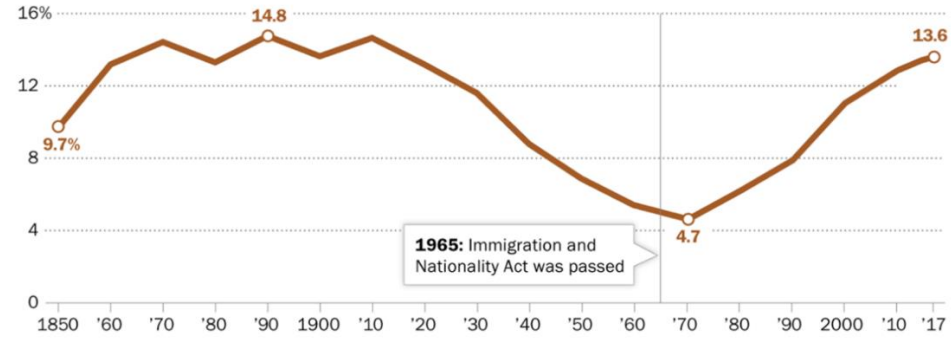
At its heart, the effort to legislate a specific "racial type" through immigration control was the logical outcome of an age that saw the application of the scientific management model to many endeavors. City planning, food and drug testing, intelligence measurement, transportation networks, asylums and prisons, business planning, universities and even the science of running the home, home economics, attracted efforts to implement rational, efficient and science-based improvement. Teddy Roosevelt's obsession about health and fitness of American boys one tiny glimpse of a nation and a state whose physical and mental potential was a matter not just of personal or family but state concern. This was the heyday of detailed planning for human

betterment and engineering an improved population through immigration selection is no surprise.

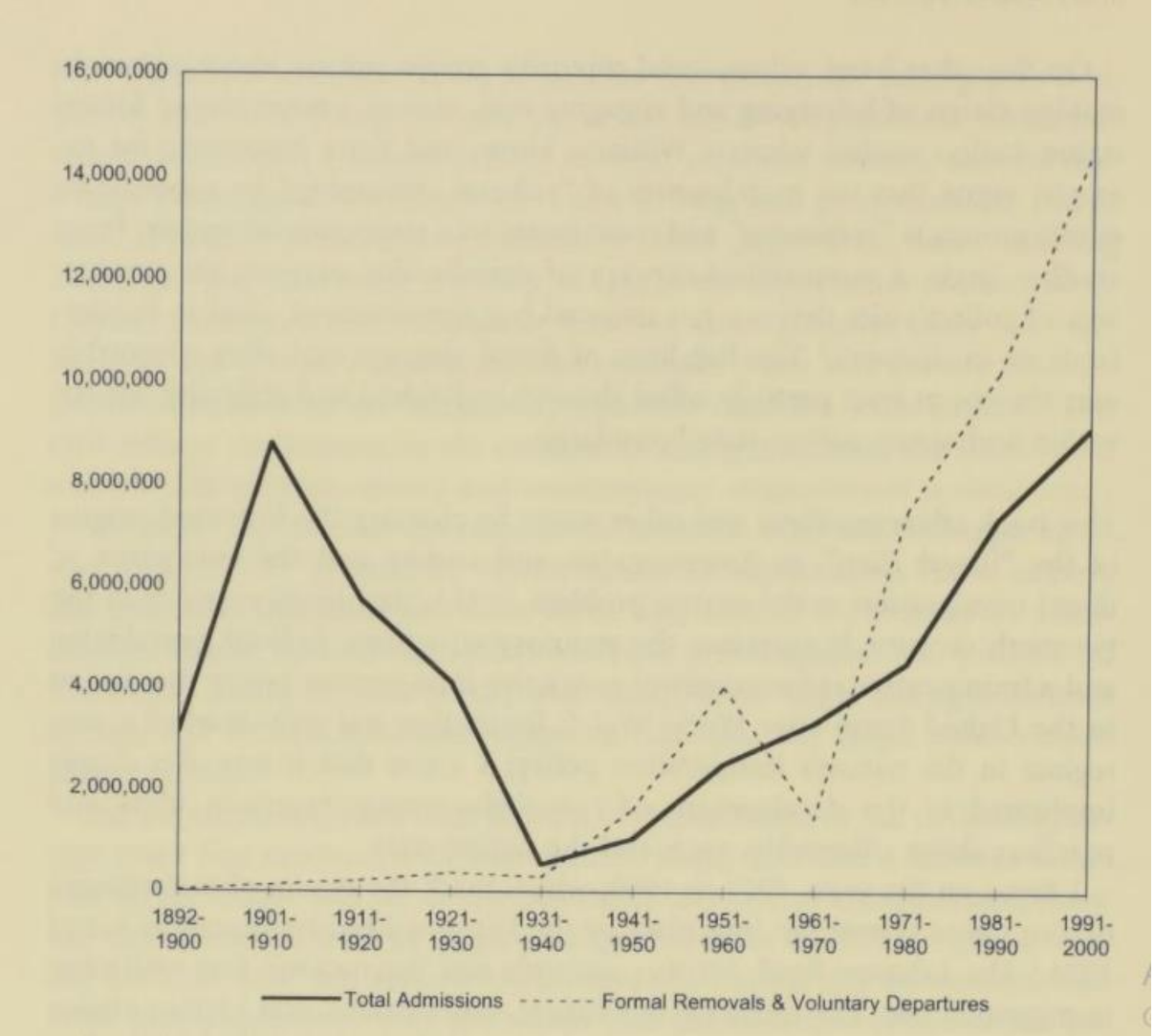
The irony, of course, was that U.S. immigration from Europe was already in decline and the 1924 legislation was responding to a demographic transition that was largely over. (See below).

Immigrant share of U.S. population nears historic high

% of U.S. population that is foreign born



Source: U.S. Census Bureau, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850-2000" and Pew Research Center tabulations of 2010 and 2017 American Community Survey (IPUMS).



Source: Ngai. 2004. P. 4.

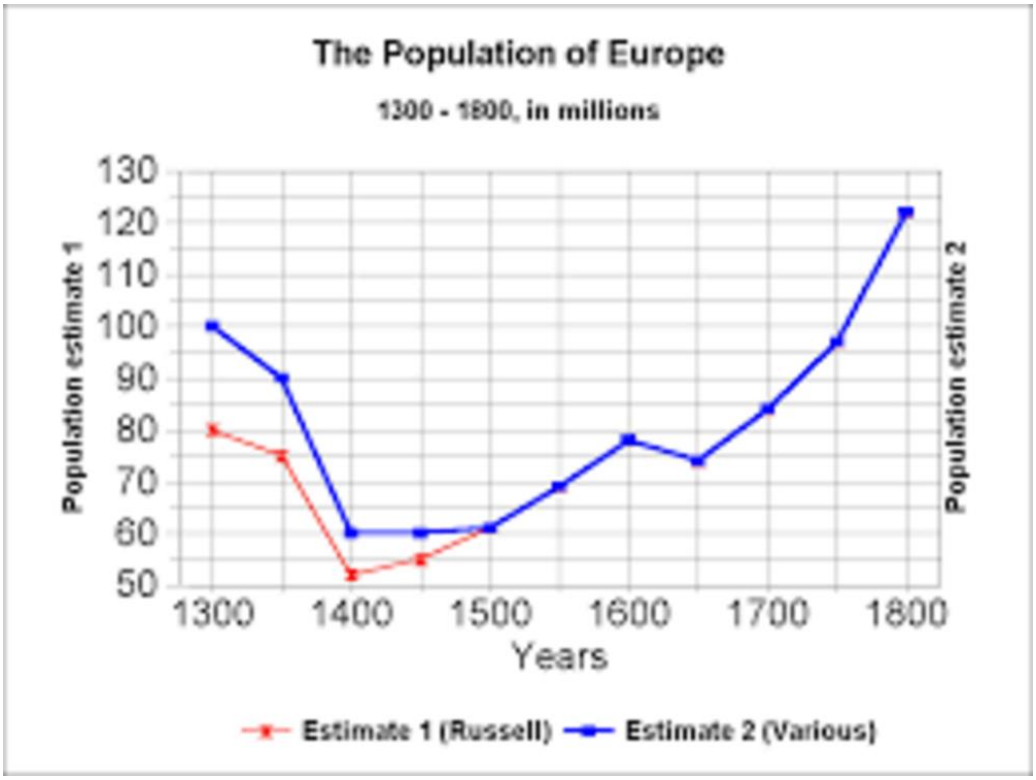
Demographic Transition in Europe and Rural to Urban Migration

The 1924 US decision to close the door against immigration was condemned in Europe as critics argued that human migration was a right that should not be restricted. Beneath the surface of the noble statement, however, was a tone of desperation. Europe considered itself in the midst of its own migration crisis: the rural to urban migration brought about by the age of industrialization. Since the late 1700s rural migrants had been abandoning the poverty of the countryside and seeking opportunities in town. In some areas the abandonment of primogeniture meant landholdings had been divided until they were incapable of providing a living. In other areas improvements in agriculture led those who had the capital to invest to expand and even enclose formerly public lands, driving the dispossessed into the city.

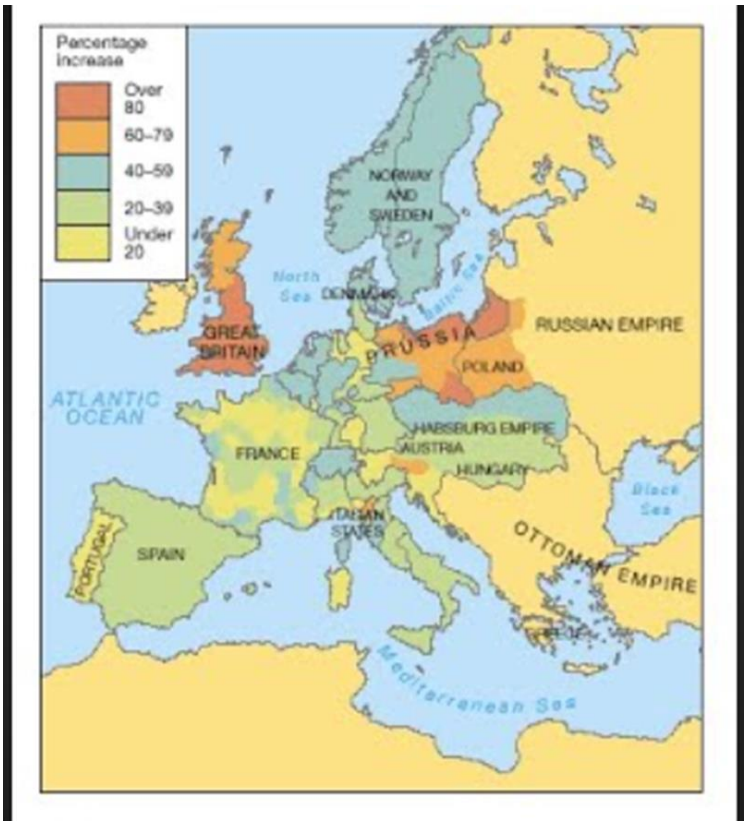
Ironically some of the misery visible to critics was due to the fact that life was not quite so miserable as it had been before. The introduction of new world items like the potato, the

Jerusalem artichoke and salt for preserving fish, plus increased resistance to infectious diseases, meant that more people were living, reproducing and in need of livelihoods.

Until the 1800s, most rural to urban migration had passed unnoticed due to the high death rates within cities. High mortality from TB, Cholera, malnutrition and typhoid kept city populations fairly constant despite in-migration. But in 1790, for the first time registered births in London exceeded registered funerals [Arrival Cities, Greg Saunders]. Urban populations grew as mortality decreased and the displaced rural poor continued to arrive.

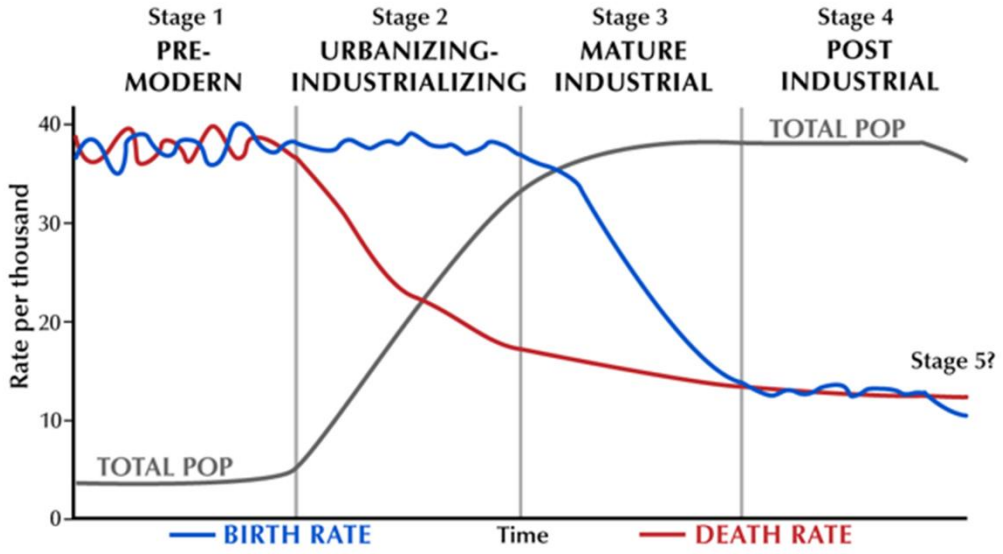


The agrarian-industrial transition led to several demographic shifts in addition to the rural to urban movement of people. Although the European population more than tripled between 1700 and 1900 (from 118 million to 350 million), it grew unevenly reflecting the uneven industrialization across the continent. The early population boom in the north slowed by the mid-1800s as birth rates fell. Rural families which might have had 8-10 children in the hopes that a few would live long enough to help on the farm and care for elderly parents, had fewer children after a generation in urban settings. Children were more expensive to raise in the city, Parents workplaces were separated from the home and supervision of children, and as more of them were living there was less need to spread the risk out across a large family. First the death rate had dropped, then the birth rate, reestablishing the population growth rate at a much slower rate in the North by the late 1800s.



Map: European population increases, 1800-1850.

Europe's north was the first region to undergo the demographic transition (rural to urban migration, a boom of population growth as death rates fell, followed by a stabilization of the population as average family size decreased) brought about by industrialization and urbanization. Southern Europe followed, with a population boom in the late 1800s also leading to migration, then a demographic stabilization in the early 1900s as the population numbers stabilized.



The U.S.'s misunderstanding of these population dynamics contributed to the hysteria of the Nativist movements in the late 1800s. Americans understood the waves of migration as if they were a barometer of America's success and an unending menace. They did not see them as a temporary migration wave created by European transition to urbanization, but as the first stage of an overwhelming flood of immigrants intent on a U.S. landing. But the U.S. experience was created by the movement of Europe's surplus and unincorporated population off the land and into urban centers wherever they could be found.

The path that led away from land poor villages to urban opportunity led sometimes to cities in Europe, sometimes to cities in the new world. Between 1800 and 1914 about 50 million Europeans, or 20% of the population, emigrated. The first wave of mass migration came from Northern Europe, the first region to experience the population boom occasioned by dropping mortality rates. Great Britain, Prussia and the nearby northern states provided a ready market for newly emerging private transport shipping lines, and North America was often the nearest and cheapest destination. Others traveled south across the Atlantic to Brazil or Argentina, or across the Mediterranean to French Algeria. Later, when population growth rates stabilized in Northern Europe in the mid to late -1800s, the new sending regions would be southern Europe, then in its moment of rural to urban migration.

In America the demographic changes in Europe were experienced as a shift from northern European immigration in the mid-1800s to Southern and Eastern European immigration by the late 1800s. By the time the US enacted reforms 1924, immigration from southern Europe was already slowing down as the population stabilized. The 1924 quotas were a response to a population transition that was nearing its end by the 1920s as European populations stabilized.

European Migration Flows (1800-1914)

The European Migration Crisis and Malthusian Fears

The map above shows only migration leaving Europe, but this was also an age of internal migration. Rural people moved to cities because they saw opportunities that were unavailable at home--factories, education, even food. But what 19th c elites saw was vermin, overcrowding and social chaos. The uprisings that swept through European cities in 1848 didn't improve the elite opinion of the new urbanites. The efforts to beautify European cities in the late 19th century were partly aimed at addressing problems of overcrowding and insufficient infrastructure, but they were also efforts to distract from it with new showpiece projects like the Brandenburg gate or the Eiffel Tower. The rural transplants were seen both as an embarrassment and a potential danger. The public school systems in late 19th c. Europe struggled to impose the stamp of approved culture on the regional varieties of French, or German, and impose an approved national identity on the nation.

This was Europe's migration crisis. It was not a crisis that challenged the state by flowing across borders (and there were fewer borders in the imperial prewar system) but one that flowed in from the countryside, provoking similar concerns about cultural and national decay, class strife and disease. News that the U.S. was shutting the door to migrants was condemned as an infringement on the human right to move, but the real fear in Europe is that those migrants would move to town.

[Both the U.S. and Europe failed to recognize that the population in Europe was actually stabilizing and generating fewer migrants. Instead, they focused on the visible poverty in their midst and became consumed with Malthusian fears of overpopulation by the wrong sort. In the U.S. the fears led them to impose a system of controls over migrants, just as they had

imposed controls on the freedmen through violent intimidation and the legal prison of the Jim Crow system, and on the native nations with the reservation system.]

European fear of the destabilizing effects of rural to urban migration resulted both in condemnation of the U.S. Immigration Act and fascination with the possibility of reshaping national communities through legislation and scientific management. Eugenics societies, which emerged in Europe before the war, became more actively involved in social interventions across the continent, even advocating sterilization or limiting marriage for or between some groups. WWI was interpreted by many as a product of overpopulation, giving a boost to birth control movements (implicitly understood to mean birth control among the lower class.)

In 1927 Margaret Sanger (shown abovewith American supporters) convened the first World Populations Conference in Geneva with 123 delegates from around the globe. While she may have seen birth control as a step towards the improvement of women's status, many involved in campaigns to legalize birth control saw it as a tool to limit the reproduction of the dangerous classes. The 1927 conference strictly avoided any mention of the controversial topic of birth control, but papers on the topics of population and food supply, population and migration controls, population and heredity and disease set implicit arguments for more aggressive population management. The conference also established the International Union for the Scientific Study of Population Problems, which held its first meeting in Paris in 1928. This was a more explicitly eugenicist group (one committee was tasked with gathering "statistics on primitive races") and provided a platform for normalizing ideas on population management.

1928 Paris inaugural meeting of the International Union for the Scientific Study of Population Problems.

Sanger wrote against linking the right of birth control to the “management” of the human species proposed by some Eugenics leaders, like Frances Galton, but she also recognized that these groups were important allies for legalizing birth control. In the U.S. these groups overlapped with nativists who argued for the racial reshaping of migration, in Europe eugenicists advocated greater state intervention in domestic population dynamics through intelligence testing, marriage controls, and even forced sterilization. Madison Grant’s 1916 book, T*he Passing of the Great Race*, enjoyed a new wave of popularity in Europe in the 1920s.

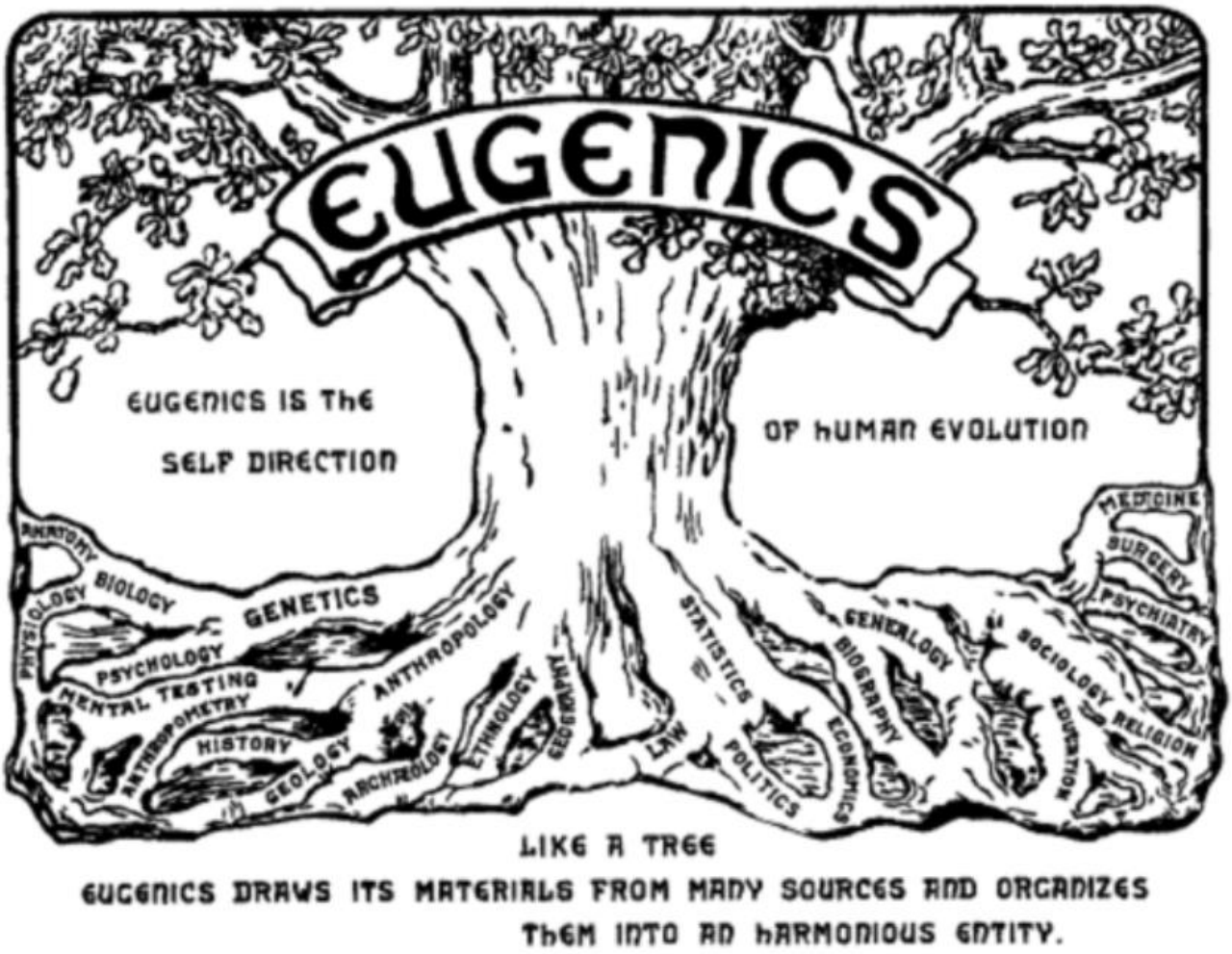


Image: "The Eugenic Tree," American Philosophical Society, 1932

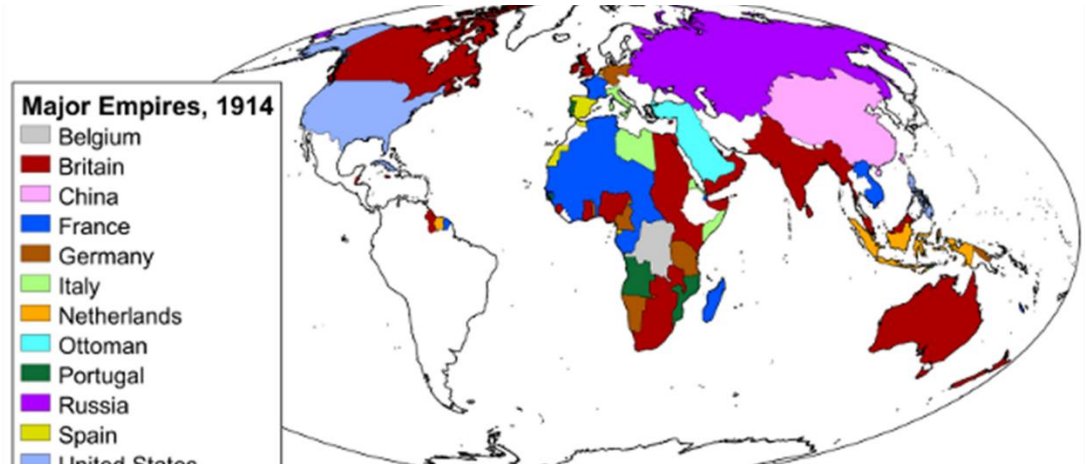
Expansion as an alternative Response to the European Immigration Crisis

While many in Europe sought to address migration and the perceived population crisis through limiting births, others advocated following the American example and seizing land from less hardy groups. European expansion in the pre-war years saw itself reenacting the U.S.'s experience with Manifest Destiny, conceived as the right of virile races and cultures to expand into what they regarded as areas of inefficient land use. German geographer Freiderich Ratzel toured North America in the 1870s and carried home the idea that nations, like living organisms, had habitats that could be studied spatially. His work reinvented the vision of national homelands (mythical origins sites) by adding the corollary that healthy nations could be expected to expand and that borders were not fixed, but more appropriately seen as a

national skin that could expand to contain the growing nation. Nation's, in fact, needed to expand to give the culture the "Living Space" it needed."

Freiderich Ratzel's (1844-1904) vision of Lebensraum envisioned gradual colonization of the German eastern frontier, in the style of American Manifest destiny.

Ratzel's vision of living space, or Lebensraum, did not advocate conquest but did see the "natural" right of migrants with spiritual and cultural strength to disregard fixed state borders. He envisioned German colonists justifying their expansion and domination over neighbors through their claims to higher culture in a Herbert Spencer-style misreading of Darwin's vision of survival of the fittest. [Zoologist Ernst Haeckel another of the German social darwinists popular among those looking to justify state expansion.] Ratzel died in 1904 but his vision of Lebensraum and the moral justification for expansion remained popular both before and after WWI. British expansion into new lands for British colonization in East and Southern Africa, French expansion from Algeria to Morocco (1912), and Italian expansion into Somalia (1905), Libya (1911) and later into Ethiopia (1936) were all efforts to acquire the "living space" that could turn surplus population from a danger to a strategic tool. In the hands of Hitler's planners, Ratzel's "living space" provided the philosophical justification for the conquest of Poland and the East. The horrors of German scientific population management were premised on the example of U.S. manifest destiny, Jim Crow, the Native American reservation system and the Immigration quota system.



The quest for territory to absorb excess population led to a wave of European states pursuing new acquisitions in the pre WWI years.

Establishing a Precedent of State Control over Human Movement.

Despite the enthusiasm among some groups for imitating American race-based scientific population management techniques, other voices worried about setting precedents for state control over human movement. It is hard to imagine a world without documents now, but there was no international standard on documentation in the era. Travelers carried baptism or marriage certificates or work attestations if migrants, or letters of introduction if traveling for business or pleasure. In the U.S. there were no standards for registering births across the country until 1902, and no general requirements for travel documents until the 1920s. By then concern with immigration and "radical aliens" had pushed states toward requiring documentation post-WWI, an unpopular development condemned by upper class travelers. People identified who was worth knowing by their dress, their connections, or their bearing; social recognition was far more important than state recognition. [Robertson, Craig 2010, Passport in America]. Passports in the 19th c. and early 20th c were not seen as a privilege, but a marker of control for those who hadn't the prestige to sail through customs offices with a letter of introduction to local society.

In Europe the imperial disruption following WWI created a challenge for those needing identity documents. The old Austro Hungarian Empire had broken into pieces, as did Russia, and the newly emerged states were not always willing or able to offer documents. Their claim to sovereignty in the post-Versailles world rested on their assertion of a unique linguistic and ethnic community, a significant challenge given the prewar diversity across empires. There were explicit ethnic cleansings in areas like Smyrna (Greek-Turkish) or Anatolia (Armenian) and even earlier in the Balkan independence movements of the 19th c, but another kind of ethnic cleansing occurred as the new states selected the residents deserving of documentation. What state did a former ethnically Czech (now Czechoslovakia) official of the Austro-Hungarian Empire (now Austria), who had lived in Budapest (now Hungary) for decades, with a wife from Sofia (now Bulgaria), claim as his state, and what state was willing to claim his family? Added to

this were Russian exiles from the 1917 Revolution, and war refugees without access to the village documents that might prove their birth and home.

The temporary solution to the problem was the creation of the Nansen certificate or passport issued by the League of Nations' brand-new High Commission on Refugees in 1921. The document was considered a temporary solution because few could imagine that travel documents would be necessary once things returned to normal. The League seemed blind to the ways in which its two aims, the creation of a framework of global human rights and the creation of an international system depended upon sovereign states, were inherently contradictory. Were rights to movement or identity documents universal or controlled by a state?[1] Even the negotiation of minority rights treaties (about 30 million in Europe found themselves stranded in linguistically or ethnically different states) with states underscored the curious dependence of a global rights regime on state structures.

[1] CONTEMPORARY REFUGEE-BORDER DYNAMICS AND THE LEGACIES OF THE 1919 PARIS PEACE CONFERENCE. KAREN CULCASI, EMILY SKOP and CYNTHIA GORMAN; *Geographical Review* 109 (4): 469–486, October 2019 DOI: 10.1111/gere.12365

A sample Nansen Passport issued by France, with renewal stamps. WORLD DIGITAL LIBRARY/PUBLIC DOMAIN

The Nansen certificates were recognized by 50 countries between 1922-38, and became an important part of the emerging system of regulating human movement and identity. For the nearly 450,000 who acquired one, it protected them from deportation and gave the right to cross borders and to work. Igor Stravinsky, Anna Pavlova, Vladimir Nabokov, Aristotle Onassis, and Robert Capa all held the Nansen passports. It was hailed as the first time "stateless people" had been given protection [Sammartino], and led to a Nobel Peace prize in 1933 for the High Commission, but the irony was that it was the League that had given states the power to confer or deny legitimacy on humans.

Creating States and Creating Refugees

Although officials continued to talk hopefully of the possibility of eliminating the need for any travel documents, the passport became the norm in the interwar years. Being stateless was also a new norm, requiring the League to codify the situation of "refugee" in the new system. Beginning in 1933 the League, and later the UN, sought to elaborate the rights of refugees not to be returned, to seek work, education, access to courts and commerce. Part of explicitly delimiting rights was both an advantage for those who could qualify (the Nansen certificates required a 5 gold piece payment, renewed annually) and a hurdle to those unable to pay the fee or prove their existence.

Today's refugee law are a direct outgrowth of this system. It does not so much guarantee inviolable human rights as define a status that must be met to access rights. The international system that grew out of 1919 and the precedent of U.S. Immigration Act turned international law into a system of control, not protection.

This was not a noble chapter in U.S. history. The U.S. hid behind the quota system of 1924 as the numbers seeking an escape from the anti-Semitic violence and threats of war grew. In 1933 the National Socialists came to power and soon stripped German Jews of the right to passports. In the aftermath of the 1938 Kristallnacht the U.S. State department had only 27,000 visas for 200,000 on the waiting list. Consular officials applied the "likely to become a public charge" to the evaluation of applicants, justifying refusal to thousands. Secretary of Labor Frances Perkins

(until 1940 the labor Department was in charge of immigration and naturalization) pressed FDR to issue an executive order cancelling the public charge cause, but was refused. The White House did agree to combine the German and Austrian visa total to allow Austrian jews to take advantage of the unfilled numbers from Germany, saving many. The U.S. called an international conference in Bermuda to address the need for more visas for emigrants from Germany, but none of the participants opened their borders or increased the numbers they would admit. The U.S Immigration Act had set the model for ignoring an unfolding tragedy and calling it abiding by the law.

Many European Jews put their names on the 10 year waiting list for a U.S. visa and set out for safe havens to wait for admittance to the U.S. In May and June of 1939 the ship St Louis was denied permission to land more than 900 Jewish refugees who thought they had purchased valid Cuban visas. Holocaust historians Alan Breitman and Alan Kraut argue that FDR was worried about his fragile Latin American Good Neighbor alliance and reluctant to anger Batista, but FDR did little to push Congress to lift the quota. Behind the scenes the U.S. found places for the refugees in Belgium, France and other allied countries which Breitman and Kraut saw as well-intentioned efforts to keep the Jewish refugees safe, but those areas wouldn't stay safe for long and a significant number of the St. Louis passengers ended up in the camps. Behind the scenes work to secure a safe haven for the Jews not only failed to find safety, it failed to challenge the paradigm that immigration regimes were more important than human claims on decent treatment.

The situation didn't get much better during the war. In 1941 there was actually a slowdown on issuing visas due to a fear of enemy agents, either closet Nazis of those that might be subject to blackmail as their families remained vulnerable back in Germany. (In contrast, the U.S. reversed the Chinese Exclusion laws in 1943, although the quota was set at a measly 105 and ethnic Chinese were still prohibited from owning businesses or property in many areas until 1965. Excluding the citizens of a country you needed as an ally was poor diplomacy). In 1943 the Bergson Group, which had previously worked to smuggle Jews from Europe through the British blockade to Palestine, began organizing a lobbying campaign in the U.S. to change policies. They succeeded in persuading FDR and Congress to set up the War Refugee Board which had the support of Secretary of Treasury Morgenthau. Over the final years of the war the European officials of the WRB helped save 200,000 through bribery of officials, blackmail and psychological campaign against Nazi collaborators, and providing material aid to refugees but most of the funding for their activities came from private U.S. groups, not the federal government.

The refusal to admit European war refugees is made even more indefensible when juxtaposed with the U.S.'s desperate need for labor during the war years. The Bracero program, which grnated temporary visas to Mexical laborers (shown crossing into El Paso here in 1942) and the famous Rosie the Riveter campaigns were born of efforts to expand the labor force.

Mexican “Braceros” crossing into El Paso in 1942.

A Deadly Wall Born of Misconceptions

The most important consequence of the quota system introduced in the 1924 Immigration Restriction Act was not the much criticized favoritism to Northern Europe groups, but the misreading of a global human population transition (from agrarian to industrial labor centers) as a threat directed at the U.S. The ethnocentrism that made possible this vision of human movement motivated Americans to impose a metaphorical wall and invest it with such legitimacy that it allowed Americans to disregard the crisis engulfing European Jews in WWII.

The assumption that Americans could pick and choose immigrants was both racist and unrealistic. Immigrants arrived depending on the situation of their home countries and the labor opportunities in the U.S. Sadly, all during this time that the U.S. was denying visas to European Jews there was a desperate need for wartime labor. The Rosie the Riveter campaign to get women into the labor force was one measure of that need, the Bracero Program, a temporary work visa program negotiated with Mexico, was another.

Let’s end with something a little more cheerful. This era of human movement from agricultural to industrial centers, or the great urbanization of the Human Race, began in Europe with the industrial Revolution in the 1800s, spread to the U.S. in the early 20th c, the Americas in the mid century, and is transforming Africa and Asia now. This is a major transformation in human

history, as significant as the era of migration out of Africa, or the migration of the early European imperial era. It hasn't always been pretty, but it also has not led to catastrophe. In fact, as humans have become urbanized their birth rates have declines, and populations have stabilized. Urban populations have seen great declines in poverty, and improvements in education, living standards and wealth compared to rural populations. The planet continues to produce enough food (no Malthusian apocalypse) although the problem of access to food remains. And while we romanticize rural life, urbanization, argues Doug Saunders in "Arrival Cities" (which I recommend as an optimistic view of human migration) puts less strain on the planet than rural overpopulation and is the best way to alleviate poverty, stabilize population growth and lower the carbon footprint. It's a different way to think about the migration waves of the last 100 years.