

## Contesting Nativism: The New York Congressional Delegation's Case against the Immigration Act of 1924

By Chin Jou

On April 23, 2010, Arizona Governor Jan Brewer signed Arizona Senate Bill 1070 into law. The bill would have required “aliens” in the state to carry immigration documents at all times, and authorized police to detain anyone suspected of being an illegal immigrant. The law was applauded by ardent advocates of immigration restriction, and denounced by many, including President Barack Obama. For the time being, a federal judge’s preliminary injunction has prevented the law from going into effect.

The contest over the legality, racism, and “Americanness” of Arizona Senate Bill 1070 recalls earlier immigration debates in American history. If Arizona’s bill is the legislative cause célèbre of 2010, its early 20th-century antecedent was the Immigration Act of 1924 (also called the Johnson-Reed Act). Among its provisions, the Immigration Act of 1924 imposed a quota system based on the 1890 census. The law capped immigration from any particu-



Immigrant children passing through Ellis Island before the Immigration Act of 1924.

lar country to no more than 2 percent of the U.S. population tracing its descent from that country in 1890. Why the 1890 census as opposed to the 1920 census? In 1890, most white Americans traced their ancestry to Great Britain, Ireland, Germany, and other countries in northern and western Europe. But the ethnic demographics of immigrants had changed dramatically by 1920.

Twenty-three million immigrants arrived in the United States between 1880 and 1920. This was an astounding figure considering that the country’s total population numbered only 76 million in 1900.<sup>1</sup> In contrast to mid-19th-century immigrants from Germany and Ireland, the majority of these newcomers hailed from southern and eastern Europe. But as with 19th-century Catholic Germans and Irish, a contingent of native-born whites felt threatened by the arrival of Catholic and Jewish immigrants from Italy, Russia, Poland, Romania, Czechoslovakia, Greece, and Hungary. Enter the Immigration Act of 1924.

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<sup>1</sup> Gary Gerstle, “Liberty, Coercion, and the Making of Americans,” *The Journal of American History* 84 (Sept. 1997): 525.

Reverting to the 1890 census in allotting quotas meant that multitudes of immigrants from northern and western Europe would be enthusiastically greeted with a welcome mat, but immigrants from southern, central, and eastern Europe would be met with considerably more miserly treatment. (Non-white immigrants from Asia would be barred from immigrating altogether.) To get a more precise sense of how many immigrants this quota system permitted, consider that Great Britain and Germany were allotted 65,721 and 25,957 slots respectively, while Italy and Russia were assigned only 5,802, and 2,784 spots.

Many voices protested nativist currents and the Johnson-Reed Act, including immigrants themselves, religious leaders, business interests, the State Department, and members of Congress. This paper highlights those voices, particularly those of the New York congressional delegation in debates about the bill. Among their numerous arguments against the legislation, members of the New York congressional delegation charged that the bill was discriminatory, and defended immigrants as patriotic and indispensable to the industrial labor force. By investigating the major arguments against the Immigration Act, this article illuminates some of the ways nativism was forcefully contested, even in a period of reactionary politics. While historians have accorded ample attention to advocates of immigration restriction, comparatively little has been written about those resisting nativist currents.<sup>2</sup> Though congressional opponents of the Immigration Act lost by a considerable margin (322 to 71 in the House), their articulation of progressive ideals concerning American immigration stand out amid the racist—but contemporaneously mainstream—rhetoric of nativists.<sup>3</sup> Their arguments against the discriminatory quotas of the bill are all the more striking when one considers that many of those same arguments would be resurrected four decades later, when the national origins quotas were abolished by the Immigration and Nationality Act of 1965 (also called the Hart-Celler Act). Emanuel Celler, one of the most ardent opponents of the Immigration Act of 1924 and the co-sponsor of the Immigration and Nationality Act of 1965, would even witness American immigration law come full circle as co-sponsor of the 1965 law. For observers of contemporary immigration battles, this means, perhaps, that the anti-immigration forces behind Arizona Senate Bill 1070 will likewise be legislatively repudiated.

### Historiography

The Immigration Act of 1924 is usually told as a story of the strength of nativist, or anti-immigrant, sentiment. In 1955, the late historian John Higham wrote what is perhaps the most influential book on the subject. His *Strangers in the Land: Patterns of American Nativism, 1860–1925*, explored how nativism “ebbed and flowed” at various points in American history, and offered a compelling account of the depths and pervasiveness of nativism, which he defined as an “anti-

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<sup>2</sup> Because of its focus on legislative debates, the source material for this article is derived primarily from the *Congressional Record*. This article also cites the *New York Times* for context on the political climate of lawmakers’ home districts, and for additional quotes from New York congressmen. Other sources not cited in this article, such as the personal papers of the congressmen referenced in this article, may provide further insight into individual lawmakers’ reasons for opposing the bill.

<sup>3</sup> To be sure, considerations other than “progressive ideals,” such as those involving labor, may have also informed congressional opposition to the Immigration Act. More on that later in the article.

foreign spirit.”<sup>4</sup> Higham’s work led to scholarship examining the function of ethnic and racial bias in the history of American immigration policies, and how ideas of race informed legal constructions of citizenship. Mae M. Ngai’s prize-winning *Impossible Subjects: Illegal Aliens and the Making of Modern America* (2005) was perhaps the best example of such investigations. Ngai highlighted the ways in which the Immigration Act of 1924 reified a racial hierarchy based on country of origin, and conflated the opprobrious category of “illegal alien” with Mexicans, Chinese, Filipinos, and other non-white immigrants.<sup>5</sup> *Strangers in the Land* also inspired a spate of books in what has been termed “whiteness studies.” Exemplified by Matthew Frye Jacobson’s *Whiteness of a Difference Color: European Immigrants and the Alchemy of Race* (1999), scholarship in whiteness studies, which was most in vogue in the 1990s, tended to underscore the fluidity of social understandings of what constituted “white.” So while whiteness may have eluded Irish immigrants in the first-half of the 19th century, and Jews well into the 20th century, those formerly marginalized groups would ultimately “become white” as the United States became increasingly bifurcated into two primary racial categories—“black” and “white”—in the 1960s.<sup>6</sup>

Higham’s *Strangers in the Land* and titles in whiteness studies rightly underscored the malevolent ways in which nativism was manifest, and the broad acceptance of anti-foreign sentiment among both ordinary native-born whites and the country’s political and intellectual elites. The Immigration Act of 1924 was just one example of the salience of nativist ideas in the late 19th and early 20th centuries. Throughout the South in those decades, native-born whites carried out mob lynchings of Italians and Jews, in addition to the more familiar crimes against African Americans.<sup>7</sup> Nativism was not, however, confined to the South or merely the ideology of native-born hoi polloi jockeying for social position by taking down the newest arrivals. The birthplace of the movement was in New England, and its founders were Boston Brahmins who formed the Immigration Restriction League in 1894. Leading early 20th-century intellectuals like Madison Grant, a Yale and Columbia-educated lawyer and autodidactic naturalist, and Lothrop Stoddard, a Harvard-trained historian, were among the country’s most strident nativists. Selling more than 16,000 copies, the first edition of Grant’s *The Passing of the Great Race* (1916) ominously described how the superior “old stock” of Anglo-Saxon-descended Americans committed “race suicide” by having fewer children than the so-called degraded classes of southern and eastern European immigrants. Like Grant, Stoddard affirmed the preeminence of the so-called Nordics over the ungainly “Alpines” of central Europe and the swarthy “Mediterraneans” of southern Europe, not to mention the triad of “congenital barbarians”—“the

<sup>4</sup> Quoted phrases from John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New Brunswick: Rutgers University Press, 2002), xi. For more on the importance of Higham’s work, see Leonard Dinnerstein and David Reimers, “John Higham and Immigration History,” *Journal of American Ethnic History* 24.1 (Fall 2004): 3–25.

<sup>5</sup> See Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2005); Mae M. Ngai, “The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924,” *Journal of American History* 86.1 (June 1999): 67–92.

<sup>6</sup> As the labor historian Eric Arnesen has remarked, “[T]he rise of a genre of scholarship centering on white racial identity—on whiteness—has been one of the most dramatic and commented upon developments regarding race in the humanities and social sciences in recent years.” See Eric Arnesen, “Whiteness and the Historians’ Imagination,” *International Labor and Working-Class History* 60 (Fall 2001): 3. Official quotas for Jewish students at America’s elite colleges were phased out by the 1960s. It is difficult to pinpoint precisely when Jews “became white,” however. Some may argue that even now, Jews are not considered fully “white,” and that they are still indirectly excluded from membership in WASPy social clubs. For representative titles on how particular ethnic groups “became white,” see Matthew Frye Jacobson, *Whiteness of a Difference Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1999); Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1996); Karen Brodtkin, *How Jews Became White Folks and What That Says about Race in America* (New Brunswick: Rutgers, 1998); and Nell Irvin Painter, *The History of White People* (New York: W.W. Norton, 2010).

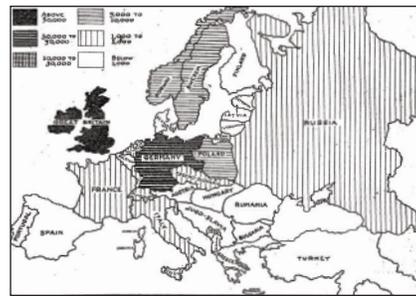
<sup>7</sup> See Leonard Dinnerstein, *The Leo Frank Case* (Athens: University of Georgia, 1998).

peoples of Asia, the American Indians, and the African Negroes.”<sup>8</sup> These racial classifications, it should be emphasized, were not arcane and marginal musings of irrelevant academics in the 1910s and 1920s. Some of the country’s most illustrious political and intellectual figures at the time—Theodore Roosevelt, Calvin Coolidge, Edward A. Ross, Frederick Jackson Turner, W.E.B. Du Bois, and Charlotte Perkins Gilman—shared many of Stoddard and Grant’s attitudes about the innate inferiority of southern and eastern European immigrants.

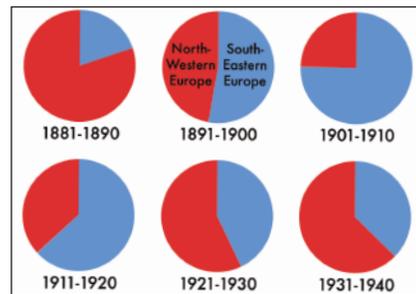
But while the history of the nativist context that gave rise to the Immigration Act of 1924 has been well documented by Higham and scholars of whiteness studies, historians have given almost no attention to the ways in which the law was contested, only discussing the opponents’ views in passing. The bill, as Lothrop Stoddard conceded in 1924, “was fought tooth and nail.”<sup>9</sup> Opponents of the bill included immigrants themselves, religious leaders, business interests, the State Department, and members of Congress, especially the New York congressional delegation, on which this essay focuses. This review of the opposition’s arguments provides a fuller understanding of the range of perspectives on immigration in the 1920s. Defenses of immigrants’ contributions to the United States, and assertions of their rightful presence in the country, were just as impassioned as those of Stoddard, Grant, and other nativists.

### Popular Opposition

Before delineating congressional opposition to the Immigration Act, it may be useful to revisit ordinary New Yorkers’ objections to the law. As congressional debate on the Johnson-Reed bill began in March 1924, thousands of New Yorkers—many of them recent immigrants from southern, central, and eastern Europe—participated in protests against the bill. On March 3 of that year, a large crowd assembled near the Brooklyn Jewish Centre to listen to Reverend John L. Belford of Brooklyn’s Roman Catholic Church of the Nativity, Commissioner of Elections Jacob A. Livingston, Congressmen Samuel Dickstein, Fiorello H. La Guardia, Emanuel Celler, and Loring M. Black, Jr., denounce the immigration bill as “narrow-minded and prejudiced.”<sup>10</sup> Many of the newest arrivals to the United States were, after all, from such Catholic countries as Italy, Greece, and Poland. One week later, the



Map indicating immigration quotas for European countries per the Immigration Act of 1924.



Pie charts illustrating the trajectory of immigration from North-Western Europe (Red) to South-Eastern Europe (Blue), 1851–1940. Immigration from South-Eastern Europe numbered 936,334 in the years 1881–1890; 1,879,125, 1891–1900; 6,128,232, 1901–1910; 2,758,267, 1911–1920; 1,063,013, 1921–1930; and 129,174, 1931–1940.

<sup>8</sup> Madison Grant, *The Passing of the Great Race, or the Racial Bias of European Ancestry* (New York: Scribner’s Sons, 1916). [Theodore] Lothrop Stoddard, *The Revolt against Civilization: The Menace of the Under Man* (New York: Charles Scribner’s Sons, 1922), 5–6.

<sup>9</sup> [Theodore] Lothrop Stoddard, *Racial Realities in Europe* (New York: Charles Scribner’s Sons, 1924), 244.

<sup>10</sup> “Speakers Attack Alien Quota Bill,” *New York Times* Mar. 3, 1924, 12. The phrase in quotations is not attributed to a particular speaker, but represents the *New York Times*’s appraisal of the general sentiment of all the speeches.

American Equality Committee organized another protest of the Immigration Act. This time, about 3,000 New Yorkers—both “naturalized and native American citizens,” according to the *New York Times*—gathered at Carnegie Hall to hear anti-immigration restriction speeches from another slate of speakers representing a who’s who of New York City religious and political life.<sup>11</sup> In April, many rabbis spoke against the immigration restriction bill during their Passover sermons, and charged its proponents with anti-Semitism.<sup>12</sup> Protestant organizations joined Catholic and Jewish representatives in censuring the bill. The Presbyterian Board of Missions, the Baptist Board of Missions, the National Congregational Council, and the National Council of Episcopal Churches aligned with such groups as the Catholic Welfare Conference and the American Jewish Conference in condemning the Immigration Act as discriminatory.<sup>13</sup>

### The New York Congressional Delegation

Objections to the Immigration Act were similarly vociferous in congressional floor debates and proceedings. Two months before it was scheduled for congressional debate, 20 of New York State’s 22 Democratic House members released a public statement declaring that they were “unalterably opposed to the rigidly restrictive” Johnson-Reed Act.<sup>14</sup> Many had taken this position because they were themselves descendants of recent southern and eastern European immigrants. One of the staunchest critics of the legislation, New York City Representative Fiorello La Guardia, was born to a Jewish mother and an Italian father—an ethnic combination that Stoddard and Grant would have considered a double anathema. Perhaps even more important than their own personal backgrounds, some members of the New York delegation—especially those representing New York City—opposed the Immigration Act because many of their constituents were immigrants from southern and eastern Europe. While Senator Royal Copeland’s heritage was more WASP than white ethnic, he joined his House colleagues in their opposition to the Johnson bill. As he explained:

I live in a city [New York City] where out of 137,000 babies born last year 60 per cent had foreign-born parents . . . I should be untrue to a great group of my constituents if I did not testify here in this public way not alone to their virtues as citizens but to their marked patriotism in times of stress [war].<sup>15</sup>

<sup>11</sup> “Brands Alien Bill Bigoted and Unfair,” *New York Times* Mar. 3 1924, 9. Speakers at Carnegie Hall included Rabbi Stephen S. Wise; Justice Thomas W. Churchill; James G. MacDonald, Chairman of the Executive Committee of the Foreign Policy Association; Dr. Joseph Boardman of the Steuben Society; Justice Salvatore A. Cotillo; and Representatives Samuel Dickstein, Nathan D. Perlman and John F. Carew.

<sup>12</sup> “Likens Alien Bill to Pharaoh’s Plan,” *New York Times* Apr. 20, 1924, 2.

<sup>13</sup> Rep. Emanuel Celler, *Congressional Record* (Washington, DC: Government Printing Office, 1924) 68th Cong., 1st Sess., vol. 65, part 4, 4169. The complete list of organizations that opposed the Johnson-Reid Act included The Federal Council of the Churches of Christ in America, the Methodist Church, the Presbyterian Board of Missions, the National Lutheran Council, the Home Missions Council, the Baptist Board of Missions, the National Congregational Council, the Presbyterian Board of Home Missions, the International Young Men’s Christian Association, the Young Women’s Christian Association, the Council of Women for Home Missions, the Travelers’ Aid Society, the Immigrant Publication Society, the Near East Relief, the New York City Society of the Methodist Episcopal Church, the Committee of Reference and Counsel, the Foreign Mission Conference of North America, the National Council of the Protestant Episcopal Church, the World Alliance for International Friendship through the Churches, the Catholic Welfare Conference, the American Jewish Conference, and the National Council of Jewish Women.

<sup>14</sup> “Will Fight Alien Bill By Johnson,” *Los Angeles Times* Feb. 25, 1924, 1

<sup>15</sup> Sen. Royal Copeland, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5739.

In building their case for a more uniformly liberal immigration policy that many of their constituents would have favored, Copeland and his counterparts in the House also urged their colleagues to consider the practical consequences of immigration restriction. They maintained that immigration quotas would result in labor shortages and damage U.S. foreign relations. Immigrants from southern and eastern European countries were most likely to be wage laborers, and closing off this potential labor pool would harm consumers and industry, these lawmakers argued. In a collective public statement against the Immigration Act, the 20 New York House members declared: "We are underhoused, underconstructed and underdeveloped and are in sore need of those who are willing to do our work both skilled and hard and laborious, but the bill would tend to keep out that class of immigrants best suited for such occupations."<sup>16</sup> Celler underscored the effects of immigration restriction on consumption:

Suppose they [proponents of the Johnson bill] had their way and we awoke one fine morning and found all our population of foreign origin had departed. There would be no rolls for breakfast, no sugar for the coffee, and no meat for dinner—for practically all workers in foodstuffs are aliens. Milady would have to war [*sic*] last year's coat, shoes, and gloves, as most wearing apparel factories would be closed.<sup>17</sup>

The New York congressman added that it was no accident that the eight states with the largest number of immigrants—New York, New Jersey, Pennsylvania, Ohio, Illinois, Michigan, Indiana, and Wisconsin—were also the "most important manufacturing [s]tates," and the "most prosperous."<sup>18</sup>

### Economic Concerns

In their discussions of the economic implications of the bill, Celler and Democrats in New York's congressional delegation noted the concerns of business that the law would reduce the supply of low-wage labor. A year before the Johnson bill reached the House floor, representatives from 14 industries testified before the Senate Committee on Immigration to appeal for a more liberal immigration quota. James A. Emery, general counsel of the National Association of Manufacturers, argued that a reduction in immigration due to World War I, as well as an earlier immigration restriction law in 1921 capping immigration to 3 percent of a country's population in the United States in 1910, produced labor shortages that would be exacerbated by the Johnson bill.<sup>19</sup>

Representatives of the construction and railway industries echoed Emery's concerns. R. C. Marshall, Jr., General Manager of the Associated General Contractors, and Frank W. Noxon of the Railway

<sup>16</sup> "Will Fight Alien Bill by Johnson." *Los Angeles Times* Feb. 25, 1924, 1

<sup>17</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 2, 1328.

<sup>18</sup> *Ibid.* Celler noted: "Of all the foreign-born whites in the United States in 1920, 35.8 percent were living in the Middle Atlantic States (New York, New Jersey, and Pennsylvania) and 23.5 per cent in the East North Central States (Ohio, Indiana, Illinois, Michigan, and Wisconsin)."

<sup>19</sup> "Will Not Change Immigration Law," *New York Times* Feb. 21, 1923, 2. See also James A. Emery, Extracts from Hearings before U.S. Senate Committee on Immigration, S.4303, Feb. 20, 1923," *Congressional Digest* (Washington, DC: Government Printing Office, 1923) vol. 2, 309, 315.

Business Association of Philadelphia, testified that their respective industries would require 300,000 more laborers in the impending spring.<sup>20</sup> R. M. Welch of the Youngstown Sheet and Tube Company in Youngstown, Ohio, described the domino effect of such labor scarcities. Wages for “common labor” would be inflated, causing the price of consumer goods to rise—a consequence that would deter consumer spending and ultimately lead to an economic recession.<sup>21</sup>

Emery, Marshall, Noxon, and Welch’s testimonies suggested a willingness and desire to hire southern and eastern European immigrants, but business interests’ positions on the immigration bill were more complicated. Although it included a provision establishing the Border Control, the Johnson bill exempted Canada and Mexico from its quota system—an exception that did not escape the attention of labor unions and their allies in Congress.<sup>22</sup> Some Democratic members of the New York congressional delegation charged that business interests were complicit in restricting European immigration because the labor of European immigrants was still more costly than that of Mexican workers. Speaking on behalf of labor unions, Samuel Dickstein, a Russian-born congressman from New York City, asserted that the “steamship interests, cheap labor interests, [and] interests opposed to labor” sought a wholesale depression of wages by “permitting Mexican peons to come by the thousands” and exploiting them on “starvation wages.”<sup>23</sup> The Immigration Act of 1924, then, created peculiar alliances and divides. Labor unions and the business interests that depended upon European immigrant labor were allied against other industries lobbying for restricted immigration from Europe, but not from Mexico.

## Foreign Relations

Bipartisan critics also objected to the immigration bill on the grounds that the law would damage U.S. foreign relations. Representative Celler, a Democrat, lamented that the Johnson bill “has set in motion processes that disturb our friendly relations.”<sup>24</sup> LeBaron B. Colt, a Republican senator from Rhode Island—a state with a considerable Italian-American population—similarly admonished: “[F]oreign governments view this change [in immigration law] with deep concern.”<sup>25</sup> Secretary of State Charles Evans Hughes was another Republican who worried about how the bill would be received by countries it affected adversely. While the Immigration Act was being debated in the House, Japanese ambassador Masanao Hanihara warned Hughes that passage of the bill would result in “grave consequences” for U.S.-Japan relations.<sup>26</sup> Hughes took note. Although hardly a proponent of unrestricted immigration, Hughes appealed to Representative

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> The Johnson bill’s exemption of Mexico and Canada from quotas should be qualified, especially with regards to Mexico. As Mae M. Ngai notes, “Although Congress was unwilling to impose quotas on Mexican immigration or to exclude Mexicans on racial grounds, it did seek to restrict Mexican immigration by administrative means.” For example, “[I]n 1929 the United States consuls in Mexico began more strictly to enforce existing provisions of the immigration law—the ban on contract labor, the literacy test, and the provision excluding any person ‘likely to become a public charge’—in order to refuse visas to all Mexican laborers save those with prior residence in the United States.” See “The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924,” *The Journal of American History* (June 1999). <http://www.history.cooperative.org/journals/jah/86.1/ngai.html>, accessed Sept. 18, 2003.

<sup>23</sup> Rep. Samuel Dickstein, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5657, 6131.

<sup>24</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 4, 4170.

<sup>25</sup> Assails Proposed Alien Quota Basis,” *New York Times* Feb. 28, 1924: 4.

<sup>26</sup> “Japanese Protest Further Exclusion,” *New York Times* Apr. 12, 1924: 1.

Albert Johnson, the Immigration Act's chief sponsor in the House, to exempt Japan from the bill's quota system.<sup>27</sup> Hughes alerted Johnson that the Immigration Act would violate the 1911 Treaty of Commerce and Navigation, which stipulated that Japanese citizens "shall have liberty to enter, travel and reside" in the United States, and vice-versa. The Secretary of State added that the Japanese government had already been committed to "scrutinizing and regulating immigration from Japan to American territory."<sup>28</sup> Only the most desirable Japanese nationals would be approved for immigration to the United States, he assured. Given these circumstances, the Japanese, whom Hughes described as a particularly "sensitive people," would "deeply resent" their paltry 100-person quota allotment under the Immigration Act.<sup>29</sup> Hughes, however, would have a difficult time convincing supporters of the Immigration Act that the Japanese, or any non-"Nordics" for that matter, belonged in the United States.

### Immigrants and "Americanness"

The Immigration Act's fidelity to the ideals of the American founding, and the relative "Americanness" of the immigrants it sought to restrict, figured prominently in debates over the bill. In his book *Racial Realities in Europe* (1924), Lothrop Stoddard declared that "the United States was founded by men of Nordic stock; its institutions, ideals, and culture are typical fruits of the Nordic spirit. These are the things which make 'America.'"<sup>30</sup> Taking a page from Stoddard's polemic, the aptly named John Marshall Robison, a representative from Kentucky, affirmed that the Declaration of Independence was "written by a very great American for America and Americans." The founding fathers, Robison added, "sounded a note of warning against admitting foreigners to our shores who are not in sympathy with our institutions and who would not assimilate with our population."<sup>31</sup>

Other critics of the immigration bill supported the New York congressmen, however. Asserting that the founders had a more inclusive vision for the country, these critics maintained that Jefferson, Washington, and Hamilton would have welcomed immigrants who embraced the principles of America's founding, regardless of their countries of origin. In his Passover sermon, Rabbi J. Mortimer Bloom of New York City charged that "[t]he immigration bills are a denial and reversal of the long-cherished American ideals and traditions, an affront to the memory of the founders of the Republic."<sup>32</sup> Similarly, Rabbi Stephen S. Wise asked rhetorically: "Is it not violative of a spirit of American fair-play to insist that America open wide its doors to some peoples and virtually shut them in the face of other peoples who have made their contribution to the building up of America?"<sup>33</sup> At that same Carnegie Hall protest, anti-immigration restriction activists attacked the Immigration Act for "represent[ing] an attitude toward the alien which is contrary to the ideals of fair play and justice upon which this Republic was founded."<sup>34</sup>

<sup>27</sup> "It is hardly necessary for me to say that I am in favor of suitable restrictions upon immigration," Hughes reassured Rep. Albert Johnson in a letter to the Washington congressman. See "Hughes Would Put Japan on Equality in Immigration," *New York Times* Feb. 14, 1924, 1.

<sup>28</sup> *Ibid.* Japanese laws, for example, proscribed the immigration of laborers to the United States unless those workers could demonstrate that their immediate family members had already taken residence in the States.

<sup>29</sup> *Ibid.* Hughes's efforts to grant Japan special consideration under the Johnson bill were unsuccessful.

<sup>30</sup> Stoddard, *Racial Realities*, 239.

<sup>31</sup> Rep. John M. Robison, Sr., *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5666.

<sup>32</sup> "Likens Alien Bill to Pharaoh's Plan," *New York Times* Apr. 20, 1924, 2.

<sup>33</sup> "Brands Alien Bill Bigoted and Unfair," *New York Times* Mar. 9, 1924, 9.

<sup>34</sup> *Ibid.*

Bloom and Wise's interpretations of an immigrant-friendly founding were reiterated by the New York congressional delegation. To Emanuel Celler, the Declaration of Independence defied any notions of racial hierarchy: "One of the doctrines of [the Declaration] is 'That all men are created equal,' is it not?"<sup>35</sup> Nathan Perlman appealed to his congressional colleagues by reminding them that America had been a country of immigrants since its inception. The congressman noted that Revolutionary War patriots and the founders were themselves "immigrants and children of immigrants," arriving from "all parts of Europe—from northern, western, southern and eastern immigrants."<sup>36</sup> America's long history of American immigration meant the idea that "any racial stock has a greater share in America than any other racial stock" was "un-American" to the founding ideals, Perlman exclaimed.<sup>37</sup>

In conjunction with their contention that the founders would have embraced all immigrants irrespective of countries of origin, members of the New York congressional delegation argued that southern, central, and eastern Europeans were ideal candidates for immigration because of their eagerness to assimilate into American cultural and political life. To demonstrate this point, Celler cited the work of journalist John Palmer Gavit. Gavit examined 26,000 petitions for naturalized citizenship and concluded that "a great avidity to show civic and political interest is not shown by the nationalities of 'old' European immigration—Nordics—but by those of 'new' immigration—Alpines, Mediterraneans, and non-Nordics."<sup>38</sup> Quoting from Gavit's findings, Celler informed his House colleagues that immigrants from southern and eastern Europe typically filed for citizenship 9–10 years after arriving in the United States, while those from the so-called Nordic countries waited 10–16 years before filing their naturalization papers.<sup>39</sup> These statistics were proof positive that southern and eastern European immigrants "have a desire to become assimilated in our population," and therefore "deserve more beneficent treatment at the hands of the Immigration Committee than they have received in the bill proposed," Celler argued.<sup>40</sup>

As Celler defended southern and eastern Europeans' assimilability, his Czech-born colleague, New York Congressman Adolph Sabath, likewise affirmed these immigrants' rightful inclusion in the American polity. Sabath maintained that southern and eastern Europeans' military service during World War I showed them to be exemplars of American patriotism: "[T]here were about 420,000 men who came from southeastern stock that volunteered or were inducted into our Army, Navy, and Marine Corps, and how many of that number could have claimed exemption on the ground that they were married, but who gladly joined the colors of their adopted country[?]"<sup>41</sup> The "service, heroism, devotion, and loyalty" of these men of "southeastern stock" "more than favorably compares with that of the so-called Nordic stocks" and the "most loyal descen-

<sup>35</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5666.

<sup>36</sup> Rep. Nathan Perlman, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5651–52. Emphasis added.

<sup>37</sup> *Ibid.*

<sup>38</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 4, 4175. In this quote, Celler appears to adopt the language of the nativists and eugenicists by referring to "Nordics" without any scare quotes or other qualifiers.

<sup>39</sup> *Ibid.* Celler displayed a chart indicating European immigrants' average length of stay before filing final citizenship papers. Immigrants from Greece averaged 8.6 years; Ireland, 9.6; Russia, 9.6; Rumania, 9.8; Hungary, 9.9; Holland, 10.1; Denmark, 10.2; Austria, 10.5; Finland, 10.5; Scotland, 10.6; Norway, 10.8; Italy, 11.4; England, 11.7; Germany, 11.9; France, 11.9; Switzerland, 12.2; Sweden, 13.1; and Canada, 16.4. Italy, Celler, acknowledged, was an exception to his argument.

<sup>40</sup> *Ibid.*

<sup>41</sup> Rep. Adolph Sabath, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5651.

dants of the Mayflower,” Sabath waxed.<sup>42</sup> Others in the New York congressional delegation also testified to the military service of southern and eastern European immigrants. Samuel Dickstein referenced his own southern European ancestry, noting that his own brother had been killed while serving in the Argonne. “Many more members of my family were killed in this war . . . I was ready to go myself if it were not for the armistice,” Dickstein related.<sup>43</sup> In the Senate, Royal Copeland made a similar appeal about the patriotism of his constituents: “The great east side of New York City sent thousands of Jewish boys and thousands of Italians and a lesser number of Poles into the World War . . . there were no finer patriots or more outstanding Americans than those sons of ours of foreign origin.”<sup>44</sup>

In spite of immigrants’ military alacrity during World War I, proponents of the Johnson bill still doubted that these “non-Nordics” were fully committed to American democracy. With the 1917 Russian Revolution and the specter of Communist influence, advocates of immigration restriction suggested that the introduction of southern and eastern Europeans would strengthen the forces of radicalism stateside.<sup>45</sup> The New York congressional delegation responded to these anxieties by reassuring their House and Senate colleagues that eastern European immigrants were no more predisposed to Bolshevism than native-born Americans. Emanuel Celler asked rhetorically: “Does not radicalism flourish as well among natives as aliens?”<sup>46</sup> The labor “radicals” and socialist organizers Bill Hayward, Eugene V. Debs, and William Foster “are Anglo-Saxons,” and the Industrial Workers of the World “is primarily a native organization,” Celler pointed out. Nathan Perlman assuaged fears about Russian immigrants and Bolshevism by citing related observations: “I recall a great many native born Mayflower Yankees who came to New York City from Kansas and Colorado and other places and preached I.W.W. and [B]olshevism in New York City. They were not the foreign-born Russians at all.”<sup>47</sup>

At first glance, these defenses of eastern European immigrants seemed to be couched in conservative, anti-radical rhetoric. Celler and Perlman’s assertion that American radicalism was primarily the province of “Mayflower Yankees” might not have appeared to challenge nativist assumptions about the perils and perniciousness of socialism. But members of the New York congressional delegation also critiqued labor conditions and low wages in their speeches against the immigration bill. Celler proposed that “[t]he spread of radicalism is due not to the coming of any particular class of aliens[,] but to “industrial discontent.”<sup>48</sup> Fiorello La Guardia, who would become the mayor of New York City in 1934, also commented on how modern industry affected wage labor immigrants. In response to nativist claims that southern and eastern European immigrants were predisposed to “insanity,” just as they were to radicalism, La Guardia charged that insanity among immigrants was the result of the “pressure” and “tension” of “modern machine industry”:

<sup>42</sup> Ibid.

<sup>43</sup> Rep. Samuel Dickstein, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5686. Dickstein said of his own ancestry: “My father came from southern Europe.”

<sup>44</sup> Sen. Royal Copeland, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, p. 5739.

<sup>45</sup> Although business interests were concerned with Industrial Workers of the World, or Wobblies, during World War I, the organization was nearly defunct by 1924, supplanted by offshoot communist groups.

<sup>46</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 4, 4176.

<sup>47</sup> Rep. Nathan Perlman *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5923.

<sup>48</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 4, 4176.

It is the constant, continuous go, go of your big industrial centers that breaks the human system. Do not believe that in stopping immigration from Italy and Rumania and Russia that you are going to stop insanity. As long as under the present competitive system we use human beings as cogs we will have our insane asylums occupied.<sup>49</sup>

In challenging immigrants' putative predilection for radicalism, Nathan Perlman suggested that the Immigration Act might actually promote rather than eradicate "Bolshevism." He emphasized that the Russians seeking entry to the United States were hostile to "Bolshevism," hoping to settle in the United States precisely to flee Communist rule.<sup>50</sup> But by dividing people into "a superior class and an inferior class," and creating "class distinction, race hatred, and prejudice," immigration restriction would intensify existing tensions and possibly lead disillusioned immigrants to radical politics.<sup>51</sup>

### Charges of Discrimination

Until this point, this article has been concerned with the ways in which the New York congressional delegation argued their case against the Immigration Act by appealing to relatively pragmatic concerns—labor shortages, international relations, the intent of the founders, and fears of radicalism. But New York lawmakers also urged their colleagues to defeat the measure by invoking principles of inclusion—principles expressed as a rejection of racial hierarchy (at least among Europeans), eugenics, and discrimination. Remarks by the New York congressional delegation and other critics of the Johnson bill reveal that not all Americans accepted Stoddard and Grant's delineation of a racial pyramid in which so-called Nordics reigned. Rabbi Stephen S. Wise, for example, dismissed the apotheosis of "Nordics" as an apocryphal fantasy: "The Nordic race is a non-existent race . . . there never was on land or sea a Nordic race."<sup>52</sup> Emanuel Celler, meanwhile, rejected IQ tests, skull measurements, and other academic contrivances that nativists marshaled as proof of Nordic superiority—as doctored "psuedo-scientific propaganda."<sup>53</sup> To Wise, Celler, and others, such "psuedo-scientific propaganda" was conceived and promulgated to legitimate discrimination of southern and eastern Europeans in the immigration bill. In a collective public statement, they declared that the Johnson bill "is particularly objectionable because it discriminates against certain nationalities [that are] already going to make up a great part of our population."<sup>54</sup>

As Fiorello La Guardia and his colleagues charged, the "mathematics of the bill were worked out in order to discriminate against certain races."<sup>55</sup> "You can not justify a bill in which out of 161,184,

<sup>49</sup> Rep. Fiorello La Guardia, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5888.

<sup>50</sup> *Ibid.*, p. 5923. Perlman explained: "The Russian immigrant who comes to American today can easily be assimilated, because he left Russia on account of conditions in Russia, because he wants no more Bolshevism, because the dream he once had has been exploded, and he can be better assimilated here than some of the foreign-born from the Nordic countries."

<sup>51</sup> Rep. Nathan Perlman *Congressional Record*, 5651.

<sup>52</sup> "Brands Alien Bill Bigoted and Unfair," *New York Times* Mar. 9, 1924: 9; "Dr. Wise Attacks New Quota Bill," *New York Times* Jan. 7, 1924, 3.

<sup>53</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 4, 4170.

<sup>54</sup> "Will Fight Alien Bill By Johnson," *Los Angeles Times* Feb. 25, 1924, 1.

<sup>55</sup> Rep. Fiorello La Guardia, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 7, 8244.

which will be allowed under the Johnson bill, we give the Nordic race, the northern races, 134,824, and you leave 29,360 for the rest of Europe,” Samuel Dickstein exclaimed.<sup>56</sup> Dickstein pointed out that there were approximately 180,000 immigrants from Italy in 1890, but that number skyrocketed to over 1.3 million by 1910—a pattern of increase that also applied to immigration from Russia, and other eastern and southern European countries.<sup>57</sup> Immigration from western and northern Europe, however, followed the opposite trajectory. There were approximately half a million fewer immigrants from Ireland and Germany, respectively, in 1910 than in 1890.<sup>58</sup> “These figures simply illustrate the fact that by comparing the quota basis we are going back to the time when there were the maximum number of immigrants from northern and western Europe—the so-called Nordic race—and the minimum number of immigrants from southern and eastern Europe,” Dickstein concluded.<sup>59</sup> La Guardia likewise asked rhetorically, “What can be more artificial than to go back 34 years and arbitrarily take the census of 1890 for a basis?”<sup>60</sup>



Rep. Emanuel Celler (1888–1981), D-NY, one of the most vociferous opponents of the Immigration Act of 1924. Celler spent nearly 50 years in Congress (1923–1973), making him the longest-serving member of Congress from New York State.

It should be noted, however, that La Guardia et al. were not necessarily opposed to restricting immigration altogether. While they complained that wholesale discrimination against people of particular countries was unfair, they seemed willing to assent to some kind of “less discriminatory” restriction.<sup>61</sup> A quota system would be acceptable as long it was “fair and equal to all people,” Dickstein proposed.<sup>62</sup> For La Guardia, this meant relying on the 1920 census rather than 1890 population figures.<sup>63</sup> Others, like Nathan Perlman and Emanuel Celler, seemed to reject the allotment of quotas regardless of what census was used. Perlman opined that “[t]he real test [for immigration] ought to be a man’s fitness—his mental, his moral, and his physical fitness—and does he subscribe to American ideals and institutions.”<sup>64</sup> “I care nothing about where a man came from, where he was born, or where his parents may have come from. I want to know is he honest, is he contributing his share to the well-being of our country,” Perlman declared.<sup>65</sup>

<sup>56</sup> Rep. Samuel Dickstein, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5654.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.* According to Dickstein, “the foreign born from Ireland decreased 519,521 in number between 1890 and 1910, and the foreign born from Germany similarly decreased 473,657.”

<sup>59</sup> *Ibid.*

<sup>60</sup> Rep. Fiorello La Guardia, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 8, 5888.

<sup>61</sup> *Ibid.*, 5886.

<sup>62</sup> Rep. Samuel Dickstein, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5686.

<sup>63</sup> Rep. Fiorello La Guardia, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, p. 5658. La Guardia suggested that Congress “take the total population of the various races from the beginning to 1920 and then fix [the] quota on that basis.”

<sup>64</sup> Rep. Nathan Perlman, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5652.

<sup>65</sup> *Ibid.*

Celler and Royal Copeland also argued that a nationality-based quota system was intrinsically nonsensical. “Under any quota law we subscribe to the illogical theory of depriving ourselves of many excellent and letting in many despicable aliens,” Celler reasoned.<sup>66</sup> Copeland offered anecdotal evidence that “older stocks” of Anglo-Saxon Americans were no more virtuous than more recent southern and eastern European immigrants: “[T]he worst rascal I ever knew had 10 generations of colonial ancestry back of him. It does not always happen that the rascals are found among those who have come recently from the other side.”<sup>67</sup> Pointing to deportation reports, Perlman attempted to illustrate Copeland’s anecdote. Of the almost 3,700 immigrants deported for official ignominies such as “likely to be a public charge,” “criminal,” “[possessing] mental diseases or defects,” “prostitutes [and] procurers,” and “[belonging to] other immoral classes,” some 400 were English, 200 were Italians, 120 were Germans, and about 30 were Russians and Poles, respectively.<sup>68</sup> These figures demonstrated the absurdity of a quota system favoring so-called Nordic countries, Perlman asserted. But Perlman’s deportation figures, and the rest of the New York congressional delegation’s earnest case against the immigration bill of 1924, were not enough. The bill became law on May 26, 1924, enduring until Congress abolished the national origins quota system in 1965.

In one of his most effusive speeches against the Johnson bill, Emanuel Celler exclaimed:

It is as clear as the sun that the majority of the Immigration Committee and most proponents of this measure like the gentlemen from Kansas [Jasper Napoleon Tincher], who blurted out his true feelings while talking on the bill, who do not want the “wops,” “dagoes,” “Hebrews,” “hunkies,” “bulls,” and others known by similar epithets. Just so, in 1840, 1850, and 1860 did you not want the “beery Germans” and “dirty Irish.” The Germans and Irish were mongrels, self-seekers, disreputable, and would not assimilate . . . In those turbulent days the Irish were called “paddies” and “clodhoppers,” and, although they spoke English, their convents were destroyed in New York, Massachusetts, Maryland, Kentucky, and Alabama. Astounding to relate, entire Irish quarters in those states were pillaged and burned. We might call these outrages “Irish pogroms” . . . We were mistaken then. Let us profit by our previous experience.<sup>69</sup>

### The Recurring Debate Over Immigration

Celler’s references to earlier instances of anti-immigrant sentiment in American history resonates with one of the most contentious topics of current political discourse—“illegal” immigration.

<sup>66</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 2, 1328. Celler added: “It seems nothing short of ridiculous to accept within the quota a criminal Scotchman and a degenerate Swede, and at the same time exclude a refined and cultured Pole or an industrious and honest Czecho-Slovak who happened to be in excess of quota.”

<sup>67</sup> Sen. Royal Copeland, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 6535.

<sup>68</sup> Rep. Nathan Perlman, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5652. More precise figures of deportees are as follows: 401 English, 218 Italians, 121 Germans, 37 Russians, and 63 Poles.

<sup>69</sup> Rep. Emanuel Celler, *Congressional Record*, 68th Cong., 1st Sess., vol. 65, part 6, 5912.

The same debates that polarized Congress in 1924 are often being rehashed today. And as the work of historian Mae M. Ngai suggests, the contemporary existence of the designation *illegal immigrant* in some ways taints immigrants more today than in the 1920s, as legal authority is used to render some persons illegitimate residents.<sup>70</sup> In October 2010, Florida Republican state legislator William Synder proposed a bill modeled after Arizona's Senate Bill 1070, requiring individuals suspected of being in the country illegally to produce immigration papers. The proposed Florida law, however, would exempt passport-holders from Canada, all of Western Europe, and four Asian countries, leading to charges of flagrant discrimination against Latino immigrants. This bill and other legislative attempts to fortify southern borders and withhold resources and social services from undocumented immigrants, evoke some of the same attitudes behind immigration restriction in 1924.

Current arguments in support of more lenient immigration policies likewise bring to mind arguments similar to those the New York congressional delegation advanced in defending their foreign-born constituencies. In both instances, allies of immigration have characterized newcomers as indispensable to the labor force, and as potentially patriotic as any blueblooded Yankee. A key difference between the two epochs, however, is that the immigrants subject to the greatest scrutiny today tend to come from Mexico and Central America rather than "ethnic" Europe. Years from now, when future historians revisit contemporary movements to restrict immigration, it will be important for them to relate the ways in which various historical actors challenged restrictive, discriminatory impulses. As the hard-fought congressional opposition to the Immigration Act of 1924 demonstrates, there are impassioned defenses of a more inclusive, equitable vision of America even in the most reactionary political climates. So in spite of the passage of Arizona Senate Bill 1070, there is hope yet.

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Photo credits: Immigrants, National Archives, 90-G-125-29; map, *New York Times*; pie charts, *Statistical Abstract of the United States, 1942*, page 124, Chart No. 113: "Immigration, by Country of Origin, by Decades 1881–1940"; Emanuel Celler, Library of Congress.

<sup>70</sup> Ngai, *Impossible Subjects*.