

E.S. Lm

of Historical Perspective

By Katherine Fennelly

Few subjects in the U.S. are as controversial as immigration or have as contentious a history. Immigration scholars Simon and Lynch¹ suggest that Americans view immigration with “rose-colored glasses turned backwards,” with positive attitudes toward earlier groups of immigrants, and negative ones about those who enter today. Yet the notion that earlier waves of European immigrants were welcomed with open arms is false. At the end of the 19th century anti-immigrant backlash toward non-Protestant immigrants was vicious, as shown in this cartoon.²

As historian Donna Gabaccia reminds us, the current outrage against “illegal immigrants” also has historical parallels.

Studying the past reminds us that each restriction of immigration produced its own patterns of illegal entry. These immigration restrictions targeted Chinese laborers after 1882, anarchists after 1902, and Italians after 1924. The illegal immigrants of the past included all three groups—and others, too.³

Moreover, “assimilation” of earlier waves of immigrants wasn’t as rapid or complete

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migration.



as we might believe through the lenses of our rose-colored glasses. When the *Federalist Papers* were drafted in 1787, many languages besides English were spoken in the United States. German immigrants, for example, lived in German-towns with German newspapers, clubs and schools until well into the 20th century.⁴ Although there was tacit agreement that Americans would share the English language, bilingualism was politically protected as one of the rights for which pilgrims had come to America and was considered an advantage for “everyday trading, teaching and spreading the gospel.”⁵

The Chinese Exclusion Act, passed by Congress in 1882, “forever changed Americans’ relationship to immigration” by endorsing definitions of race and class as criteria to define particular groups as “undesirable aliens,” ineligible for entry or citizenship.⁶

However, non-Asian immigration remained largely unregulated until 1924, when rancorous debates resulted in the passing of the Johnson-Reed Act—a bill that ended open immigration from Europe by enacting a quota system for the purpose of limiting “undesirable immigrants” from southern and eastern Europe. This Act began an era of restriction. It defined “native stock” as descendants of the white population of the country when it was founded. Interestingly, Mexican immigrants were exempted from both the quota and the restrictions on citizenship because the Southwestern states depended upon cheap, abundant Mexican laborers.⁷

FRIGGETTY IMAGES

Historical Origins of Mexican Immigration

The origin of the contemporary chant, “we didn’t cross the border, the border crossed us” can be found in the terms of the 1848 Treaty of Guadalupe Hidalgo after the Mexican-American War. The treaty gave the northern half of Mexico to the United States and stipulated that all inhabitants in the ceded area who did not announce their intention to remain Mexican citizens or leave the territory in one year would automatically become U.S. citizens. Those who did not, de facto, became “illegal aliens.”⁷

American policies related to Mexican workers can be defined historically as cycles of recruitment in times of labor shortages, followed by massive restrictions and deportations. During World War I, concern over potential shortages of farm labor led to legislation that explicitly called for the *temporary* admission of 76,802 Mexican workers.

Within six years of war’s end, in 1924, the U.S. Border Patrol was established to secure the country’s borders. In the 1930s, during the Great Depression, thousands of Mexican immigrants and citizens were deported. However, with the onset of World War II at the end of the decade, renewed concern over potential labor shortages led to the creation of the Bracero Program to import Mexican workers.⁸

By 1953, there were over three quarters of a million unauthorized Mexicans in the U.S., prompting the U.S. government to create “Operation Wetback” the following year to arrest and deport them. After 1964, when the Bracero Program was discontinued, tens

of thousands of agricultural jobs were still available to Mexicans, but they were no longer able to secure legal entry visas.

Refugees and Asylees

As a result of World War I, millions of individuals became stateless, but the U.S. accepted relatively few refugees until after World War II, and the Displaced Persons Act of 1948. The subsequent arrival of large numbers of war refugees, asylees and the family members who joined them, added richly to the diversity of the country. Contemporary refugees range from the well-to-do, highly educated to those with limited financial resources, with little formal schooling.

Changes in both border policies and the admission of refugees illustrate the ways in which American immigration is tied to the country's political and economic relations with the outside world.

As sociologist Ruben Rumbaut has described it, "migration patterns are rooted in historical relations established between the U.S. and the principal sending countries... [they are] related to the history of American military, political, economic and cultural involvement in the sending countries."⁹ Examples include the resettlement of Hmong allies of the U.S. in the Vietnam War, the welcoming of thousands of refugees from the former Soviet Union in the 1990s and current restrictions on Middle Easterners related to the politics of homeland security. In Rumbaut's words, "as the U.S. has become more deeply involved in the world, the world has become more deeply involved in America."⁹

Contemporary Legislation

In the Civil Rights era the immigrant quota system that had been in effect since the 1920s was abolished with passage of the 1965 Immigration and Nationality Act (INA). Under the new system, preference was given to the relatives of U.S. citizens, and secondarily to immigrants living in the U.S. and those with special skills needed by American companies. The INA family reunification provision led to a dramatic increase in immigrants from Mexico,¹⁰ and the changes resulting from the Act became

Scope of Immigration Study

Underlying values and principles regarding immigration

Reasons for migration from other countries, including but not limited to:

- Effects of global interdependence on migration
- Motivation of refugees and asylees
- Motivation of other immigrants

Current federal immigration policy, including but not limited to:

- Overview
- Effectiveness in uniting families
- Effectiveness in meeting needs of businesses
- Effectiveness of enforcement
- Human rights concerns

Impact of immigration, including but not limited to:

- Economic effects of authorized and unauthorized immigration
- Diversity
- Inclusion of immigrants in American society

the core of the current immigration system.¹¹ Today about two-thirds of all immigrants enter the country under the sponsorship by a family member.¹⁰

The next significant piece of immigration legislation was the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA unauthorized immigrants who had been in the U.S. since 1982 were offered permanent resident status. IRCA also proposed monetary sanctions against employers who knowingly hired unauthorized workers.¹⁰ However, few employers were actually sanctioned, and unauthorized immigrants continued to enter the U.S. An unintended result of IRCA was to encourage wage and benefits discrimination, as many employers turned to labor subcontractors as an alternative to direct employment.¹²

The North American Free Trade Agreement (NAFTA), enacted in 1994, did not include major provisions addressing

immigration policy, but it was characterized as a treaty that would substantially *reduce* immigration. Instead, due to several factors, it served as a stimulus to unauthorized immigration. First, the lowering of trade barriers between the U.S. and Mexico has integrated the two economies without eliminating large wage disparities. At the same time, the marketing, sale and transport of goods to and from Mexico has encouraged emigration at a time when the commercialization of agriculture in Mexico has pushed farmers off the land.

Furthermore, while NAFTA greatly encouraged the free flow of goods and capital, it did not facilitate the free flow of labor.¹³ To the contrary, border controls instituted under IRCA continued, and Congress passed legislation enacting harsh penalties against individuals who overstayed their visas and forbidding authorized and unauthorized non-citizen immigrants from receiving most means-tested federal and state benefits.¹³

In the short term, reducing trade barriers produces "a migration hump—a temporary surge of more emigration as protected local industries are exposed to competition."¹⁴ As Philip Martin has noted, reductions may be a long-term outcome of NAFTA, but the translation of investments into jobs takes time.

Another outcome of NAFTA that served to stimulate labor emigration was the proliferation of "maquiladoras," predominantly U.S.-owned firms in a free trade zone on the Mexican side of the border.

High-Skilled Immigrants

While much of the public, legislative and media attention has been focused on low-skilled immigrants, American business leaders have put pressure on Congress and the President to acknowledge the importance of high-skilled foreign-born workers to the U.S. economy. The Immigration Act of 1990 raised the immigration ceiling to 700,000 per year and granted preference to relatives of U.S. residents or citizens and to immigrants with high-level work skills.¹⁰

Stimulated by growing high tech industries and a "knowledge economy," educated

foreign-born workers are significantly over-represented in the natural and social sciences, medicine, engineering, and computer-related professions.¹⁵ Today almost half of the college-educated immigrants come from Asia, particularly India and China.

Immigration and National Security

Before 9/11/01 national security concerns were not generally tied to discussions of immigration policy. In fact, just a few years earlier the *Wall Street Journal* had advocated a constitutional amendment stating “there shall be open borders.”¹⁶ However, the 9/11 attacks focused intense scrutiny on border security and the visa process, resulting in a number of restrictions and delays for some individuals attempting legal entry to the U.S.

Doris Meissner, former director of the Immigration and Naturalization Service, suggests that many of these restrictive policies, particularly the arbitrary arrests and relaxation of due process protections for Arabs and other Middle Easterners, were the result of “initial, panicky responses.”¹⁷ Such actions have been decried by civil libertarians in the U.S. and abroad.

Current State of Immigration Policy Debates

In the past decade, immigration has reached unprecedented levels as the result of a combination of factors, including continued reunification of immigrant families, a strong economy, trade expansion, and the refusal of the government either to authorize sufficient numbers of visas for the legal entry of low-skilled immigrant workers or to enforce employer sanctions. At the same time, Americans are about equally divided in their opinions about current levels, with half saying that the number should be decreased, and another half saying that it should be maintained or even increased.

Most recently in 2006, after failing to get the immigration reform he had sought in the form of a guest worker program, President Bush signed into law a bill authorizing the construction of a 700-mile fence on the 2,000-mile southern border.

At this writing, Democrats have taken control of both the House and the Senate, leaving open the possibility that Congress will enact a bill that includes the regularization of status for unauthorized immigrants, similar to the provisions in a bill passed by the Senate in May of 2006. That bipartisan measure called for a temporary worker program and a path to legalization for undocumented individuals who have been in the U.S. for more than five years, who pay a penalty and who demonstrate payment of back taxes and proficiency in English.¹⁸

Whatever happens, there is no doubt that debates about immigration policy will continue to be at the forefront of the U.S. political scene for years to come. ■

Endnotes

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18. Under the Senate bill, individuals who have lived in the U.S. for two to five years would have to return to a border entry point to apply for a guest-worker program, and individuals here less than two years would have to return to their countries of origin. Other provisions called for enhanced border security and the declaration of English as the “national” and the “common and unifying” language of the United States.

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Immigration information generated by the LWVUS Immigration Study Committee is available on the LWVUS Web site, www.lwv.org. Access this material which includes resource lists and background papers on the various aspects of the study scope by clicking on “For Members,” then “LWVUS Immigration Study,” under “Quick Links.”