POOR HUDDLED MASSES
NOT WELCOME

A Very Brief History of U.S. Immigration Policy

A publication of the
Pioneer Valley Workers Center
Northampton, MA
You’ve probably heard the words on the Statue of Liberty: “Give me your tired, your poor, your huddled masses yearning to breathe free…” It’s a noble sentiment, but it bears little relation to the historical record. In reality, U.S. government policy toward immigrants and refugees has always been highly exclusionary: only in select cases have foreigners been allowed to enter, and even when they have, they’ve usually suffered racism and exploitation. The economic and political system in the United States has always depended upon the exclusion or subordination of certain people, based on class, race, gender, religion, and other factors. Our immigration laws have played a central role in preserving these inequalities.

A State of Exclusion

When the “Founding Fathers” declared that “all men are created equal,” they actually meant just a sliver of the population: white, property-owning men. The Declaration of Independence expressed open contempt for “the merciless Indian savages” who occupied the lands coveted by the European settlers. The Constitution maintained the legal enslavement of black people, which would last until 1865 (and much longer in more covert form). Even among white men, only the wealthy were meant to enjoy real political power. James Madison, the lead framer of the Constitution, proclaimed that the government “ought to be so constituted as to protect the minority of the opulent against the majority.”¹ From the beginning, the Founders envisioned a hierarchical class system structured around white supremacy, patriarchy, and authoritarianism.

Immigration policies reflected this logic. In 1790, the country’s first naturalization law proclaimed that only “free white persons” could become U.S. citizens.² This law was accompanied by the policy of “Indian removal,” carried out with zeal by Andrew Jackson, a slave trader and land speculator who boasted in 1830 that the “savages” who had “occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites.”³ A century later, the Attorney General of California, Ulysses Webb, argued against Filipino immigration by saying that “this Government as founded…was then a Government of and for the white race.” He continued, without the slightest hint of
irony, “We thank God that only we, the white people, found it first and we want to be protected in our enjoyment of it.”

Webb was speaking on the heels of a large influx of immigrants. Between the mid-1800s and World War I, some 25 million European immigrants had entered the United States. Most of us educated in the U.S. school system learned something about this wave of migration. But our history classes may not have mentioned that immigration laws during that time were written to exclude most nonwhites. While there were no legal barriers to most European immigrants who wanted to enter, that wasn’t the case for some other groups. Chinese workers were completely barred from entering in 1882, the year of the first federal ban on immigration based on nationality. A 1917 law prohibited all Asian immigration, declaring an “Asiatic barred zone” from Afghanistan to Japan. Most Asians were formally prohibited from becoming citizens until World War II, and even then, only a very small quota would be allowed to enter.

The immigrants who were allowed to enter usually suffered intense discrimination. Groups like the Irish and Italians were subject to constant discrimination by employers, landlords, and public officials. The native-born often accused them of stealing jobs, using public resources, and committing violent crimes. One way these European immigrants gained acceptance was by embracing racism toward black people and other groups of non-European origins.

Soon after World War I, the U.S. Congress passed new laws that severely restricted immigration, targeting non-European immigrants as well as people from southern and eastern Europe. Often anarchists and communists of foreign birth were among the first to be targeted, since it was they who most directly challenged the exclusionary and hierarchical nature of U.S. society. The 1924 Johnson-Reed Act introduced a new quota system, with differing quotas
for different countries. Since the quotas were proportional to how many people from each country already lived in the United States, they heavily favored Western European countries over others. The 1924 reform also created the Border Patrol, which soon began carrying out deportations. During the Great Depression the government deported between 1 and 2 million people of Mexican descent, both citizens and non-citizens.

The visibly racist quota system would only be amended in 1965, when another immigration reform created uniform quotas for various countries. But this new quota system was still highly restrictive. It assigned quotas of just 20,000 to most countries, regardless of the size of their populations. Immigration from Latin America was formally restricted for the first time, drastically limiting the number of legal migrants from the region and further criminalizing Mexicans and others who tried to enter. Under this supposedly non-racist quota system, the vast majority of all foreign-born people would still have no chance of ever entering the United States legally, unless they 1) had an immediate family member who was a U.S. citizen or legal resident, 2) had connections with an employer who would “sponsor” them, or 3) could convince unsympathetic judges and immigration officials that they faced an extreme threat of violence in their home countries and thus deserved asylum. This basic legal framework remains in place today.

Refugees Not Welcome

U.S. policy toward “refugees” (who are formally a separate legal category from “immigrants”) has been just as cruel. During World War II, as the U.S. government was fighting the Nazis in Europe, it was simultaneously prohibiting most of the Nazis’ victims from obtaining asylum in the United States. The family of Anne Frank was repeatedly denied U.S. visas. The U.S. hadn’t declared war against racism and genocide, but against the expansionist ambitions of competing imperial powers. The stated justifications for excluding Jews and other Nazi victims were that they might be German spies or communist subversives who would undermine U.S. capitalism. Refugees were labeled a threat to “national
security” – that timeless phrase intended to shut off oxygen flow to the brain, preempting all critical thought by its audience.

In the 1980s, the United States funded Central American military regimes that slaughtered some 200,000 people. In El Salvador, the U.S. government supplied $1 million a day in military aid to a regime engaged in “a war of extermination and genocide against a defenseless civilian population,” in the words of Salvadoran Bishop Arturo Rivera y Damas.\textsuperscript{10} In neighboring Guatemala, the U.S.-backed regime carried out “large-scale killing of Indian men, women, and children,” as the State Department privately admitted in 1982.\textsuperscript{11} Those who fled this U.S.-sponsored violence were treated as the scum of the earth. Fewer than 3 percent of Salvadoran and Guatemalan asylum requests were granted.\textsuperscript{12}

On the rare occasions when our government has welcomed refugees, it has usually done so only to make its enemies look bad while promoting an image of the United States as a noble savior. In Nicaragua, a revolution overthrew the U.S.-backed dictator in 1979, leading the U.S. to sponsor a terrorist campaign targeting civilian supporters of the new revolutionary government. Unlike the Salvadoran and Guatemalan regimes, the new Nicaraguan government did not engage in torture or mass slaughter, but it was designated an enemy state because it sought to redistribute the country’s wealth. Consequently, the United States was more welcoming of Nicaraguan asylum seekers.\textsuperscript{13} Similarly, it has long welcomed Cubans opposed to the 1959 Cuban Revolution while denying entry to refugees from nearby Haiti, where poverty and state repression have been far more severe.

Today the U.S. government continues to bar most refugees from entering. Donald Trump’s racism and Islamophobia are especially overt, but his predecessors were also contemptuous of refugees – in their policy, if not in their rhetoric. By the end of 2016 Obama had admitted only 18,007 Syrian refugees – out of 11 million displaced Syrians.\textsuperscript{14}
**Bomb Them, Starve Them... and Lock Them in a Cage**

The bitter irony is that U.S. policy creates many of the refugees in the first place. In Mexico and Central America, U.S.-funded militarization and support for business-friendly governments has exacerbated violence, poverty, and social dissolution, contributing to the flow of people northward. In the Middle East, recent U.S. administrations have continued the longtime policy of supporting dictatorships in the interest of controlling the region’s energy resources. That motivation led to the 2003 U.S. invasion of Iraq, which killed or displaced millions of people and fueled the rise of ISIS and other extremist groups. Since 2015 the U.S. has directly supported Saudi Arabia’s brutal bombing of Yemen, where a child dies every 10 minutes from preventable illnesses.15 The Middle East refugee crisis will get worse in the decades to come, as climate change intensifies droughts, famines, and warfare. As the leading historic emitters of greenhouse gases, Western corporations bear most of the responsibility for future climate refugees.16

U.S.-favored economic policies have also increased emigration. In the case of Mexico, the 1994 North American Free Trade Agreement (NAFTA) and the larger set of pro-business policy reforms that started in the 1980s – cuts to social spending, deregulation, privatization, and so on – led to further impoverishment. Mexican workers and small farmers have suffered even more than the U.S. working class. By 2007 there had been a net loss of 1.9 million agricultural jobs, mostly due to the flooding of the Mexican market with cheap (and government-subsidized) agricultural products from the United States. The Mexican poverty rate today (55.1 percent) is even higher than it was in 1994. Quite naturally, some of these poor people have tried to migrate north in search of survival.17

Bill Clinton and the Congress foresaw this consequence: just as NAFTA was taking effect, they announced a major increase in border militarization known as Operation Gatekeeper. By cracking down on attempted border-crossings at cities like San Diego, Operation Gatekeeper drove more migrants to cross the border through the desert. The result was a major spike in the number of people who die – hundreds each year – trying to cross into the United States.18
In other words, at the same moment that NAFTA and related policies were increasing corporations’ freedom to cross national borders, the U.S. government was ensuring that *people* stayed locked in their cages, subject to poverty and violence with no way out.

**Disposable Labor**

A major goal of U.S. immigration policy is to ensure high profits for U.S. businesses, particularly large employers in sectors like agriculture, retail, hospitality, healthcare, and high-tech. The government thus makes certain exceptions to its restrictive policies for immigrants who will contribute to that goal.

Yet even those immigrants are usually kept in a precarious legal situation, with millions subject to detention and deportation at any time. Chinese workers were allowed to come toil on the railroads in the mid-1800s – for miserable pay and in dangerous conditions – but barred from entering soon thereafter. A century later, Mexican workers were allowed entry under the Bracero program, but not allowed to engage in collective bargaining. U.S. employers were allowed to set the *braceros’* wages, and used the program as a way to drive down wages for all workers, exploiting the racism of most U.S. labor unions. Even as it admitted *bracero* workers, the U.S. government made sure Mexicans knew they had no rights that it was bound to respect. Hundreds of thousands of Mexicans were deported under the 1954 “Operation Wetback,” as the head of the Immigration and Naturalization Service warned that “hordes of aliens” were carrying out “an actual invasion of the United States” from Mexico.¹⁹

There is no contradiction between the government admitting some immigrants as it also carries out mass deportations. Immigration laws have always sought to preserve an underclass of workers who have few rights, who live in terror of deportation, who can be exploited for the benefit of capitalists and then disposed of. This logic helps explain the openly anti-immigrant policies of Donald Trump as well as the more subtle anti-immigrant policy of Barack Obama, who deported *more immigrants than any other president*, expanding a deportation apparatus that his white nationalist successor is now gleefully utilizing.²⁰
Exclusion with Tact

Nowadays, overt racism is generally deemed unacceptable in mainstream political discourse (notwithstanding Trump’s efforts to rekindle it). Few opponents use the language of Andrew Jackson or Ulysses Webb when they denounce immigration. The fact that explicit white supremacy is no longer considered legitimate is one achievement of the progressive social movements of the twentieth century, including U.S. civil rights struggles and numerous anticolonial movements.

But there is one exclusionary assumption that’s still accepted by virtually all politicians, judges, and media commentators in this country: the idea that non-citizens do not, and should not, have the same rights as U.S. citizens. The distinction between citizen and non-citizen remains perhaps the most fundamental basis for exclusion in our current system.

The country in which we happen to be born is one of the most important determinants of our life chances – what law professor Ayelet Shachar calls the “birthright lottery.” It helps determine what kind of job we have (if any), our wages, the air we breathe, the water we drink, the education and healthcare we receive, our level of physical safety, and many other things. Of course, there is also tremendous inequality within countries, along lines of class, race, gender, and other categories. But our place of birth is still widely viewed as a legitimate basis for discrimination, unquestioned even among some immigrant rights advocates.

Rejecting the birthright lottery requires, at a minimum, that we recognize migration as an inalienable human right – not something that should be restricted to some arbitrarily defined group of “deserving” immigrants.

Exclusion Is Not Inevitable

It doesn’t have to be this way. Exclusions and hierarchies are not predetermined by human nature. A different system – one that respects the rights and dignity of all people, preserves the natural environment, and allows us all to share in the fruits of technological progress – is entirely within our reach as a species.
We don’t need to wait for some distant future to start practicing cooperation and solidarity. Doing so right now, in defiance of the vicious and violent institutions around us, can fortify us for the struggles ahead. Mobilizing alongside immigrants and refugees, and resisting the state and corporate policies that compel people to leave their countries, are good first steps.

Moreover, cooperation can win real material gains. Research by economist Michael Reich shows that when diverse groups of workers collaborate with each other against the bosses, the entire working class benefits in the form of higher wages and better working conditions. Stronger interracial cooperation correlates with higher wages across the board, including for U.S.-born white workers. Conversely, “racial inequality benefits capitalists and hurts white workers, by weakening workers’ solidarity and bargaining strength.”

Only when immigrants and the native-born unite can we build a strong movement for justice. Not all workers have precisely the same concerns, but we do share enough in common to participate in a common struggle.
NOTES

(See the web version for links to additional sources)

1 “Notes of the Secret Debates of the Federal Convention of 1787, Taken by the Late Hon Robert Yates, Chief Justice of the State of New York, and One of the Delegates from That State to the Said Convention,” in Documents Illustrative of the Formation of the Union of the American States (Washington, 1927).


3 Jackson, “On Indian Removal,” December 6, 1830 (available on various websites).


5 Quoted in Ngai, Impossible Subjects, 37. See also Aviva Chomsky, “They Take Our Jobs!” and 20 Other Myths about Immigration (Boston, 2007), 77-90.


7 Ngai, Impossible Subjects, 21-55, 59.

8 Francisco E. Balderrama and Raymond Rodríguez, Decade of Betrayal: Mexican Repatriation in the 1930s, rev. ed. (Albuquerque, 2006). One of the absurd ironies of this process was that many of the deported lived on land that had been owned by Mexico until 1846, when U.S. President Polk invaded Mexico and seized half the country’s territory.

9 The distinction between these two groups is problematic insofar as it implies that refugees flee violence and oppression, while immigrants come of their own free will. Most “immigrants” also flee desperate conditions, meaning that their “choice” is made under great duress.


12 For 1984-1990; see Chomsky, “They Take Our Jobs!” 72.

13 Ibid., 72. Twenty-six percent of Nicaraguan asylum requests were granted during the period 1984-1990.


17 Mark Weisbrot et al., Did NAFTA Help Mexico? An Update After 23 Years (Washington, 2017).


22 For detailed proposals of what a free and just economy could look like, see Robin Hahnel, Of the People, by the People: The Case for a Participatory Economy (Oakland, 2012); Michael Albert, Parecon: Life after Capitalism (London, 2004).