

A Select History of U.S. Immigration Policy

We sometimes get so stuck in the present headlines and the way things are now that it becomes hard to remember that our world has not always looked like this. To that end, we offer a brief summary of some points in immigration history as a reminder of the wide variety of possibilities that are out there.

Into the **late 19th century**, at least 22 states and territories allow non-citizens to vote, if they intend to become citizens in the future.¹

1924 Congress passes the National Origins Act, establishing visa requirements and an annual immigration ceiling for the first time. “When people say their ancestors came legally, if they came before 1924, everybody was legal. It wasn’t a choice they had to make,” says Columbia University historian Mae Ngai. “Before World War I, we had virtually open borders.”² In the passage of the act, eugenicists for the first time play an important role in the Congressional debate as expert advisers on the threat of “inferior stock” from eastern and southern Europe. This clear dig at Jews and other ethnic minorities is inspired by the eugenic belief in the racial superiority of “old stock” white Americans as members of the “Nordic race.” In the years after passage of the new immigration law, fewer than 10,000 European Jews are able to enter annually.

1929 Senator Coleman Livingston Blease, a white supremacist, leads Congress in passing a law—aimed primarily at Mexicans—that for the first time makes unauthorized entry into the U.S. a crime.³

1958 The Supreme Court, in *Leng May Ma v. Barber*, notes regarding immigration that “physical detention of aliens is now the exception, not the rule,” pointing out that “certainly this policy reflects the humane qualities of an enlightened civilization.”⁴

1965 The Immigration and Nationality Act sets up the framework for U.S. immigration policy that remains largely in effect to today.

1980 The Mariel Boatlift brings approximately 125,000 Cubans to the United States, sparking fears of entering criminals and leading to changes in attitudes and policies towards refugees. Stanford University historian Ana Raquel Miriam has argued this is a key turning point for American attitudes towards immigration detention.⁵ By **1982**, the INS (Immigration and Naturalization Service, precursor to ICE) has reversed its policy of the prior 25+ years and begun detaining all migrants lacking visas, with few parole exceptions.

1984 CoreCivic (then known as Corrections Corporation of America) opens the first modern private prison in America, to be used for immigration detention. Immigration becomes the gateway to America’s increasingly widespread use of for-profit prisons.

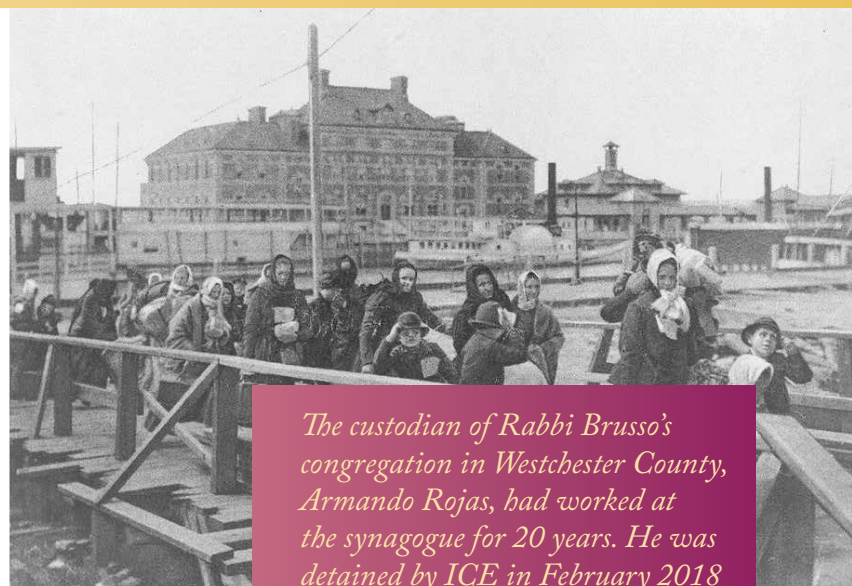
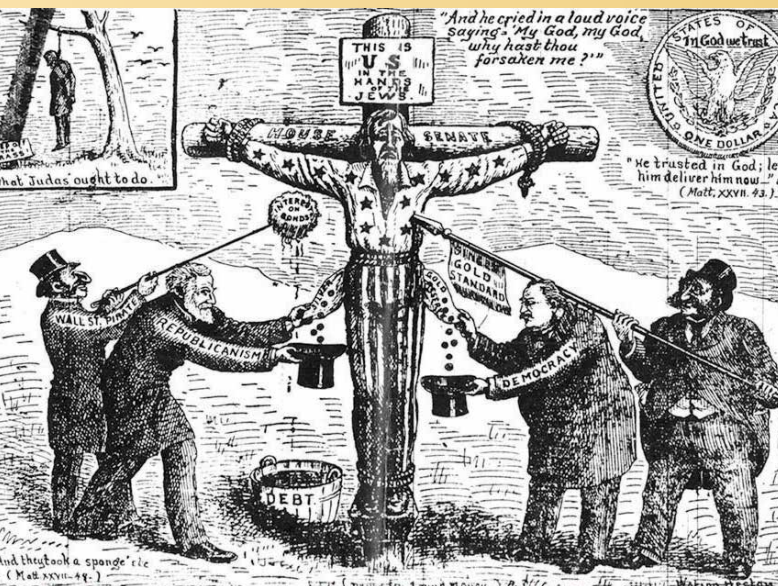
1986 President Reagan signs the Immigration Reform and Control Act, which among other policy changes gives legal status to 2.9 million undocumented immigrants (giving them “amnesty”)—a policy that 21st-century conservatives will staunchly oppose.⁷

1989 The Lautenberg Amendment allows Jews and other European minorities to come to America as refugees because of a “credible fear of persecution,” resulting in the influx of more than 400,000 Soviet refugees. (Compare that to the 3,024 Syrian refugees allowed into the U.S. in 2017.⁸)

Aug. 1, 2001 The Development, Relief and Education for Alien Minors (DREAM) Act, to give Dreamers (those who arrived in the U.S. without documents as children) legal status, is introduced for the first time as a piece of bipartisan legislation, by Senators Dick Durbin (D-IL) and Orrin Hatch (R-UT).

“200,000 Communist Jews [are] at the Mexican border waiting to get into this country. If they are admitted, they will rape every woman and child that is left unprotected.”

—1940S ANTI-IMMIGRANT SPOKESPERSON⁶



ANTI-JEWISH CARTOON FROM AN 1896 ISSUE OF SOUND MONEY MAGAZINE.

LANDING AT ELLIS ISLAND, 1902. PHOTO CREDIT: LIBRARY OF CONGRESS

- 1 <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1013&context=lawineq>
- 2 <http://www.philly.com/philly/news/breaking/your-immigrant-ancestors-came-here-legally-are-you-sure-20170625.html>
- 3 <http://theconversation.com/how-crossing-the-us-mexico-border-became-a-crime-74604> In 2015, 49 percent of all federal prosecutions were for unlawful entry.
- 4 <https://www.nytimes.com/2018/12/01/opinion/sunday/border-detention-tear-gas-migrants.html>
- 5 *ibid.*
- 6 https://www.washingtonpost.com/local/obituaries/leonard-dinnerstein-distinguished-historian-of-anti-semitism-in-america-dies-at-84/2019/02/01/06c29680-25d8-11e9-90cd-dedb0c92dc17_story.html?utm_term=.036d9d60e6d1
- 7 <https://www.npr.org/templates/story/story.php?storyId=128303672>
- 8 <https://www.npr.org/sections/parallels/2018/04/12/602022877/the-u-s-has-welcomed-only-11-syrian-refugees-this-year>

A CENTURY OF U.S. INTERFERENCE IN CENTRAL AMERICA

As we consider U.S. immigration and refugee policy, we cannot forget that a century of U.S. political and military intervention in Central America helped lay the foundations for those countries' current conditions. We must face this history and accept our share of the responsibility for the violence, corruption, autocracy, and poverty that drives people to leave home and seek safety in the United States—and we cannot debate immigration policy as if it happens in a vacuum, unrelated to any other American behavior.

After the 2018 election, Rep. Lou Correa (D-CA) called for a Marshall Plan-style program of heavy investment in Central America to redeem America's past sins and stabilize those countries so as to reduce the need for refugees to flee.⁹ Such an idea, while unlikely to be implemented in today's political climate, must be part of our discourse about immigration policy.

For details about U.S. interference in Central America, visit this timeline compiled in 2018 by Medium: <http://bit.ly/US-in-CentralAm>

- 9 <https://www.cbsnews.com/news/rep-lou-correa-calls-for-central-american-marshall-plan-after-border-visit/>

The custodian of Rabbi Brusso's congregation in Westchester County, Armando Rojas, had worked at the synagogue for 20 years. He was detained by ICE in February 2018 and deported back to a country he had not lived in for decades. After almost of year of effort by the rabbi and synagogue members, Armando was granted an asylum hearing and was able to return to his family.

“The detention facility is one of the most mechanized forms of processing human beings and their stories I have ever encountered. Everything about it is meant to insulate the people who work there, the judges, and even those of us visiting from seeing human beings. . . . We entered a part of our country that is hidden away. When people function knowing they are not being observed, it becomes much easier not to see but to simply process human beings. To devalue their lives, constrain their liberty and ignore their happiness by taking away that which should be unalienable and simply calling them “alien.” Out of sight, it also becomes easy to avoid seeing the consequences our immigration policy visits upon broken families.”

— RABBI AARON BRUSSO, BET TORAH, MOUNT KISCO, N.Y. ON TRYING TO HELP THE CUSTODIAN OF HIS SYNAGOGUE; NOVEMBER, 2018.