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IN THIS ISSUE

The Test of Patriotism

FRANK MURPHY

The Social and Economic Consequences
of Exclusionary Immigration Laws

FELIX S. COHEN

American Neutrality

JAMES SIMSARIAN

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THE SOCIAL AND ECONOMIC CONSEQUENCES OF EXCLUSIONARY IMMIGRATION LAWS

Felix S. Cohen

1

Current Proposals For Prohibition of Immigration

AT PRESENT there are before Congress a number of bills embodying the common purpose of prohibiting or reducing immigration into the United States. These bills are commonly supported on the basis of the following theories: (a) that immigration threatens the American standard of living, (b) that immigration increases unemployment, and (c) that immigration lowers the cultural level, and menaces the American way of life.

It may be of interest, in view of the current controversies over these bills, to examine the actual consequences of exclusionary immigration laws already on the statute books.

2

The History of Exclusionary Immigration Laws

The first exclusionary immigration law enacted by the United

1. The following bills, pending in the 76th Congress, reduce quotas by 90 per cent, eliminate quota-exempt categories, and prohibit all immigration permanently or for five or ten years or until the unemployment problem has been solved: H.R. 3029, H.R. 3030, H.R. 3031, H.R. 3033 (Starnes, Ala.); H.R. 3241, H.R. 3243 (Whelchel, Ga.); S. 407, S. 408, S. 409 (Reynolds, N. C.); S. 2451 (Holman, Ore.). The simplest of the pending bills in this field is H.R. 999 (Pace, Ga.), which reads as follows: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after December 31, 1939, no immigrant (as defined in section 203,

States was the Act of May 6, 1882."

This Act related only to Chinese, forbidding their immigration into the United States and likewise prohibiting those already in the United States from becoming American citizens. In effect, there was established a special class of United States subjects deprived of the ordinary rights of citizens. The "Whereas" clause of this Act is strangely reminiscent of explanations of aggression and racial persecution offered by certain European nations in recent years:

Whereas, in the opinion of the Government of the United States, the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof...

Apparently Congress, in its anxiety to do away with the riots and lynchings which were directed against Chinese in certain localities, decided that the proximate cause of the disorders was the existence of the Chinese victims. By preventing them from entering the country, Congress made sure that they would not be molested, and by denying those who had already entered the rights of citizenship, Congress made sure that their rights would not be violated.

The prohibition against the immi-

title 8, United States Code) shall be admitted to the United States. SEC. 2. That after December 31, 1939, every alien in the United States (as defined in section 173, title 8, United States Code) shall be forthwith deported."

2. 22 STAT. 58.

gration of Chinese laborers was enacted as a temporary measure, but, like other temporary immigration restrictions, was later made permanent.³ Following the stoppage of Chinese immigration, the same arguments which had been directed against the Chinese came to be directed against other races.

Between 1882 and 1917, various restrictive immigration laws were enacted excluding from admission to the United States persons considered to be of immoral character, persons likely to become public charges, and contract laborers hired abroad.⁴

On February 5, 1917, when the great outburst of national hatred in Europe was arousing strong echoes here, Congress enacted a comprehensive immigration restriction law purporting to exclude from this country various defined classes of immigrants, including Japanese and Asiatics generally and illiterates.⁵

The Act of October 16, 1918, further extended the class of excluded aliens to include all persons connected with any organization issuing any statement advising the unlawful destruction of property, *etc.*⁶

A general restriction upon the number of immigrants allowed into the United States, based upon na-

tional origins, was established by the Act of May 19, 1921.⁷ This Act was a temporary one and later superseded by the Immigration Act of 1924,⁸ which, with minor modifications, is today the basic federal law on immigration.

Each of the foregoing statutes was based in part on economic or materialistic grounds, and in part upon theories of racial or cultural superiority. It will be our purpose to examine the relation of these justifying theories to the actual facts of American history.

3

Immigration and Standards of Living

According to the prevailing theory, immigrants menace the American standard of living since they bring with them the poverty and low living standards they have known abroad, and become centers of slum settlements and ruinous competitors of American working men. If this theory is sound we should expect to find the lowest standard of living in those states which have the largest proportion of foreign-born inhabitants in their populations, and we should expect to find the American standard of living unimpaired in those states where practically the entire population is native-born. What are the facts? Let us take as a starting point the cold facts of annual income in the ten states with the highest percentage of foreign-born and the ten

3. 23 STAT. 115 (1884); 27 STAT. 25 (1892); 32 STAT. 176 (1902); 33 STAT. 428 (1904); 8 U.S.C. § 263 (1934).

4. See 22 STAT. 214 (1882); 23 STAT. 332 (1885); 26 STAT. 1084 (1891); 32 STAT. 1213 (1903); 36 STAT. 263 (1910). See, also, 18 STAT. 477 (1875).

5. 39 STAT. 875.

6. 40 STAT. 1012.

7. 42 STAT. 5.

8. Act of May 26, 1924, 43 STAT. 158, 8 U.S.C. §§ 201-226 (1934).

states with the lowest proportion of foreign-born inhabitants.⁹

State	Percentage Foreign-Born	Per Capita Income
New York.....	25.9	\$700
Massachusetts	25.1	539
Rhode Island	25.0	561
Connecticut	23.9	607
New Jersey	21.0	517
California	18.9	605
New Hampshire	17.8	438
Michigan	17.6	473
Nevada	16.6	545
Illinois	16.3	500
Average	20.3	\$549
South Carolina	0.3	\$224
North Carolina	0.3	252
Mississippi	0.4	170
Georgia	0.5	253
Tennessee	0.5	232
Alabama	0.6	189
Arkansas	0.6	182
Kentucky	0.8	240
Virginia	1.0	305
Oklahoma	1.3	259
Average	0.6	\$231

The fact that the ten states with the highest proportion of foreign-born in their population have more than twice the *per capita* annual income of the ten states with the lowest proportion of foreign-born is not subject to dispute. There may, however, be differences of opinion as to the proper interpretation of these facts.

It may be thought, in the first place, that the contrast in *per capita* income between the two groups of states is the result of superior natural resources in the first group, and that the character of the two populations has nothing to do with the discrepancy of income. In fact, however, the lower group of states probably has greater natural resources, *per capita*, than the former. The low-immigration states, by reason of their

low population density, could provide each man, woman, and child with 12 acres of ground, and most of it would be fertile. The high-immigration states could offer each of their inhabitants less than 3 acres, and most of that would be mountainside or desert. Certainly the earth of New England, Michigan, or the Far West is not four times as rich as that of the South. On the contrary, there is no forest resource and no agricultural crop in the ten high-immigration states which cannot be duplicated in the ten states which are practically free of immigrants. As for mineral resources, the prosperity of Nevada may be ascribed to silver, of California to gold, and of Illinois to coal, but what, then, is to be said of Oklahoma, with its vast oil resources, or Kentucky which, in the year 1935, produced \$98,486,000 worth of minerals, as compared with \$96,484,000 for Illinois, \$20,988,000 for Nevada and \$360,179,000 for California? If there is a marked divergency in income between the two groups of states, that divergency cannot arise from differences in the gifts of Nature.

Those who cling to the theory that immigration reduces the standard of living, despite the cold facts of cash income, may explain away the low income of the immigrant-free states by reference to the Negro. The fact of the matter is that the Negro constitutes less than 10% of the population in Kentucky and Oklahoma. Moreover, the Negro in New York, Chicago, Philadelphia, Wilmington or Detroit does not seem to pull down the standard of

⁹ Figures on foreign born population are from the 1930 Census. Figures on *per capita* income are those of the National Industrial Conference Board, calculated in 1935.

income in those cities. Why should he bear the blame for the poverty of the South?

Assuming, however, that the poverty of the South is totally unrelated to immigration and is a result of lack of natural resources, the presence of the Negro, the Civil War, or the Republican party, still the correlation between high immigration and prosperity, between lack of immigration and poverty, prevails in other regions of the United States, where the Negro, the Civil War, and the Republican party cannot be the critical factors.

On the Pacific coast, for instance, California has the highest proportion of foreign-born (18.9%) while Washington comes next with 16.3% and Oregon trails with 11.6%. Of the three states California stands first in the amount of *per capita* income, Washington stands second and Oregon stands third.

Among the Middle Atlantic States, New York stands first in the percentage of foreign-born (25.9%), New Jersey (21.0%) second and Pennsylvania (12.9%) third. The same order prevails with respect to the *per capita* income.

In the West-South Central States, Texas stands at the top in the percentage of foreign-born (6.2%), Louisiana is second (1.8%), Oklahoma third (1.3%) and Arkansas fourth (0.6%). The same order prevails with respect to *per capita* income.

Among the South Atlantic States, Delaware stands first in percentage of foreign-born (7.1%) and in *per capita* income; Maryland stands second in both respects, its percentage

of foreign-born inhabitants being 5.9%. Florida, with the third highest percentage of foreign-born (4.8%), stands third in the income scale. West Virginia stands fourth highest in the percentage of foreign-born (3.0%) and income scale. Virginia, with 1% foreign-born, stands fifth in both scales. Georgia, with 0.5%, stands sixth in both scales. North Carolina and South Carolina, with a percentage of foreign-born running below 0.3%, stand at the foot of the list for this region. An equally exact correlation is found among the East South Central States.

With very slight discrepancies the same correlation appears in the New England States, the North Central States and the Mountain States. Only in the West North Central area are there any substantial discrepancies in this correlation.

The connection between immigration and prosperity cannot be explained away, therefore, by reference to regional differences, geographical advantages, political discrimination, the presence of the Negro, or the Civil War. The persistence of the correlation over practically the whole United States cannot be accidental. If the hard facts of cash income mean anything they mean that the popular theory that prosperity occurs only in the absence of immigration is untrue.

It may still be contended by the economic advocate of immigration restriction that immigrants go to the prosperous states and fail to go to poorer states for purely economic reasons, and that the prosperity of certain states is not based upon the presence of immigrants but is main-

tained in spite of the presence of large numbers of immigrants. According to this theory we should be able to find a time when New York State, for instance, had a comparatively small number of foreign-born residents and achieved during that period a greater degree of prosperity than it has had in the present decade when 25.9% of its population is foreign-born. According to this argument immigrants must have flocked to New York simply because of the prosperity of New York, to take advantage of employment opportunities which native Americans created. But alas for the theory! History reveals no such golden era of native-born prosperity in the Empire State. There never was an era of prosperity in New York State that was not based upon the labor of immigrants. As far back as 1644 people speaking 18 different languages were living side by side peacefully in the City of New Amsterdam on Manhattan Island.¹⁰ A few years later, a New York Governor, suspected of an inclination to persecute Quakers, was cautioned by his Board of Directors in Amsterdam that tolerance

has always been the guide of our Magistrates in this City [Amsterdam] and the consequence has been that people have flocked from every land to this Asylum. Tread, then, in their steps and we doubt not you will be blest.¹¹

The Directors were right. New York continued to welcome the oppressed of every nation of Europe and upon this coming together of

diverse cultures and diverse skills the state came to attain its unique position in manufacturing, commerce, finance and government.¹²

The fact of the matter is that refugees of Europe's tyrannies came to Rhode Island, Connecticut, New York, Pennsylvania and Delaware as far back as the 17th Century, not because these states were the wealthiest—for in those days they were not—but because continental immigrants were not welcome in the states with better climate and better resources like Virginia. No matter how poor the localities to which they came, they repaid their welcome by enriching the towns that gave them hospitality. It is utter nonsense to say, as so many school books do, that manufacturing first developed in the North Atlantic states because of water power or mineral resources. In both respects the South had a great advantage. Why did manufacturing develop with particular rapidity in Delaware, which, if we arrange the states in order of their water power,¹³ stands 48th in the list, in Rhode Island, which stands 47th, in New Jersey, which stands 43d, and in Connecticut, which stands 38th, rather than in Tennessee which stands eighth in the list (2,418,000 KW mean flow as compared with 8,000 KW for Delaware and 21,000 for Rhode Island), or in Alabama, which stands tenth, or Georgia, which stands 15th, or North Carolina, which stands 17th, or South Carolina and Virginia, which stand 19th and 20th respectively?

10. Ripley, *The European Population of the United States*, REPORT OF SMITHSONIAN INSTITUTION (1909) 590.

11. SRYMOUR, LECTURE ON THE TOPOGRAPHY AND HISTORY OF NEW YORK (1856) 22.

12. *Ibid.*

13. Data compiled by U. S. Geological Survey. See WORLD ALMANAC (1938) 336.

The fact is that the wealth of the states with the highest percentages of foreign-born is not the result of unusual natural resources or favorable climate, but is the result of the labor of countless immigrants who were not allowed or were not encouraged to settle in regions more favored by nature.

While Massachusetts refused to accept immigrants who were not English of the Puritan or Pilgrim faith, and Virginia barred all but faithful members of the Church of England and African slaves,¹⁴ the belt of tolerance that stretched from Rhode Island to Delaware, including the towns of Providence, Hartford, Albany, New York, Trenton, Philadelphia and Wilmington, was welcoming immigrants of many races: French, Swedes, Finns, Germans, Poles, Welsh, Irish and Dutch. It was in this cosmopolitan area that industry and commerce first developed, and it was in these towns, to which company Boston must later be added, that economic independence from England was achieved. In 1776, Philadelphia was the largest city in the United States because the Quakers who settled Pennsylvania had welcomed men of all races and creeds to the City of Brotherly Love.

These historical considerations cannot prove a general theory as to the connection between immigration and prosperity, but they suffice to disprove the theory that prosperity depends upon the absence of immigration, and they lend some support to the alternative theory that throughout the history

of this nation, our growth and prosperity has been based upon immigration. The Census Bureau, in its work *A Century of Population Growth*, concluded that, during the Nineteenth Century, immigration contributed thirty million souls to our population and forty billion dollars to our wealth.¹⁵ It is only natural that the greater part of this wealth should have gone to the states that offered a welcoming hand to the immigrant. The facts of the case can hardly be summed up better than in the words of the great economic realist of the Constitutional Convention, James Madison, who declared:

That part of America which had encouraged them [the foreigners] most, has advanced most rapidly in population, agriculture, and the arts.¹⁶

IMMIGRATION AND THE DEVELOPMENT OF INDUSTRY

From the standpoint of economics, it is easy to see that a region populated by people with an identical background may easily become a one-crop or one-industry region, while a region populated by people of differing backgrounds is more likely to develop the specialization and diversification of occupations upon which a high standard of living must be based. This is clear enough in fields of commerce and industry. The major industries of the United States were, in almost every case, developed by immigrant groups. The manufacture of pottery and chinaware was first developed by German immigrants in

14. PROPER, COLONIAL IMMIGRATION LAWS (1900) 17, 62 *et seq.*

15. At 85. See Also Kohler, *Some Aspects of the Immigration Problem* (1914) AM. ECON. REV. 93, 104.

16. Kohler, *supra*, at 96.

Pennsylvania, the munitions industry by French immigrants in Delaware. The tanning industry was developed by German immigrants in Pennsylvania and Wisconsin. Our ready-made clothing industry was established by German, Austrian, Russian and Italian immigrants. The roads and railroads that span our continent were built, in the main, by immigrant labor, first by the Irish and later by the same Italians whose ancestors built the roads that made the Roman Empire possible. Our mining and metal industries have always been immigrant industries: in the early days British and Welsh miners, and later, laborers from Hungary, Poland, and other lands of Eastern Europe, dug our ore and fashioned our steel.

IMMIGRANTS AND AGRICULTURE

The contribution of different races to our agriculture is no less striking. Less than half of our agricultural produce, in value, is British or North European. A major part of our present agricultural production, of course, is based upon borrowings from the American Indian. Tobacco, corn, potatoes, sweet potatoes, tomatoes, peppers, peanuts, pineapples, and many native varieties of beans, squash, and pumpkins were unknown to the first European immigrants, and it was the Indian who furnished the seed and the instruction in methods of cultivation upon which these important segments of agricultural production are based.¹⁷ It was the Spaniard who introduced the cultivation of citrus

fruits in Florida and California. Succeeding waves of immigration have introduced new specialized forms of agricultural production.¹⁸ Intensive market-gardening in California was developed by Orientals, Armenians, and Italians. The cheese industry in Wisconsin was developed by Swiss and German settlers. Olive culture, viniculture, and the cultivation of dates and figs represent, in large part, the labor of immigrants who brought with them the special skills developed through centuries of Mediterranean sunshine.

In view of the popular theory that immigrants are of no significance for agriculture, it is interesting to compare the level of agricultural production in states with the highest foreign-born populations and those with the lowest percentage of foreign-born. Taking the ten states at each end of our list we find these significant figures.¹⁹

State	Value of Farms Per Acre	Value Annual Production Per Farm
New York	\$ 73.19	\$2,502
Massachusetts	130.26	3,061
Rhode Island	123.52	3,133
Connecticut	151.38	3,196
New Jersey	169.99	3,773
California	112.33	4,841
New Hampshire	39.47	1,972
Michigan	67.80	1,647
Nevada	15.71	6,025
Illinois	108.63	2,467
Average	\$ 99.23	\$3,269

18. Coulter, *The Influence of Immigration on Agricultural Development* (1909) 33 ANNALS 373. "The United States has been spending millions of dollars in introducing new plants, animals and methods of farming from other countries. At the same time little groups of foreigners such as the Swiss of Wisconsin or later the Italians in some southern districts, formerly thought of as the least desirable immigrants, have settled in our midst and put into practice their home training which has resulted in the establishment of great industries such as the Swiss cheese industry." At 374.

19. From 1930 Census.

17. Wissler, *The Contribution of the Indian*, in BROWN & ROYER, *OUR RACIAL AND NATIONAL MINORITIES* (1937) 727.

State	Value of Farms Per Acre	Value Annual Production Per Farm
South Carolina	\$ 36.48	\$ 935
North Carolina	46.75	1,040
Mississippi	32.79	910
Georgia	26.15	1,011
Tennessee	41.28	945
Alabama	28.62	856
Arkansas	34.13	988
Kentucky	43.72	1,004
Virginia	51.16	1,252
Oklahoma	36.78	1,615
Average	\$ 37.79	\$1,056

These figures probably reflect three distinct contributions which the immigrant makes to agriculture. In the first place, the immigrant, as a consumer, provides a market for agricultural produce. In the second place, the immigrant in industry and commerce has developed new uses for agricultural products and improved methods of preservation, processing²¹ and marketing. In the third place, the immigrant farmer has introduced methods of intensive cultivation, and conservative use of soil, developed in countries where land is scarce and not to be wasted.

In this connection it is interesting to note the comments of an authoritative historian of American industry:

The Dutch of New York, Swedes of the Delaware River, and Germans and Quakers of Pennsylvania, all were better, more careful farmers than the Pilgrims or Puritans. Indeed, Pennsylvania became the wealthiest, most flourishing agricultural colony of all the original thirteen. It was the colony in which immigrants most easily could acquire citizenship, and land grants were liberal and fair. It attracted an unusual number of intel-

20. For example, granulated sugar, starch, beer, and various forms of cereals and pickles were first developed in this country by German immigrants. See 2 FAUST, *THE GERMAN ELEMENT IN THE U.S.* (1927) 65-76.

ligent farmers who fled religious or political persecutions in Europe.²²

IMMIGRATION AND WAGE SCALES

According to the economic theories of the immigration restrictionists, which are probably shared today by most people who have never studied the facts, the immigrant has always threatened the American standard of living by working for lower wages and longer hours than the native-born American would accept.

The actual facts are very different. Hours of labor in Massachusetts textile mills were substantially reduced and wages were increased in the 1830's and 1840's when Irish immigrants entered the industry, which had previously employed only native stock.²³ To this day the chief threat to wage scales paid to Irish, Portuguese, Greek, Syrian and Italian millhands in New England has come from the native American stock in such states as North Carolina, Georgia and Alabama.²⁴ The chief threat to the immigrant wage scales in the New England leather industry has come from native stock in states like Missouri.²⁵ The comparatively high wage scales won by Russian, Lithuanian, Polish and Austrian workers in the needle trades of New York, Baltimore and other eastern cities, have been so seriously threatened by "run-away" shops in

21. KEIR, *MANUFACTURING INDUSTRIES IN AMERICA* (1928) 9.

22. HOURWICH, *IMMIGRATION AND LABOR* (1912) 313, 382.

23. *Id.* at 381-383, 493. In 1912 Hourwich wrote: "The discontinuance of fresh supplies of immigrant labor for the cotton mills of New England would give a new impetus to the development of the cotton industry in the South, where there is an abundant supply of child labor." At 493.

24. *Id.* at 493.

rural immigrant-free areas that the immigrants have felt it necessary, in self-defense, to send organizers into these areas to extend the protection of their unions and raise the low wage standards of the native-American stock to the union level.²⁵

For many decades the comparatively high wages won by Hungarian and Polish workers in the unionized mine fields of western Pennsylvania and northern Illinois were menaced by non-union Anglo-Saxon workers in West Virginia, Kentucky, southern Illinois, and Alabama, who were willing to work for sub-standard wages.²⁶ The same story is repeated in almost every industry where the immigrant worker has played an important part.

If there were any validity in the racial theory of economics, we should have to conclude that it is the native-born American worker who has menaced the immigrant standard of wages, rather than the other way around. Certainly there is no factual basis for the theory that immigrants depress wage rates below the "American standard of living." Immigrants, like other human beings, try to get wages as high as the traffic will bear, and if they have special skills and aptitudes for certain types of work that are distasteful to most Anglo-Saxons, they are likely to earn better wages because of their greater efficiency in these tasks. If, on the other hand, they are unskilled or forced by social pressure into unskilled labor, they "displace upwards" the more experienced workers, who move into

higher positions in the industrial scheme. Whether the immigrant himself gets a higher wage than the native-born worker, or a lower wage, the effect of the immigrant's presence has always been to raise the level of wages in the community.

IMMIGRATION AND UNIONIZATION

In the Nineteenth Century, when Irish, German, Austrian and Russian immigrants were building the first powerful American labor unions, respectable native Americans considered unionization a manifestation of foreign *isms* and a proof that foreign-born workers were "desperate and wicked."²⁷ In the Twentieth Century, labor unionism came to be an accepted part of American life, and then the immigrant was blamed for *not* joining unions. The absurdity of this charge will be evident to anybody who studies the history of our labor unions. In most of the pioneer unions, the first to join were the immigrants.²⁸ Among the earliest successful unions were those of the building trades (largely Irish), the musicians (Germans, at first), the garment workers (German, Russian, Italian), the brewers, bakers, and cigar-makers (all largely German) and the miners (Welsh, Hungarian, Polish). Generally the native American entered the union in large numbers only *after* the union had become firmly established. For many

27. SEVENTH ANN. REP. N. J. BUREAU OF VITAL STATISTICS OF LABOR AND INDUSTRIES (1884) 290, cited in Hourwich, *op. cit.* *supra* note 22, at 331.

28. "Hence it was the unions with exclusive or large German membership that pioneered in the great eight-hour demand and strikes of the Eighties." Saposs, *The Immigrant in the Labor Movement* (1937) 3 MODERN QUARTERLY, 119, 121.

25. *Id.* c. 21.

26. *Id.* at 447.

years, the states with the highest percentage of foreign-born workers have been the leaders in the process of unionization, and those at the bottom of the immigration list the most backward in unionization.²⁹ It is probable that a good deal of supposed labor union sentiment against immigration represents only fear of the union rank-and-file on the part of union officers, who are most likely to be chosen from among the native-born membership, or from the class of anti-immigration immigrants (Gompers, Woll, *et al.*).

THE IMMIGRANT AS A CONSUMER

The theory that the immigrant is willing to live on an inferior level of subsistence is a theory invented to explain the supposed fact that immigrants underbid native American wage scales. Since the fact is non-existent, a theory which purports to explain the fact is of no special importance. It is interesting, however, to note that far from entertaining a special inclination towards cheap slum housing, the immigrant has actually spent a larger sum, *per capita*, on housing than has the native American. Thus the National Resources Committee reports:

In 1930 it was found that the median monthly rental of urban nonfarm homes was slightly higher for foreign-born white (\$35.13) than for all native white (\$34.11). When the native white classification is further subdivided according to parentage, an even greater difference is seen. The figure for those of native parentage is \$23.26, and for those of foreign or mixed parentage \$37.74.³⁰

It is noteworthy that the con-

struction industry and allied trades have suffered a terrific decline, despite large government subsidies, since the practical cessation of immigration into the United States. Every immigrant family either built a house or moved into a house or apartment formerly occupied by another family, native or immigrant, for whom a new house was built. House-building involved the construction of roads, the paving of streets, the expansion of transportation, communication, water and sewage systems. The cabinet-maker, carpenter, plumber, painter, glazier, bricklayer, stonemason, and architect were all vitally interested in this process of home-building and each of these classes was seriously set back by the cessation of immigration. Quarries, lumber camps and sawmills closed down because of the declining demand for housing materials.

What happened to construction industries happened also to agriculture, when the market for agricultural products in the centers of immigration stopped expanding as fast as agricultural production. Despite the fanciful theory that foreigners eat less food or worse food than native-born Americans, dietary studies have shown that the diet of most immigrant groups is not inferior to the diet of native Americans.³¹ The theory of inferior immigrant food habits is simply another example of prejudice masking as economics. The native American worker, accustomed to a diet of beef, pork, eggs, root vegetables and white bread, for years

29. HOURWICH, *op. cit. supra* note 22, c. 15.

30. THE PROBLEMS OF A CHANGING POPULATION (Nat'l Res. Comm. 1938) 228.

31. HOURWICH, *op. cit. supra* note 22, at 256, 273.

considered the Italian staples of macaroni and green vegetables as a form of unfair competition, but native Americans have been learning very rapidly, during the present century, to eat macaroni and green vegetables themselves and like them. The theory that Chinese live on nothing but rice still persists in the more backward portions of our population, but this theory, too, is disappearing as more and more native Americans come to taste native Chinese dishes.

The fact of the matter is that immigrants, like native Americans, will dwell in unsanitary houses and subsist on inadequate food only when they are so inefficient or so harshly exploited that they cannot afford the housing and the food they would like to have. Inefficiency and exploitability, however, are not racial characteristics.

4

Immigration and Unemployment

The most popular argument advanced in support of exclusionary immigration legislation today is the argument that immigrants take jobs away from those who are already employed and thus aggravate the problem of unemployment. Like many other economic theories about immigration, this theory finds no support in the facts. The history of employment in the United States shows rather that in periods of heavy immigration, there has been a great increase in the number of available jobs, that in periods of light immigration there has been no increase in the number of jobs, and that a significant *decrease* in the number of jobs has occurred only

when emigration exceeded immigration.

Thus, the Census of Manufactures shows that in the period from 1899 to 1909, when approximately 7,700,000 immigrants entered the United States, the number of wage-paying jobs increased by 40.4%. Again, in the following decade, approximately 6,600,000 immigrants entered the country. At the end of the decade, the number of jobs had increased another 35.9%. In the decade from 1919 to 1929, as a result of restrictive legislation, the total net immigration to the United States (subtracting emigration totals) sank to 3,207,037, and the employment totals dropped by about 1.6%. In the years from 1929 to 1935, the immigration totals sank below the emigration total by 64,905, and decrease in the total number of jobs reached a new high of approximately 17%.³²

It may be argued that immigration did not create jobs but that rather the multiplication of jobs attracted immigration. This is a partial truth. It is true that employment opportunities attract immigration, but it is also true that immigration creates employment opportunities. Poverty creates disease; disease creates poverty. Education brings a higher living standard; a higher living standard promotes education. Most social causal connections run both ways. So it is with immigration and employment. It is important to remember, and this the immigration restrictionists generally overlook, that the earliest in-

32. See U. S. CENSUS OF MANUFACTURES (1935) 18-19; U. S. STATISTICAL ABSTRACT (1938) 97.

dustrial development in the United States *followed* in the train of high immigration, and that our present unparalleled period of unemployment *followed* the cessation of immigration.

The fact seems to be that our economic system is geared to an expanding market. Until 1924, the chief source of expanding consumer demand for the products of our industry and agriculture was immigration. When we cut off our immigration, we enjoyed a few more years of prosperity while our exports to foreign countries and our loans and credits abroad reached dizzy heights. But we soon discovered that while the foreign-born within our gates paid for what they consumed, the foreign-born outside the gates (except for "non-Aryan" Finland) did not. As the repudiation of foreign obligations, public and private, became a basic political doctrine in most of the countries we had dealt with, our Panic of 1929 grew into our Depression of 1933, with agriculture and construction leading the downward curves. Despite unprecedented governmental attempts to end that depression, the basic facts of large-scale unemployment and reduced production have continued to this day.

Of course, we have had depressions before in our history, most notably in 1873, 1893, 1907, 1914 and 1921. What is significant is not that we had a depression in 1933, but that we have not been able to climb out of it. In our earlier depressions, after the first shock, increasing markets, largely based on immigration, took up the slack and

production figures quickly mounted. In our present period of unemployment, there is no sign anywhere of an expanding consumer market.

There is no certainty that our economic system of private capitalism, which worked during a century when we expanded our market by admitting almost 40,000,000 immigrants, can work without that expanding market. In other countries we have seen that when population and markets cease to expand private capitalism has been superseded by state socialism or by state capitalism.

Apart from the role of the immigrant as a consumer, his role as a creator of new industries must be considered in any analysis of the relation of immigration to unemployment.

We can look back and calculate how many hundreds of thousands of American jobs would not have existed if we had barred from the country such immigrants as Samuel Slater, who introduced cotton manufacture into New England, John Ericsson, the inventor of the iron-clad steamship and the screw propeller, Emile Berliner and Alexander Graham Bell, who, between them, invented the telephone, the microphone, and the disk gramophone, Ottmar Mergenthaler, the immigrant inventor of the linotype machine, David Thomas, "the father of the American iron business," Marc Brunel, who invented the "shield" for tunneling and produced the first cheap machine-made shoes, the immigrant Holland, who built the first submarine, the giants of electrical engineering, Steinmetz,

Pupin and Tesla, or the designers of modern aviation, Fokker, Bellanca, Sikorsky, and de Seversky. We can only guess at the new industries that will some day emerge from the scientific discoveries of refugee immigrants like Einstein and the producer of atomic energy, Fermi. We can only guess at the new industries and processes that might have been developed in our great scientific laboratories by immigrants whom we are excluding from our soil.

From the standpoint of economics, an addition to the population through immigration has about the same effect as an increase in the birth rate or a decrease in the death rate. The immigration of a foreigner, like the birth of a child or the saving of a life, adds a producer and consumer to society. Laws restricting immigration have the same economic consequences as pneumonia or birth-control: that is to say, the removal of potential producers and consumers from our society. We do not ordinarily think of the doctor who discovers a cure for pneumonia as an enemy of society because he adds to the number of job seekers in the country. This is because we think of ourselves or those we love as human beings who may be saved from a dreaded disease, and as consumers whose existence is the basic justification of our economic system. Yet, in economic terms, a cure for pneumonia that saves the lives of 100,000 people a year cannot be distinguished from an annual entry of 100,000 immigrants.

Each able-bodied immigrant brings with him a stomach to fill,

a body to clothe and shelter, and a brain to invent new industries and processes. Most immigrants bring also the stomachs, bodies and brains of one or more dependents. Whatever obstructs the growth of population prevents the expansion of housing, agriculture and other consumer goods industries. Whatever prevents the expansion of consumer goods industries tends to make factory-building, machine-production, construction, and road and railroad building, unnecessary. A stable population does not need *new* factories or *new* houses or *new* roads.

Those who argue that every immigrant takes a job away from a native-born American assume that there is a fixed number of jobs and that immigration adds to the number of job-seekers. They conclude that the more immigrants we receive the more unemployment we will have. If this argument were sound, there would be a very simple solution for the unemployment problem. All we would have to do to get rid of unemployment would be to kill or deport our 12,000,000 unemployed. But what would be the economic effect of such a step? Immediately, there would be a catastrophic decline in the market for food, shoes, clothing, housing, electricity, and the other commodities and services which even the unemployed today consume. Presumably, the elimination of 12,000,000 unemployed adults through deportation would get rid of another 18,000,000 dependents. Figure out, now, how many farms, factories, stores, teachers, doctors, trolley cars, and Congressmen are required to

satisfy the current needs of the lost thirty million; calculate the market crashes, bankruptcies, loss of real estate and investment values, and ordinary shutdowns that would ensue; and you have an idea of what it would do to our economy to eliminate our 12,000,000 unemployed. The actual result of eliminating these unemployed from our economy would be to put more than 12,000,000 bread-winners who are now earning their living out of work.

If we can recognize that deporting unemployed immigrants will not lessen unemployment, only prejudice can keep us from recognizing that admitting immigrants will not necessarily increase unemployment. Those who argue that immigration increases unemployment see, quite correctly, that immigration increases the supply of labor, but fail to see that immigration also increases the demand for labor. From the viewpoint of economics both blades of the scissors, supply and demand, are equally important.

It is a fact that many individuals have looked only at the labor-supply side of immigration, rather than at the consumer-market side. Is there a rational basis for this one-sided view? Economics supplies no justification, but psychology, perhaps, supplies an explanation. The producer-consumer relation unites. The job-competitor relation divides. If you hate a man, because of his color, manners, mode of dress, or speech, you will think of the unpleasant things he may do, as a job-competitor, and pass lightly over his role as a consumer of the goods you pro-

duce. The fact that popular opinion regards the immigrant as a job-competitor rather than as a consumer tells us nothing about the economics of immigration, but does tell us something about the psychology of hate.³³ From this standpoint, we can understand how the incident of an immigrant taking a job formerly held by a tenth-generation American can assume monstrous proportions, while the fact that the tenth-generation American was displaced by another T.G.A., or that the said T.G.A. displaced an immigrant, or that the job of the said T.G.A. was invented by an immigrant or made possible by immigrant consumer-demand, will be overlooked.

The problem of American attitudes towards immigration is thus, in its basic aspects, not a problem of economics, but a problem of social psychology. In order to solve that problem we must learn how to break down the unreasoning fear of immigrants that exists in certain sections of our country—particularly in backward rural sections and among recent immigrants themselves. Freed from the incubus of

33. The great American philosopher and psychologist, Josiah Royce, wrote in *RACE QUESTIONS AND OTHER AMERICAN PROBLEMS* (1908) 47-53: "Our so-called race-problems are merely the problems caused by our antipathies." Antipathy to aliens, Professor Royce pointed out, has the same natural basis as other "childish phenomena in our lives," such as "the antipathies of country folk toward strangers." What is peculiarly unfortunate about the antipathy to aliens, however, is "that it is generally dressed up with scientific-sounding explanations. . . . the antipathy, once by chance aroused, but then named, imitated, insisted upon, becomes to its victims a sort of sacred revelation of truth, sacred merely because it is felt, a revelation merely because it has won a name and a social standing. . . . We all have illusions and hug them. Let us not sanctify them by the name of science."

these fears, Americans will look upon immigrants as consumers, rather than as competitors, and will make as great efforts to revive industry and agriculture by encouraging immigration as we now make to cure unemployment by preventing immigration.

5

Past and Present Day Immigration

Many Americans who agree that immigration in past years was a vital factor in our economic development insist that this is no longer the case now that our land is more densely populated. Thus, Representative Otis of Massachusetts declared in Congress:

When the country was new it might have been good policy to admit all. But it so no longer.³⁴

This comment of Representative Otis, made in 1797, has been repeated in every decade since with monotonous regularity. In *Niles Register* for 1817 we find a warning:

The immigrants should press into the interior. In the present state of the times, we seem too thick on the maritime frontier already.

Despite this warning immigrants continued to settle in the eastern states as well as in the interior. In 1835, it appears that the doleful predictions made twenty years earlier concerning the disastrous effects of immigration had not materialized. It then appeared that those who thought the country was overcrowded in 1817 had been mistaken, but that now in 1835 the country

really was overcrowded. A leading anti-immigration pamphleteer of 1835, praising the immigrants of a generation back, wrote in these terms:

Then we were few, feeble and scattered. Now we are numerous, strong and concentrated.³⁵

These doleful comments follow an identical pattern down to the present day. Always it appears that past immigration was helpful in the development of our country but that a continuation of this immigration would be disastrous. Always it appears that prophets of disaster turned out to be mistaken a generation later, which does not, however, prevent their successors from uttering identical prophecies of disaster.

If all the prophets who praised the immigration of earlier years and warned against the disastrous consequences of continued immigration have proved to be wrong in the past, perhaps those who repeat the distinction today are likewise mistaken.

Certainly there is no evidence to indicate that population density in the United States is so high as to threaten our standard of living. Whatever objective evidence we have looks the other way. Our ten high-immigration states are approximately five times as densely populated as our ten low-immigration states. We have seen that the *per capita* income in the high-immigration states is more than double that in the low-immigration states. It is clear that the industrial development and high crop values in the

34. 2 McMASTER, HISTORY OF THE PEOPLE OF THE UNITED STATES (1927) 332.

35. MORSE, IMMINENT DANGERS TO THE FREE INSTITUTIONS OF THE UNITED STATES THROUGH FOREIGN IMMIGRATION (1835) 28.

high-immigration states are directly related to the population and density which those states enjoy.

A glance abroad suggests that from the standpoint of physical resources the United States is still far from the limits of population which the resources of the country can support. All the population of the entire United States could be located in Texas and the population density of Texas would then be less than two-thirds the present population density of England. Were the entire United States to become as densely populated as England we should stand in the world as a nation of over two billion souls. The population density of the United States, 41.0 *per square mile*, may be compared with the density of 742.8 for England, 698.8 for Belgium, 667.7 for Holland, 196.7 for France, 368.8 for Germany, and 1046.2 for the Barbados.³⁶

The complaint that our country is overcrowded has no greater economic validity today than the same complaint had in 1797. The complaint is significant only in the light of the old proverb:

Where there is love between husband and wife, a knife's edge is wide enough to lie in comfort; where there is no love, the whole face of the earth is too narrow.

6

Immigration and Culture

While economics is a science, and it is possible to test popular theories about the economic effects of immigration by referring to objective facts and figures, the arguments on the cultural effects of immigration

are more difficult to test objectively. Yet these arguments, in the long run, probably carry greater weight than the strictly economic arguments. Most native Americans feel that immigrants menace the American way of life. It is true, of course, that the inhabitants of the United States do not live in wigwams, and each wave of immigration has modified American life in some respect. The important question, however, is whether these modifications have been detrimental or beneficial, and our answer to this question must be based upon an accurate picture of what modifications in American life the process of immigration has caused.

Let us, in the first place, dispose of certain obvious popular fallacies. It is commonly supposed, for instance, that foreigners are more addicted to crime than native-born Americans. The facts are quite the contrary, as the studies of President Hoover's Commission on Law Enforcement showed:

The following conclusions were believed to be warranted:

1. That in proportion to their respective numbers the foreign born commit considerably fewer crimes than the native born.
2. That the foreign born approach the record of the native white most closely in the commission of crimes involving personal violence.
3. That in crimes for gain (including robbery, in which there is also personal violence or the threat of violence) the native white greatly exceed the foreign born.³⁷

A second common fallacy is the notion that immigration increases

37. CRIME AND THE FOREIGN BORN (Nat'l Comm. Law Observance and Enforcement, Rep't No. 10, 1931) 195.

36. See WORLD ALMANAC (1938) 581, 676, 678.

illiteracy. This is far from the truth, for even illiterate immigrants can build school houses, and their children have a lower illiteracy rate than do the children of native-born parents.³⁹ Again, we may set the theory of immigration as a cause of illiteracy against the facts, as revealed by the 1930 Census, which shows the following striking contrast in the illiteracy rates of high-immigration and low-immigration States:

State	Percentage Illiteracy	State	Percentage Illiteracy
New York	3.7	South Carolina	14.9
Massachusetts	3.5	North Carolina	10.0
Rhode Island	4.9	Mississippi	13.1
Connecticut	4.5	Georgia	9.4
New Jersey	3.8	Tennessee	7.2
California	2.6	Alabama	12.6
New Hampshire	2.7	Arkansas	6.8
Michigan	2.0	Kentucky	6.6
Nevada	4.4	Virginia	8.7
Illinois	2.4	Oklahoma	2.8
Average	3.5	Average	9.2

The explanation of these figures seems to lie in the fact that reading and writing are considered non-essential luxuries in a community where a strong folk-tradition, unbroken by technological change, gives people the answers to their questions. Such communities are possible only where there is no intercourse with alien cultures. In a cosmopolitan society education is considered an absolute necessity, on a level with food and clothing. It is no accident, then, that the ten high-immigration states all spend over \$75 per year per pupil for public education (Massachusetts, Connecticut, Rhode Island, Michigan and Illinois spending between \$100 and \$125; New York, New Jersey, California and Nevada

spending over \$125), while the ten low-immigration states all spend less than \$75 per year per pupil (all but Oklahoma spending less than \$50 per year).⁴⁰

The theory that immigration increases illiteracy and debases educational levels finds no support in the statistics of higher education in the United States. On the contrary, the great immigration states are the centers of higher education in America. In the latest year for which complete figures are available, 1934, the ten high-immigration states had slightly over nine college students per 1,000 population, while the ten low-immigration states had less than five per 1,000 population.⁴¹

The theory of immigrant stupidity finds no support in the results of the United States Army Intelligence tests. Except for the two states of Virginia and Nevada, A and B grades in each of the high-immigration states in our list totalled more than 15%, while in each of the low-immigration states in our list the total of A and B grades, was less than 10%.

It is popularly supposed that the immigrant tends to isolate himself from American life and national problems. If this belief is correct, we should find fewer newspapers and fewer radios in those states which have large foreign-born elements and more in the "truly American" states. The opposite is the case. Each of our ten high-immigration states shows a net paid daily circulation of more than 250 per

39. Austin, *The New Immigration* (1904) 178 N. AM. REV. 588.

40. *Op. cit.* *supra* note 30, at 210.
41. STATISTICAL ABSTRACT OF THE UNITED STATES (1937) Tables 11, 120.

1,000 population, while each of the ten low-immigration states shows a net paid daily circulation of less than 250 *per* 1,000, and all but two of these states (Virginia and Oklahoma) range below 150 *per* 1,000, constituting, together with Louisiana, the belt of fewest newspapers in the entire country.⁴¹

The figures on radio ownership in the 1930 Census cast further light on the theory that the immigrant isolates himself from American life and culture. Radio ownership in 1930 may be considered not only a channel of American culture but a sign of interest in invention and progress. The 1930 Census figures for radio ownership *per* 100 families in our high-immigration and low-immigration states show a remarkable contrast:

State	Radios <i>per</i> 100 Families		Radios <i>per</i> 100 Families
New York	57.9	South Carolina	7.6
Massachusetts	57.6	North Carolina	11.2
Rhode Island	57.1	Mississippi	5.4
Connecticut	54.7	Georgia	9.9
New Jersey	63.4	Tennessee	14.3
California	52.0	Alabama	9.5
New Hampshire	44.4	Arkansas	9.1
Michigan	50.6	Kentucky	13.3
Nevada	30.6	Virginia	18.2
Illinois	55.6	Oklahoma	21.6
Average	52.4	Average	12.6

It may be said that radio ownership is no test of high cultural attainments. That is quite true. But what are our highest cultural attainments? One need not disparage the great achievements of the English and Scotch-Irish in science, commerce, industry and politics to recognize the defects of the British tradition in fields of music, art, philosophy and the enjoyment of

life. It was a blunt Anglo-Saxon, Ernest Crosby, who wrote some years ago:

I am in some respects an Anglo-maniac, and I am proud of my English blood and speech . . . Still, I cannot in justice overlook our faults nor be blind to the fact that the good points of other races supply our deficiencies. . . . In the great century of music, none of our blood produced a work of even the third class. We have never had a painter who could rank among the first score or two of great artists. . . . We know little of the joy of living. We take our holidays sadly and laugh with mental reservations. . . .

I admire the Anglo-Saxon, just as I admire his feathered prototype, the English house-sparrow. He is a fine, sturdy, plain, self-satisfied bird, a good fighter, an admirable colonist, fit for all climates, with no sense of art or music, and a little too fond of rehearsing his many virtues in a hoarse chorus. . . . We do not want a bird world composed of nothing but sparrows.⁴²

In the same way, the distinguished master of the Anglo-Saxon cultural tradition, Brander Matthews, suggested that the differences between ourselves and the English, are

due to the influence exerted by those elements in our population which are not Anglo-Saxon and not even Teutonic. . . . This social instinct manifests itself in manifold forms—in a wider sympathy, in a friendlier good nature, in a more thorough toleration, both religious and political. It has contributed its share to the core of idealism which sustains the American character, but which is often veiled from view by sordid externals.

Mr. Matthews, like most Americans, likes the fact that, except in some isolated spots in the Appalachians, we have improved upon the

41. *Op. cit. supra* note 30, at 230.

42. *Immigration Bugbear* (1904) 32 ARENA 596, 601, 602.

English tradition, and will continue to do so.

The ardor of the Slav may quicken our appreciation of music and the fine arts. We shall find ourselves with a higher power to enjoy the beautiful things of life because of the Celtic and Latin blood. (Quoting Gidding) "We shall become more clearly and fearlessly rational—in a word more scientific."⁴³

7

Immigration and Americanism

There is a popular mystical theory that the principles of Americanism are derived from our Anglo-Saxon ancestors who lived in the dark forests of Germany. According to this theory there is something about dark German forests that produces a love of liberty, although the even darker forests of Africa are supposed to have a different effect. A sober view of history compels the reflection that the Anglo-Saxons who inhabited the dark forests of Germany were mostly serfs, as are indeed the present inhabitants of those dark forests.

Theories of liberty and democracy were not developed in England until after the Pilgrims had left for Holland and America. The first English defenders of liberty and democracy were John Milton, William Penn, John Locke, and John Stuart Mill, all of whom were concerned with the problem of how people of different religious faiths could live in peace in the same land. Similar theories were developed in Holland, where refugees from all Europe found asylum, and in Switzerland where people speaking three different lan-

guages worked out a way of living together in peace that came to be known as democracy.

Liberty is always the child of tolerance. Tolerance develops as a way of life when people realize that strange faces, strange accents, and strange ideas do not necessarily portend disaster.

The American way of life is not a product of dark forests nor of any particular blood stream. If political creeds were inherited, our Anglo-Saxon stock would still be royalist. What is distinctive about our ways of living in the United States all emerges from the fact that our land has been settled by immigrants of many races and many creeds. Out of this diversity of race, tradition, culture, religion, grew the need for some political formula that would permit the living together of different peoples in peace. The formulae of human equality, separation of church and state, and abrogation of ancestral titles, infused with the spirit of tolerance, gave us our American democracy.

Today these formulae and this spirit are not the possession of any single racial group in our population. Percy Stickney Grant asked:

After all, what are these American ideals that we boast so much about? Shall we say public schools, the ballot, freedom? . . . The conservators and believers in American ideals seem to be our immigrants. To the Russian Jew, Abraham Lincoln is a God. If American ideals are such as pay honor to the intellectual and to the spiritual or foster human brotherhood or love culture and promote liberty, then they are safe with our new citizens who are eager for these things.⁴⁴

⁴³ Matthews, *American of the Future* (1907) 74 CENTURY 474.

⁴⁴ *American Ideals and Race Mixture* (1912) 195 N. AM. REV. 513, 522.

Contrary to popular impression, it was not a homogeneous Anglo-Saxon population that rose in 1776 to cast off British rule. On the contrary, the percentage of non-English speaking inhabitants in the Colonies, in 1776, was much higher than is the case today, and it is estimated that less than half of the inhabitants of the Thirteen Colonies in 1776 were of Anglo-Saxon stock.⁴⁵

The true spirit of the American Revolution is nowhere better illustrated than in the Resolution adopted by Congress on August 14, 1776, in the face of the Hessian invasion:

Whereas it has been the wise policy of these states to extend the protection of their laws to all those who should settle among them, of whatever nation or religion they might be, and to admit them to a participation of the benefits of civil and religious freedom; and, the benevolence of this practice, as well as its salutary effects, have rendered it worthy of being continued in future times. . . .

Resolved, Therefore, that these states will receive all such foreigners who shall leave the armies of his Britannic majesty in America, and shall chuse to become members of any of these states; that they shall be protected in the free exercise of their respective religions, and be invested with the rights, privileges and immunities of natives, as established by the laws of these states . . .

Resolved, That the foregoing resolu-

45. "For the entire thirteen colonies at the time of the Revolution we have it on good authority that one-fifth of the population could not speak English, and that one-half at least was not Anglo-Saxon by descent." Ripley, *supra* note 10, at 585, 590. Professor Edward Channing estimates: "About one-third of the colonists in 1760 were born outside of America." 2 HISTORY OF THE UNITED STATES (1927) 492. Professor Max Farrand writes: "This class (a relatively small upper class which was in general closely allied to the English by blood) fixed upon Americans the tradition of Anglo-Saxon origin which was probably not true for the majority of the people after the Eighteenth Century." DEVELOPMENT OF THE UNITED STATES (1918) 15. And see Kohler, *supra* note 15, at 97.

tion be committed to the committee which brought in the report, and that they be directed to have it translated into German."⁴⁶

The most democratic institutions of the United States are probably derived more from the Dutch tradition than from the Anglo-Saxon, and the framing of our distinctive political institutions of local self-government, free public education (established by the Dutch settlers in 1621), and constitutional liberty probably owes more to New York than to Virginia or Massachusetts. The true character of colonial New York has never been better portrayed than in a speech which an Anglo-Saxon Governor of the State, Horatio Seymour, delivered in 1856:

At a period when rights of conscience were not recognized in Europe, save in the limited territories of Holland, there were clustering around the beautiful harbor of New Amsterdam communities representing different nationalities and creeds, living in peaceful intercourse. The Hollanders and Swedes at Manhattan, the Waldenses upon Staten Island, the Walloons and English upon Long Island, and the Huguenots upon the banks of the Hudson, found here a refuge from religious persecution. . . .

Nine names, prominent in the early history of New York and of the Union, represent the same number of nationalities. Schuyler was of Holland; Herkimer, of German; Jay, of French; Livingston, of Scotch; Clinton, of Irish; Morris, of Welsh; and Hoffman, of Swedish descent. Hamilton was born in one of the English West Indian Islands and Baron Steuben, who became a citizen of New York after the close of the Revolutionary War, and who was buried in Oneida County, was a Prussian.⁴⁷

While Puritans were banishing

46. 5 J. CONTINENTAL CONG. (1904) 653-55.
47. LECTURE ON TOPOGRAPHY AND HISTORY OF NEW YORK (1856) 16, 17.

Quakers and burning "witches," Governor Seymour pointed out:

The Hollanders not only tolerated, but invited different nationalities and creeds to their new settlement. . . . They rejoiced in the cosmopolitan character of their inhabitants. The rebuke given by the Directors to one of their Governors, who was inclined to persecute the Quakers, is a clear and beautiful illustration of their sentiments. . . .

It needs no argument to show where religious freedom was most respected. The Walloons, the Waldenses, the Huguenots and many from the Eastern colonies, flying from persecution and clustering around the harbor of New York, mark the spot where liberty and toleration were presented in their most attractive aspects. It requires no discussion to prove whence we get our best ideas of constitutional and commercial law and municipal freedom. Not from England, depressed by the tyranny of the Plantagenets, the Tudors and the Stuarts, for long centuries down to the period of the settlement of this country; but from republican Holland."

Governor Seymour, in the published version of his speech, added a footnote explanation of his reference to refugees from New England persecution who came to New York:

As early immigrants from New England were induced to come here by the superiority of our laws, they were active supporters of intelligent and liberal legislation.

Had Governor Seymour spoken today he might have remarked on the fact that the greatest force for progressive Federal legislation during a decade in fields of housing, banking, the abolition of lynching, the maintenance of labor's rights, and the safeguarding of public health, has been a lone German

immigrant who was educated by the most cosmopolitan city in America, in the most cosmopolitan college in the world.

If what is distinctive about American life today is a product of the constant impact and interchange of diverse cultures, all contributing to a new civilization made possible by the spirit of tolerance, then the greatest danger to American institutions comes from those who would cut off the living stream that has been the source of our national life. The effect of such a cutting off of immigration as is proposed by various bills now pending in Congress would be to make the entire country more and more like those regions which have been untouched by the immigration of the past century. Our standard of living would be lower, our illiteracy higher, our prejudice against minority races, minority creeds and foreigners generally would be more intense. Our governmental institutions based upon a many-party system would probably be superseded by other institutions based upon a one-party system, and the tenets of democracy based upon human freedom, race equality and religious tolerance would become slogans without substance.

Against this America of our fears we may set the America of our hopes, based upon the ideals of democracy and human brotherhood. The human rights of the citizen are safe only when the rights of the foreigner are protected, for history shows that every weapon of persecution prepared for use against those of an alien race has been

finally used to destroy the liberties of all who sanctioned such weapons.

It is no accident that the greatest spokesmen of American democracy have always insisted upon the right of asylum as an essential part of the American dream. The Declaration of Independence, in listing the "repeated injuries and usurpations" of the British sovereign, declared:

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

James Wilson, in the Constitutional Convention of 1787,

cited Pennsylvania as proof of the advantages of encouraging immigration. It was perhaps the youngest (except Georgia) settled on the Atlantic, yet it was at least among the foremost in population and prosperity. He remarked that almost all the general officers of the Pennsylvania line of the late army were foreigners. And no complaint has ever been made against their fidelity or merit. Three of her deputies to the convention (Robert Morris, Mr. Fitzsimmons, and himself) were not natives.⁴⁹

The platform of the Republican Party which Lincoln helped to write in 1864 declared:

Resolved that foreign immigration, which in the past has added so much to the wealth, development of resources and increase of power to the nation, the asylum of the oppressed of all nations, should be fostered and encouraged by a liberal and just policy.⁵⁰

Civilization is a living thing, born like other living things through a crossing of strains. At each period in the world's history, the crown of civilization has been held by that nation which represented the great-

est tolerance of prior cultures. Hatred of the alien is always the mark of a declining civilization, that has lost its capacity to grow and is no longer able to assimilate what is of value in other cultures. Our American civilization has had, from time to time, its moments of haunting fear and lost nerve. In every generation the prophets of disaster have proclaimed that immigrants with foreign ways would destroy our American way of life. But today we enjoy citizenship in the most powerful and most prosperous nation of the world because these prophets of disaster, in 1797 and since, did not succeed in building a Chinese Wall around our country to exclude "foreign devils" and strange ideas. We have grown greater and more prosperous as a people by reason of each wave of immigration in the past, and those who now seek our shores carry gifts as great as any that earlier pilgrims brought. If we are true to the American spirit of tolerance, we shall profit from those gifts, from the new industries, new consumer demands, new inventions, new contributions to the amenities of life, that these modern pilgrims bear. If America is destined in the decades or centuries ahead to create a culture and a civilization greater than any the earth has yet seen, it will be because each of the races of the earth is free here in America, as nowhere else, to make its highest contribution to the New World of the Future

50. Similar expressions by George Washington, James Madison, Grover Cleveland, and Alfred E. Smith, and similar statements in Democratic and Republican National Platforms, prior to 1916, are collected in ADAMIC, AMERICA AND THE REFUGEES (Pub. Aff. Pamph. No. 29, 1939).

49. 3 DOCUMENTARY HISTORY OF THE CONSTITUTION (1894-1905) 309.

Contributors to this Issue

FRANK MURPHY has brought many changes to the Department of Justice, not the least of which is the establishment of the first Civil Liberties Unit in its history. The QUARTERLY is proud to publish the Attorney General's statement of the Department's policy on civil liberty, particularly at this time. It is comforting to know that in the difficult situation created by the European War, Murphy and not a Palmer or a Daugherty is the government's chief law officer * * * FELIX S. COHEN, of our National Executive Board, is chairman of the GUILD Committee on International Law. He has written ETHICAL SYSTEMS AND LEGAL IDEALS (1933) and numerous articles in legal, philosophical and other publications * * * JAMES SIMSARIAN is on the USHA legal staff, in Washington, D. C. He holds a Ph.D. in international law, as well as a law degree, and has written on international law for a number of periodicals * * * Dr. GAETANO SALVEMINI, author of UNDER THE AXE OF FASCISM (1936), is a lecturer on the history of Italian civilization at Harvard * * * CHARLES GORDON, of New York, chairman of the GUILD's Committee on Civil Service, wrote *The Lawyer and the Civil Service* (1938) 1 NATIONAL LAWYERS GUILD QUARTERLY 294 * * * CEDRIC W. FOWLER is Assistant Publicity Director of the CIO * * * Professor HERMAN A. GRAY, of NYU Law School, is a member of the GUILD's Committee on Social Legislation.