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## The Antiracist Origin of the Quota System

THE U.S. IMMIGRATION QUOTA SYSTEM OF THE EARLY TWENTIETH century is usually represented as a linear progression of increasingly restrictive policies that starts with the establishment of federal immigration control in the late nineteenth century and culminates in the 1921 Emergency Quota Act and the 1924 National Origins Quotas Act. According to this interpretation, a wide range of measures adopted between 1880 and 1930—from the LPC clauses (exclusion of all categories of people “likely to become a public charge”) and the Asiatic exclusion laws (1882 Chinese Exclusion Law, 1907 Gentlemen’s Agreement, 1917 Asiatic Barred Zone) to the literacy test and immigration quotas—were all the result of a general convergence of nativism, nationalism, and eugenics. This ideological convergence supposedly facilitated the growth of racism against immigrants, and especially against those who did not belong to the “Anglo-Saxon race.” The work of Daniel J. Tichenor is a clear illustration of this point of view:

But if economic and national security were important concerns of early-twentieth-century immigration reformers, the primary intent and effect of their national origins

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quota system were manifestly racist. In the face of increasing ethnic pluralism, restrictionists saw the literacy test and national origins quotas as means of “rationally” controlling the nation’s ethnic and racial composition . . . Eugenics provided scientific confirmation of these racist conclusions, offering seemingly powerful evidence that immigrants from Southern and Eastern Europe lacked the advanced hereditary makeup of earlier immigrant groups (Tichenor 2002: 147).

The most studied policy of this period is the literacy test, and its passage in 1917 is described as the turning point in the struggle between restrictionists and liberals. The 1917 victory supposedly gave restrictionists a free hand to implement all the racist and eugenicist exclusion laws they desired, most notably the 1921 and 1924 Quota laws, which, according to this logic, should have easily passed in Congress.<sup>1</sup>

However, a detailed study of the origin of Quota laws suggests that these conventional understandings of early-twentieth-century U.S. immigration policy are misguided. First, the notion of a clear split between restrictionists and liberals has to be questioned. In addition, the conflation of “restrictionist,” “racist,” and “eugenicist” ideas into one homogeneous way of thinking appears misguided. As Aristide Zolberg has demonstrated, at that moment of history, “the imposition of limits on immigration was well-nigh inevitable.” But while limits were in the cards, the means of their achievement were by no means preordained” (Zolberg 2006: 200). Indeed, even if we assume that restrictionists were largely dominant from 1917 onward, there are still important questions about the nature of the policy process that need to be addressed. For example, there were major disagreements among restrictionists over the means and goals of the restriction. Some wanted to exclude all “races” they deemed undesirable, others wanted to select individuals who fulfilled specific criteria, and still others wanted to lower the overall number of immigrants regardless of their origin. These divisions created opposition against the bill from within the restrictionist

camp. Further evidence of these divisions is the fact that the quotas plan was originally designed as a radical but not a racist maneuver. The initial goal for the quota system was *to restrict immigration efficiently and mathematically but to end racial discrimination against Asiatics by establishing a system that would include all foreign countries.*

Our work can be distinguished from the research of scholars like Desmond King, who attach too much importance to the role of Albert Johnson and claim he was “the key congressional actor” in the passing of the 1921 Quota law (King 2000: 201). According to our research, three other figures are at the heart of this history and should be considered the main promoters of the immigration quotas system. The first one to design the quota system was William Walter Husband, a well-known civil servant and a fervent restrictionist whose priority was to find a quantitatively reliable system of restriction grounded on “scientific” knowledge. Robert F. Zeidel’s work has already emphasized this aspect of quotas history, and justly characterized it as a specific outward sign of the Progressive Era (Zeidel 2004). Yet, Zeidel misses the central role played by the second key figure, Sydney Lewis Gulick. As a consequence, Zeidel does not see the egalitarian and anti-discriminatory nature of the initial quotas plan, which is perhaps the most important way of understanding the plan. Gulick promoted the plan through a lobbying operation that was so successful it was able to wreck the plans of the powerful Immigration Restriction League (IRL) and became a famous example of how to lobby for policy change. The third individual highlighted by our research is William Paul Dillingham. Dillingham was chairman of the Senate Immigration Committee in 1903, chairman of the special congressional committee formed in 1907 to study the origins and consequences of immigration to the United States (commonly called “the Dillingham Commission”), and was one of the early spokespeople for the quotas system.<sup>2</sup> To understand how diverse interests were able to steer the quotas plan into one of the most discriminatory systems ever implemented in American immigration history requires a detailed historical reconstruction of the policymaking process.

## **WILLIAM WALTER HUSBAND AND THE SEARCH FOR A MORE “OBJECTIVE” AND “SCIENTIFIC” SYSTEM OF IMMIGRATION CONTROL**

Many kinds of legislative and administrative mechanisms for federal immigration control have been debated since the U.S. Supreme Court decided in *Henderson v. Mayor of New York*, 92 U.S. 259 (1875) that immigration was to be regulated by the U.S. federal government. The first known proposal of a numerical limit on the number of immigrants was in the report of the so-called Dillingham Immigration Commission. The “limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years” came among several other recommendations (U.S. Immigration Commission 1907-1910:47; Jenks and Lauck 1912:342). Nevertheless, the “reading and writing test,” known also as the “literacy test,” was considered to be the “most feasible single method of restricting undesirable immigration” (U.S. Immigration Commission 1907-1910: 48) by the commission and was contained in Senator Dillingham’s 1911 immigration bill. President William Howard Taft vetoed the bill in February 1913 and Congress failed in its attempt to overrule the veto.

In response to this veto, the first systematic immigration quota plan was conceived by William Walter Husband.<sup>3</sup> Initially a journalist from Montpelier, Vermont, Husband worked from 1903 as Senator Dillingham’s secretary, then as secretary of the Senate Immigration Committee and executive secretary of the Dillingham Commission from 1907 to 1910. He would later hold high-level government positions in the Department of Labor, first as commissioner general of immigration from 1921 to 1925 and then as Second Assistant Secretary Of Labor.

After President Taft’s veto and the failure of the literacy test, Husband devised a new system for reducing immigration, especially from Southern and Eastern Europe:

It seemed evident that if the desired end was to be accomplished some method other than the exclusion of illiterates would have to be found.

It so happened that I had just received the Report on Population resulting from the Census of 1910 and during our discussion it suddenly occurred to me that some percentage system based on the foreign-born population of the United States might afford a means of accomplishing what was desired, which admittedly was to cut down the great influx of aliens from Southern and Eastern Europe without erecting any barrier against immigration on a normal basis from Western Europe. I did some computing that night which to my mind demonstrated that a percentage system would afford the desired solution of the troublesome problem without a logical suggestion of discrimination among the various nationalities concerned. I made a table showing how the application of the idea would affect annual immigration from the various countries of Europe, depending on the basic percentage that might be adopted (Husband 1921: 1).

Husband's plan was based on calculations of the precise number of immigrants admitted for each country of origin according to the census data on the foreign-born population. Husband saw two advantages to this idea. First, it could be used to generate reliable predictions of future migration, —unlike the literacy test, which was vulnerable to changing educational levels in the home countries. Second, his proposal did not involve the creation of a special discriminatory status for the Southern and Eastern Europeans but would treat every foreign nation the same way. Indeed, Husband even thought that his plan could be used to treat Asiatic immigrants the same as all other immigrants and thereby, solve what he called the “troublesome problem of Asiatic immigration” (Husband 1915: 19). In that sense, Husband does not clearly fit into the theories (Tichenor 2002: 147) that associate restrictionism with racism and eugenics:

I am not among those who believe very strongly in the inherent superiority of western European peoples over the

rest of mankind, and in my study of immigration and the so-called races composing the movement I am more and more inclined to observe a strict neutrality in that regard. It is true that measured by some standards of western Europe the peoples of the eastern and southern countries are backward, but reverse the comparison and in some particulars the western European is at a disadvantage. I have seen something of these new immigrant peoples both here and in their native lands, and the more I see of them the stronger is my conviction that they are fundamentally good (Husband 1915: 7).

It is true that Husband did not believe immigration restrictions should be developed without considering the specific countries of departure. However, those restrictions were not necessarily based on essentialist racist ideas. According to Husband, the “new immigration,” as defined by the Dillingham Commission, had to be particularly controlled “due in part to the character of the immigrants and in part to conditions in the United States” (Husband 1915: 7). To make this argument Husband relied on some classic stereotypes—that immigrants from Southern and Eastern Europe being temporary industrial workers coming without their families into congested cities—but he never ascribed their problems to something inherent in their nature. On the contrary, Husband felt that these immigrants had many good qualities but that their number should be restricted because of the social and economic situation of U.S. cities. In addition, Husband was adamant that restrictions should not be imposed by legally excluding specific groups. By meeting these two requirements, the quota system Husband imagined was more than just a plan for restricting immigration. It questioned the very meaning of the concept of restriction by forcing everyone to take a stand with regard to the means and goals of this restriction, and whether or not immigration restriction legislation should exclude immigrants according to their countries of origin. From then on, restrictionists were divided between those who advocated the

end of discriminatory exclusions, and those who desired their maintenance. Husband was racistist—that is, in favor of using national or ethnic origin as the criterion for the admission of immigrants, and also a restrictionist: he wanted to reduce the flow of entrances. But he was not a racist: he did not want to exclude individuals on the basis of their supposedly “unassimilable” origin.<sup>4</sup>

The quota system idea rapidly achieved significant visibility, thanks to its famous political spokesperson: William Paul Dillingham. In its 1901 report the “Dillingham Commission” had advocated the literacy test as the most important measure for restricting immigration. Yet its chairman seized on Husband’s proposal in 1913 for two main reasons.

Among the restrictionists, Dillingham had a relatively moderate opinion of immigrants. For example, in his speeches in the Senate in 1912, while he was reporting his bill containing the literacy test,<sup>5</sup> he did not hesitate to highlight Southeastern European immigrants’ qualities and declared that they were “the best of the class from which they come” and “the individuals who have thrift and courage and enterprise enough to assume the risk incident to such a change and the making of homes in the New World.” In the same way, he explained that immigrants’ avoidance of farms was logical as American farmers were themselves looking for skilled laborer wages, “each exercising the same amount of intelligence.” Dillingham thereby highlighted the degrading standard of living among farmers as the primary reason for a lack of agricultural labor. Unlike other restrictionists, Dillingham did not warn about the dangers of immigrants bringing criminality or insanity to American society. Instead, he argued that immigrants were of the “highest ratio in the most highly civilized nations” and asserted that they were “not standing in fear of insanity from south eastern Europe.” In order to put Chinese immigrants on an equal administrative standing with immigrants of other origins, Dillingham also proposed in the same bill to suppress some of the special administrative requirements for Chinese immigrants (Zolberg 2006: 191) and, at the same time, to apply the remaining ones to all aliens. He hoped that it would “lead

to a satisfactory and permanent settlement of the Asiatic immigration question generally on grounds that are entirely justifiable” (United States Congress 1912: 4906-4917). Dillingham’s embarrassment about discrimination against Asians surely predisposed him to support the quota system Husband proposed.

It is quite certain that Husband played a major role in Dillingham’s opinions and actions on immigration issues. They worked together from 1903 on. Starting as the senator’s private secretary, Husband became the secretary of every committee Dillingham chaired. The senator took part in Husband’s professional advancement by lobbying for his nomination to the head of the U.S. Bureau of Immigration in 1921. For his part, Husband became one of the most competent administrative experts on immigration issues, while still working as Dillingham’s intellectual adviser on the subject. As we will see, Husband was behind Dillingham’s every move on the quota system. The senator benefited from this advice because it was a practical way to distinguish himself among restrictionists as a politician with his own well-developed plan. The literacy test had been principally proposed and defended by Senator Henry Cabot Lodge (R.-Mass.) and his Immigration Restriction League allies since 1893, whereas Dillingham had no policy plan of his own to propose despite being a well-known figure within the immigration debate. Dillingham therefore had everything to gain in accepting Husband’s original idea and became the main public spokesperson of the quota system. He asked Husband to draw up a bill containing this new proposition, and introduced it on June 2, 1913 (Husband 1921). It limited the number of immigrants that could be admitted per country of birth to 10 percent of the number of residents born in the same country as indicated in the last census, with a minimum quota of 5,000 per country.<sup>6</sup>

The most interesting reactions to Dillingham’s 1913 bill were those from Senator Lodge and IRL leaders, including Prescott F. Hall, Robert deC. Ward, and Joseph Lee. Despite the general discouragement caused by President Taft’s veto, it was out of the question for them to stop their fight in favor of the literacy test after 20 years of active support.

Although Husband made the trip to Boston in order to convince them, they asserted that they would take no interest in any other plan until the test was adopted, attracted as they may have been by the idea of numerical restriction.<sup>7</sup> As a consequence, they not only postponed the debate on quotas—Dillingham’s bill had hardly been debated in Senate Immigration Committee—but they were opposed to the idea of quotas being construed and used as a means of putting an end to all racial discrimination in law. Indeed, if this feature of the plan was at this time not predominant in Husband’s mind, it was absent from Dillingham 1913’s bill, which kept all the Chinese exclusion provisions adopted in previous acts. It would take another leader and another movement to keep the idea of a quota system alive and to transform it—temporarily—into an egalitarian project.

### **GULICK’S LOBBYING AND THE FORMATION OF THE NATIONAL COMMITTEE FOR CONSTRUCTIVE IMMIGRATION LEGISLATION**

With the attention of the IRL and of its followers in the Congress dedicated to the passing of the literacy test, the idea of a quota system could have died in 1913. The man who kept it alive, made it widely popular, and transformed it into a weapon against all legal racial discrimination, thus giving it a whole new magnitude and a growing public visibility, was Sydney L. Gulick. A theology professor and a missionary who had spent 26 years in Japan (from 1887 to 1913), he developed strong affection for this country and was an ardent opponent to all California and federal anti-Oriental laws (see “Dr. Sidney Gulick” 1945; and Taylor 1984). According to him, the United States should rebuild its relationship with Asia upon the foundation of dignity and mutual respect for two reasons (Gulick 1914). First, contrary to many of his contemporaries, he was convinced that Asians were able to assimilate into American society and he asked for scientific studies on this subject that did not rely on racist prejudices. Second, he alerted public opinion on the military and economic danger that loomed if nothing was done to quell the international situation. The hostility of Asiatic countries against the United

States and all Occidental countries more generally was growing with every discriminatory measure the latter implemented, thus unifying Asiatic countries and inevitably leading sooner or later to a disastrous Orient-Occident war. But if he favored the end of Oriental discriminations in law, Gulick did not support a liberal approach to immigration control: immigration had in his view to be limited not only because of its effects on the employment and living conditions of American labour, but also for “eugenics” reasons. Surprisingly, despite his convictions concerning the assimilation of immigrants, Gulick greatly feared all kinds of “interracial contacts or mixing” as well as their “disastrous consequences” (Gulick 1915; 1914).

Like Husband, Gulick was a racist and a restrictionist, but he was against racism: he wanted the end of the exclusion of individuals on the basis of their supposedly “unassimilable” origin. Also looking for more restriction and at the same time for the end of explicit legal discrimination, Gulick’s reasoning brought him, quite logically, in 1914 to the immigration quotas plan. He elaborated this idea into a draft that he presented before the Senate Committee on Immigration and Naturalization on January 31, 1914: “Two addresses on a new Immigration policy and the American-Japanese Problem” (see also “Limited Immigration” 1914). Gulick wanted to introduce a slightly different numerical limitation, by which the number of immigrants from a specific country would have been restricted to “five per cent of the number of native born persons of the first generation together with the number of naturalized citizens of that race in the United states at the time of the national census next preceding.” His interest in this form of calculation must be understood in the context of the reforms he planned for naturalization laws, where he sought the suppression of all racial discrimination for access to citizenship along with an increase of other requirements (specifically concerning cultural assimilation) for immigrants.

In 1915 Gulick developed a “Comprehensive Immigration Policy and Program” (Gulick 1915). According to him, conditions for U.S. citizenship were unnecessarily hard for Asiatic immigrants, but far

too lax for white and black ones. The main principle was that immigrants had to share “ideas and ideals” before becoming U.S. citizens. So, it was essential to receive only as many immigrants as American society could Americanize. Naturalized immigrants and American-born children of immigrants were the main people involved in this Americanization process: they shared (but not their grandchildren, who generally know very little about their grandparents’ country of origin) the “languages, customs, and ideals” of both the country of origin and the United States and they were the first ones in contact with aliens from their own country of origin. Therefore, their number had to be at the root of the quota calculation. However, the government had to give immigrants the means to achieve assimilation. That is why Gulick finally asked for the implementation of federal administrative structures to register yearly every immigrant living in the country and to help them to find employment by guiding them toward sectors in need of labor (mainly the agricultural sector). In addition, the federal government would be responsible for free classes and examinations that prepared immigrants for naturalization. These courses and exams were to be required but their subject matter had to be simple and within the reach of everyone regardless of individual intellectual qualities. In sum, on the ground of the absolute necessity of assimilating all immigrants, Sydney L. Gulick proposed a very restrictive plan, even more restrictive than Husband’s, but one that would definitively end legal discrimination. Of course, Gulick’s plan did not actually promote equal treatment between all applicants since it placed different limits on the number of immigrants across nationalities. But Gulick insisted that the important thing was to regulate immigration with the same rules for everyone, so that it would not hurt one’s dignity. The Japanese minister of foreign affairs, Gulick claimed, had said that no restriction would upset him if it applied fairly to all nations (Gulick 1915). This global revision of all the administrative and legislative apparatus for naturalization and immigration management went considerably farther than Dillingham’s 1913 bill. But it was badly received by Senator Cabot Lodge, who told him

that “he was wasting his breath and their time and that the American people had made up their mind on what to do with the ‘Asiatics’” (Taylor 1984: 112).

Seemingly, Husband had been attracted by Gulick’s work. As editor of the *Immigration Journal*, he devoted a significant part of his publication to Gulick’s project or to scholars’ writings about it (*The Immigration Journal* 1916). Here is one extract from June 1916:

A discussion of Asiatic immigration at this time naturally suggests the possibility of utilizing the per centum limit principle as a means of solving this always troublesome problem. Senator Dillingham’s per centum plan, which was discussed in an earlier number of the *Journal*, while designed primarily for the control of European immigration, would, if applied to Asia, restrict immigration from that continent to a minimum without discrimination against any country. On the other hand, the plan proposed by Dr. Gulick, which is discussed by the author in a timely article in this issue of the *Journal*, was framed more especially to meet the Asiatic situation although, like the Dillingham plan, it applies alike to the immigration of all nations. Dr. Gulick’s plan, however, goes beyond the mere question of immigration and takes into account the important question of our naturalization policy as it affects the peoples of Asia, which, many believe, is likely to become a problem of national importance.

This article was a sign that Gulick’s plan—and especially his approach to the Asiatic issue—was gaining ground in Senator Dillingham’s circles, and even in his mind. The two plans started from different points—restricting the tides of immigration from Southern and Eastern Europe for the first, solving the “troublesome Asiatic problem” for the second. They converged on the ground set by Gulick and succeeded in legitimizing immigration quotas as a credible policy. While

Husband had mobilized the most recognized politician on immigration issues, Gulick focused on lobbying. Just as the Immigration Restriction League had done to lobby for the literacy test, Gulick approached key actors—politicians, scholars, associations—to ensure that the debate was framed on his terms and would include his proposals.

Over time, Gulick enlarged his support network. From 1916 on, he brought together a committee including important and well-known figures such as professor Jeremiah Jenks, a former member of the Dillingham Commission; William Walter Husband; the sociologist Henry Pratt Fairchild; as well as William Howard Taft, the latest president of the United States (see “Tentative proposals”).<sup>8</sup> These people were convinced of the basic principles of Gulick’s plan and were the foundation for the “Preliminary Committee of One Hundred.” Gulick even (unsuccessfully) tried to persuade Joseph Lee to join this committee. Lee opposed the end of Oriental exclusion and argued that the federal distribution of aliens “consisting largely of putting aliens out in farm life and thereby driving the American from his last breeding ground” (Lee 1917). Afterward, the One Hundred presented the project to “leaders and makers of public opinion in all parts of the country” until a thousand would create a true league that acted directly on members of Congress (see “Tentative proposals”). This was the basis for the “National Committee for Constructive Immigration Legislation” (NCCIL), which was founded in 1919 to promote new immigration legislation (see table 1).<sup>9</sup> In the summer of 1919, Gulick and his league presented their plan into both House and Senate Immigration Committees (Mc Clatchy 1919). At the same time, Husband and Dillingham were introducing a bill which looked very much like the 1916 one (cf. table 1)—that is, for each country, a quota limitation of 5 percent of the foreign-born population living in the United States as indicated by the last census—but marking a shift with regard to the Asiatic issue. It contained a clause repealing all Chinese exclusion laws, the 1907 Gentlemen’s Agreement, and the “Asiatic Barred Zone” of 1917 law. Husband and Dillingham would and could never have proposed this deep policy direction change without Gulick’s work and public lobbying. Nevertheless, if NCCIL proposals and

## **Document 1 : Constructive Immigration Legislation, 1919**

### **I - Guiding Principles**

1. Regulate all Immigration.
2. Admit no more than we can assimilate.
3. Admit no more than we can steadily employ.
4. Give equal treatment to every people.

### **II - Assimilation and Employment**

1. Newcomers make first contact here with those who speak their own language.
2. The Americanization of Newcomers is powerfully influenced by the degree of assimilation of those with whom they make their first contact.
3. Therefore the number of Newcomers of any people to be annually admitted should be some proportion of their own people who are American Citizens.

### **III - Assimilation and Employment**

1. Wholesome assimilation closely depends also on good economic conditions, on steady, attractive employment.
2. Therefore, immigration should be regulated by a flexible standard varying with the industrial conditions.
3. Congress should determine the Principles of Regulation.
4. An Immigration Commission should apply the Principles.

### **IV - Outlines of Proposed Law**

1. Fix the annual permissible immigration of any people between 3 and 10 per cent of those of that people already American citizen.
2. Establish an Immigration Commission.
3. Let the Immigration Commission fix yearly the exact rate.
4. Make due provision also for excepted classes.
5. Raise standards of Naturalization.
6. Give Citizenship to those who qualify regardless of race.
7. Simplify the machinery of Naturalization.
8. Separate citizenship of husband and wife.
9. Repeal all special Chinese legislation.

### **V - Advantages of Proposed Law**

1. Will regulate immigration on a scientific basis, free from individious race discrimination.
2. Will help maintain safety of Democratic Institutions.
4. Will help maintain American standards of wages and of labor conditions.
5. Will stop violation of treaties with China.
6. Will remove grounds of Japanese irritation.

the Dillingham bill had many similarities, they remain quite different. According to Gulick (1919a) and the NCCIL (see Immigration Restriction League Record 1919), their plan had a different quotas calculation base (naturalized immigrants and American-born children of immigrants) and proposed a revision of naturalization laws (to raise standards of naturalization and to give citizenship regardless of “race”), among other things. The NCCIL had to wait until December 1920 to see its plan take the form of a bill, introduced by Senator Thomas Sterling of South Dakota (Zeidel 2004: 136).

Through the work of Husband, a pragmatic civil servant, and Gulick, a Christian philanthropist, the immigration quota system, which had been initially devised as a means of mathematically restricting immigration, had become a means to stop the racist paradigm of U.S. immigration policies. At that moment of history,<sup>10</sup> Gulick’s network had become sufficiently powerful to wreck the plans of one of the most influential groups, the Immigration Restriction League.

### **THE IMMIGRATION RESTRICTION LEAGUE’S RETREAT**

How did this happen? As we have noted, in 1913 IRL leaders refused to take any interest in a quota plan until the literacy test was implemented. In 1915, they supported the bill containing the literacy test clause introduced in the House by Democratic representative from Alabama John Burnett. In 1916 Senator Dillingham again introduced a bill with a quota clause quite similar to the latest one from 1913, except that the percentage was reduced from 10 to 5. In addition, none of the provisions at that time proposed to repeal Oriental exclusion laws. However, Dillingham had no reason to be considered a true opponent for IRL leaders, as he too supported the enactment of the literacy test (Zolberg 2006: 239). Having himself fought long and hard for the test, and certainly conscious of his inability to pass any sort of immigration plan before the literacy test had been voted on, he decided not to oppose it. On the other hand, Gulick began to bother IRL leaders by putting pressure on members of Congress to get them to adopt his quotas plan instead of the literacy test.<sup>11</sup> If they did not deny that

quotas could be a good idea for restricting immigration, no discussion was conceivable for the time being.

It is hard to imagine that IRL leaders could have reached any kind of agreement with Gulick (and that is confirmed by following events) considering the measures planned by the IRL-supported Burnett bill. The Burnett bill contained not only the literacy test clause but also another one that excluded from immigration “Hindus and persons who were not eligible to citizenship by naturalization,”<sup>12</sup> thus blocking all Asiatic at ports of entry, not only laborers from China and Japan but also all immigrants from Asiatic countries. (Chinese and Japanese nonlaborers—that is, merchants, students, and teachers mainly—were, until then, allowed to come into the United States, thanks to special dispensation of exclusion laws).<sup>13</sup> This clause led to protests by Japanese officials, who denounced a violation of international agreements and forced Congress to amend the Burnett bill. According to the Root-Takahira Agreement of 1907, the United States had committed itself to no longer passing discriminating measures against Japanese people. The problematic clause (the one that excluded Japanese immigrants who were not manual workers) was then replaced by a very complex one that excluded manual worker immigrants born in a geographical area defined by a combination of latitudes and longitudes (that was later called the “Asiatic Barred Zone”).<sup>14</sup> Thus, Congress managed at the same time to defuse protests of the Japanese government and to extend the exclusion of Asian laborer immigrants beyond China and Japan to all other countries of Asia. Through his *Immigration Journal*, Husband condemned this amendment, only drafted to “exclude immigrants of the yellow and the brown races,” as a diplomatically dangerous and absurd means of regulating immigration (see Husband June 1916). Finally, the Burnett bill became law in 1917, and was seen paradoxically as a relative victory for opponents of Asiatic discrimination—if one considered that the clause first proposed by Burnett would have excluded all Asiatic immigrants independently of their professions. From this point of view, the protests of the Japanese officials managed to postpone what would happen in 1924.

From 1917 on, IRL leaders started working seriously on the quotas idea to find a numerical limitation plan for the League.<sup>15</sup> Prescott F. Hall devised a system basing quota calculations on naturalized residents, and letting the exact percentage be determined annually by the secretary of labor (at first he proposed a percentage to be set between 5 and 15 percent but thereafter raised it to between 20 and 50 percent). He showed the outline of this system to Henry Pratt Fairchild (1917), a supporter of Gulick's plan, and to Senator Dillingham, who both seemed quite interested in his idea. However, their correspondence on April 1917 shows their disagreement on the goal of immigration quotas: while Dillingham wrote that he "dreamed of solving the Japanese problem by . . . the adoption upon the percentage plan of one which shall apply in its terms equally to Europe and Asia" in order to "allay Japan's irritation and restore to her a sense of self-respect which she so much values" (Dillingham 1917), Hall explained in answer that what mattered to him most was that his plan was "quite as good a selective test as the reading test as regard to the different racial groups," in so far as he did not believe in Gulick's dream of solving diplomatic tensions with Japan. Finally, the quotas plan elaborated by Hall and introduced by Representative Burnett were definitely distinct from those of Gulick and Husband:

This bill has two objects. First, to be ready to meet a possible large immigration of inferior quality after the war; and second, to provide adequate restriction after the protective effect of the reading test provision of the Act of Feb.5, 1917 shall have passed away, owing to the spread of elementary education in the backward countries of Europe and western Asia.

The effect of the bill will be similar to that of the reading test, in that it will discriminate in favor of immigrants from northern and Western Europe, thus securing for this country aliens of kindred and homogeneous racial stocks. It provides that immigration from any country shall not exceed in any year from 20 to 50 per cent of the number

of naturalized males from such country at the time of the last preceding census; the exact percentage to be determined by the Secretary of Labor, in April of each year, with reference to labor conditions then prevailing. In a year of normally large immigration, like 1904, if we assume the maximum percentage of 50 to be used, the effect of the bill would have been as follows:

	Currently Admitted	Admissible under Bill
Northern and Western Europe	189,177	1,090,500
Southern and Eastern Europe	945,288	279,288

It will be noticed that, even if the minimum percentage in the bill be used instead of the maximum, this would still have allowed 436,200 immigrants from Northern and Western Europe in 1914, or about two and one-half times the number who actually sought admission.

#### ORIENTAL IMMIGRATION

The bill leaves the status of Oriental immigration precisely as at present; Chinese immigration being limited by the Chinese Exclusion Acts, Japanese by the "Gentlemen's Agreement" and the Act of Feb. 5, 1917, and Hindu by the geographical limitations of the same Act (Hall 1918).

This proposal clearly indicates that the IRL attempted to use the immigration quotas not only to restrict immigration but also to increase discrimination against these groups of people. Thus, the IRL took a clear position against Gulick's plan and prepared itself for a fight in the following years.

IRL leaders, as well as all other supporters of Oriental exclusion, understood the difficulty of this task. Gulick's influence and networks

were already very widespread, and Representative John Burnett of Alabama, the main IRL spokesperson in Congress, died in 1919. It is in this context that Albert Johnson (R-Wash.), former member of the Asiatic Exclusion League and newly chairman of the House Immigration Committee, wrote to Prescott Hall: "I never favored the Gulick plan, but we may have to adopt it, using some very small percentage. I am greatly distressed at the death of Representative Burnett, upon whom I had counted for much assistance" (Johnson 1919a).

Johnson seemed ready to capitulate and accept Gulick's plan while trying to find a way to diminish as much as possible the actual percentage of immigrants allowed. His resignation was understandable, considering the latter's omnipresence. In June 1919, Gulick himself and Professor Jeremiah Jenks came one after the other in the House to advocate NCCIL's proposals in front of Johnson's Committee (Patten 1919a, 1919b). James H. Patten, IRL's main lobbyist, who witnessed almost all sessions of the House and Senate immigration committees, was realistic about the chances of their bill: "Gulick has hurt our bill, at least for the present" (Patten 1919c).

The IRL quota plan faced another major difficulty when Johnson introduced his own immigration bill in the House in August 1919. This bill proposed a radical two-year suspension of all immigration, with the major exception of aliens' relatives, and after the suspension would only admit those who would "promise to become American citizens." This bill was the opposite of Husband's and Gulick's in every respect. It clearly discriminated (no Asiatic, independently of being a laborer or not, could apply for immigration after the suspension and they could not legally become citizens) and did not have any definite provisions for quantitatively restricting immigration (immigrants from Southern and Eastern Europe, who constituted a large proportion of the total immigrants, could provide for numerous relatives of former immigrants, according to Johnson's bill opponents). Albert Johnson, who was seemingly more attached to Asiatic exclusion than to quantitative restriction, probably introduced such an immigration bill in order to oppose radically Gulick's plan to suppress all discrimination. This move did not suit IRL leaders at all, who widely preferred the mathematical

certainities of their quotas bill and tried to impose it against Johnson's bill. Unfortunately most of their allies in and outside Congress (who were proponents of race discrimination) did not like the quota idea because of Gulick's network lobbying, which made it difficult to differentiate between the various quota plans.<sup>16</sup> Gulick's success had ruined the image of the quota system for all racist politicians and thus the IRL plan with it. Therefore the anti-Gulick coalition chose to gather around Johnson's bill instead of the IRL's bill, and IRL leaders were also forced to support Johnson's bill, because otherwise they risked turning all of their allies in Immigration Committees against them (Ward 1920). As a consequence, Johnson's bill (whose immigration suspension clause had been amended from a two year-suspension to a fourteen-month suspension) passed the House of Representatives in December 1920.

Sydney L. Gulick's lobbying in favor of the implementation of a comprehensive immigration policy had wrecked the powerful IRL in its plans for a racist quota system. Gulick forced them to support a bill which held some discriminatory measures that the IRL liked, but lacked the overall efficiency in quantitatively restricting immigration that they deeply desired. In this sense the IRL felt as if it has suffered a defeat, which was the general consensus as debates began in December 1920 in the Senate Immigration Committee.

### **HOW THE EMERGENCY QUOTA ACT WAS PASSED IN 1921**

Johnson's bill was in competition with several others introduced by members of the Senate Immigration Committee, such as Senator Sterling's bill, which was based on Gulick's proposals. Among them was of course Dillingham's bill, but not the one he had introduced in August 1919 proposing quotas and the abrogation of all Asiatic exclusion laws. Apparently too many members of Congress continued to favor the exclusion of Orientals (Johnson 1919b). Two days after introduction of Dillingham's 1919 bill in the Senate, Senator James Phelan of California asserted publicly in the *New York Times* that Gulick was behind this bill, which he considered as "grossly unjust to the State of

California, which is seeking every means possible of ridding itself of the Japanese,” and accused him to be “simply a Japanese agent” (Phelan 1919). This hostility against Gulick based on the Asiatic issue probably explains why Dillingham’s bill had hardly been considered in committee.<sup>17</sup> Thus, aware of the difficulties he would have to face, Dillingham decided to remove the end of Asiatic exclusion in order to increase his chance of passing the immigration quotas. He introduced a new bill in December 1920 (S.4627) with almost the same as the previous one but without the Asiatic exclusion repeal clause (Dillingham 1920). After all, if Dillingham had become a backer of Gulick’s plan to remove all race discrimination in law, his priority was nevertheless to restrict immigration from Southern and Eastern Europe (Dillingham 1919). This was yet another policy shift for Dillingham. Since 1913 he had endorsed the quotas plan designed by Husband and he had changed his position on the Asian exclusion clauses three times. This concession that made the quota plan a means for restriction while maintaining legal racial discrimination won support from most members of Congress as well as political actors (for example, IRL leaders) who were pursuing exclusion of Orientals (Lee 1920b, 1920c, 1920d).

From the beginning, the Senate Immigration Committee proceedings took place in a very strained climate and caused a major stir. Senator LeBaron Colt of Rhode Island, then presiding over the committee, invited many key actors on immigration issues to testify. Disagreements arose as usual from discussions on immigration causes and consequences and on the necessity to continue to restrict immigration. There were especially intense debates on the efficiency expected from the several bills introduced. One of the main problems was that each sponsor was not willing to accept many compromises concerning his bill, especially Dillingham and Sterling (Patten 1921a, 1921b; Lee 1921a). A key hearing was Husband’s, who tried hard to demonstrate the necessity of restricting postwar immigration while emphasizing the equal need to supply the agricultural sector with labor. He asserted that Johnson’s bill would not address these issues because it would

mainly restrict immigration from Northern and Western Europe and would hardly affect immigration from Southern and Eastern Europe as those immigrants would benefit from Johnson bill's special dispensatory provision for relatives. Last, he advocated the adoption of the Dillingham bill with an additional provision encouraging immigrants to go to the countryside (see Bennett 1921).

His speech was a great success: the senators asked to prolong the hearing for an extra day because they wanted to know his position on other immigration issues, and James Patten felt that Husband had made a "splendid presentation of the whole subject" thanks to which a quota system could be chosen (Patten, January 18, 1921). Furthermore, the members of the committee asked him to stay at their disposal while they debated adding a quota clause into Johnson bill. Husband's success in supporting Dillingham's bill probably explains why Sterling's bill had been much less debated, in addition to the fact that the latter went much farther on the Asiatic issue by opening access to citizenship to Asiatic immigrants. Indeed, even the Dillingham's bill egalitarian dimension (the implementation of a quota for each country, even Asiatic ones) was a problem for the majority of the senators. Husband skipped it during his speech, certainly because he was aware that this aspect of the bill remained for very problematic for them.<sup>18</sup> Thus, despite Husband's speech, no compromise had been made from any side. On February 6, 1921, the Johnson bill was adopted by 5 to 4 with Dillingham and Sterling on the minority side, and it was ready for presentation to the whole Senate.

However, Dillingham's bill would eventually replace Johnson's bill and became known as the Emergency Quota Act of 1921. How did this happen despite the fact that the debate seemed settled in favor of Johnson? For starters, Dillingham never gave up. With the assistance of Senator Colt, Dillingham begged the other senators to reconsider their votes, announcing that he was ready to think about introducing a quota clause into the Johnson Bill. Senator Phelan, who apparently favored the quota system but was firmly opposed to any quota

for Asiatic countries, shifted and the committee decided to postpone the decision with a majority of 5 out of 9 (Patten February 6, 1921). However, now that he had managed to save time, Dillingham tried to find a way to pass his bill rather than merely including a quota provision in Johnson bill. He dealt with Senator Phelan and agreed not to open quotas to Asiatic countries, in order to get his support (Patten February 8, 1921). This concession was decisive for the passing of the Emergency Quota Act. This last Dillingham move permitted him to acquire the support of all restrictionists who wanted to exclude Asians from immigration and the easy adoption of his bill in the committee (with an additional amendment which made the enforcement temporary for one year). IRL leaders now considered Dillingham's bill far better than the Johnson bill, so they proceeded to influence the Senate proceedings on its behalf (Lee 1921b). The Senate voted with an overwhelming majority (61 versus 2) a final bill, in which the percentage had been lowered from 5 percent to 3 percent among other amendments. Johnson himself, although his own bill had been defeated by Dillingham, recognized the superiority of the latter as a means of restricting immigration (Lee to Hall February 19, 1921). Subsequently, President Woodrow Wilson postponed the adoption of the bill by not signing before leaving office. But the newly elected Congress voted it again and President Harry Harding signed the Emergency Quota Act of May 19, 1921.

If the last events proceeded with a disconcerting quickness and ease, it does not necessarily mean that the adoption of the Dillingham quota bill was inevitable. On the contrary, it emphasizes the core of this intense struggle which led to the 1921 law: the Asiatic issue. In this fight, Johnson's bill was far better positioned as most members of Congress remaining opposed to the end of the Asiatic discrimination despite Gulick's lobbying work. If the quota bill finally passed the Congress, it is only because of Husband's and Dillingham's tactical move and opposition to a bill they judged discriminatory and inefficient for restricting immigration. They preferred to concede progressively on

their plan, going through a two-stage policy retreat from a restrictive and antidiscriminatory plan (quotas applied to Asiatic countries and repealing all Asiatic exclusion laws) to a restrictive and discriminatory one (neither quotas applied to Asiatic countries nor repealing of Asiatic exclusion laws). But the adoption of the Dillingham bill was in their perspective a better trade-off than the Johnson bill, which would have admitted more immigrants while increasing anti-Asian discrimination by excluding nonlaborers immigrants from Asiatic countries (as they could not “promise to become American citizens”); which was an exclusion that eventually happened in 1924.

### **THE RACIST DRIFT OF THE IMMIGRATION QUOTA SYSTEM**

In the following year, racist and nonracist restrictionists continued lobbying for the common cause they had found during the debates over the 1921 Emergency Quota Act. William W. Husband (who was appointed head of the Bureau of Immigration in March 1921 with Dillingham’s support) wanted to prove that the quota system was applicable in concrete terms.<sup>19</sup> From the other side, the IRL worked hard to make the quota system permanent because it had only been renewed for one additional year. Even though the IRL appeared victorious it had been quite difficult to even get the temporary result against Johnson, who continued trying to pass his bill with the support of the powerful American Federation of Labor.<sup>20</sup>

However, it was not long before discordances appeared. As the legitimacy of the quota system was no longer in question, the IRL and racist politicians like Johnson worked together and managed to change the method of the quota’s calculation to favor more immigrants of the “Anglo-Saxon race.” In January 1923, Johnson introduced a quota bill reducing the percentage to 2 percent and that used the 1890 Census instead of the 1910 one, which lowered the quotas allocated to immigrants from Southern and Eastern European countries. These measures were completely supported by IRL leaders (Ward 1922). Husband clearly disagreed with the turn of events, asserting that this idea was only

defended by those “who are not particularly interested in the number of immigrants who are admitted, provided they are of the peoples who in the past have demonstrated that they and their children become true Americans.” Moreover, he considered that the 1921 law had sufficiently reduced the number of immigrants, and that the necessity of renewing the law was not self-evident (Husband 1923). Nevertheless, despite his disagreement, he decided not to oppose it. Called to testify in front of the Senate Immigration Committee and asked by Senator Colt for his opinion on the 1890 Census idea, he refused as an “administrative officer” to express it and merely suggested some legislative recommendations to improve the administrative enforcement of the law (Patten January 24, 1923).

Husband’s neutrality was a key factor in the development of quota policy from 1921 on. Dillingham, who was at this point quite elderly, withdrew from the debate and died in 1923. The nonracist restrictionist side of the Congress therefore no longer had any serious political representation. The proceedings after 1921 seemingly took place without them, certainly contributing to the successful realization of the highly racist law of 1924, which disproportionately limited the number of immigrants admitted from Southern and Eastern Europe, and finally excluded all immigrants from Asia by passing a clause that denied entry to all persons noneligible for naturalization and who had failed several times in the past.<sup>21</sup> Husband would later blame this law for Vermont’s economic problems and agricultural labor shortages, and declared that this “national origin quotas” system was inapplicable as the task of establishing the national origins of the American population is clearly “one for the soothsayer as well as the statistician” (Husband 1925: 10).

## **CONCLUSION**

Far from being eugenicist, the “immigration quota” plan was originally restrictionist and racialist (in favor of using national or ethnic origin as the criterion for the admission of immigrants), but antiracist: it did

not want to exclude individuals on the basis of their supposedly “unassimilable” origin.

It came from the convergent imagination of two men as a way of realizing two specific goals: to restrict efficiently and with scientific certainty the number of immigrants (the priority of the pragmatic William W. Husband) and to put a definite end to legal racial discrimination (the priority of the philanthropist Sydney L. Gulick). The NCCIL plan, which played the key role of popularizing and legitimizing the quota system, was therefore not a response of liberals against restrictionists. On the contrary, the plan was without any doubt the result of the very hard work of restrictionists, who rejected all kinds of discriminatory law. Our research demonstrates that the final form of a policy is not sufficient to understand the political opinions of its designers or the complex process that led to its adoption. Our analysis also indicates that one should not oversimplify the categorization of politician’s opinions as these opinions are often plural and contradictory. Only the policy elaboration process can help us to understand how this array of ideas and commitments are organized into a hierarchy according to various contextual choices (for another example of this issue, see Weil 2005). Dillingham carried the bill into Congress and was a “centrist” during times of restrictionism and racism. Charting his evolution thereby allows us to understand the movements and changes of the political “center.”

Finally, even if proponents or opponents of the quota system have used eugenics arguments to promote or criticize it, eugenics experts like Charles Davenport or Harry Laughlin had little to do with the quota system itself, at least before 1921 as the 1921 system did not select immigrants based on their eugenic quality. Nonetheless, these men did play a larger role after 1921 by participating in the elaboration of the “national origins” system (King 2000). In fact, Harry B. Laughlin, director of the Eugenics Record Office (created by Charles Davenport at Cold Spring Harbor), was behind the transfer of the authority for selecting immigrants from the Bureau of Immigration to the consulates, that

is, the Department of State (see National Archives, Box 102, file 91202). By permitting consulate authorities to decide whether an immigrant had the right to come into the United States according to U.S. laws, they wanted to select immigrants before their journey in order to more smoothly administer the examinations requested by law and to be sure to exclude all eugenically bad candidates for immigration before they even arrived in the United States. Husband also supported this idea but for very different reasons, namely its humanity and the administrative improvements it created (Husband 1931). Indeed, the enforcement of the 1921 quota law created a situation at the ports of entry that was not only unmanageable for the authorities but also very tough for all the “innocent” immigrants (Husband 1922). The method of selection by consulates made it possible for immigrants to receive a decision about their case “before they make a fruitless journey across the ocean only to be returned to their homes because of some provision of our rather complicated immigration laws” (Husband 1925). Once again, and as a concluding remark, we can see here how seemingly similar ideas may have multiple potential purposes and can initially be supported by people with very different goals in mind. Afterward, they can easily be diverted from their initial goal by unanticipated historical processes.

## NOTES

1. In fact, the proceedings leading to the 1924 National Origins Act are more commonly studied. See, for example, King (2000).
2. For a more complete biography of William Paul Dillingham, see Lund (1994).
3. Husband’s biography can be found from two press articles: *Putting ‘Know How’ in Office* (1921) and Roberts (1931). See also Zeidel (2004:49).
4. On the difference between racialism and racism, see Weil (2008, chap. 3).
5. More precisely, we decided to work here on the debates occurring between March and April 1912, which was before Husband conceived

the first quota plan. We made this decision because it seemed to us more pertinent to study how different restrictionists defended the same plan. This allowed us to more closely examine the specificity of the logic behind each restrictionist camp. See U.S. Congress (March 18, 1912, 48 : 3531-3543; April 15, 1912, 48 : 4781-4782; April 17, 1912, 48 : 4906-4917; April 18, 1912, 48 : 4966-4976; April 19, 1912, 48 : 5017-5033).

6. Actually, all the bills that will be studied in this chapter/article do not include countries of the Western Hemisphere in this limitation, most likely because of the disastrous consequences of such a limitation on Northern and Southern states' industries that depend on immigrants from Canada or Mexico. However, we do not go into great detail on this point because it did not concern the discrimination issue that interests us here, and it did not have much influence on the struggle between racists and egalitarians restrictionists, at least until 1921.
7. See also Patten (1914). James H. Patten predicted that any support to another plan from the IRL would bring an end to the literacy test.
8. Jeremiah Jenks had already expressed in a book published in 1912 its interest for a restriction by fixed numbers that has the advantage of determining "with almost absolute accuracy just the number of people that would come in" and make "no discrimination against any particular race."
9. Gulick presented them publicly in "Racial Discrimination in Immigration Laws" (1919b).
10. It is perhaps belonging to the Wilsonian moment emphasized by Manela (2007).
11. Joseph Lee of the IRL, answering a correspondent filled with enthusiasm for Gulick plan, accused all Gulick's supporters to have no other aim than wrecking the test and all kinds of restriction and, at the same time, said the Gulick plan had no chance of being adopted. See Lee (1916).

12. "Hindus" were specifically pointed out because of the vague administrative definition of Hindu people's skin color, which permitted them to be naturalized as "black people" by certain administrations. See Jacobson (1999: 243).
13. On the implantation of these clauses, see Ong Hing (1993: 17-42) and McKeown (2003).
14. For the whole history of the "Latitude and Longitude" clause, see *The Immigration Journal* (March 1916 to June 1916).
15. Actually, Prescott F. Hall had already been thinking about it since 1916. See Bradley (1916).
16. "Congressman Raker and others have been urging me to go slow with our percentage proposition for the present on account of Gulick's agitation." See Patten to Hall (1919d).  
"The 'percentage' fly in the ointment is the Gulick propaganda, which has frightened and turned the Slope against any percentage plan." See Lee to Hall (1920a).
17. See the notes of W. W. Husband written on a copy of Dillingham's 1919 bill (S.2788). William Walter Husband Collection, Chicago Historical Society.
18. "Husband made a very good statement, but said nothing about the Oriental phase of the Dillingham proposal, which he advocated." See Lee to Ward (1921).
19. "It seems to me of the greatest importance that the feasibility of the percentage control should be demonstrated during the coming year; and while there will be difficulties to overcome, I am sure the value of the plan will be conceded after everything is working smoothly." See Husband to Ward (1921).
20. "Dear Mr.Lee, I share your satisfaction with the law extending the 3% quota law. The bill was on the rocks several times. And I certainly appreciate your generous appreciation of my efforts at rescue and salvage work." See Patten to Lee (1922).
21. For a detailed history of 1924 law enforcement, see Ngai (1999; 2004: 21-55).

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