

Races at the Gate

Racial Distinctions in Immigration Policy: A Comparison between France and the United States

In *From Europe to North America, Migration Control in the Nineteenth Century, The Evolution of States Practices in Europe and the United States from the French Revolution to the Inter-War Period*, Berghahn Books, New York & London, 2003, pp.368-402.

Patrick Weil

The United States of America is a country where, throughout its history, the vast majority of citizens have been immigrants or descendants of immigrants. France is a 'country of immigration' where large numbers of foreigners have settled as permanent residents, but where (as in all European Union countries today) there is a dominant sense that the immigrants have joined a core, majority, population that has existed since time immemorial. Despite this difference, French and American immigration policies can be compared. France is the oldest country of immigration in Europe, which has received a significant number of immigrants since the middle of the nineteenth century and, like the U.S., faced a 'nationalisation' of immigration control at the end of nineteenth century. In fact, as this volume demonstrates, immigration control existed in Europe and United States throughout the nineteenth century. At points of entry into the U.S., severe state laws against convicts, paupers, aliens with contagious diseases and free black men were enforced (Neuman 1996: 19-43). But the main mechanisms of control remained social and economic, automatically imposed by the cost of transport and facilitated by the fact that boats and harbours were essentially the only way to enter the U.S. territory. At the end of the nineteenth century, in response to the rapid increase of flows favoured by the decrease of transportation costs, the federal government took direct responsibility for immigration control. A government agency was created: the name, organization and departmental affiliation of which changed over time.

Today it is the Immigration and Naturalization Service, Department of Justice. During the same period, France also had various mechanisms designed to restrict and control immigration. Beginning in January 1887, France required newcomers to be recorded in a census, and in the following year all immigrants were asked to make themselves known to their local authorities. In 1893, the state imposed a specific census for all foreign workers — immigrants were required to register on a particular list at their town halls. Beginning a decade later with an agreement with Italy in 1904, France signed a number of conventions with various countries of emigration that further regulated immigration.

A debate on the mechanisms for implementing controls also took place in both countries. Roughly speaking, the debate was organized around two options: an ‘egalitarian’ or ‘universalistic’ selection based on individual qualifications (physical, mental, moral, and eventually educational), or a ‘racialist’ selection based on national or ethnic origin (Divine 1957: 5).

In the U.S., the racialist approach gained strength in the years following the end of the Civil War (1870 onwards) and officially dominated U.S. policy from the 1920s through to 1965¹.

In France, despite the strong attraction of the U.S. national and racial origin system for political leaders and policy-makers in the 1930s, and even after the Second World War, the racialist approach was eventually rejected in what still forms the basis of French immigration policy, the ordinance of October 18, 1945. Why did the U.S. choose the national origin system and France did not? Often, cultural predispositions – French republicanism versus American multiculturalism – are presented as the explicative variable, but this does not fit the facts. France was about to adopt the American model of national origin in 1945. General de Gaulle, who considered the need for a coherent immigration policy a priority, favoured such a system of selection. On the other hand, at the beginning of the century, Theodore Roosevelt

considered implementing the ‘French’ approach. To develop a better understanding of what happened on both sides of the Atlantic, one must adopt a bottom-up perspective that carefully analyses the development of immigration selection through the institutionalisation, the legitimisation and the implementation of distinctions within the ‘white race’, in order to get a new understanding of what happened on both sides of the Atlantic. By studying this debate in France and in the U.S., one can try to understand the different outcomes.

The United States

The creation and implementation of a ‘list of races and peoples’ by the Immigration Bureau played a major role in the victory of the racialist approach. While new arrivals had long been asked to report their country of origin, it was not until the end of the nineteenth century that authorities began to compile statistics classifying immigrants on explicitly ethnic grounds. The list of races and people, which provided the basis for the development of these racial statistics by the Immigration Bureau, was drafted by an internal committee headed by Edward McSweeney, Assistant Commissioner of Immigration at Ellis Island and approved by the Commissioner of Immigration, Terence Powderly². It was implemented on July 1, 1898 and remained in effect until 1952. The list included: African (black), Armenian, Bohemian, Moravian, Bulgarian, Serbian, Montenegrin, Chinese, Croatian and Slovenian, Cuban, Dalmatian, Bosnian and Herzegovian, Dutch and Flemish, East Indian, English, Filipino, Finnish, French, German, Greek, Hebrew, Irish, Italian (north), Italian (south), Japanese, Korean, Lithuanian, Magyar, Mexican, Pacific Islander, Polish, Portuguese, Russian, Ruthenian (Russnik), Scandinavian (Norwegians, Danes & Swedes). After 1898, all aliens who had already had to answer a question about their country of origin now also had to indicate their ‘race or people’.

Prior to the creation of this list, racial discrimination against black immigrants had been removed in the aftermath of the Civil War. Yet, at the same time it was imposed against Asians: in naturalisation law by the Nationality Act of 1870, which ensured that Asian immigrants could not be naturalized; and in immigration law by the Chinese Exclusion Act of May 6, 1882 (22 Stat. 58). But with regard to other immigrants, mainly white Europeans, immigration selection was still based on the individual ‘qualities’ of newcomers. The Immigration Act of 1882 imposed a head tax of 50 cents on each immigrant and forbade the entrance of idiots, lunatics, convicts, and persons likely to become public charges³. In 1885, the contract labour law was approved to prevent the entry of cheap foreign labour. In 1891, polygamists, persons convicted of crimes involving ‘moral turpitude’ and those suffering contagious disease were excluded. An Omnibus Act of 1903 added epileptics, insane persons, professional beggars and anarchists.⁴

The creation of the list of races by the Immigration Bureau, working without the oversight of the U.S. Congress or any scientific authority, introduced for the first time in American history racial distinctions and statistics within the ‘white race’. Soon after its creation, Congress was convinced of the ‘value’ of the list: in 1901, a Congressional committee, the Industrial Commission on Immigration and Education, concluded that ‘the most important improvement since 1893 in the method of compiling statistics of immigration was introduced in 1899, when instead of the preceding classification of immigrants according to the countries or political divisions from which they came, they were classified according to the races to which they belonged. [...] For example it appeared that, in 1898, 40,000 Russians came to the United States, whereas the great majority of these were Poles or Jews, probably not over 200 being actually Russians’⁵. In March 1903, Congress approved this bureaucratic innovation, mandating classification by race of all aliens entering the U.S. (Act of March 3, 1903; 32 Stat. 1213). At this point, the list of ‘races and peoples’ started a double career.

On the one hand, it produced 'race-based' statistics, which legitimised a racial hierarchy of assimilation and was a major contribution to the victory of a new approach in American immigration policy. On the other hand, it became a discretionary tool that survived, despite criticisms, as an unofficial instrument of racial discrimination, when the law did not always permit such bias.

The list of 'races and peoples' provided nativists and eugenicists with evidence for their arguments (Fitzgerald 1996: 126). The list became the main tool used by the Immigration Restriction League, created in Boston in 1894 by three Harvard College graduates, Charles Warren, Robert DeCourcy Ward, and Prescott Farnsworth Hall with the legislative backing of Massachusetts Senator Henry Cabot Lodge. The league campaigned for immigration restriction by origin, which they suggested could be accomplished through the use of a literacy test. Prescott Hall, the executive secretary of the League, immediately endorsed the McSweeney system: 'the new classification is more valuable for many purposes than the old./....While the average illiteracy of Austro-Hungarians last year was 25.2 percent, the Bohemians show only 3.3 percent and while the average illiteracy of all Italians was over 53 percent we find that of Northern Italians (i.e. those from Tuscany, Emilia, Liguria, Venice, Lombardy, Piedmont, and natives resident in other countries) to be only 11.4 percent...../..... Although Russian Jews and German Jews differ from each other they differ more from the Russians and the Germans, and for the first time it is possible to tell the total Hebrew immigration' (Hall 1899: 183-85). In the following years, Hall systematically used the new racial statistics in the annual publications of its League in order to demonstrate the inferiority of certain races. For instance, in his book *Immigration and its Effects upon the United States* (Hall 1906), Hall relied extensively on the statistics that the Bureau of Immigration had published since 1899.

Later, in 1907, the Dillingham Commission, a Congressional Committee that had spent four years evaluating immigration and assimilation policies in the U.S., retained the entire 1898 list of 'races and peoples', only adding after the item 'West Indians', 'except Cuban'⁶. The Commission made extensive use of a list of 'races and peoples', publishing a list of principal races for countries of birth in order to aid the research of those working on the Commission's report. France appeared with French and Hebrew, England with English, Hebrew, Irish, Scotch and Welsh, Greece with Greek and Macedonian, Bulgaria with Bulgarian and Macedonian, Belgium with Dutch, Flemish and French, and so on.⁷ These categories were used to collect an extraordinary amount of information on various aspects of immigration for the purpose of demonstrating the inferior capacity of certain races and peoples, primarily from Eastern and Southern Europe, to integrate into U.S. society (Fuchs 1990: 64). The influence of the forty-two volumes of the Dillingham Commission Report on the future course of immigration policy was enormous. As a result of the Commission's conclusions, further restrictions on Asian immigration were included in the Immigration Act of 1917. The 1917 Act also incorporated the literacy test, for which advocates of immigration restriction had worked so long and hard since it had first been suggested before the Senate in 1895 by the aforementioned Senator Cabot Lodge. The literacy test provision simply required that all adult aliens seeking admission as immigrants be able to read and write but the purpose of the test was to select immigrants on the basis of their 'race'. For example, the statistics on immigrants admitted during the year 1907 showed different illiteracy rates, according to 'racial' origin: 30 percent of Greeks, 37 percent of Croats and Slovenes, 47 percent of Russians, 45 percent of Serbs, Bulgarians or Montenegrins, 52 percent of Dalmatians, Bosnians and Italians (south), 34 percent of Romanians, 33 percent of Spanish, and 30 percent of 'Hebrew' applicants; compared to 10 percent of Poles, 7.1 percent of Germans, 2 percent of French, and 1.4 percent of English of fourteen years old and over.⁸ It was soon adopted by

both the House and Senate, but vetoed by President Grover Cleveland and all subsequent presidents until Wilson's veto was overridden by Congress in 1917. But the 1917 literacy test soon engendered significant opposition by disrupting American labour markets: Canadian and Mexican labourers who were previously able to cross the border and work in the farms of Maine, Vermont, Texas, Louisiana, and Arizona were suddenly submitted to this new test, which the majority of them failed.⁹ The new act was also a disappointment to those who had adopted it for a different reason: literacy rates among newcomers had increased since 1907, and most immigrants of 'undesirable' origins were now able to pass the test.

After the First World War, deteriorating economic conditions and the increasing flows of immigrants contributed to the passage first Quota Act in 1921 which represented the formal introduction of a hierarchy of desirability within 'white Europeans', with Western Europeans' quotas ahead of those of Eastern or Southern Europe. This Act had two goals: (1) for the first time in U.S. history, a numerical limit was placed on the total number of immigrants admitted per year, about 350,000; (2) complementarily, the immigrants were selected by nationality: an annual quota was assigned to each foreign state, calculated on the basis of 3 percent of the number of this state's natives living in the United States according to the 1910 census. In 1924, the Johnson Reed Act, which remained in effect until 1965, provided for the calculation of quotas on the basis of the national origin of all Americans, thus creating higher quotas for the more 'desirable' immigrants since their 'co-nationals' represented a greater portion of the American population.¹⁰ This evolution was interesting. Under the first system of quotas, the U.S. was still selecting 'foreigners'; under the second, they were looking for 'similars'. In fact, under the new legislation, which created the most efficient and centralised system of restriction, candidates not only had to fit into the confines of a national quota, but they also to fulfil two other conditions: belong to a race eligible for naturalization (Asians were therefore eliminated) (Ngai 1999), and be deemed 'unlikely to be a public charge'.¹¹

When it was adopted in 1924, the new legislative system represented a victory for the racialist approach in U.S. immigration policy, to which those who made use of the list of ‘races and peoples’ had contributed. This brings us to a second question: why did the list remain in effect after the victory of the national origin system, despite constant criticism, and why was it only abandoned in 1952? As the list was maintained for more than fifty years after its creation and for more than twenty-five years after the restrictive legislation of 1924, I argue that it remained useful to advocates of the racialist approach in American immigration policy. One can find an indication of its purpose in the way the list was managed: after requests to alter the list, the Immigration Service adopted different strategies. They would now accept changes to the list only if these modifications would not merge ‘desirable’ and ‘undesirable’ races and peoples (more precisely Jews and non-Jews, Blacks and Whites) in the same category.

Immediately after the list was introduced in 1898, the majority of American Jewish Organisations disapproved of the creation of a Hebrew race. In a memo written in 1903, the Department of Labor and Commerce mentioned that while American Jews were divided on whether or not they constituted a race, they almost all agreed that they should not be classified as such by the Immigration Bureau. In fact, before the Second World War, the term race was frequently employed to mean a people or ethnicity. Yet, for Immigration officials, the justification of having ‘Hebrews’ among the list of races and peoples was that the Jews were not a people or an ethnicity but a race in a biological sense of the term. To justify this assertion, the Immigration Bureau often quoted Cyrus Adler who had written in the Jewish Encyclopedia: ‘An even more delicate problem that presented itself at the very outset was the attitude to be observed by the encyclopedia in regard to these Jews who, while born within the Jewish community have for one reason or another abandoned it. As the present work deals with Jews as a race, it was found impossible to exclude those who were of that race, whatever

their religious affiliation may have been'.¹² The Dillingham commission made good use of this quotation.¹³ On several occasions, official answers reaffirmed that the Hebrews were a race and that even when converting to another religion, a Hebrew remained a 'Hebrew'.

After 1918, the list came under attack from foreign governments, successively Yugoslavia, Italy, Brazil, Mexico, Latvia, and so forth. When asked to add the Brazilian race to the existing list in 1925, William W. Husband, Commissioner-General of Immigration chose to stand firm in the defence of the list: 'The record of races or peoples, dating as it does from 1899 is by far the most valuable immigration data we have, and the Bureau feels very strongly that any change in the long established practice ought to be made only after the most careful consideration, and then only when it is of scientific value to our own statistical records, or at least is not detrimental to them'.¹⁴

Yet, on 11 September 1936,¹⁵ the Albanian, Estonian, Filipino, and Latvian races were added to the list. North and South Italians were merged into one Italian race, and the 'African (Black)' became a Negro. The INS gave reasons for the latter change. The term 'African black' was not 'commonly used' anymore and 'very few aliens of this race come from or go to Africa. The vast majority of the number recorded come from the West Indies, it seems advisable to list them as "Negroes"'. The merger of the two 'Italian races' was done 'with respect to the Italian people',¹⁶ probably under pressure from Benito Mussolini's government. And, in order to justify the addition of some European races, the INS took the creation of six new countries since the First World War into account. On 31 July 1937 the INS decided to classify 'Mexicans' as 'White', in order to satisfy the Mexican government's complaints about the 'Mexican' race. On 12 August 1937, following a request from the North American Manx Association asking for the inclusion of Manx in the list ('The Manx are Celtic, but distinct from the Irish, Welsh, Scotch and English [...] They are obliged to call themselves English which is not entirely accurate'), the 'Manx' race was added to the list.¹⁷

In the same year, the Brazilian authorities asked that Brazilian newcomers be called 'Brazilians'. This demand was rejected once again. The INS gave partial satisfaction to the Brazilian government only in March 1942¹⁸: Latin Americans replaced Spanish Americans¹⁹. With this modification, the Immigration Service permitted white, Portuguese-speaking Brazilians to be classified in a new way, while at the same time it avoided placing them in the same category as 'Blacks', which the creation of a 'Brazilian' race would have done.

The term Hebrew was finally removed on 8 November 1943²⁰ by Earl G. Harrison. Named INS commissioner on 20 July 1942, Harrison asked Dr. Henry B. Hazard, Director of Research and Education in the INS, to review the question of the Hebrew race on 17 September 1942.²¹ The forty six pages of the Hazard memorandum, given to Harrison on 5 November 1942, were very definite in their conclusions²²: 'The enlargement of the classification of the groups of aliens coming to the United States to include "peoples" appears to have been made arbitrarily, possibly because of the difficulty in determining just what the term "race" might imply.' (p. 41) the term "race" as such is not defined in either the immigration or nationality laws of the United States', although 'certain specified racial groups (not including the Hebrews) are debarred from immigration to and naturalization in the United States'. He proceeded to note that 'the scientists are in hopeless confusion and contradiction as to the criteria of "race" and what particular groups of persons constitute "races" and that 'there are no final and comprehensive judicial definitions of "race" and particularly not of the term "Hebrews"'. His final argument for removing the 'Hebrew race' from the list was political: 'The significance of racial differences [...] has lessened immeasurably [...] with peoples of innumerable origins now banded together in all quarters of the world fighting side by side with the United States for the establishment and maintenance of the Four Freedoms.'

If the term 'Hebrew race' was not repealed until late in the Second World War during 'a global battle against the dark forces of dictatorship, chaos, and destruction' (Hazard's

memo) in which people of various ethnic origins throughout the world fought together as U.S. allies; and if the list of races and peoples continued to be maintained for several years after this epic war, with the explicit goal of having immigrants report their race,²³ one can only conclude that officials' selective response to pressure to alter the list had some 'policy' utility. Most of all, maintaining the racial categories within national origins permitted authorities to keep race-based records that could be used to justify separate management, discrimination, and exclusion on the basis of race rather than of national origin, most notably by claiming that certain races were especially likely to be a public charge (LPC).

Already at the beginning of the century, an Immigration Bureau study was used to demonstrate that, during the four years 1899, 1900, 1901 and 1902,

'the percentage [of Jews] debarred because of disease was nearly twice that of other races, and the percentage of those receiving treatment in hospitals after landing was two-thirds more than of other races. The Hebrews had but \$8 per capita upon arrival, as against \$16 for other races, and but 2% has been in this country before as against 13% of other races..../... By occupation, they also differ greatly, having proportionately about ten times as many tailors, tobacco manufacturers, shoemakers and persons of that class of vocation, with very few tillers of the soil. Thus it will be seen that the Hebrew comes to stay, and brings with him his family, and his children, which are numerous; that he is usually poor and often afflicted with disease and goes to the shops and trades of the large cities'.²⁴

The same kind of statistics produced in the 1930s could have justified the prejudice that the LPC clause applied to Jewish applicants for immigration more than to others. There were no written instructions to this effect, but in this area it was common to apply oral instructions. An American consul-general in Tirana (Albania) 'soon realized the obvious fact that the whole secret of the work lies in the interpretation of existing written law and regulations and that this interpretation can only be learned by word of mouth from other

officers who have themselves been taught and had experience'. When a new instruction more favorable to Jewish immigrants was finally published in December 1936 after pressure from the Labor Department and American Jewish Organisations, it made him feel 'that all my interpretative training received since my arrival at this post is in almost every detail directly in contradiction with the policy of interpretation and decision expounded in the Department's instruction of December 30. I was taught among other things that "the public charge provisions should be stringently applied" since it is the Department's desire to keep immigration to a minimum in view of unemployment and that affidavits of relatives who could not be legally held for support were of very little value as evidence in rebuttal of the likelihood of L.P.C. I was told that "the department will support you to the limit in L.P.C. refusals"''.²⁵ National quotas were never filled in the 1930s, despite the needs of hundreds of thousands of European Jewish refugees escaping Nazi oppression (Breitman & Kraut 1987; Divine 1957). In 1933, 23,068 aliens were admitted to the U.S. (compared to 805,228 in 1921) the lowest level since 1831.

France

At the end of the 1930s, a climate of economic crisis and the impending arrival of refugees brought France to the verge of adopting a national and racial quota policy also based on a list of 'races and peoples' built on a hierarchy of assimilability. Indeed, the U.S. approach was the main proposal of the two most renowned French immigration specialists of the period, René Martial and Georges Mauco.

Dr. René Martial emerges as a figure of primary importance among the racist immigration specialists in France during this period.²⁶ Born in 1873, Dr. Martial obtained his medical degree in 1900 and soon began specializing in public health matters. Beginning in 1909, in his capacity as director of the hygiene office of Douai, he took a keen interest in

immigration. In this post, he had the opportunity to see and treat numerous immigrant workers who worked in and around the region's mines or who were in transit towards other destinations. During the First World War, he established an office of sanitation regulation for Spanish migrants who had come to work in France's Eastern Pyrenees. After the war, Martial spent three years as director of public health services in the city of Fez, Morocco. Responsible for the course on Immigration at the Hygienic Institute at the School of Medicine in Paris, he published in 1931 a *Traité de l'immigration et de la greffe inter-raciale*, and then, in 1934, *La race française*.

Two principal aspects of the American method of selecting immigrants seemed appropriate him: the individual inspection of immigrants at entry points (principally Ellis Island at the entrance to New York), and the mechanism for selecting immigrants from the 'white race' according to ethnic and national origins through quotas. Martial proposed the creation of five 'land ports' of inspection for immigrants on the French border. However, he could not propose an exact replication of the American quota system in France. The American system was based upon calculating the proportion of each race or nationality in the U.S., but this was not possible for a country like France. However, in 1928, Martial believed he had found the solution for selecting immigration to France based upon ethnic origins.

For Martial, immigration was like a mixture or transfusion with the same effect on a people as on the blood of a person who had received a blood transfusion. He claimed that the 'blood affinity' was the essential criterion because 'categorization based on blood underpins psychology'. According to Martial, each people had a 'biochemical index' which was a function of the proportion of each blood group in the population and was calculated in the following manner:

A + AB

Proportion of people with blood types -----
B + AB

Just as incompatibilities exist between individual donors and receivers — one does not transfuse the blood of someone with type A to someone with type O — Martial claimed that populations could not successfully assimilate immigrants if the biochemical compatibility between the receiving population and the immigrant population was not taken into account. The proportion of blood group B increased markedly in going from northwest to southeast Europe, and thus Martial's coefficients decreased in the same direction as follows: English, 4.5; Belgians, 4.4; Alsatians, 4.01; Swedes, 3.7; French, 3.2; Germans, 3.1; Dutch, 3.01; Scots, 2.7; Italians, 2.6; Danes, 2.4; Czechs, 2.4; Greeks, 2.25; Armenians, 2.01; Jews, 1.6; Arabs, 1.6; Russians, 1.4; Poles, 1.2; Negroes (American), 0.9 (Taguieff, 1999: 313).

According to Martial, the population mixing that resulted from immigration could not have a good result unless it took place between peoples with similar biochemical indices (Martial 1934: 306-307). Martial therefore supported racial selection of immigrants based upon this index. The decision to permit immigration and thus 'race mixing' must affect 'a very limited number of peoples, immigrant families should from now on be selected individually and in an ordered fashion based upon blood grouping to retain persons in categories O and A, to eliminate those in B, and to only keep those in AB whose psychological and sanitary examinations are favourable' (Martial 1935: 287-288).

Martial wrote a great deal, participated in numerous conferences, and was widely known and quoted. Nevertheless, he was not taken very seriously when he attempted to transform his ideas into concrete policy proposals. This official rejection did not affect Georges Mauco, who published a doctoral thesis entitled *Les Etrangers en France, leur rôle*

dans l'activité économique in 1932, and who was soon considered the pre-eminent expert on immigration questions in France.²⁷

In his thesis, Mauco described the evolution of migratory fluxes to France throughout recent years in great detail, as well as the distribution of immigrants in society according to their places of settlement, their professions, and their countries of origin. Evaluating migratory phenomena in the evolution of the French population, he analysed the 'assimilability' of immigrants according to their origins. In order to measure this assimilability, he re-examined a 'mini-survey' that had been carried out in 1926 with the assistance of the service directors of an important automobile construction company that employed 17,229 workers, of whom 5,074 were North African. A classification of the aptitudes according to nationality was thus created, 'the scores being given out of 10, the maximum, which applied to very good French workers'. Notations about the workers included their physical capabilities, the consistency of their work, their production, their level of discipline, and their comprehension of the French language. The composite score based on these criteria put the Arab workers at the lowest rung of the ladder, with a score of 2.9, then Greeks at 5.2, next Armenians, Poles and Spaniards at 6.3, 6.4, and 6.5 respectively, and finally the Italians, Swiss and Belgians, who came in the lead with scores of 7.3, 8.5, and 9. In 1932, Mauco was discreet in the expression of his beliefs.

During the Second World War, he openly began to express his racism and his anti-Semitism. On 3 September 1941, Mauco offered testimony before the Supreme Court of Justice sitting in Riom²⁸ to judge the leaders of the Third Republic, which he published almost verbatim in 1942 in *L'Ethnie française*, a journal directed by Montandon: 'The egalitarian tendencies of governments [during the Third Republic] prevented them from acting to ensure the ethnic protection of the country' (Mauco 1942: 6)²⁹. Moreover, 'Of all the foreigners who arrive in France, refugees are the most undesirable. First, because this immigration is

imposed, next because these immigrants pose the greatest problems from ethnic, sanitary and economic points of view' (PV Riom: 3)³⁰. He also described the ethnic characteristics of Russians, Armenians and Jews that rendered them, in increasing order, less and less assimilable. 'All the particular disadvantages of immigration appear can be seen in considering Jewish refugees. Their physical health, morality, and character are all of diminished capacity.../....They have souls fashioned for great humiliations under servile conditions, where the hate they cannot express disguises itself as obsequiousness...../.....Their character deficit/..... is grave because it is the product not only of the individual's education and social milieu, but in part due to heredity. Modern psychology — and especially psychoanalysis — has demonstrated that these traits, transmitted by the parents during the earliest years of the child, modify the child's unconscious and cannot be changed except after several generations under normal conditions that allow the subject to entirely escape the influence of the hereditary surroundings' (Mauco 1942: 14)³¹.

At the end of the war, Georges Mauco once again demonstrated a greater level of discretion. In the beginning of 1944, he joined the French Resistance and participated in the liberation of the quarter of Auteuil in Paris. When a High Population Council (HPC) was created in April 1945, Mauco was named its secretary-general, a position that he held until 1970. It is probable that his activities in collaborating with the Vichy regime were not known. In this post, which kept him in contact with Charles de Gaulle, the head of the government, Mauco was responsible for proposing a new policy of immigration and of naturalization.

Taking inspiration from the studies developed in 1944 within a Vichy government committee, in the course of collaboration between the French Foundation for the Study of Human Problems directed by Alexis Carrel and the General Delegation of National Activity, Mauco convinced the HPC to adopt a 'general directive' on 18 May 1945³² that planned to

subordinate the entry of individuals to the general interests of the nation based on ‘ethnic, sanitary, demographic and geographic conditions’. The first criterion, that of ethnicity, revolved around an order of ‘desirability’ which was to be determined based upon the nationality of foreigners living in France in the censuses conducted between 1881 and 1891 (here, one cannot help think that the American law of 1921 was a determining influence). The first peoples in order of ‘desirability’ were ‘the Nordics’: Belgians, Luxemburgers, Dutch, Swiss, Danes, Scandinavians, Finns, Irish, English, Germans and Canadians. Their proportion of the immigrant population would be 50 percent. The second group on this ladder of desirability — who would account for 30 percent of immigration — would be people from the Mediterranean, provided they came from the North of each country: Spaniards from Asturias, Leon, Aragon and Galicia as well as Basques, Catalonians and those from Navarre; Italians from Lombardy, Piedmont, the Veneto, Liguria, Emilia and Tuscany; Portuguese from the region of Beira. Finally, Slavs — Czechoslovaks, Poles, and Yugoslavs would represent 20 percent of newcomers. The introduction in France of ‘all immigrants of other origins’ should be, according to Mauco, strictly limited to ‘only individual cases presenting an exceptional interest’. Finally, in order to prevent all Jewish immigration, Mauco proposed major restrictions on refugees.

All that remained was for Mauco to put his ideas into official legislation. This seemed easy, since these ethnic preferences were part of the dominant climate at the time (Le Bras 1994: 128), and were shared by all those participating in the aforementioned meeting where Mauco presented his ideas. De Gaulle had himself demonstrated his support by signing on a letter of 12 June 1945, prepared by Mauco, to minister of justice asking the minister to give priority to the naturalizations of Nordics, Belgians, Luxemburgers, Dutch, Swiss, Danes, Scandinavians, Icelanders, English, Germans, etc. Finally, during this particular period of the Liberation, a law could, in the absence of Parliament, be rapidly adopted ‘by ordinance’

according to a procedure that, after the approval of the government, merely required the approval of the Council of State. The writings of the principal actors in the development of French immigration policy during this period — including Mauco, Cassin,³³ Sauvy, Tissier, and Parodi,³⁴ demonstrate that, except for Cassin, Vice-President of the Council of State, and for Parodi, Minister of Labour, all those concerned clearly expressed their support for creating an ethnic hierarchy of immigrants, albeit to different degrees and based upon different factors.

Alfred Sauvy, former student of *the Ecole Polytechnique*, entered public administration in 1922 with the responsibility of producing statistics about France, and he became interested in questions of population and immigration shortly thereafter.³⁵ In 1946, Sauvy wrote in *Des Français pour la France*, ‘An influx of Orientals, Levantines, Balkanites, etc [...] is far from being as desirable as that of Belgians and Dutch, or even Spaniards and Italians. There again, one need not suggest a racial objection, but instead to remember that these [former] individuals are too far away from our civilization, which risks to be modified itself by contact with them.’ (Sauvy 1946: 231)³⁶. During the Liberation period, beginning on 4 April April 1945, Sauvy was the secretary general of Family and Population at the Ministry of Public Health and Population. In this position, he coordinated the activities of different administrations responsible for immigration policy.

Pierre Tissier was the only member of the Council of State, to which he had been appointed in 1926, who was in London with General de Gaulle in June 1940. There, he became de Gaulle’s chief of staff, then, in June 1943, he presided over the Committee of Legal Cases of Free France, working closely within René Cassin, who received the presidency of the Judicial Committee at the same time (de Gaulle 1983: 26). In London in 1942, Tissier wrote, in English, *The Government of Vichy*, a book of propaganda for Free France, in which he developed his views regarding population and immigration problems. Notably, in that text, he wrote that: ‘The Jewish problem exists, even in France. It is an undeniable fact, and no

realistic policy can be blind to it. It is not enough to say that the problem of the Jews is the problem of the Armenians, the Slavs, or the Arabs, for this is to disregard an essential factor. The Jewish race constitutes an international community. Among [its members] there is an absolute unity of language, of traditions, of intellectual and moral education' (Tissier 1942: 155). In this text, Tissier also demonstrated that he was in favour of a eugenics policy for his country: 'France should not have children at any cost and of any and every kind. She must turn to eugenics and — it is no use to shrink from the words — to the practice of properly controlled sterilization. This amounts to saying that marriage must be permitted only between individuals who are completely healthy and capable of producing healthy children; those who do not satisfy this condition should be allowed to contract a marriage after sterilization' (Tissier 1942: 157). Upon Liberation, he became director of the cabinet of the Socialist Interior Minister Adrien Tixier³⁷ and in this function actively participated in the creation of new immigration legislation.

While the discussions that took place regarding the objectives of immigration policy indicate that Sauvy, Tissier, and perhaps even Parodi and Cassin, thought in terms of ethnic preferences, their thoughts were not reduced to such considerations: in contrast to Mauco who thought entirely in these terms. Alfred Sauvy, for instance, also conceived immigration policy as part of a broader populationist policy. Conforming to a long national tradition of concern over the continuing decrease of the French population,³⁸ Sauvy hoped to reverse this trend by increasing the birth rate, lowering the mortality rate, and encouraging immigration. He believed that immigrants' origins were important, but he was not obsessed by this issue. He thought that individual qualities were more important than ethnic origins in terms of a newcomer's capacity to assimilate. In short, for Sauvy, increasing France's population was of primary importance, so while it was better to have Italian immigrants than Turkish or Arab ones, it was better to have Turkish or Arab immigrants than no immigrants. For Mauco, on the

other hand, ethnic origin determined the level of assimilability to such a degree that, except in rare cases, it was preferable to have no immigrants at all rather than Jews, Arabs, or individuals from Eastern Europe. It was thus in going against Mauco's opinion that Sauvy promulgated an official objective of France welcoming 300,000 foreigners annually.

However, Sauvy and Mauco agreed that a new agency should be created, the *Office National d'Immigration* (O.N.I.), which would determine: (1) A list of places of residence authorized or forbidden for all or parts of the foreign population, and (2) the number of immigrants that should be admitted into metropolitan France based upon nationality and professional qualification. Moreover, on the basis of various statutes, quantitative immigration designed to fill various vocational roles in the economy would be authorized on a temporary basis, but such foreigners would be repatriated almost automatically after one year. Only 'qualitative' immigrants, selected on their ethnicity and professional skills, would have the right to prolong their stay. Even this latter category was to be subjected to stringent state regulations: before they even attained the right to work, they had to undergo sanitary and physical and mental health checks; later, the state would continue to monitor closely their employment, housing, and any changes in their residence.

Tissier, however, reacted against these proposals for excessive regulation. As discussed above, he had indeed favoured eugenics in 1942, but he had wished to practise it without ethnic discrimination: he was an egalitarian and non-racist proponent of eugenics. This non-racist egalitarianism was also apparent in his 1942 work, in the way it conceived of proper behaviour towards foreigners. Tissier favoured treating all foreigners equally and believed in the possibility of assimilating them regardless of their ethnic origins. Here is what he added to his analysis of the Jewish 'problem' referred to above: 'Jews who have only recently acquired French nationality and who are unassimilated, must be subjected to the same measures of restriction as French subjects of recently acquired nationality who are

unassimilated. To obtain French nationality in the future they must fulfil the same conditions as other foreigners' (Tissier 1942: 155).

In 1945, Tissier fought against the overly detailed restrictions on foreigners proposed by his colleagues. He offered the following response to Mauco's idea of requiring foreigners to inform authorities of any change in their place of residence: 'It is a source of constant difficulties that overwhelm and disorganize regulatory efforts. It gives, furthermore, a foreigner the feeling that he is perpetually being pursued'.³⁹ Tissier succeeded in obtaining the withdrawal of this proposal. Similarly, Tissier was able to help create an official policy that provided those individuals who had obtained a temporary resident permit with a means of obtaining a permanent one. Nevertheless, the text approved by the government maintained a policy of recruiting immigrants based on their national origins under the auspices of the O.N.I.

One additional problem remained in the debate on immigration policy: the issue of refugees. Before the end of the war, in December 1944, the Interior Minister instituted a particular protection for refugees as distinct from other types of immigrants. The Director for Foreigners' Affairs at the Interior Ministry suggested to the Interior Minister that he propose that the government should allow refugees to benefit 'from a benevolent statute' attributed to the Foreign Affairs Ministry that would provide refugees a 'right to be admitted to France' that would facilitate 'their complete and real assimilation'. On the other hand, in his proposals regarding this subject, Mauco's racism clearly showed in his extremely restrictive proposals regarding refugees, whom he labelled 'fugitives'.⁴⁰ He convinced the High Committee to adopt a policy of requiring approval of both the Interior and Labour Ministries before asylum seekers and stateless persons could gain entry to France. Moreover, Mauco proposed that '[t]hose refugees, those fugitives, those stateless persons who become undesirable but who cannot be forced to leave French territory should be directed to "supervised work camps".⁴¹

Parodi and Tissier reacted strongly against this proposition. Parodi suggested that it is ‘dangerous to re-introduce in our rules the principle of a work camp that frankly recalls Vichy institutions.’ For Tissier, ‘It appears completely inopportune ... to create ... centres of permanent internment where foreigners would be virtually refugees for life. Independently of all its other downsides, this seems as though it would jeopardize France’s international reputation’⁴² Finally, these restrictive elements proposed by Mauco were removed. The text that the government submitted to the Council of State proposed that refugees should be treated in a manner similar to other foreigners.⁴³

The text was thus submitted to the permanent commission of the Council of State presided by René Cassin. It was this commission, which, after having consulted the ministers or their cabinet — i.e. Parodi and Tissier — rather than the HPC, suppressed all reference to ministerial powers to regulate the ethnic or geographic origins of foreign immigrants. This commission also removed every mention of the status of refugees from the final text. It subsequently decided to grant refugees not only equal treatment, but in fact a special protective status guaranteed by the Geneva Convention of 1951.

The final immigration law that emerged from these various proceedings, the 2 November 1945 Act, which still constitutes the framework of French Immigration Policy, favoured the immigration not only of workers but also of their families. It organized an egalitarian, individualist, and progressive system of issuing permits without ethnic criteria for selection. And even though practice was to differ — the government could, for example, favour the recruitment of Italians over Turks by locating a public National Immigration Office in Milan and not in Istanbul — the French authorities would formally pay no heed to an immigrant’s ethnic origins and thus treat a Turk and an Italian equally. Yet, this formal neutrality permitted authorities to maintain their immigration policy that still resulted in de facto discrimination well into the post-war period, despite the increasing acceptance of

egalitarian and antiracist values, whereas the American national origin system was not abolished until 1965.

Conclusions

Thus in the two countries, France and the United States, a list of races and peoples was institutionalised to different degrees. In the United States, the list served at once as a statistical tool and as an instrument for the selection of immigrants. Furthermore, in the United States, the statistics provided by the list were legitimised by law and fostered the adoption of legislation based upon the national origins of immigrants, and the list was probably utilized in practice as a complementary tool for racial selection when the law did not authorize it. In France, a similar list simply provided certain provisional indications in 1945 about the selection of immigrants and of naturalizations, but it was given no role in either law or practice. These different policy outcomes are explained below:

When the selection of immigrants became an important part of public debate at the end of the nineteenth century, with the rapid industrialization of both countries, unions played a major role in defining the solution to the ‘problem’ of mass immigration (Collomp 1998: 13). In the U.S. as in France, other solutions were implemented before the racist approach was chosen. But in the U.S. the union solution failed in limiting immigration, whereas in France it succeeded, at least temporarily.

In the U.S., unions had played an important role in the fight against the pre-recruitment of low-paid Chinese ‘strike breakers’ (Sandel 1996: 168-200), which led to the adoption of the 1882 Chinese Exclusion Act. A few years later, the Knights of Labor, the main workers’ organization in the 1880s, played a major role in convincing Congress to adopt the Contract Labor Law in 1885. Previously, based on procedures first authorized in 1864 during the Civil War, employers had possessed the right to recruit workers in Europe and to

have their first salaries pay the cost of their transatlantic transportation, which was considered to favour the massive immigration of cheap labour coming from 'new immigration' countries, i. e. from Eastern and Southern Europe. The union, on the other hand, supported a system in which workers should theoretically be able to negotiate their salaries freely with their employers upon arrival in the United States, a system which was implemented as a result of the Contract Labor Law and which unions hoped would discourage the influx of cheap foreign labour. This restrictive strategy corresponded to the values and philosophy not only of the American polity but also of American workers' unions who considered wage-labour a new form of slavery. Wage-labour was to be a temporary status, and the model of an American worker was to be a craftsman and an entrepreneur, a free man, as opposed to a slave. Yet, the U.S. unions' strategy failed to 'protect' domestic labour as employers rapidly found ways of circumventing the law. The decrease of transportation costs and the invention of the system of tickets which could be bought in the U.S. and sent to relatives across the Atlantic meant that the new legislation did not prevent the massive arrival of labourers ready to accept low pay.

In France, while authorities simply deported many 'undesirable' African and Asian colonial workers back to their colonies, the unions attempted to impose equality of salaries for foreign workers in order to restrict European immigration. Influenced by Marxism, the unions could support their proposals by claiming that they valued the dignity of the working class and its power of collective action and negotiation. The claim of equality of wages was backed by the countries of origin where French companies wanted to open recruitment offices; it was therefore under this principle of equality of salaries that conventions were reached with Italy and Belgium in 1904 and 1906 respectively and, in the 1920s, with Poland and Czechoslovakia (Weil 1995: 28-29).

Not only did the employer have to pay equal salaries to foreign workers, he also had to pay for the cost of transportation and often for housing. Theoretically, this arrangement would

render domestic labour more attractive than its foreign counterpart; and this egalitarian approach sufficed to regulate immigration until the beginning of the 1930s.

In the U.S., it was soon apparent that the Contract Labor Law had not succeeded in drastically reducing immigration from Eastern and Southern Europe. Hence, in 1906, at the personal request of Theodore Roosevelt, several investigations were commissioned from selected envoys of the Immigration Bureau. Among these envoys was the former Commissioner-General Powderly, who, in October 1906, reported the full details of his findings. President Roosevelt invited him to the White House. After the meeting, he sent a written memo to the President with his primary proposal: the selection of immigrants abroad. To this end, representatives of the U.S. immigration service should be stationed in countries of emigration, with the consent of foreign governments. 'Through a governmental agency the exact industrial condition of every town in the U.S. should be ascertained every week or at most every two weeks It should be easy to gather this information and impart it to newly landed immigrants as well as to our own people'⁴⁴. However, this new system of immigration selection never received congressional approval, which instead moved towards a race-based approach under the influence of the unions. In the U.S., the failure of non-racist, individual liberty-oriented policies of control left the unions, in their view, without any other strategy of 'protecting' domestic labour other than explicitly racist policies.

In the U.S., the institutionalisation of the racialist approach was facilitated by the fact that at the decisive time of the national debate on the subject, the 'racists' were not the only individuals who supported classifying immigrants by races and peoples. Rather, certain important anti-racist figures, persons whom one would today call multiculturalists, acted unintentionally legitimised the list. The example of two of the list's authors, Dr. Moses Victor Safford, a proponent of a racist immigration policy, and McSweeney, who opposed such an

approach,⁰ illustrates this point. Dr. Safford was the secretary of the committee in charge of creating the list, and he was the one who designed the categorization of races and peoples.⁴⁵ Safford was trained as a physician and was in charge of a hospital when he was recruited at the end of the 1890s to serve as a Surgeon General at the Marine Hospital in Ellis Island. His responsibilities included the examination of new immigrants; he also acted as an interpreter since he was able to speak four languages and had a working knowledge of several others.⁴⁶ He believed in his talents to deal with different human ‘races’ (Safford 1925: 6f.). He was also a member of the Immigration Restriction League, which at the beginning of April 1921 actively campaigned to have him designated as the Immigration Commissioner for Boston.⁴⁷ McSweeney, who supported Safford regarding the creation of the list in 1898, became a fierce critic when Safford supported the racialist immigration laws of the 1920s. McSweeney appeared then as he did in 1903: a defender of the existence of racial — one would say today, cultural — identities, and therefore a partisan of a race-basis classification, but for purposes of description, not of exclusion (McSweeney 1905: 1-27). In fact, McSweeney was an active advocate of Irish independence; he would later organise the sojourn and campaign of DeValera when he sought support for the Irish Free State in the U.S.. In 1898, with the list of races and peoples, he wanted the Irish to be counted separately from the English. But later, McSweeney became one of the leaders of the battle against the national origin quotas law of 1924. As Vice President of the American Irish Historical Association, he campaigned against a law with the purpose of reducing immigration from predominantly Catholic or Jewish countries (McSweeney 1926: 223); as President of the historical commission of the Knights of Columbus, he acted in various ways to promote ‘multiculturalism,’ publishing for example W.E.B. DuBois's *Gift of Black Folk, The Negroes in the Making of America* (1924). He also wrote the preface to the book and an introduction on ‘The racial contributions to the United States’. In the preface, he emphasised the diverse contributions of different ‘races’ to America

against ‘thinkers who assume that the United States of America is practically a continuation of English nationality’. He emphasised ‘Negroes’ distinctive assets ‘without which America could not have been’. In some ways, he tried to organise a coalition of Blacks, Catholics and Jews, i.e. of all minorities, which later became a key element of support for the Democratic Party. In the U.S., the racism of the restrictionists was camouflaged. Their racism could be made to tie in with one important principle of the American republic, namely the recognition of cultural pluralism, which helped them win allies who unwittingly aided the push for a racialist immigration policy.

In France, twenty-five years later, in the context of the aftermath of the Second World War and a clear need for immigration, adopting a racialist approach was only supported by those who actually wished to achieve racist ends, while individual anti-racists (like Cassin or Parodi) and even eugenicists (like Tissier) opposed it, arguing that any legislation which explicitly mentioned national origins as criteria for the selection of immigrants would too closely resemble Nazi ideology.

Finally, and perhaps most importantly, in both countries, key civil servants played a major role in the choice of policy:

In the U.S., the civil service was linked with the unions, connected with racism academia and was ‘specialized’. Representative of this were the civil servants who were involved in the establishment of the list of races and peoples. Among the three who played major roles — Terence V. Powderly, Edward F. McSweeney and Moses Victor Safford — two were former union leaders. Before being named by the new Republican President William McKinley as Commissioner-General of Immigration on 1 July 1897, Terence Powderly had been General Master Workman of the Knights of Labor from 1879 until 1893.⁴⁸ Edward McSweeney, Assistant Commissioner of Immigration at Ellis Island since his

nomination by Democratic President Grover Cleveland in 1893, had previously been the leader of a local section of the AFL, and continued to maintain a strong link to Samuel Gompers, the famous AFL president.⁴⁹ In preparing his list, McSweeney read Prescott Hall's books and made Powderly read them too. In his letter of 3 June 1898 to McSweeney, Powderly also acknowledged receiving 'a copy of the Harvard Law Review containing Mr. Hall's paper' and confirmed his recent trip to New York, the only purpose of which was a visit to Colonel Lee, one of the leaders of the Immigration Restriction League, with whom he spent a long afternoon in discussion.⁵⁰

To implement its new policy, the Immigration Bureau had to work with a specialized committee created in 1889 in the U.S. Senate (Committee on Immigration), and in the House of Representatives (Committee on Immigration and Naturalization) (Wurtz 1925: 11-12). These committees proved to be easily influenced by the self-proclaimed immigration 'specialists' trained by the Immigration Restriction League, who designed new race-based immigration legislation (Tichenor 2002).

In France, where policymakers later seriously considered developing a racist immigration policy, such a policy was opposed by key civil servants who were not immigration specialists but generalist legal scholars, and were not closely tied to the unions. Parodi, Tissier, and finally Cassin, who were all members of the French Council of State, opposed the race-based project, even though it was backed by de Gaulle. It was partly chance that reference to national origins was not included in the French immigration law partly due to chance. While Mauco and his supporters deeply objected to the egalitarian amendments added by the Council of State, they worried that trying to challenge these provisions would ensure that no immigration legislation was adopted before the first postwar Parliament convened, and they were worried that the left-wing majority of the new Parliament would develop an immigration policy that they would find even more distasteful.

In short, an examination of the history of American and French immigration policy clearly indicates that the specific historical context, the strategies of major actors such as unions, and the perspectives of key civil servants — rather than theoretical differences in political culture — were responsible for the United States' implementation of a racialist immigration policy for much of the twentieth century and France's use of a more egalitarian approach. Later on, after the racist approach became de-legitimised by the Nazi policies of the Second World War, and in the context of de-colonization, the United States Congress abandoned its racialist policies by repealing the national origins system in 1965. Had the wishes of France's leader Charles de Gaulle been followed in 1945, France would probably have been forced to follow the same path. This did not happen, for the reasons shown.

References:

Breitman, Richard, and Alan M. Kraut, 1987, *American Refugee Policy and European Jewry*,
Bloomington.

Collomp, Catherine, 1998, *Entre classe et nation, mouvement ouvrier et immigration aux
Etats-Unis*. Paris.

De Gaulle, Charles, 1983, *Lettres, notes et carnets*. Paris.

Divine, Robert A., 1957, *American Immigration Policy, 1924-1952*, New Haven.

DuBois, W.E.B., 1924 *Gift of Black Folk, The Negroes in the Making of America*, New-
Haven.

Fitzgerald, Keith, 1996, *The Face of the Nation. Immigration, the State and the National
Identity*. Stanford.

Fuchs, Lawrence H., 1990, *The American Kaleidoscope, Race, Ethnicity, and the Civic
Culture*. Hanover.

Hall, Prescott F., 1899, 'Statistics of Immigration', *Quarterly Publications of the American*

- Statistical Association*, New Series, 48, vol. VI, December 1899.
- Hall, Prescott F., 1906, *Immigration and its Effects upon the United States*. New York.
- Higham, John, 1975, *Send These to Me: Immigrants in Urban America*. Baltimore.
- Le Bras, Hervé, 1994, *Le sol et le sang*. La Tour d'Aigues.
- Mauco, Georges, 1932, *Les Etrangers en France, leur rôle dans l'activité économique*. Paris.
- Mauco, Georges, 1942, *L'Ethnie française*, no 3. Paris.
- Martial, René, 1934, *La Race Française*. Paris.
- Martial, René, 1935, 'Politique de l'immigration', *Mercure de France*, 15 April.
- McSweeney, Edward F., 1905, 'The Character of Our Immigration, Past and Present,' *The National Geographic Magazine*, Vol. XVI, n° 1, January: 1-27.
- MacSweeney, Edward F., 1926, 'The Immigration Act of 1924- Fallaciousness of the "National Origins" Theory', *Journal of the American Irish Historical Society*, 25.
- Neuman, Gerald L., 1996, *Strangers to the Constitution, Immigrants, Borders and Fundamental Law*. Princeton.
- Ngai, Mae M., 1999, 'The Architecture of Race in American Immigration Law: A Re-examination of the Reed-Johnson Act of 1924', *Journal of American History*. July.
- Safford, Victor, 1925, *Immigration Problems*. New York.
- Sandel, Michael J., 1996, *Democracy's Discontent, America in Search of a Public Philosophy*. New York.
- Sauvy, Alfred and Robert Debré, 1946, *Des Français pour la France*. Paris.
- Schneider, William H., 1990, *Quality and Quantity, the Quest for Biological Regeneration in Twentieth Century France*. Cambridge.
- Taguieff, Pierre-André, 1999, 'La "science" du Docteur Martial', in *L'antisémitisme de plume 1940-1944, études et documents*. Paris.
- Teitelbaum, Michael S., and Jay M. Winter, 1985 *The Fear of Population Decline*. Orlando.

Tichenor, Daniel J., 2002, *Dividing Lines: The Politics of Immigration Control in America*.

Princeton.

Tissier, Pierre, 1942, *The Government of Vichy*. London.

Weil, Patrick, 1995, *La France et ses étrangers, l'aventure d'une politique de l'immigration de 1938 à nos jours*. Paris

Weil, Patrick, 1999, 'Georges Mauco: un itinéraire camouflé, ethnoracisme pratique et antisémitisme fielleux', in *L'antisémitisme de plume 1940-1944, études et documents*, ed. by Pierre André Taguieff, Paris: 267-276.

Weil, Patrick, 2001, 'Races at the Gate: A Century of Racial Distinctions in American Immigration Policy (1865-1965)' *Georgetown Immigration Law Journal*. Vo. 15, summer 2001, n°4, 625-648.

Wurtz, Pierre, 1925, *La question de l'immigration aux Etats-Unis*. Paris.

The research which resulted in this paper would not have been possible without the Woodrow Wilson International Center for Scholars. Being a fellow at the Center for five months in 1995-96 gave me the opportunity to work in Washington DC, in particular at the National Archives, the Library of Congress and in the Immigration and Naturalization Service (INS) Archives. I am particularly indebted to the expertise and professional dedication of Marian Smith, historian at the INS. Constance Potter, the archivist at National Archives, guided my earliest steps in the research. Without the help of Professor David Martin, General Counsel of INS, I would not have had access to any INS file: he deserves a special thanks. Last but not least, Josh Gibson, my assistant at the Wilson Center, has become my most talented accomplice on the research front.

¹ On the history of this period, see Higham 1975; Fuchs 1990.

² For a detailed reconstitution of the elaboration of the list see Weil, 2001.

³ Act of Aug. 3, 1882. U.S. Department of Justice, Immigration and Naturalization Service, *An Immigrant Nation: United States Regulation of Immigration, 1798-1991*, U.S. Government Printing Office, 1991, p.5.

⁴ Acts of Feb. 26, 1885, 23 Stat.332; March 3, 1891, 26 Stat. 1004; March 3, 1903, 32 Stat. 1213.

⁵ Reports of the Industrial Commission on Immigration and on Education, vol. XV, Washington, Government Printing, 1901, p. ix. See also vol. XIX, p. 960.

⁶ Letter from the Commissioner of Immigration, Ellis Island, to Former President Theodore Roosevelt, July 15, 1911, National Archives (henceforth: NA) Rg 85, Records of INS, Box 103, file 52363/25 A.

⁷ See *Reports of the Immigration Commission*, presented by Mr. Dillingham, vol. 2, Appendix A, pp. 685, 700, 713, 721, 726.

⁸ See *Annual Report of Commissioner-General of Immigration*, 1907, Chart III, page 8.

⁹ Letter from the Senator of Maine to the Secretary of Labor, May 25, 1917 , NA, Rg 85, Records of INS, entry 9, file 54261/202 box 272

¹⁰ The same quota system remained in place temporarily except that the 1890 census now formed the basis of calculation rather than the 1910 census.

¹¹ The LPC clause was first included in the US legislation of 1882; from 1917 to 1952 the legal authority for LPC exclusion is founded on the Immigration Act of 1917.

¹² Letter of W.W. Husband, secretary of the Immigration Commission to Willliam R. Wheeler, Assistant Secretary of Commerce and Labor, December 15, 1908, NA Rg 85, Records of INS, Entry 9, file 52363/25

¹³ *Reports of the Immigration Commission*, presented by Mr. Dillingham, vol.1, p. 19-20.

¹⁴ Memorandum for the Secretary of Labor, March 3, 1924, NA, Rg 85, Records of INS, Box 99, file 52332/7.

¹⁵ Circular Letter n° 28 of September 11, 1936.

¹⁶ Memorandum written the May 29, 1936, the Chief of the Statistical Division of INS, NA, Rg 85, Accession 85-58A734, file 55882/926.

¹⁷ NA, Rg 85, Accession 85-58A734, file 55882/926.

¹⁸ By a Central Office Instruction n°48, March 12, 1942.

¹⁹ US Department of Justice, Immigration and Naturalization Service, Letter From Mr. Reitzel to Major Schofield, February 14, 1942, NA, Rg 85, Accession 85-58A734, file 55882/926.

²⁰ Instruction n°177 of November 8, 1943.

²¹ NA, Rg 85, Records of INS, Accession 85-58A734, file 55882/926.

²² Memorandum of Henry B. Hazard, Director of Research and Education, for Mr. Earl G. Harrison, Commissioner of INS, November 5, 1942, NA, Rg 85, Records of INS, Accession 85-58A734, file 55882/926.

²³ Act of July 30, 1947, 61 Stat. 630.

²⁴ NA, Rg 85, Records of INS, Entry 9, Box 103, file 52363/25.

²⁵ Riggs to John Farr Simmons, March 3, 1937, NA, State Department Files, Rg 59, 150.062/ Public Charge 915 1/2.

²⁶ For more information on René Martial (1873-1955); see Schneider 1990: 231-55, and Taguiff 1999: 306.

²⁷ For more on Georges Mauco, see Weil 1999.

²⁸ Archives Nationales 2W/ 66.

²⁹ Translation of the author.

³⁰ Translation of the author.

³¹ Translation of the author

³² Archives Nationales, cote CAC 770 623-68, *projet d'instruction* of June 6, 1945, completed by an *instruction complémentaire* for the Ministry of Justice and its naturalization service on July 18, 1945.

³³ A law professor René Cassin was the French Representative to the League of Nations from 1924 to 1938. He rallied to the cause of Free France in June 1940 and became its chief legal council, afterwards the president of the judicial committee (August 1943 to July 1945). He was Vice-President of the Council of State from November 1944 to 1960.

³⁴ Alexandre Parodi was appointed to the Council of State in 1926. In January 1939, he was named director general of Work and Manual Labour at this same ministry. In this role, he was responsible for statutes related to foreign workers. He refused to deport political refugees from Spain and Germany back to their countries of origin, he was thus stripped of his responsibilities in October 1940 and became one of the leaders of the Resistance. From September 1944 to September 1945, he was minister of Work and Social Security in the government of General de Gaulle. See *Alexandre Parodi (1901-1979)*. Gap, 1980.

³⁵ He thus published, in 1927, 'La population étrangère en France et les naturalisations', *Journal de la Société de statistique de Paris*, n° 2, February 1927: 60-72 and n° 3, March 1927: 89-97.

³⁶ Translation by the author

³⁷ Director of the International Work Office before the war, Adrien Tixier joined the Free France movement in 1940 and represented it in Washington between 1941 and 1943. Minister of Work and the Future of Society in the provisional government of the French Republic from 7 June 1943 – 9 September 1944, he became the Minister of the Interior between 9 September 1944 and 26 January 1946.

³⁸ On this point, see the excellent work by Teitelbaum and Winter 1985, esp. chapter 2.

³⁹ *Archives nationales*, CAC 770 623-68.

⁴⁰ Archives Nationales, F60/493.

⁴¹ Lettre à G. Mauco, 28 juin 1945, Archives Nationales CAC 860269/0001

⁴² Archives Nationales CAC 860269/0007

⁴³ art 28 of the final draft of the *projet d'ordonnance*, Archives du Conseil d'Etat.

⁴⁴ Copy of a letter sent to President Roosevelt, 8 December 1906, Library of Congress, *Knights of Labor Papers*, reel 71, published in *The Path I Trod*: 302-6.

⁴⁵ Testimony of Safford, Reports of the Industrial Commission on Immigration and on Education, vol XV, Washington, Government Printing, 1901, p.131.

⁴⁶ Cf NA, Rg 85, Entry 7, Box 21, letters received, letter of Victor Safford to the Secretary of Treasury, December 31, 1897 and Victor 1925.

⁴⁷ Boston Historical Society, Lee papers, box 3.

⁴⁸ Born in 1849 at Carbondale Pa, Terence Powderly started working at 14 as a car examiner, came to Scranton at 17 as an apprentice, and worked in a locomotive shop at 20. He joined the Machinist and Blacksmith Union in 1871 and became president of this union in 1872. Mayor of Scranton from 1878 until 1884, he joined the Knights of Labor in 1876. Powderly, *The Path I Trod*. New York, 1940, Introduction.

⁴⁹ Edward McSweeney, born in Marlboro, Mass, started working in his native town in a shoe factory at age 11 in 1864. At 19 he created the Lasters' Union and became its president in 1886. In 1890 he worked as the publicity manager for the second presidential campaign of the Democratic candidate Grover Cleveland. Knights of Columbus Supreme Council Archives, New Haven CT, SC-12-056.

⁵⁰ Letter of McSweeney to Powderly, 2 June 1898, and response, 3 June 1898, *Knights of Labor Papers*, Library of Congress, reel 71.