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## **POLICY BRIEF**

### **Closed Borders and Mass Deportations: The Lessons of the Barred Zone Act**

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*The Barred Zone Act of February 4, 1917, offers a cautionary lesson against immigration policies based on the exclusion of immigrants from particular countries or regions of the world.*

In 2005 Congress is expected to reexamine the U.S. immigration system in light of the roughly 10 million undocumented immigrants currently living in the country. Some advocates of restrictionist immigration policies offer mass deportations or a “moratorium” on immigration as solutions to the obviously dysfunctional system under which undocumented migration of this scale is taking place. Yet U.S. immigration history offers examples of similarly ill-conceived proposals. As policymakers and the public debate the nature and extent of immigration reform, they would do well to reflect upon the cautionary lessons of the Barred Zone Act of February 4, 1917.

#### **Asian Immigration**

The United States, a country that prides itself on being a land of immigrants, historically has a mixed record towards immigrants of color, particularly Asian immigrants. In the decades before the Civil War, the nation was expanding westward and needed laborers for railroad building, mining, construction, logging, and fishing. These laborers were often Chinese (who comprised 20 percent of California’s labor force by 1870 even though they constituted only .002 percent of the entire U.S. population<sup>1</sup>) or Asian Indians, followed by waves of Japanese, Koreans, and Filipinos. These migrations were propelled by the California Gold Rush of 1848, as well as U.S. expansion into the Hawaiian Islands. Speaking languages other than those of Europe, with very different cultures and traditions, Asians a century ago confronted the same fear and anger that Mexican immigrants often face today.

During the economic depressions of the 1870s and 1880s, anti-Chinese riots raged throughout cities on the West Coast. Under pressure from nativists, Congress passed the Chinese Exclusion Act of 1882, which prohibited most immigration and naturalization of Chinese. This caused Chinese immigration to the United States to decline from 123,201 in 1871-1880 to only 14,799 in 1891-1900.<sup>2</sup> However, the demand for unskilled labor remained, so young Japanese workers were recruited by U.S. agribusiness to replace the Chinese. The growing numbers of Japanese in turn precipitated new violent backlashes, leading the U.S. and Japanese governments in 1907 to agree on limits to Japanese immigration in a “Gentleman’s Agreement.” The ranks of Japanese workers subsequently were augmented by unskilled Korean laborers who came to the U.S. mainland through Hawaii after Japan’s occupation of Korea in the early 1900s and who served as strike-breakers, farmers, and railroad workers.

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During the same period, Asian Indians, particularly Sikhs from the Punjabi region who were originally brought by the British to work the Canadian-Pacific railroads, began to move south into the U.S. Pacific Northwest and California as farm workers.<sup>3</sup> In response, nativist rioters burnt out the Asian Indian settlements in Bellingham and Everett, Washington in 1907. In the following decade, protectionist and racist groups, epitomized by the Asian Exclusion League, campaigned against the “Hindu invasion” or “Turban tide” that was perceived as an economic threat to native farmers. Laws were passed in California to strip land ownership from Asian Indians and Japanese in 1913 and 1920. In response, many Asian Indians married Mexican-American women, which for a time exempted them from the law. Asian Indian students who were supporters of independence from the British Empire were expelled from the country by order of President Theodore Roosevelt.

Finally, sustained political attacks against Asian Indians such as those orchestrated by Democratic Representative John Raker and immigration commissioner Anthony Caminetti culminated in the imposition of the 1917 Barred Zone Act. Asian Indians joined other Asian country nationals (except Japanese and Filipinos) who were excluded from immigrating to the United States.<sup>4</sup> The final injustice to Asian Indians was exacted by the U.S. Supreme Court in the case of Bhagat Singh Thind (1923), which considered to which race Asian Indians belonged.<sup>5</sup> The Court decided that although Asian Indians were Caucasian, they were not “white” and therefore could not be U.S. citizens. Harassment of the Asian Indian population continued, forcing many to return to India. By 1940 half of the Asian Indian population had left the country, leaving only 2,405.<sup>6</sup>

With the expulsion and barring of Asians from the United States, unskilled labor for agriculture and the railways was increasingly found in Mexico. In the 1930s, Mexican labor was cut off until the Bracero Program of 1942 revived the importation of Mexican farm workers. Originally enacted as a wartime measure, the program endured until 1964.

### **Repeal of Discriminatory Laws**

World War II and its aftermath caused the United States to completely rethink its immigration policies. Far from being seen as a “pause” in immigration which allowed new immigrants to assimilate, those previous years of xenophobic and racist immigration policies were deemed inappropriate and often illegitimate actions for a nation that considered itself the leading democracy in the post-colonial, Cold War world. Step by step, the offensive laws were dismantled or revised. The first revision was the repeal of the Chinese Exclusion Act in 1943 by the Magnuson Act. Then, on July 2, 1946, Congress enacted the Luce-Cellar Act to extend naturalization and limited immigration rights to Asian Indians (since India was newly independent) and to Filipinos (who two days later were granted their independence by the United States).<sup>7</sup> Total revocation of the Barred Zone Act occurred through the 1952 Immigration and Nationality Act (McCarran-Walter Act). However, this legislation retained the discriminatory national origin quota system and permitted only a very small annual quota of 2,000 for Asian Pacific immigrants.

Only in the Immigration and Nationality Services (INS) Act of 1965 were the anti-Asian immigration quotas lifted, with dramatic consequences. The number of Asians and Pacific Islanders increased more than eightfold between 1970 and 2002, from 1.5 million to 12.5 million. Roughly 43 percent of the foreign-born Asian population entered the United States in 1990-2000. In 1970, Asian and Pacific Islander Americans represented less than one percent of the U.S. population. By 2002 their share of the population had increased to 4.4 percent.<sup>8</sup> In 2003, Asian immigrants represented 34.7 percent of all immigrants entering the United States.<sup>9</sup> The composition of Asian Americans also has changed significantly. In 1970, 96 percent of Asian Americans were Chinese, Filipino, and Japanese. By 2000 they had fallen to just under 50 percent of the total.

Revision of the discriminatory anti-Asian immigration laws has affected Asian Indians in particular. During 1930-1940, only 496 Asian Indian immigrants were admitted to the United States. During 1951-1960 this number had risen to only 1,973. However, in the decade of the 1990s, 363,060 Asian Indian immigrants were admitted, which now has made them the third largest Asian immigrant group in the country.<sup>10</sup>

### **From Scapegoat to “Model Minority”**

Asian Indians also provide an example of how an immigrant group can be perceived very differently over the course of time. Since the 1980s, the new Asian Indian immigrants – and most other Asian immigrants – usually have come to the United States as professional and managerial workers together with their families, unlike the earlier arrivals who were single, unskilled laborers and farmers.<sup>11</sup> In 2000, Asian Indian men had the highest year-round, full-time median earnings (\$51,900) of all Asian men and male U.S. workers in general. In addition, 64 percent of adult Asian Indians 25 and older had at least a bachelor’s degree; the highest percentage of any Asian group.<sup>12</sup> As a result of these relatively high levels of educational and economic attainment, Asian Indians are now often viewed as a “model minority.”

### **Conclusion**

The United States has experienced a large wave of immigration during the past quarter of a century. Absorbing these numbers economically and socially is a challenge which has revived nativist sentiments. Concern about terrorism since 9/11 has heightened the on-going immigration debate. The present immigration system, based on the INS Act of 1965 with its subsequent modifications, was the product of a political and economic reality far removed from our post-communist, global, 21<sup>st</sup> century world. How to construct a new, equitable, and workable immigration system which creates adequate legal channels for both permanent and temporary immigration, and gives legal status to the millions of undocumented workers in our economy, is an urgent question.

Our own immigration history, full of missteps as well as successes, provides a guide. “Barring” certain peoples from entering the country did not lessen the economy’s demand for labor. It only led to the victimization of certain nationalities and the successive exploitation of new ones. Certain immigrant groups once disparaged as “cheap labor” were relabeled a few decades later, perhaps misleadingly, as “model” minorities and welcomed into the labor force in valued high technology and scientific fields. Surely this also is the likely pattern for the “new” waves of immigrants, whether Latin, African, or Asian. Federal and state policies that enhance U.S. educational opportunities for new immigrants, as well as labor laws guaranteeing fair wages and working conditions for all workers, must be enacted along with updating our immigration laws. Only with these types of comprehensive, across-the-board reforms will the United States be able to construct a new and just immigration system which does not repeat past mistakes such as the Barred Zone Act.

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### **Endnotes**

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<sup>1</sup> “Linking the Past to Present: Asian Americans Then and Now,” The Asia Society, 1996 (<http://www.askasia.org/frclasrm/readings/r000192.htm>).

<sup>2</sup> Office of Immigration Statistics, Department of Homeland Security, *2003 Yearbook of Immigration Statistics*, September 2004, Table 2, p. 12-13.

<sup>3</sup> It is estimated that 7,348 Asian Indians migrated to the U.S. and Canada between 1899 and 1920. T.S. Sibia, “Sikh Farmers in California,” University of California, Davis, July 30, 2003 (<http://people.lib.ucdavis.edu/tss/punjab/SikhFarmers.html>).

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<sup>4</sup> All immigrants except merchants, students, and diplomats from regions lying to the east of an imaginary line drawn from the Ural Mountains to the Red Sea, dividing the continent of Asia, were barred. The area covered all of India, Afghanistan, the Middle East including the Arabian Peninsula, East Asia, and most of the Pacific. Also excluded in the act were illiterate aliens and mentally unstable and other undesirables.

<sup>5</sup> U.S. v. Thind, 261 US 204, 214-215 (1923). See a detailed discussion of the case by Marian L. Smith, "Race, Nationality, and Reality: INS Administration of Racial Provisions in US Immigration and Nationality Law Since 1898," *Immigration Daily*, June 16, 2003 (<http://www.ilw.com>).

<sup>6</sup> Ramesh N. Rao, "It is India Not South Asia," *The Subcontinental* 1(1), Spring 2003 (Subcontinental Institute, Washington, DC).

<sup>7</sup> Quotas for Asian Indians and Filipinos were set at 100 each. The Chinese quota was 105. Non-quota status was extended to spouses and children of citizens. Bill Ong Hing, "Waiting for Naturalization," AsianWeek.com, March 16-22, 2001.

<sup>8</sup> Terrance Reeves & Claudette Bennett, *The Asian and Pacific Islander Population in the United States: March 2002*, Current Population Reports, P20-540. Washington, DC: U.S. Census Bureau, May 2003.

<sup>9</sup> *2003 Yearbook of Immigration Statistics*, Table B, p. 8.

<sup>10</sup> *2003 Yearbook of Immigration Statistics*, Table 2, p. 14.

<sup>11</sup> Reed Ueda, *Postwar Immigrant America: A Social History*. Boston, MA: St. Martin's Press, 1994, p. 65.

<sup>12</sup> Terrance J. Reeves & Claudette E. Bennett, *We the People: Asians in the United States*, Census 2000 Special Reports, CENSR-17. Washington, DC: U.S. Census Bureau, December 2004.