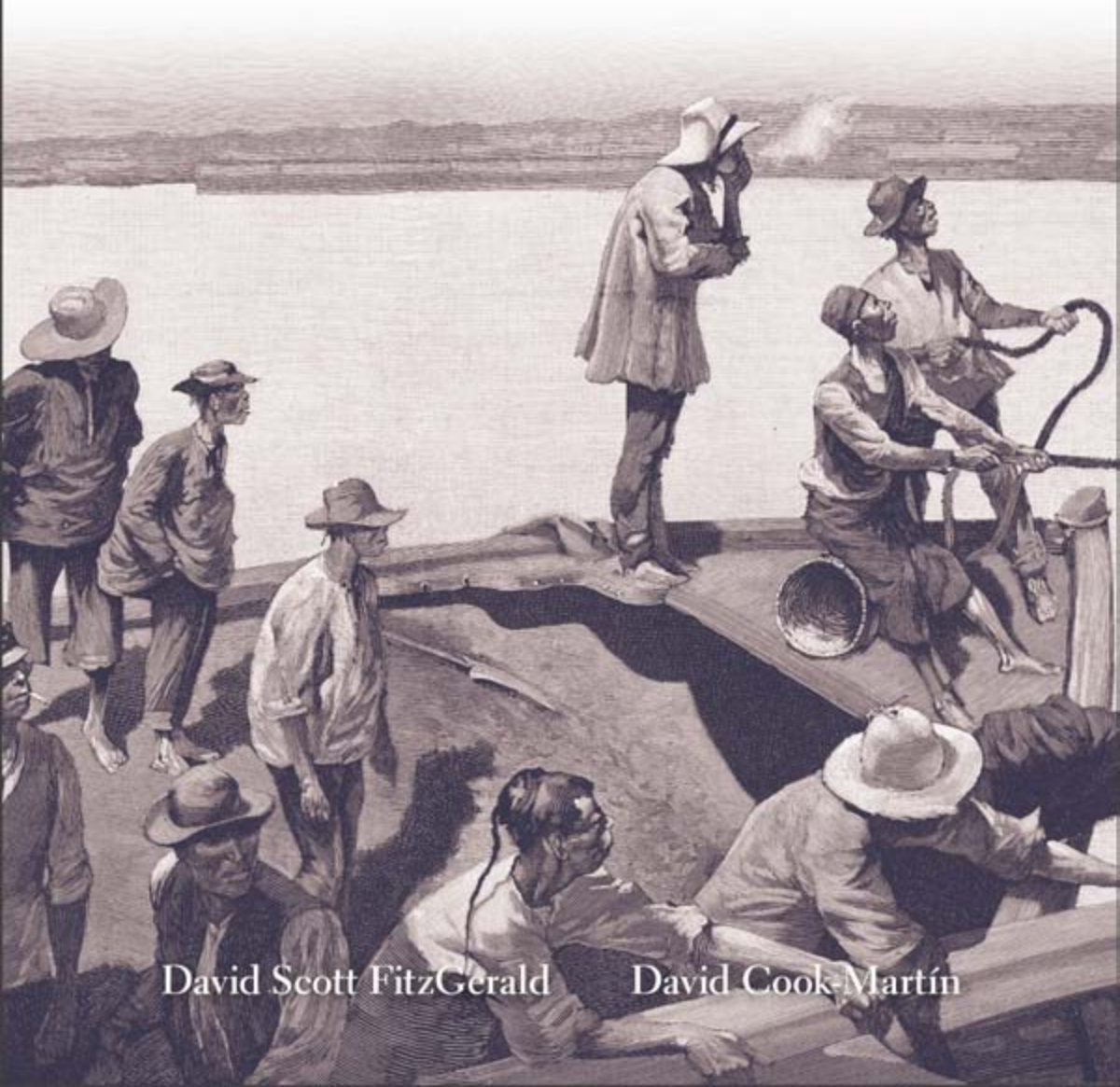
CULLING THE MASSES

THE DEMOCRATIC ORIGINS OF RACIST IMMIGRATION POLICY IN THE AMERICAS



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The Democratic Origins of Racist Immigration Policy in the Americas

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For Gabriela and Marian

—*DSF*

For Gabe, Nick, and Claudia

—*DCM*

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Culling the Masses

Introduction

> Nineteenth century democracy needs no more complete vindication for its existence than the fact that it has kept for the white race the best portions of the new world's surface, temperate America and Australia. Had these regions been under aristocratic governments, Chinese immigration would have been encouraged precisely as the slave trade is encouraged of necessity by any slave-holding oligarchy, and the results would have been even more fatal to the white race, but the democracy, with the clear instinct of race selfishness, saw the race foe, and kept out the dangerous alien. The presence of the negro in our Southern States is a legacy from the time when we were ruled by a trans-oceanic aristocracy. The whole civilization of the future owes a debt of gratitude greater than can be expressed in words to that democratic polity which has kept the temperate zones of the new and the newest worlds a heritage for the white people.
>
> —Assistant Secretary of the U.S. Navy Theodore Roosevelt, 1897

Juan Bautista Alberdi, the leading Argentine intellectual of the nineteenth century, famously observed that "in the Americas, to govern is to populate."[1] Open immigration policies in the nineteenth century allowed nearly anyone to walk off the docks in Buenos Aires, Havana, New York, or Halifax. By the 1930s, intellectuals from Argentina to Cuba had attached a qualifier to his dictum: "to govern is to populate *well*."[2] The governments of every independent country in the Americas created the legal and bureaucratic machinery to cull only "ethnically desirable" human stock from the millions yearning to breathe free.

The United States led the way in creating racist policies beginning with its nationality laws in 1790 and its immigration laws in 1803.[3] In his book *American Ideals* written in 1897, just four years before he became president, Theodore Roosevelt praised the democratic wisdom of the United States and the other Anglophone settler societies for selecting immigrants on racial grounds. Like most contemporary leaders, Roosevelt believed that Chinese deserved exclusion because they were racially inferior and incapable of governing themselves in a democracy.

He warned against the dangers of business interests attempting to attract Chinese immigrants to work as indentured servants. In Roosevelt's view, Chinese were only one step up from the descendants of black slaves, which plantation owners had imported to the detriment of free white workers. Democracies needed racist policies to protect their citizens and democracy itself.[4]

Roosevelt would have been astonished to learn that a century later, a nearly universal consensus took it for granted that democracy and racism cannot coexist. Racial selection of immigrants had become taboo. An academic study of major liberal-democratic countries of immigration in 1995 declared that the "boundaries of legitimate discussion of immigration policy are narrow, precluding argument over the ethnic composition of migrant streams, and subjecting those who criticize liberal policies to charges of racism."[5] The ubiquitous racist immigration and nationality laws that Roosevelt cherished had all but disappeared, beginning with Chile, Uruguay, Paraguay, and Cuba in the late 1930s and early 1940s and finally extending to the United States and Canada in the 1960s and Australia in the 1970s. While immigration policies continue to have a differential impact on particular national-origin groups, and discriminatory practices persist, the history of the region plainly shows that policies have dramatically moved in the direction of non-racial selection.

Why have governments throughout the Americas turned against selecting immigrants by race and national origins? Why did that process take longer to unfold in the most liberal-democratic countries? Against the prevailing wisdom, we argue that the anti-racist turn was not a product of liberal ideology or democracy. Liberalism and the institutions of democracy actually promoted racist immigration policies in nineteenth-century North America, as did populist politics in Latin America in the early 1930s. The demise of racist immigration law began in Latin America in the late 1930s, spread to North America in the 1960s, and had become the norm throughout most major liberal-democratic countries of immigration by the 1980s.[6] By analyzing the interaction between domestic and international politics in countries of immigration throughout the Western Hemisphere, we unexpectedly find that geopolitical factors were the main drivers of the demise of racial selection, as externally oriented elites overcame the public's racist preferences.

Racist Democracy

What is the relationship between liberalism, democracy, and racism? Simply put, democratic input—whether in its liberal or populist variations—historically has been linked to racist immigration policy in the Americas.

The classical liberalism of the mid-nineteenth century exalted the liberties of citizens and economic activity unhindered by the state. In its ideal form, liberalism meant freedom of movement, exchange, and political participation. A representative system of government was the means to foster these principles. Rights were inherent and equally applicable to all autonomous moral individuals within nation-states.[7] Liberalism influenced the development of political institutions throughout North America and Europe. It also shaped the aspirations of many Latin American elites, even when liberal institutions were not as robust as in the United States. The liberal doctrines of political participation expressed in the U.S. *Declaration of Independence* (1776) and Constitution (1787), the French *Declaration of the Rights of Man* (1793), and the Spanish Cádiz Constitution (1812) had a broad impact in Latin America. Constitutions across the region copied many of their institutions and principles of liberty and self-government.[8] To be sure, there have been many versions of liberalism in different historical contexts, and the bundle of principles has sometimes loosened. Moreover, the term has been appropriated by politicians to take on numerous meanings, such as the widespread contemporary usage by U.S. conservatives in which liberal is a slur meaning statist, the opposite of the classical sense of the term. Despite these conceptual difficulties with liberalism, comparisons of political processes across many times and places require a common analytical vocabulary. In this book, we think of liberalism in the classical sense following the set of principles articulated above. We take an etic approach that uses liberalism as a standardized concept, rather than an emic approach of charting the shifting meanings of liberalism as it is used by politicians in different contexts.

Our perspective draws on political scientist Robert Dahl's 1971 classification of regimes by levels of "societal inclusiveness" and political "contestation." Inclusiveness refers to levels of participation by the public in governance, typically through electoral or corporatist mechanisms. Contestation refers to the openness of government to public demands. Liberal democracy, what Dahl calls "polyarchy," is at one end of the spectrum of political regimes, with a comparatively high level of inclusion through universal suffrage and openness to public contestation by means of a representative form of government in which interest groups can contest government decisions. The United States throughout most of its history and Canada after becoming a self-governing dominion have been examples of liberal democracy. Corporatism or populism has a high level of formal inclusion, but few avenues for contestation of central government decisions. Whether the channeling of interests from below is direct, as in the U.S. case, or managed by populists like Lázaro Cárdenas

in Mexico and Getúlio Vargas in Brazil in the 1930s or Juan Perón in Argentina in the 1940s, the result is the selection of immigrants by ethnic origins.

The gap between abstract principles of universal equality and the conjoined histories of liberalism and racism in practice has long puzzled political observers. Analysts have explained this puzzle in three ways: as a temporary anomaly linking two phenomena that are generally incompatible, as a case of inherently linked ideologies, or as an instance of distinct traditions that happen to coincide in particular contexts.

A conventional, whiggish account is that liberalism and its expression as democracy have experienced an evolution toward ethnic universalism in the law. Liberal democracies, on this view, have purified themselves of a "resilient pre-modern heritage" with the extension of equal rights from propertied white men to all white men, then to ethnic minorities, and finally to women. The presence of racism is an anomaly to be worked out of the body politic.[9] Scholars have also argued that incompatibility between liberal democracy and racism extends to immigrant selection. The end of ethnic selection in immigration law in liberal democracies like the United States and Australia is attributable to the "exigencies of liberal stateness as such" and represented "the unfolding of the internal logic of the core values of liberal democracy."[10]

In contrast, scholars with a critical perspective on race have argued that the historical record tells a fundamentally different story, which shows that liberalism and racism are inherently linked. Racism has been the cultural frame that allowed inferences about people's morality and capacity for democratic participation from their appearance or cultural practices. Political philosopher Charles Mills has argued that liberalism is an expression of European/white Enlightenment ideals built on the exclusion of nonwhites.[11] The basic terms of eligibility for the liberal social contract—who constitutes a political person—have been racially determined. In political systems in which sovereignty is derived from below, the only rationale for excluding parts of the population from democratic participation is that they lack personhood and hence are naturally incapable of self-government. The notion that Catholics, southern and eastern Europeans, blacks, and Asians were not fit for democracy was used later to restrict their immigration. John Stuart Mill warned that people characterized by "extreme passiveness, and ready submission to tyranny" were unfit for representative government.[12] Mill wrote to the *New York Times* in 1870 to warn that Chinese immigration could permanently harm the "more civilized and improved portion of mankind."[13] Similarly, in Australia, the main architects of colonial liberalism

excluded Chinese based on the argument that only Anglo-Saxons were fit for self-government.[14] Scientific racism in France, Latin America, and the United States offered an authoritative foundation for this exclusionary rationale. Historian George Fredrickson has argued that the revolutionary emphasis on equal rights of citizens required "special reason for exclusion" and that "the one exclusionary principle that could be readily accepted by civic nationalists was biological unfitness for full citizenship."[15] Building on Louis Hartz's argument that U.S. liberalism could only sustain anti-black racism by defining blacks as naturally inferior, Paul Lauren argues that "racism actually increased as democracy expanded" in the nineteenth century. Under Jacksonian democracy, the forced separation between Indians and whites increased, and the line between blacks and whites hardened.[16] Desmond King locates racial selection of immigrants in liberalism as well.[17] The link between scientific rationales for assessing political personhood reached its height between the two world wars. Writing about this "dark side of democracy" and nationalism, Anthony Marx and Michael Mann have shown that even when elites acquiesce to demands from below by extending citizenship rights to a widening circle of groups, they do so by maintaining exclusions against the most despised outsiders or by killing them.[18]

A third group of scholars argue that liberalism and racism are long coexisting traditions with distinct rationales and that it is therefore difficult to reach a final judgment about the nature of liberal politics and racial equality.[19] Sociologist Benjamin Ringer has argued that the main exemplar of liberalism in the Americas—the United States—was founded on and perpetuated an ideological dualism between the American creed and the racial creed. "America's historic treatment of its racial minorities has been both an expression and product of the dialectal tension and struggle between these two models," he notes.[20] Ringer goes on to discuss how this duality has expressed itself in policy. Relatedly, political scientist Rogers Smith has shown that white racism in the United States—what he calls ascriptive inequality—has been a tradition in its own right with theological and scientific rationales. Smith criticizes accounts of American political ideology that stress its liberal democratic features at the expense of its "inegalitarian ascriptive ones." This implies taking a "multiple traditions" view of U.S. politics. For two-thirds of U.S. history, the majority of the population was explicitly excluded from citizenship based on ascriptive criteria such as race and sex. Elimination of those criteria has not followed the straight line toward greater openness that the conventional story describes. Immigration law was much more racially restrictive in 1924 than it was in 1860.[21] Carol Horton's history

of the relationship between racism and different forms of U.S. liberalism similarly concludes that these strands have coexisted but that there is no definitive connection between them.[22]

Liberalism was less hegemonic in Latin America than in the United States, given the strength of conservativism in many settings, but Latin American countries also had multiple traditions that often included different forms of liberalism and racism. Racial distinctions were disavowed in constitutions but pervasive in everyday life.[23] An overarching lesson is that some forms of liberalism could coexist with racist policies, which came to the fore or receded depending on struggles among interest groups and the extent to which politics was built on a mass base.

How well does each of these three perspectives explain ethnic selection in immigration law? The whiggish and critical race perspectives leave unresolved a double historical puzzle. First, if racism is incompatible with liberalism in practice, as the received wisdom maintains, why did liberal democracies implement racially discriminatory immigration and nationality policies before other countries and then lag behind undemocratic countries in doing away with such policies? The view of racism as an anomaly to be worked out in the fullness of history's progression to a liberal state of universal equality is empirically wrong. As we show in Chapter 3, the leading hemispheric exemplar of liberal democracy pioneered and persisted in the application of ethnic exclusions. Moreover, as Rogers Smith points out, there was no linear progression toward universalism. Second, if liberalism is inherently racist, as critical race theorists maintain, why have the most egregious historical discriminators—the United States and Canada—allowed the transformation of their populations by letting in large numbers of formerly excluded groups? We show that liberalism is not *inherently* linked to racism, as demonstrated by the demise of ethnic selectivity in immigration laws since World War II and the profound transformation of the most racially selective polities.

The distinct traditions explanation shows how ostensibly contradictory ideologies have coexisted but has little to conclude about the patterns of connections among them. Contra Smith, we show that liberal democratic processes were not simply a distinct tradition, but actually encouraged the formation of racist policies for long swathes of history, even as this connection loosened in the latter twentieth century. The coexisting traditions account also leaves unspecified the conditions under which one particular tradition becomes more salient and influential. By looking inward at the United States alone, it ignores a broader set of factors outside U.S.

borders that affect the political process within. Organizations and relationships extending beyond national borders strongly determine when the tradition of racial universalism becomes dominant.

We argue that the long-term relationship between liberalism and racism is best explained as one of "elective affinity," a concept used by sociologist Max Weber to describe a relationship that is nondeterministic and probabilistic and that involves choices by those it links.[24] Liberalism has had a greater affinity with ethnic selectivity than with universalism, but there is no iron law connecting them. Opportunities on the world political stage and the accessibility of organizational means to less powerful countries upset the affinity between these ideologies.

The argument that liberal democracy is fundamentally incompatible with ethnic selection of immigrants suffers from a serious methodological problem that has obscured the relationship between racism and liberalism in actual historical practice. Sociologist Christian Joppke's approach of examining only liberal-democratic countries leads to the claim that the end of racial discrimination in immigration policy began as a domestic issue in the United States and Australia and then spread elsewhere.[25] On this view, the United States appears to be a leader in the removal of ethnic selection in the mid-1960s, along with Canada, paving the way for Australia (1973), Britain (1981), and New Zealand (1986).[26] The long history of racial exclusion that Joppke documents ended as democracies worked out the kinks in their systems. The focus of such studies, however, is primarily on western liberal democracies in the second half of the twentieth century, which yields a skewed picture of which countries modeled the move away from ethnic selectivity.

By taking a longer view and comparing countries with greater variation in their degree of political inclusion and contestation, a far different image emerges. The United States was the leader in developing explicitly racist policies of nationality and immigration. Self-governing colonies in Australia and southern Africa joined the United States and Canada in pushing Chinese restrictions in the late nineteenth century. Liberal democracies such as the United States, Canada, Costa Rica, Australia, New Zealand, and the United Kingdom were then laggards in doing away with their explicit ethnic discrimination, long after undemocratic Latin American countries such as Uruguay (1936), Chile (1936), Paraguay (1937), Cuba (1942), and Argentina (1949).[27] Greater public participation in politics has promoted racist policies. Proclamations extolling the virtues of government for the people rang out to justify slamming the gates on racial outsiders.

A Three-Dimensional Model

If the purification of liberalism does not explain the rise and relative demise of ethnic selection in so many countries over the course of two centuries, what does? Understanding the causes of change across time and place is the core challenge for comparative-historical social science. It is difficult enough to understand how policies are shaped by the politics of today. Numerous theories of the state, law, and policymaking vie to establish which factors best explain policy outcomes. Historically minded scholars remind us that policies today are shaped by the policies of yesteryear as well.[28] To add further complexity, policies here are shaped by policies there. We build on the work of comparativist scholars who are wrestling with how to explain major shifts in law and policy by offering a three-dimensional analytical model attending to the interactions between the national and the international levels over long periods of time.

Many excellent studies of immigration look for explanations of policy within a country's boundaries. Hannah Arendt famously observed: "sovereignty is nowhere more absolute than in matters of emigration, naturalization, nationality, and expulsion."[29] When governments decide whom to let in and whom to keep out, they literally define the community that makes a nation-state. One might expect such policies to be self-contained, as political actors within each country decide which foreigners are worthy to become members of the national club.[30] Immigration laws are shaped by national ideologies of immigration promulgated by governing elites, such as the notion that the United States is "a nation of immigrants" or that France has a "republican tradition" of nationhood that welcomes immigrants willing to shed their ethnic differences.[31]

National idiosyncrasies clearly matter in the development of national policy, but when viewed in a broader hemispheric context, national cases are not as exceptional as they first appear. Every country in the Americas was at least an aspiring "nation of immigrants," and several succeeded. The number of countries in the Americas practicing formal negative ethnic selection rose during the second half of the nineteenth century and reached a peak by the early 1930s before rapidly falling off. Narrowly focused studies of a particular country that ignore events elsewhere cannot explain why selection patterns tended to converge across cases.

In his path-breaking work on ethnic selection of immigrants, Christian Joppke consistently rejects arguments about the causal importance of international norms or mechanisms for spreading them. "The focus on domestic mechanisms (including foreign-policy interests) is not to deny

that, especially today, the prohibition of racial discrimination is first and foremost an international human-rights norm," he argues. "However, initially it was not this way . . . [n]ot an international regime but domestic society pressures led to the demise of settler states' ethnoracial immigration policies."[32]

While it is true that all policymaking in sovereign states, including the conduct of foreign policy, becomes instantiated at the national level, arguing by definition that foreign policy considerations are part of "domestic mechanisms" obscures processes outside of the state's boundaries that affect the development of national policies. Discursively sweeping the international origins of immigration policies under the analytical rug hides the origins of change. Studying a broader set of cases and taking more seriously the interaction of international and domestic sources of policy shows that an international anti-racist norm was being established in parts of Latin America and Asia long before the Anglophone countries came around to the growing consensus.

Even many comparative studies tend to contrast nation-states as if they were discrete, unrelated units. Variation in policies is attributed to variation within each case, without fully considering how the actions of one country affect others.[33] To address these deficiencies, a growing number of scholars have shown how the policies of other countries of immigration and emigration, in addition to domestic struggles, fundamentally shape national immigration policies. Research into the connections among the laws of countries of immigration have emerged in political science, economics, law, and history—particularly in the case of the supranational institutions of the European Union, global refugee and sex trafficking regimes, and nationality law.[34] A three-dimensional analytical model analyzes the vertical dimension of policymaking, composed of political struggles within a country, as it interacts with the horizontal dimension, composed of struggles between and across countries, over an extended temporal dimension.

The Temporal Dimension

Our analysis of the temporal dimension draws on institutionalist perspectives in sociology and political science that explain several specific ways that history shapes political action. Rather than taking as givens the preferences or interests of political actors, as rational choice theorists generally do, institutionalists determine the sources of those preferences and why they change over time.[35] For example, Cuban employers' insertion of a provision in the 1906 immigration law to attract temporary

workers from Sweden and Norway to cut sugarcane is a preference that demands historical explanation, rather than an inherent interest to be assumed.

"New institutionalists" in particular emphasize that current preferences are sharply constrained by the accumulations of past decisions and taken-for-granted norms about realistic or appropriate options. Consequently, a relatively narrow range of responses seems to be available once an institution is established. Institutionalists seek to identify the turning points when major change does occur and then explain how a particular policy remains in place even as the historical context shifts.[36] By taking the long view from the colonial immigration policies of the eighteenth century through the policies of early twenty-first–century sovereign states, the origins of policies emerge in ways that analyses of shorter periods would miss. Long-term processes, such as the slow demise of slavery and decolonization, are as decisive as events like World War II. Taking the long view also makes it possible to gain a better sense of the extent to which the deethnicization of immigration policy is permanent, even though the originating conditions have disappeared. It is not simply that all policies are "path dependent," but rather that certain paths are reinforced over time.[37] Understanding which paths are reinforced has been made needlessly difficult in sociology and political science by a tendency to conflate organizations and norms under the umbrella of "institutions."[38] Our approach is to examine how organizations reinforce or challenge norms about legitimate grounds for selecting immigrants and making new citizens. Analyzing the long-term mechanisms of path reinforcement shows that regional and global organizations of eugenicists reinforced national policies of racial selection in the 1920s and early 1930s. Much more consequentially, a system of sovereign nation-states in which governments aim to avoid the international stigmatization of their emigrants continues to support the decline of ethnic selection in immigration laws.

Adopting the long view allows an assessment of whether and why outcomes are converging or diverging. The diffusion of policies does not happen overnight. For instance, the long view reveals processes of iterative modeling, in which governments build on the examples of other countries to extend and modify policies, which then contributes to similar shifts in other countries. Chapters 3 and 4 in this volume on the United States and Canada show a long process in which proposals to use literacy requirements as a thinly disguised means of ethnic selection began in the United States in the late 1880s, were first put into practice

in southern Africa, and then reverberated around Anglophone settler countries for the next forty years.

The sequence of events driving the ethnicization and deethnicization phases also matters. For example, the causal importance of liberal democracy in promoting ethnically selective immigration policies could not be understood by a simple correlational study of regime type and ethnic selectivity that ignored the sequence of how policies developed across countries.[39] Democratic polities, particularly the United States, but also the self-governing colonies that became Canada and Australia, led the way in modeling laws of racial discrimination. Undemocratic governments in Latin America eventually copied their policies through mechanisms of policy diffusion discussed below in the section on the international dimension of analysis. Similar policies that were developed at different times had slightly different causes, because late adopters learned from the experience of pioneers.[40]

Sequencing of policy is also necessary to explain the durability of norms. The current norm against selecting immigrants by origin is strong in part because the deethnicization of policy eventually changed the political structure. The demise of ethnic selection is self-reinforcing, because the admission and political incorporation of ethnic minorities enables the establishment of domestic ethnic lobbies. While ethnic lobbies in the 1940s to 1960s were minimally important in ending ethnic selection in the United States and all but irrelevant in Canada, in both cases, the presence of lobbies is now an important reason that the norm against negative ethnic selection of immigrants is sustained.

In short, the temporal dimension of the analysis includes, but goes far beyond, historical description. We uncover the sources of ethnic preferences, identify factors that reinforced or deviated the paths of immigration policies, identify long-term processes of convergence in policy across cases that can then be explained by attention to policy diffusion, and examine how the sequence of policies within a particular country, and across cases, explains why they developed and the prospects for future change.

The Vertical Dimension

Our understanding of the vertical dimension of policymaking within a country draws from pluralist and institutionalist theories of the state. The pluralist perspective examines how different interest groups struggle to achieve their preferences. Class-based and ideological interest groups

have been the primary actors in these conflicts. Yet critics of pluralist theory rightly point out that the "interests" pursued by specific groups are themselves historical products that change over time. Government leaders and bureaucracies have their own interests that are not simply derived from societal pressures. Pluralist perspectives also have been criticized for being only narrowly applicable to democracies.[41]

Institutionalism offers a corrective to a reliance on pluralist theories alone by paying attention to how the design of organizations shapes outcomes. Autonomous state interests are particularly relevant in the exercise of foreign policy. Foreign ministries tend to push immigration policies that are attuned to foreign policy objectives, while legislatures are more responsive to domestic demands. Some political systems are more open to interest group politics than other systems. The case studies in this volume show that populist and liberal-democratic systems' openness to demands from labor have encouraged ethnic discrimination.

CLASS INTERESTS

Class-based perspectives on ethnic selection focus on the competition between capital and labor. The actual economic effects of the immigration of particular groups are only marginally relevant to understanding the politics of immigration. Politics are fundamentally driven by *perceptions* of the effects of immigration rather than its objective consequences. Capital typically has supported more ethnically expansive policies, while labor has supported more ethnically restrictive policies. Capitalists seek to expand the supply of labor, and thus cheapen it, by encouraging immigration. They drive down labor costs even further by recruiting ethnic outsiders who are willing to work for lower wages and under worse conditions than natives tolerate. Businesses have also used ethnic outsiders as part of a divide-and-conquer strategy to break strikes and prevent the development of labor solidarity.[42] Labor, on the other hand, typically seeks to restrict immigration to tighten labor markets and drive up wages. Native workers feel particularly threatened by immigrants from racialized groups who are paid lower wages.[43]

Many analysts distinguish between *racism* (based on claims that certain human groups are naturally inferior) and *racialism* (which differs from racism in that no claim is made that the groups are hierarchically ordered). Economist James Foreman-Peck maintains that racism per se was irrelevant for determining immigration law in the United States and South Africa from 1815 to 1914. He argues that interest groups engaged in racialism: they used race as a proxy for skill levels and excluded Chinese, for example, because they tended to have lower levels of

education and drive down wages. In his view, labor market competition is a sufficient basis for understanding racial selection of immigrants.[44] Similarly, in their discussion of immigration policy in the United States, Brazil, Argentina, Australia, and Canada between 1860 and 1930, the prominent economists Ashley Timmer and Jeffrey Williamson argue, "There is no compelling evidence that xenophobia or racism was at work in these economies, once underlying economic variables are given their due."[45]

To be sure, capitalists are often divided over their ethnic preferences in ways that correspond to an economic logic. Canadian and U.S. transportation companies typically promoted ethnically expansive policies in search of more customers and employers in low-wage industries and services.[46] Brazilian plantation owners promoted the importation of Chinese workers in the 1870s, to the dismay of other political elites not beholden to plantation interests. Small merchants and professionals in competition with particular groups of immigrants have often pushed restrictive policies against those groups. Throughout the hemisphere, as Chinese and Japanese laborers moved up the occupational hierarchy into owning their own small businesses, they encountered fierce opposition from natives competing in the same sectors. Native merchants also drove restrictions against Middle Easterners in countries such as Colombia, Haiti, Costa Rica, and Mexico.[47]

Business interests in attracting particular groups have often varied depending on whether the immigration is temporary or permanent. Throughout the Americas, employers were much more likely to want nonwhites as temporary workers, or "human machines," that would do their jobs and then go back to their countries of origin. As the U.S. congressional Dillingham Commission reported in 1911, "In the case of the Mexican, he is less desirable as a citizen than as a laborer."[48] Foreman-Peck rightly distinguishes between the typical preferences of large landholders and other sectors of capital. Large landholders producing labor-intensive crops such as sugarcane generally have sought Asian or black laborers that were despised as social inferiors, but desired for their perceived willingness to work for low wages under harsh conditions. By contrast, states with large tracts of arable land have been especially eager to attract permanent agricultural colonies or small-scale independent farmers, usually with a preference for Europeans, but at times for other groups, particularly Japanese.

Class conflict is often an important, but always insufficient, explanation for patterns of ethnic selection. Perceptions of who makes a good worker are themselves the product of shifting racial ideologies about the

inherent characteristics of particular groups. Employers often claimed that Italians naturally made good diggers, Slavs excelled at factory work, Mexicans were suited for stoop agricultural labor, and blacks belonged in the sugarcane fields. These claims reflect employers' biases, job segregation, and the structural conditions of origin and destination economies rather than innate characteristics of the workers. Elites in countries such as Brazil and Cuba insisted on importing millions of Europeans despite ample supplies of Afro-origin labor already working in those countries, based on the notion that blacks were sources of criminality, strange religious practices, disease, genetic pollution, and sexual threats. Racial categories were not proxies for skill levels; they were ideological rationales for *creating* different levels of skill.[49]

Another deficiency in strictly class-based accounts of ethnic selection is that they have a difficult time explaining the malleability of class-based preferences over time in the same countries. Rankings of different European groups have varied, for example. European religious minorities such as Mennonites were often preferred in the late nineteenth century but fell out of favor in Canada and Mexico by the 1920s when they did not assimilate. Workers' preferences have also varied by political ideology and changed over time. Across the hemisphere, Communist and socialist labor groups have been less likely to support ethnic selection, given their internationalist orientation, than nationally oriented trade unions. In the mid- and late nineteenth century, the anti-Chinese and trade union movements in California were practically indistinguishable from each other, but by the 1950s, organized labor in the United States supported an end to the national-origins quotas. Organized labor in the United States became much friendlier to immigrants across the board in the early 2000s.[50]

Most damningly for strictly class-based accounts, there are numerous examples of economic groups supporting overtly racist policies against Asians, Jews, and blacks, even when natives did not have an economic incentive to support restriction. Business owners follow ideological as well as instrumental economic motivations in selecting employees, and when selecting potential neighbors and fellow citizens, employers have been more likely to follow non-economic logics. For example, in the United States, major business lobbies supported the national-origins quota acts in the 1920s.[51] Ernest Cashmore claims that capitalists in Canada periodically gave in to the restrictive demands of labor as a tactical maneuver to avoid social unrest. A more refined argument could be made based on Nicos Poulantzas's theory of the capitalist state, in which government leaders protect the long-term interests of capitalists against

their short-term preferences.[52] Even when there is no executive committee of the bourgeoisie that meets in a smoke-filled room to accede to labor's demands as a tactical maneuver, policymakers have restricted the immigration of particular ethnic groups when faced with the prospect of chronic ethnic strife and social instability that threaten economic growth in the long run.

It is more difficult to explain on class grounds why native workers have so often agitated against their own economic self-interest. Workers have benefitted economically from the lower prices of goods sold by Middle Eastern, Asian, and Jewish merchants. Paying lower prices for goods is functionally the same as receiving a wage hike. Yet history is littered with the ruins of shops burnt to the ground by workers demanding the exclusion of "middleman minorities."[53] There are also multiple examples of countries that banned or restricted ethnic groups with only a tiny presence and which were not conceivable threats to labor. Countries in Mesoamerica and the Andes did not have large numbers of immigrants relative to their populations, nor could they have expected to become destinations at the levels of North America and the Southern Cone. Still, countries of little immigration developed extensive laws of ethnic selection as if they were being overrun by foreigners. Class conflict explains many instances of ethnic selection, but such policies are not reducible to material interests.

RACIST IDEOLOGY

Racism is an ideology that individuals can be sorted into hierarchically arranged categories based on their perceived ascriptive characteristics and moral capacities. This ideology in turn legitimates the differential distribution of resources and treatment by racial group. Critical race theory argues that while race is a historical construct rather than biological fact, it permeates social life. Racial ideologies and practices are causal factors that explain other outcomes.[54] This perspective would take strong exception to the economistic view of Foreman-Peck and Timmer and Williamson that racist immigration policies were simply epiphenomenal proxies for immigrant skill levels. Racial ideologies may reflect economic interests, such as in legitimizing European colonialism and the enslavement of Africans, but over time, these ideologies have become an imperfect reflection of economic interests and have taken on a life of their own. Most scholars of race agree that racial ideologies cannot be reduced to class interests.[55]

During the development of immigration policies in the nineteenth century, ideologies rooted in long-standing practices denigrated Asians and

Africans. Having all but eliminated the Amerindian population of North America through disease and conquest, the European settler majority in the United States and Canada sought more Europeans, whom they viewed as racially and culturally similar. Latin American elites, who were typically descended from a European or mixed minority amid larger populations of Amerindians or descendants of African slaves, also sought to attract Europeans, but their rationale had a different twist. Latin American elites wanted Europeans because Europeans were *distinct* from most of the population. While North American governments wanted to keep their populations white, Latin American governments wanted to whiten populations that in all but the Southern Cone were primarily descended from Amerindians and black slaves.

"Scientific racism" is a variant of racism arising in the late nineteenth century that attempted to confer academic legitimacy on the idea of a hierarchy of biological groups. Influenced by Darwinian ideas of evolution, the British scientist Sir Francis Galton invented the term "eugenics" in the 1880s. By the turn of the century, scientists, medical professionals, technocrats, and political elites across the ideological spectrum in Europe and the Americas subscribed to the premise that eugenics could improve the biological constitution of national populations. The eugenicist language of selection and improvement easily translated into immigration policy.[56] Edward A. Ross, president of the American Sociological Association, warned that Asian migration could lead to "race suicide" for whites.[57] Eugenicist Harry Laughlin promoted biological selection during U.S. immigration reform congressional hearings in the 1920s and worked with colleagues around the hemisphere to insert eugenic principles into the immigration laws of countries such as Brazil, Canada, Mexico, Cuba, and the Dominican Republic. Lamarckism, the notion that environmental factors could alter genetic transmission, especially influenced Latin American eugenicists. Combined with an infusion of white immigrants and the creation of state-led modernization programs, Latin American elites hoped to whiten and improve their countries' genetic stock.[58]

While racism had an important causal role to play in the development of immigration policies, the critical race perspective struggles to explain why racialized policies that were the norm throughout the Americas have been replaced by laws that are not overtly discriminatory and that often include explicit anti-racist provisions. The argument of unremitting racism does not explain historical variation in the racialization of law. Critical race theorists' usual response is that in the reaction against

Nazism, racism was transformed from an ideology of biological difference to one of cultural difference. Even when overtly racist policies are dismantled, discrimination continues through other means, such as institutional racism and the differential application by race of facially neutral policies. One corollary of this perspective is that the formal law does not matter as much as the law in practice and its effects.[59]

In various domains of social life and policy throughout the hemisphere, including social welfare, criminal justice, education, and housing, there is no question that institutional racism endures.[60] When it comes to immigration policy, there is much evidence in some countries that public debate and enforcement disproportionately target particular ethnic groups, such as Latinos in the United States.[61] Even where laws are written in ethnically neutral terms, their enforcement sometimes targets particular groups. For example, an independent 2011 analysis of the U.S. Secure Communities program, in which federal immigration authorities checked the immigration records of individuals arrested by state and local authorities, found that 93 percent of those processed through the program were Latino, even though Latinos only comprised 77 percent of the unauthorized population of the United States.[62] State policies passed in 2010 and 2011 targeting unauthorized immigrants in Arizona, Georgia, Alabama, and South Carolina were facially neutral, but the political debate about them has centered almost entirely on controlling unauthorized Latino immigrants.

Elsewhere in the world, questions of ethnic selection continue to haunt immigration policy. For example, Roma continue to be targets of discriminatory treatment. When the French government's expulsion of hundreds of Roma in 2010 elicited denunciations from human rights groups, the immigration minister claimed that Roma were not being singled out. However, a leaked internal order signed by the chief of staff for the interior minister and distributed to police chiefs read, "Three hundred camps or illegal settlements must be evacuated within three months; Roma camps are a priority." The European parliament responded by passing a nonbinding resolution that labeled the policy as ethnic and racial discrimination and urged France to suspend Roma expulsions.[63] Opposition to Muslim immigration has been particularly strong in Europe. Most political elites resist calls for explicit Muslim restriction, but there have been many prominent exceptions. A director on the board of Germany's Bundesbank published a 2010 bestseller attacking immigration from Turkey, the Middle East, and Africa. France's National Front party has consistently attacked Muslim immigration, and similar examples can be

found in many European countries.[64] Public opinion data in Europe show "more openness to immigrants of 'the same ethnic group' than of a 'different ethnic group.' "[65]

The claim that racial discrimination is simply achieving the same racist ends by subterfuge, however, does not explain the transformational shift away from Europe in the sources of immigration to North America. The U.S. and Canadian governments radically transformed their ethnic selection policies in the 1960s in ways that quickly led to large flows of groups that were formerly restricted. While there is a historical debate about the extent to which U.S. policymakers in the 1960s anticipated the full consequences of these policy changes, the effects on immigrant origins quickly become clear. Yet there has been no serious effort to roll policies back to the era dominated by European-centric selection.[66]

VOICES FROM BELOW

In contrast to the strictly pluralist view of policymaking that emphasizes economic, ethnic, and other interest groups, institutionalists locate the causes for changing patterns of ethnic selection in the entrenched ideologies and practices of politics. For example, the onset of anti-Chinese restrictions in the United States and Canada in the late nineteenth century reflected the ability of Sinophobic labor groups on the distant Pacific coast to use democratic channels of elections and parliamentary representation to make their demands heard in their respective federal capitals in the east. Democracies are not the only form of government that facilitates ethnic selection. To repeat Robert Dahl's useful typology, democratic, totalitarian, and corporatist states all share high levels of "societal inclusiveness," even if they vary dramatically in the degree to which they permit political debate and the contestation of policies.[67] Given the historical propensity of organized labor in particular to demand the restriction of immigration along ethnic lines, any political system providing institutional avenues for demands from below is more likely to promote restrictive policies.

Populist regimes as well as liberal democracies have encouraged ethnic selection. The structures of populist regimes vary widely, but they all rely on gaining mass support. Alan Knight defines populism as a style of politics in which leaders emphasize their claim to act on behalf of "the people" against the "enemies of the people."[68] The enemies of the people may be particular ethnic groups, classes, or foreign powers. During the 1920s and 1930s, a new generation of intellectuals and populist leaders in Latin America sought to incorporate populations fragmented by class and race through a process of state-led nationalism. The precursors to

the Institutional Revolutionary Party in Mexico, the New State in Brazil, the regimes of Ramón Grau Martín and the early years of Fulgencio Batista in Cuba, and the American Popular Revolutionary Alliance in Peru institutionalized populist ideologies, followed in the 1940s by *peronismo* in Argentina. The Mexican and Cuban governments increasingly looked inward and sought to use education and public health programs to "improve" their populations rather than attempting to transform the body politic with an injection of millions of Europeans.[69] In countries with large African and/or indigenous populations, official ideologies began to celebrate their rhetorical inclusion in the nation.[70] These formulations included the ideas that Mexicans represented a "cosmic race" of *mestizos,* Brazil and Cuba were "racial democracies," Peru was a paragon of *indigenismo,* and Argentina a "crucible of races."[71] Such efforts at rhetorical national inclusion were incompatible with overtly racist immigration policies aimed at reducing the ratio of blacks or Amerindians to whites. An incipient rhetoric of anti-racism emerged in countries like Mexico and grew stronger in countries such as Cuba and Brazil.

The rhetoric of anti-racism was plainly cynical and motivated by efforts to consolidate state control over national populations, rather than by ideological norms of equality. A number of states, such as Mexico beginning in the 1920s, developed corporatist systems in which there was very little real competition over power among parties, but the ruling party/government built vertical pillars of support reaching down to many societal sectors.[72] These pillars were primarily channels to impose the will of the party from above, but they were also channels for interests from below to demand restrictions on the immigration of Chinese, Jews, Middle Easterners, and Slavs. The turn to populism in Cuba and Brazil in the 1930s created avenues for workers to successfully demand restrictions on foreigners with a particular vehemence against Caribbean immigrants and Jews in Cuba and Japanese in Brazil. When political institutions are structured such that public opinion can make its demands heard, the result is often bad for immigrants.

During the late 1920s, Latin American governments signed on to Pan American eugenicist accords to select immigrants by race and continued to discriminate against blacks and the indigenous in practice, even as they proclaimed the full membership of blacks in Brazil and Cuba and the indigenous in Mexico and Peru. The incipient rhetoric of anti-racism rarely covered groups that were not Creole, indigenous, or Afro-Latin American. Indeed, efforts to exclude Asians, Arabs, Jews, and other despised groups accelerated based on the logic that these outsiders were

unwilling to assimilate and were thus retarding the process of racial mixing and comity among the majority of the population. Convoluted ideologies of anti-racist racism flourished in the 1930s as populist governments sought to incorporate most of their populations into the institutions of the state through the massification of politics, while at the same time defining the national community against racial outsiders. The result was proclamations of anti-racism coinciding with the erection of higher racial barriers against particular groups. Nonetheless, as we explain below, the particularistic and partial anti-racism of the 1930s that was directed within the state became much more universal and complete when directed outside national borders.[73]

The Horizontal Dimension

The third dimension in our analysis is a horizontal plane stretching across the hemisphere and beyond. In the field of international relations, constructivists point out that the policies of a particular government on the horizontal plane are influenced by the vertical dimension of domestic politics. International affairs and domestic politics may be so intertwined that they can be conceptualized as an "intermestic" hybrid. Peter Gourevitch argues that international relations and domestic politics are "so interrelated that they should be analyzed simultaneously."[74] The constructivist approach is helpful for explaining how norms of ethnic selection and anti-racism developed and the role of non-state actors in international politics.[75] Constructivism is complemented by Pierre Bourdieu's notion of a "political field" in which individual and collective agents interact and compete with each other. The notion of field is important because it opens a way of understanding the different ways that policies spread among countries. The added value of this concept is to look beyond the comparison of countries as if they were self-contained units, by showing how interactions between governments and non-governmental actors shape the policies of a particular country.[76] The main actors in this field are the governments of countries of immigration, but they also include governments of countries of emigration, multilateral organizations, transnational scientific elites, and transnational labor organizations.

The international dimension of immigration policy has been emphasized by a handful of historians and political scientists calling for greater attention to how security interests shape policy.[77] The hard power politics of security was a decisive factor in immigrant selection in the

colonial period and early years of state formation, and its importance reemerged during the world wars and the Cold War. Highlighting the security motives of immigration policy draws fresh attention to the interactions between states that are competing with each other by using immigration and emigration as a policy tool. Yet unlike accounts that explicitly set aside questions of domestic politics in their analysis of how security interests affect migration policy, our discussion examines the *interaction* of the vertical and horizontal dimensions of policy-making.[78]

English, French, Spanish, and Portuguese colonial powers tended to restrict the entrance of foreigners primarily for security reasons. Authorities worried that admitting subjects of colonial rivals would weaken a tenuous grasp on territories that were far from the metropole. Throughout the hemisphere, but with particular intensity in the United States and Argentina in the early twentieth century, fears of anarchists, Communists, and other radicals were ethnicized in ways that restricted eastern Europeans.[79] As nation-states consolidated themselves, these security concerns faded, until the two world wars, when enemy aliens were typically excluded. As explained below, restrictions on Chinese and other Asians were removed in many countries in the hemisphere primarily because of their wartime alliance with China, and Cold War politics drove the United States and Canada to end their systems of ethnic selection. Security concerns continue to shape refugee policy everywhere.[80]

The goals of state actors are not limited to the hard power politics of military and economic growth that neo-realist theories of international relations emphasize. One of the purposes of immigration and emigration policies is to make a country appear more modern and civilized. Migration policies are dramaturgical acts aimed at national and world audiences.[81] Policies are a way to build a country's international brand, such as the image that Argentina is an oasis of European civilization, Brazil is a racial democracy, and Canada is a beacon of international humanitarianism. Branding is a form of what Joseph Nye calls "soft power," in which governments seek to expand their prestige through language, images, and symbolically important gestures rather than by deploying the hard power of tanks and aircraft carriers. International prestige is often its own reward for weaker countries, but for a globally interventionist United States, soft power is also a means to achieve greater hard power.[82] Thus, in the 1960s, the U.S. government abandoned the national-origins system for selecting immigrants as a symbolic global statement of openness meant to support its underlying hard geopolitical

goals in the Cold War. Self-interested diplomacy reinforced the growing norm of racial egalitarianism.

POLICY DIFFUSION

In addition to drawing attention to security issues, our horizontal analysis explains the diffusion of policies among countries. There are many reasons why policies might look similar in different countries of immigration. One of them is parallel path development. Sometimes laws appear in different locations around the world because lawmakers have independently arrived at similar solutions to similar challenges. More often, policies diffuse from one country to another.[83] Forces on the vertical plane usually alter the content of the policy, but the influence of other cases is unmistakable. Within the broad category of diffusion, there are several distinct mechanisms, including leverage, cultural emulation, and strategic adjustment. The degree of power symmetry between countries affects the diffusion of policy within each of these mechanisms. Some states are clearly more powerful than others, whether through the exercise of hard, coercive power or "soft power" that shapes outcomes in other countries through more subtle processes.[84]

Leverage refers to diplomatic, military, or economic pressure that one country puts on another to change its policies. Under conditions of extreme asymmetry, leverage can be outright coercive.[85] For example, the U.S. military governor of Cuba banned Chinese immigration to the island with the stroke of a pen in 1902. That level of coercion has been unusual in the Americas. Even when Canada was part of the British Empire, London was much more likely to persuade Ottawa with diplomacy rather than direct coercion. More frequently, independent countries apply diplomatic leverage on each other. For twenty years after the United States excluded Chinese in 1882, the U.S. government pressured Canada and Mexico to do the same, with the goal of keeping Chinese migrants from using Canada and Mexico as a backdoor into the United States. Canada acquiesced to U.S. pressure, while Mexico did not. Stronger countries do not always get what they want. Attempts at coercion without military occupation can create a nationalist backlash that rejects the proposed policy. More subtle forms of diplomatic leverage are more effective, including Washington and London's successful diplomatic efforts to convince Ottawa to shift its policies around the same time.[86]

Against prevailing accounts of policy diffusion that emphasize top-down models, we show when and how geopolitically weak countries can influence more powerful countries. Effective leverage from below requires weaker countries to pursue their policies collectively. Institutional

arrangements that give each country an equal vote, such as the United Nations General Assembly, Commonwealth of Nations, Pan American Union, and International Labour Organization, magnify the voice of weaker countries. Periods of existential crisis for stronger countries in competition with each other also offers weak countries greater leverage, such as when World War II and the Cold War created opportunities for weaker countries to insist on the relaxation of racist immigration policies. The more states try to increase their soft power abroad, the more they are susceptible to external pressures to change their own policies as a means of gaining legitimacy.

Cultural emulation refers to policymakers in one country voluntarily modeling their policies on those of another country or institution. Policies in other countries are models for both what to do and what *not* to do. Compared to coercive leverage, emulation is less likely to trigger a nationalist backlash because policies are spread through voluntary adoption on a piecemeal basis. In this mechanism, communities of experts spanning national borders can become a causal source of law. Patrick Weil notes in his critique of Rogers Brubaker's comparison of citizenship policy in Germany and France, in which Brubaker argues that legal differences between the countries were sustained by different cultural understandings of nationhood, that nineteenth-century Prussian jurists explicitly copied French legislation.[87] Countries with similar levels of power often model their policies after each other reciprocally, in a process of iterative emulation.[88] The diffusion of literacy requirements and head taxes aimed at restricting Asian immigration in the self-governing Anglophone dominions of Australia, Canada, New Zealand, and South Africa illustrates this mode of cultural emulation.[89]

When multiple countries adopt similar policies, a cultural sense of what is natural, modern, or civilized often develops such that international norms are created. John Meyer and his associates have described the creation of what they call the "modern world polity," in which every nation-state has a fairly standardized set of practices.[90] A newly independent nation-state immediately produces objects and institutions that originally took centuries to develop, such as a rectangular national flag, postage stamps, vehicle code, laws setting out who can immigrate and become a citizen, and so forth. Governments make these things because they share a sense that this is simply what nation-states do. Unlike in some other areas of policy diffusion, geographic proximity did not shape emulation of ethnic selection policies.[91] Notions of best practices and models of modernity were routinely adopted from countries on the other side of the globe.

Like Meyer and his colleagues, Powell and DiMaggio argue that countries with more power and status shape policies that weaker or lower-status countries then follow.[92] Countries with intensive ties to policy exemplars tend to adopt policies faster and adhere to them more closely than do countries with weaker ties. The implication is that as the hegemonic power in the Americas since the mid-nineteenth century, the United States should be the principal policy exemplar, which is indeed the case historically. The United States was a model for particular techniques of ethnic selection, including exclusion laws, literacy requirements, and national-origin quotas. Countries throughout Latin America also imported anti-Semitic ideologies from Europe, which then influenced the imposition of usually secret policies restricting the admission of Jews.

Simmons and Elkins suggest that culturally similar countries are more likely to adopt similar laws.[93] The implication of this hypothesis is that Anglophone settler states should form a cluster of laws with common patterns, while Spanish American states form another cluster, because they are distinct communities with different (common vs. positivist) traditions of law, languages, and colonial backgrounds. There is far more similarity than difference, however, in patterns of ethnic selection across the Americas, suggesting that cultural clustering matters less in this case than might be supposed. The leading model for policy emulation cited by policymakers in Latin America has been the United States, followed by Argentina. Soft power was more consequential than cultural similarity in promoting ethnic selection. Though the weaker usually imitate the stronger, the flow can occur in the opposite direction within the same cultural community, such as U.S. emulation of the Canadian point system in discussions of comprehensive immigration reform in the 2000s. Thus, emulation generally takes place within the same cultural community *or* when the weaker imitate the stronger. At least within Western Hemisphere immigration policy, there is little evidence of the strong imitating the weak or middle powers imitating each other across cultural divides. For example, when Argentina was at the height of its power in the early twentieth century, its government did not emulate Canada. The Brazilian government lauded Canadian policies, but did not emulate them. The United States did not emulate the policies of Latin American countries either. The end of ethnic selection was not caused by the mechanism of U.S. emulation of the law in Paraguay or Cuba, but rather through the mechanism of non-coercive leverage involving international institutions and Cold War geopolitics.

Policy diffusion takes place at the intersection of the horizontal and vertical dimensions. Stripping off national blinders that *a priori* categorize

interest groups as "domestic" when they actually span national borders exposes the links between the horizontal and vertical dimensions in the mechanism of emulation. Networks organized around eugenics, labor, and nativism illustrate how actors that are usually thought of as domestic were agents of international diffusion in both the racialization and deracialization phases of immigrant selection. Over time, countries with very different levels of immigration, ethnic composition, political systems, labor markets, and sizes converged on similar policies.[94] One reason for similarities in policies across the hemisphere was the establishment of regional and global institutions bridging cultural clusters, as Chapter 2 in this volume on international organizations explains. Regional conferences of scientists and demographers, such as the Conferences on Eugenics and Homiculture of the American Republics, recommended racial selection of immigrants in the 1920s and early '30s. Eugenicist Harry Laughlin's congressional testimony on eugenics helped shape the U.S. quota system in 1924. He and his Cuban colleague, Domingo Ramos, advanced their immigration policy proposals in the conferences sponsored by the Pan American Union in the late 1920s and 30s. Ramos then invited Laughlin to Cuba to shape a proposed new Cuban immigration law in the 1930s. Non-state actors affected policy across multiple countries through their membership in epistemic communities of transnational experts, at the same time as some of the same experts acted as domestic interest groups.[95] In a remarkable turnabout, Pan American organizations and epistemic communities formed by experts in these organizations that had been vehicles for racial selection just a few years earlier encouraged anti-racist policies as early as in the Eighth International Conference of American States in Lima (1938).[96]

While labor unions are typically thought of as domestic actors, North American labor unions and their newspapers carried anti-Chinese sentiment from the United States to Canada. Ironically, foreign models of immigration control influenced exclusionary nativist organizations as well. Nativists looked to other countries for techniques of selection, including head taxes, literacy provisions, and national-origins quotas. On the other hand, networks of Communists and anarchists promoted an even broader transnational diffusion of anti-racist ideas throughout the Americas and Europe. Exploring the interactions between the vertical and horizontal dimensions reveals how policies and proposals in one setting reverberate elsewhere.

Strategic adjustment occurs when the policies of other countries change migration patterns in ways that push other states to adapt accordingly. In this mechanism, states are not applying deliberate leverage

against each other with the intention of shaping policy elsewhere, but in a system of interacting states, the actions of one can influence the decisions of others. As Aristide Zolberg explained the mutual adjustments made by countries of immigration in the early twentieth century, "Within the globalizing world, the responses evoked by the new situation were highly interactive, as the closing of one door deflected migrants toward others, who in anticipation of this or in reaction to it imposed barriers of their own."[97]

Strategic adjustment is the main way that U.S. immigration policy has influenced other countries. The massive volume of immigration to the United States meant that other countries generally reacted to how U.S. policy changed regional flows.[98] The United States offered immigrants arable land, a temperate climate, relative political stability, and economic growth. To compete with the United States in attracting desirable immigrants, other countries developed more aggressive recruiting campaigns and positive ethnic preferences. On the negative side, many countries imposed ethnic restrictions because they feared that U.S. bans on Chinese in 1882 and restrictions of southern Europeans in the 1920s would redirect those groups to their shores. Policymakers sometimes preemptively changed their ethnic selection policies in anticipation that proposed changes in the United States would redirect immigration flows. For example, in 1862, Costa Rica passed a law banning black immigration because its leaders feared a U.S. plan backed by President Lincoln to send U.S. blacks to Central America.[99]

Where countries were more evenly matched in their strengths, they tended to make reciprocal adjustments to changes in migration patterns caused by the other's policies. Timmer and Williamson find that Argentina reacted to changes in Australian, Canadian, and Brazilian policy, while Brazilian policy reacted to changes in Argentina and the United States.[100] Where there is a high degree of power symmetry between states, strategic adjustment and cultural emulation are more likely to be reciprocal than unilateral.

Reactions to the rechanneling of migrants can take place over vast distances, such as when Brazil enacted its own quotas in 1934 in reaction to the U.S. quota acts the previous decade or when Canada sought to more proactively recruit settlers from Britain because of competition with Australia. The adjustment mechanism is even more consequential, however, for countries that share a border with the first mover. Neighboring countries not only receive rechanneled permanent immigrants; they can also become countries of legal or illegal transit. Canadian, U.S., Mexican, and Cuban policies have been especially shaped by the

mechanism of strategic adjustment in North America, as have neighboring immigrant receivers in the Southern Cone such as Argentina, Chile, Brazil, and Uruguay.

The mechanism of strategic adjustment to policies in other countries mostly involves interactions between states, but debates about strategic responses to the actions of other countries enter domestic politics when civil society actors become aware that policies in other countries redirect migrants. For example, Argentines in the late nineteenth century publicly debated fears that Argentina would become a "target" of Chinese migration if Brazil did not stop proposed plans to import workers from China. They also feared in the early 1920s that U.S. restriction would divert undesirable Europeans unless the legislature passed new immigrations laws. Newspapers and unions in Canada demanded new restrictions in the 1920s that would prevent Canada from becoming a dumping ground for U.S. rejects.

Analyzing the horizontal dimension of politics over time reveals the decisive importance of leverage, emulation, and strategic adjustment in shaping national policies of immigration. These dynamics are underplayed or missed in national case studies and comparative approaches that ignore connections among the cases.

POLITICS OF INTERNATIONAL HUMILIATION

Policy emulation generally happens among countries with shared traditions or when weak states imitate strong ones. In the domain of immigration policy, one would expect that the governments of countries of immigration could safely ignore weaker countries, including countries of emigration. Our findings, however, show that countries of emigration and their supporters have played an unsung role in the shaping of the policies of immigration countries. The politics of humiliation was a major driver of the demise of ethnic selection in immigration policy.

When individuals are banned from immigrating based on their ascriptive categorization, the collective reputation of others sharing that category suffers. In cases of ethnic discrimination, the reputations of co-ethnics in the country of destination and the government and people of the nation-state of origin are impugned. Drawing on social psychological insights, Donald Horowitz shows that ethnic politics flourish when people feel a personal reputational stake in the welfare of co-ethnics, even if they do not know each other and will never meet. The triumph, failure, or suffering of co-ethnics becomes a marker of the group's success vis-à-vis its competitors.[101] Joppke describes the reputational harm of discriminatory immigration law to co-ethnics in countries of destination

such as the United States that leads ethnic lobbies to protest discrimination against their group.[102] In contrast, many countries of potential immigration do not have large or politically powerful populations who feel aggrieved by discriminatory policies. If ethnic selection was successfully implemented, there may be no such population in the destination country at all. Co-ethnics protesting severe discrimination tend to have little political power because of the very policies they are protesting.

The second group that feels aggrieved by ethnically discriminatory immigration policies is the people of the country of origin. When countries of destination exclude by ethnicity, and certainly when they exclude by national origin, the governments of countries of origin protest. The nation-state is a form of organizing politics based on the principle that the state represents a particular people. Governments of countries of origin do not complain about discrimination so much because they care about the welfare of particular migrants, but because they have a desire to avoid international shame. For example, for the Chinese government and many intellectuals, restrictions on Chinese immigration in other countries were one of the primary sources of China's "century of humiliation" between the Opium War of 1840–1842 and the Communist triumph in 1949.[103] In the early 1900s, the Japanese government exerted considerable pressure on the United States, Canada, Brazil, and Peru not to exclude Japanese explicitly and publicly even though the Japanese government was willing to restrict their emigration quietly. The reaction in the Japanese press to explicit Japanese exclusion in the United States and Brazil reflected a sense of yet another international degradation by the West.[104]

Governments in Asia and Latin America drove from below the end of ethnic selection. In Asia, the impetus came from Japan, China, and India—three countries that had been stigmatized by the widespread exclusion of their people from countries of immigration. While countries of immigration could afford to ignore the reactions of colonized peoples and weak states prior to World War II, decolonization and the formation of world institutions such as the United Nations suddenly made the views of post-colonial governments matter. Forty countries with a quarter of the world's population gained their independence between 1945 and 1960.[105] Chapter 2 describes how as countries in Asia gained their independence, they used multilateral institutions to declare racism illegitimate.

In Latin America, geopolitics in the late 1930s and 1940s drove a shift toward a much more substantive anti-racism than earlier versions. A wave of reaction against U.S. military and economic interventions swept the region. Populist policymakers and intellectuals decried a long history of U.S. occupations and gunboat diplomacy that had been directed against

Cuba, Nicaragua, Haiti, Mexico, Panama, Puerto Rico, Honduras, the Dominican Republic, Costa Rica, Guatemala, and El Salvador. Mexico expropriated U.S. and British oil companies in 1938. Countries such as Argentina gravitated away from U.S. foreign policy. Throughout the continent, Latin American elites resented the heavy-handed racism of U.S. policymakers who treated Latin Americans as inferiors and threatened to include Latin Americans in the U.S. national-origins quotas for immigrants. Taking up the banner of anti-racism was also a means of pressuring the United States to better the treatment of Latin American migrants, particularly Mexicans in the U.S. Southwest, Cubans in Florida, and Central Americans and Caribbean islanders in the racially segregated Panama Canal Zone. Anti-racism thus became a tool of foreign policy in many Latin American countries' relationships with the United States. The *8th International Conference of American States* (1938) in Lima issued a resolution recommending immigration provisions that did not discriminate by nationality, creed, or race.[106] World War II sharply accelerated a process of decolonization that led to newly independent countries in Asia and Africa joining Latin American republics in using the United Nations as a platform to advance anti-racist statements of principle in the face of opposition from the governments of the Anglophone settler societies.

The efforts of Anglophone countries to restrict the anti-racist movement failed in the face of concerted action by much weaker decolonized countries working in concert to redress a century of international degradation in which their co-ethnics had been excluded from countries of immigration.[107] It is particularly clear in the Canadian case that UN and postwar Commonwealth positions on anti-racism were the main reasons that the government felt compelled to dismantle its exclusions of Asian immigrants.[108] For the United States, the global Cold War competition with the Soviets, who trumpeted racist U.S. immigration law in their international propaganda campaigns, was the critical impetus for dismantling the national-origins quota system in 1965. The U.S. Civil Rights movement played only a secondary role in changing immigration policy, and even there, historians increasingly have highlighted the decisive effect of Cold War politics in the success of the Civil Rights movement generally. Decolonization and geopolitics were the critical drivers for ending policies of ethnic discrimination in immigration law throughout the hemisphere and beyond.[109] Corporatist governments, autocracies, Marxist states, and democracies all eventually joined the anti-racist consensus. Anti-racism was not a product of a maturing liberalism, but rather of a postwar world order based on independent nation-states.

Much of the international anti-racist movement was clearly hypocritical. During World War II, the same Japanese government that spread propaganda about U.S. exclusion of Chinese immigrants was waging its own bloody war against the Chinese and invoking "racial purity," "racial survival," and "racial destiny" to justify Japanese expansion.[110] African and Asian countries protesting racial discrimination on the world stage were often systematically persecuting their own populations based on phenotype and culture, ranging from the caste discriminations within India to persecutions of Indians in East Africa in the 1960s. And in Latin America, elites descended from Spaniards invoked anti-racism even as they continued to systematically deny substantive rights of citizenship to their own indigenous and Afro-origin populations. Regardless of whether foreign policymakers were racist in their own minds and actions, however, they pushed forward an anti-racist discourse, laws, and organizations that eventually promoted the formal and often substantive elimination of ethnic discrimination in immigration policy. Institutions mattered more than personal beliefs. The demise of ethnic selection in the Americas was the result of weak states banding together through multilateral institutions to effectively apply diplomatic leverage on stronger states. Thus, against the more common pattern in which policies are transferred from the strong to the weak, in this case foreign policy interests reversed the typical direction of policy transfer.[111]

WHEN HORIZONTAL CONDITIONS MATTER MOST

When does the horizontal field matter most in shaping immigration policy relative to the class politics, cultural interests, ethnic lobbies, and *sui generis* interests of government institutions on the vertical plane? Historical context matters more than any iron law, but patterned regularities emerge in how the horizontal dimension affected the form and content of selectivity.

When policymakers perceived that overt discrimination would carry a high diplomatic price, they created secret policies of restriction or adopted criteria that were ethnically neutral on their face. For example, the same policy could be applied to particular groups with special intensity, such as greater scrutiny of some groups to see if they met health requirements. Other policies were designed to differentially impact different ethnic groups even though they were applied evenly, such as literacy requirements or policies of family reunification. Nationality quotas based on maintenance of the "demographic status quo," deliberately vague policies selecting immigrants deemed to be "assimilable," restrictive policies based on bilateral agreement rather than unilateral action,

and positive preferences rather than negative discrimination were other forms of ethnic selectivity that minimized the diplomatic price.

Under what conditions was the diplomatic price of overt selection perceived to be too high? The conditions encouraging disguised forms of selection, or an end to selection altogether, included migration circuits with any of three main characteristics: (1) emigrants originated from an independent nation-state at peace with the country of immigration, and that nation-state was either geopolitically powerful or perceived as needed for an alliance against an existential threat; (2) a country of immigration's foreign policy sought a sustained expansion of diplomatic, military, or commercial power in the region of origin; or (3) multiple countries of emigration worked collectively to protest ethnic discrimination in countries of immigration.

Within a given migration circuit, overt ethnic discrimination was deterred when countries of emigration had greater international standing. For example, even though interests on the vertical plane were often united against both Chinese and Japanese immigration, throughout the Americas, the greater power of Japan relative to China yielded more favorable treatment of Japanese in immigration law, or at least forms of discrimination that were milder, more disguised, or accomplished through bilateral agreement rather than unilateral action. For potential immigrants who could not appeal to their own nation-state for protection, such as blacks, Middle Easterners, and Roma, exclusions tended to be more overt, more commonplace, and longer lasting.

Immigration policy was most affected by foreign policy when governments sought sustained expansion of military, commercial, or diplomatic power in migrant source regions. A qualifier to this pattern is that when bilateral relations turned to open conflict, immigration from enemy countries was cut off. Chronic colonial rivalries in the eighteenth century and restrictions on "enemy aliens" in World Wars I and II illustrate this pattern throughout the hemisphere. But short of war, greater levels of engagement with a region yielded fewer overt immigration restrictions. The issue of immigrant selectivity became linked to other issue areas in policy debates. In situations of "complex interdependency" between countries, even if that interdependency was asymmetric, the linkages did not have to be direct to influence policymaking.[112] The immigration policy of a country is a public signal to the government and people of a country of emigration about their basic moral worth and international standing. Ethnically discriminatory policy is a sign that colors the entire bilateral relationship.

In Canada, for example, a cross-class coalition on the vertical plane

demanded restrictions of Chinese, Japanese, and Asian Indians in the late nineteenth century, but Canada's position in the British Empire, which was forging alliances with China and Japan and which controlled India, caused the Canadian government to disguise its discriminatory policies. Canadian immigration policy later opened to nationals of the decolonizing British Commonwealth and refugees from Asia and Africa as part of an attempt to raise its international profile as a middle power punching above its demographic weight. In the United States, the linkage between trade and immigration moderated the degree of Chinese exclusion by exempting merchants and prompting the negotiation of bilateral treaties that reduced the humiliation of the Chinese government. It was only when immigration became linked to the alliance with China in an existential fight against the Axis in World War II that the vertical interests demanding Chinese restriction gave way to a symbolic opening. In the 1920s, the U.S. Congress ignored the protests of European governments and used quotas to restrict southern and eastern Europeans at a time when it was withdrawing from Atlantic engagement, but it exempted the Western Hemisphere from the quota regime because of the intensifying U.S. military and economic intervention in Latin America. Similar foreign policy effects emerged in Brazil, where restriction of Japanese was moderated because of linkages between immigration and trade and restrictions of blacks were usually hidden because of linkages between immigration and an effort to promote Brazil's international brand as a racial democracy. The horizontal dimension was most important in shaping Argentine policy when a government proposal after World War II to select immigrants by race failed because of diplomatic concerns that such a policy would retard Argentina's effort to rebuild its national reputation, which had been tarnished by early support for Nazi Germany.

Collective issue linkage, in which multiple weaker countries implicitly connected ethnic discrimination to broad, multilateral relationships, was even more effective at creating transformation in immigration policy. Mexico, Brazil, Cuba, China, India, and other countries promoted antiracist conventions and norms through intergovernmental organizations and scientific policy communities that eventually shifted immigration policies in more powerful countries like the United States.

The horizontal and vertical dimensions of policymaking interact, and under certain conditions, the vertical dimension is more consequential in shaping ethnic selection. The horizontal dimension mattered less when a cross-class nativist coalition formed that had access to the political process on the vertical plane. Such coalitions were able to overcome foreign policy interests in the United States, for example, when strong

cross-class alliances developed around Chinese Exclusion in 1882 and the effective exclusion of Japanese in 1924. During periods of perceived existential national security crisis, such as World War II and the Cold War, however, the horizontal forces eventually trumped the strength of the cross-class coalition on the vertical plane. For countries in a weaker geopolitical position, the horizontal dimension mattered less for ending selection because other weaker countries did not use immigration policy to redress broader humiliations by strong countries. While the United States and Canada were widely condemned for their racist immigration policies by decolonizing countries around the world, for example, little international attention was paid to weak countries such as Guatemala, which retained racial restrictions on all manner of immigrant admissions until 1986.[113] The horizontal dimension's immediate influence on policymaking in countries of immigration in the Americas has faded in importance as overt ethnic discrimination appears to be off the policy menu. Decades of immigration from all over the world have yielded domestic ethnic lobbies in countries such as the United States and Canada that now patrol the boundaries of the immigration debate. Still, as we discuss in the conclusion, international politics remains the strongest ultimate guarantor against overt ethnic discrimination.

Analyzing Ethnic Selection

We establish the broad patterns of ethnic selection throughout the hemisphere by coding laws that governed immigrant admissions and nationality from 1790 to 2010 in the twenty-two major countries of the Western Hemisphere.[114] For each type of law, we distinguish between *negative discrimination* against particular groups, such as an outright ban on their entry, lower immigration quotas, or special entry taxes, and *positive preferences* for particular groups, such as assisted passage, free land, higher immigration quotas, or exemptions from requirements enforced against other groups. The 1890 Brazilian ban on "blacks" and "yellows" constitutes negative discrimination, while the 1959 Paraguayan agreement with Japan to accept 80,000 Japanese immigrants is a positive preference. Conceptually, the distinction between negative and positive discrimination is not absolute.[115] Where two groups compete for admission in a zero-sum game, a positive preference for one group implies indirect discrimination against another. Yet the distinction between positive preferences and negative discrimination remains relevant. Canada's Henry Angus, Special Assistant to the Secretary of State for External Affairs, outlined the rationale for focusing on positive preferences in a

1946 article. "The alternative to control by prohibition is control by invitation," Angus explained. "It is less invidious to invite those whom we want than to warn off those whom we dislike or fear. But invitations are naturally selective. An invitation list can be discriminatory in fact, without being aggressively so in form, and is unlikely to excite resentment so long as the basis of discrimination is, or appears, rational."[116] Preferential treatment encouraging the immigration of one group does not always come at the expense of individuals from other groups, and preferential policies are less politically controversial and more common even in contemporary liberal-democratic countries.[117]

For every country in every year, we code for whether laws were in effect to select ethnic groups, such as Spaniards, Jews, Chinese, blacks, whites, and so forth. Some laws categorized potential immigrants—particularly blacks and Asians—in strictly racial terms, in the sense of groups defined by phenotype and/or notions of immutable biological characteristics. Other laws based their categories on legal nationality or country of birth or distinguished groups by their language, religion, or culture. We use "ethnicity" as an umbrella term for all these different forms of categorization, while recognizing that some categorizations were based more on the logic of descent while others were based more on the logic of legal membership in a particular state. To maintain consistency across cases, we code only laws that explicitly name an ethnic group or provide for selecting "ethnically assimilable" groups that are not named in the law.[118]

Defining what constitutes the law is not always straightforward. For the sake of consistency in establishing how different governments presented their ethnic selection to domestic and foreign audiences, we code only laws that were publicly available at the time that they were enacted, such as constitutions, statutes, published regulations of immigration and nationality, published bilateral and multilateral treaties, and court cases. In common law countries such as the United States, court cases have been critical sources of selection law, particularly when it comes to defining the racial boundaries of whiteness and thus which groups were eligible to naturalize. The courts have not been as relevant in this regard in Latin America, which has a Napoleonic tradition of positive, statutory law.[119]

Studies of law and society distinguish between the law on the books and the law in action.[120] There is always a gap between the de jure and the de facto, and the size of that gap is highly variable. To understand both the law on the books and the law in action, we combine systematic coding of the law on the books with qualitative research in government

archives, analysis of legislative debates, and a close reading of the extensive secondary literature in case studies of six countries—the United States, Canada, Cuba, Mexico, Brazil, and Argentina. We used qualitative research software to code primary materials systematically for evidence of the motivations and social sources of the law. Passing a law is a performance intended for domestic and/or international audiences, but whether that performance is exclusively symbolic, or also aimed at changing material realities on the ground, depends on historical conditions. For example, Thomas Skidmore notes that Brazilian elites in the early twentieth century had a way of using the law discursively to suggest that a problem or issue had been addressed, with little regard to its actual application.[121] The gap between the books and practice may also reflect a lack of state capacity or will to execute the law or bureaucracies acting in their own interests. Immigrants can bribe officials and enter clandestinely. After Brazil passed secret policies to exclude Jews in the 1930s, levels of Jewish immigration actually increased.[122] Universalist de jure policies may be ethnically selective in practice—such as when it is more difficult for a Mexican or Filipino national to get a family preference visa to live in the United States than it is for nationals of other countries. Conversely, there have been cases of de jure ethnic selection policies that survived on the books as forgotten anachronisms ignored in practice. The 1862 U.S. anti-Chinese coolie law was not repealed until 1974, decades after it had become irrelevant.[123]

The in-depth country studies show that governments have used various means to select by ethnic origin even if the law is ethnically neutral on its face. Governments pass laws that say one thing while quietly instructing bureaucrats to do another, such as when Canada, Mexico, and Brazil secretly excluded U.S. blacks in the 1910s and 1920s. Administrative discretion has been one of the most common techniques of ethnic selection by subterfuge. Consular agents and immigration control officers have more strictly applied health, ideological, economic, and occupational requirements to individuals from some groups than others. While it is inherently difficult to assess the extent to which discrimination by subterfuge continues today, archival research has uncovered the systematic practice of such techniques in the past and the question remains an important research topic.[124]

The cases were selected on grounds of theoretical and substantive importance. Between the arrival of Columbus in 1492 and 1820, an estimated 10 million African slaves and European settlers and indentured servants crossed the Atlantic.[125] Following the colonial period, the next great wave of transoceanic labor migration rose in the mid-1800s

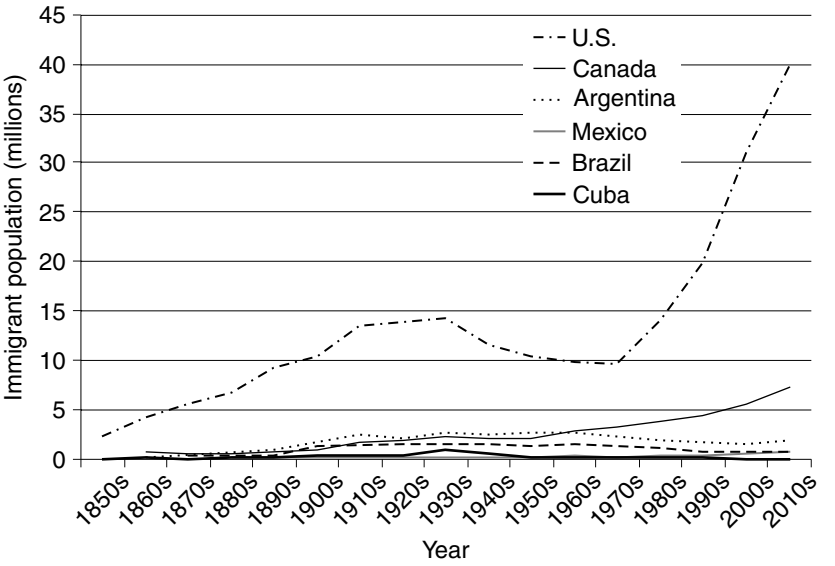

Figure 1. Immigrant population in six countries, 1850–2010. (*Source:* Calculated from national census data.)

and lasted until the global economic depression of the 1930s. An estimated 55 million Europeans migrated overseas during this time, 65 percent of whom came to the United States. Four of the next five main destinations were in the Americas as well—Argentina, Canada, Brazil, and Cuba. These five cases together represent 92 percent of transoceanic European immigration in the period before World War II when policies of ethnic selection were first enacted. The only major destination outside the Americas was Australia, which ranked fifth. During the same period, up to 2.5 million Asians migrated across the Pacific. The United States, Cuba, Mexico, Peru, and Canada were the major destinations for 1.5 million Chinese. More than 600,000 Japanese migrated primarily to Brazil, Hawaii, the United States, Canada, and Peru. British Caribbean colonies were the primary destination for Asian Indians. While immigration to most of Latin America has fallen since the 1930s, spurts of large and ethnically diverse migrations have continued to Argentina and Brazil in particular, and immigration to North America rebounded after World War II. The Western Hemisphere has been the destination of roughly a quarter of all international migrants since 1960, with the United States continuing to take the lion's share (see Figure 1).[126]

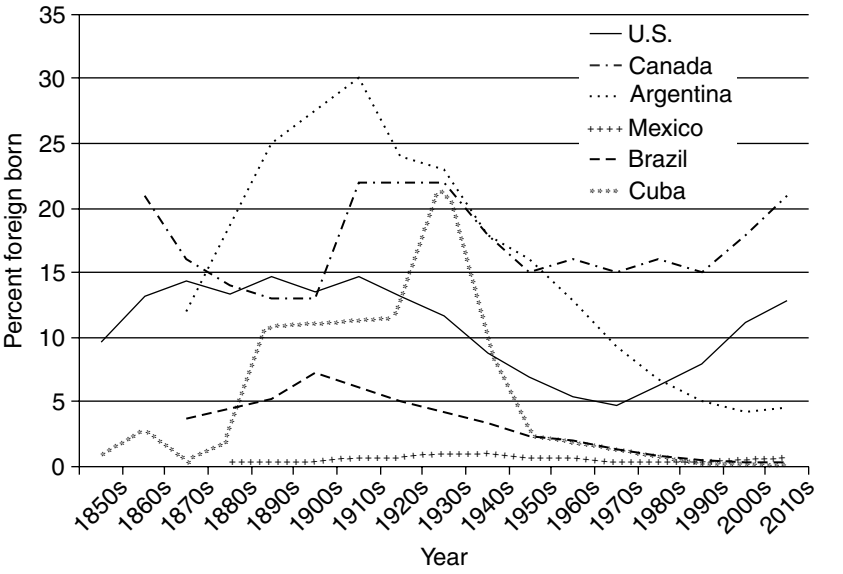

Figure 2. Percent foreign-born in six countries, 1850–2010. (*Source:* Calculated from national census data.)

Although the United States has consistently been the primary destination of immigrants, other countries have had higher levels of immigration relative to their total population. Figure 2 shows relative levels of immigration, in which Argentina at the turn of the twentieth century, Cuba in the early 1930s, and Canada for its entire history stand out as being quintessential "nations of immigrants." Countries in the Americas have all culled potential immigrants by ethnic criteria at some point in their history, whether a quarter of a country was foreign-born or not even 1 percent. The size of a country's foreign-born population has not determined its ethnic selectivity.

The policies of the four Latin American and Canadian governments were deeply influenced in different ways by U.S. policy. All but Cuba were also policy models in their own right. We include a case study of Mexico as well because as in most other Latin American countries that are not the subject of their own case study, the Mexican government constructed a complex policy of ethnically selecting immigrants beginning in the 1920s even though its immigrant population was extremely small. The Mexican government then played an important role in the international anti-racism movement that eventually delegitimized ethnic

selection. This case selection strategy thus includes the major countries of immigration; a negative case of a country with little immigration; major policy exemplars on the horizontal field; countries with varying relationships to each other that allow us to trace different mechanisms for the diffusion of policies; and countries with varying types of political regimes, which enables an assessment of the relationship between ethnic selection and systems of governance. The appendix includes brief summaries of ethnic selection in the laws of the other fifteen Latin American countries and Haiti. A case study of international organizations and transnational communities of experts from all of these countries shows how ideas about immigration policy spread, when policies began to take an anti-racist turn, and the direction in which they diffused.

Patterns of Selection

During the colonial period, the Spanish, Portuguese, French, and British colonies generally prohibited the immigration of foreigners from outside the metropolitan countries that controlled each colony, though there were some exceptions. Keeping out subjects of major colonial rivals was especially important. The Spanish, Portuguese, and French colonies typically restricted admissions to Catholics, while some British colonies banned Catholics. These policies were driven mostly by an effort to achieve military security from competitor colonies and indigenous populations resisting conquest, mercantilist protectionism, and, to a lesser extent, ideological prejudice. Spain's colonies discriminated against the admission of free blacks, Jews, and Roma.[127]

The fact that the United States was a leader in early ethnic discrimination among the independent countries of the Americas was not simply because the United States first became independent. For example, in Argentina and Mexico, the first explicit negative ethnic discrimination laws did not pass until 100 years after those countries gained independence. In Brazil, sixty-eight years passed between independence and the passage of such a law. When most Latin American countries gained independence in the early nineteenth century, Creole elites typically dismantled colonial racial distinctions in the law. José de San Martín, one of the liberators of Spanish America, famously decreed in 1821 that "in the future the aborigines shall not be called Indians or natives; they are children and citizens of Peru and they should be known with the name of Peruvians."[128] Even if Creole elites continued to discriminate against the indigenous, black, and mixed populations in practice, they discursively sought to include their entire populations in the construction of

the nation. Most countries in Latin America also banned slavery at or shortly following independence.[129]

By contrast, the indigenous population was excluded from citizenship when the United States became independent, and the constitution defined slaves as only counting for three-fifths of free (mostly white) persons for purposes of determining the apportionment of democratic representatives. Ethnic preferences in the nationality laws of sovereign countries in the Americas began in the United States, the first to gain independence and define its terms of nationhood, with its 1790 law reserving eligibility to naturalize to free whites. The United States specifically banned Chinese naturalization in 1882, though the wording of the 1790 positive preference for whites already strongly implied negative discrimination against all other racial groups. Naturalization law in the United States was consistently racialized until 1952.

The only other country in the Americas to racialize nationality law to the same extent was Haiti, which gave citizenship in 1816 to any black or Amerindian who came to Haiti and banned citizenship for whites unless they were already Haitians. Some form of preferences for the naturalization of people of African descent remained until 1987. Racial selection in Haiti's nationality and immigration policies was born from a different logic, not based on a sense of racial superiority, but rather an effort to secure the success of its uniquely successful slave rebellion from France and to establish substantive sovereignty in the face of European and U.S. hostility. Panama, Costa Rica, and Canada were the only other countries with negative discrimination in their nationality laws.[130]

Of the twenty-two countries in this study, all but Uruguay had positive ethnic preferences in their nationality law. Seventeen Latin American countries had national-origin preferences, usually in the form of reduced naturalization time for nationals of Ibero-American countries. In 2010, sixteen countries in Latin America retained naturalization preferences for Spaniards, ten for Latin Americans, and three for Portuguese (see Figure 3). The number of countries with positive ethnic preferences in their nationality law actually increased in the twentieth century as a result of bilateral treaties between Spain and various Latin American countries and the growth of multilateral institutions such as the Organization of Ibero-American States. Such preferences have retained their legitimacy because they are framed in cultural rather than racial terms.

Figure 4 shows the first and last years of negative discrimination in the immigration policies of the twenty-two major countries of the Americas. Between 1803 and 1930, every one of the independent countries in the Americas passed laws explicitly seeking to restrict or exclude at least one

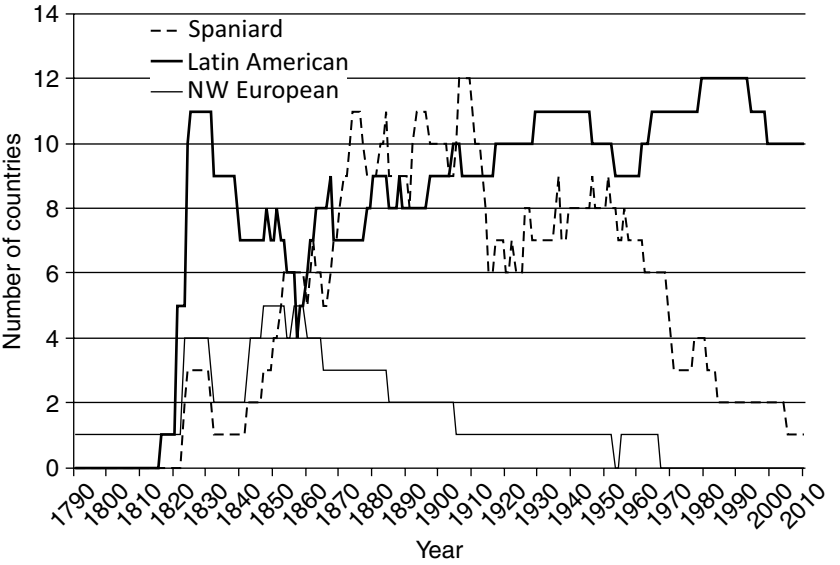

Figure 3. Number of countries in the Americas with positive nationality preferences for Spaniards, Latin Americans, and Northwest Europeans, 1790–2010. (*Note:* All figures summarizing ethnic selection patterns are based on the Race, Immigration, and Citizenship in the Americas database, on file with authors. See text for definitions of terms.)

particular ethnic group. While Adam McKeown notes that control of Asians "became the template for practical workings of general immigration laws in the white settler nations, and ultimately around the world,"[131] laws against black immigration predated anti-Asian laws. The first independent country to restrict black immigration was the United States. Several states in the U.S. South banned black migration from neighboring states in the union or from abroad. An 1803 federal law banned immigration of blacks from abroad if they were bound for one of the states with a restrictive law.[132]

Chinese were the second target of racialized immigration policy as countries of immigration around the world built what Zolberg calls "the great wall against China."[133] After Britain ended slavery in its own empire in 1833, it was intent on abolishing slavery everywhere and encouraged Chinese indentured servant "coolie"[134] migration as an alternative. The Qing Dynasty on paper made emigration punishable by death, although in practice the prohibition was widely ignored and patterns of Chinese emigration to southeast Asia were well established. Britain's victory in the 1840–1842 Opium War forced open China's

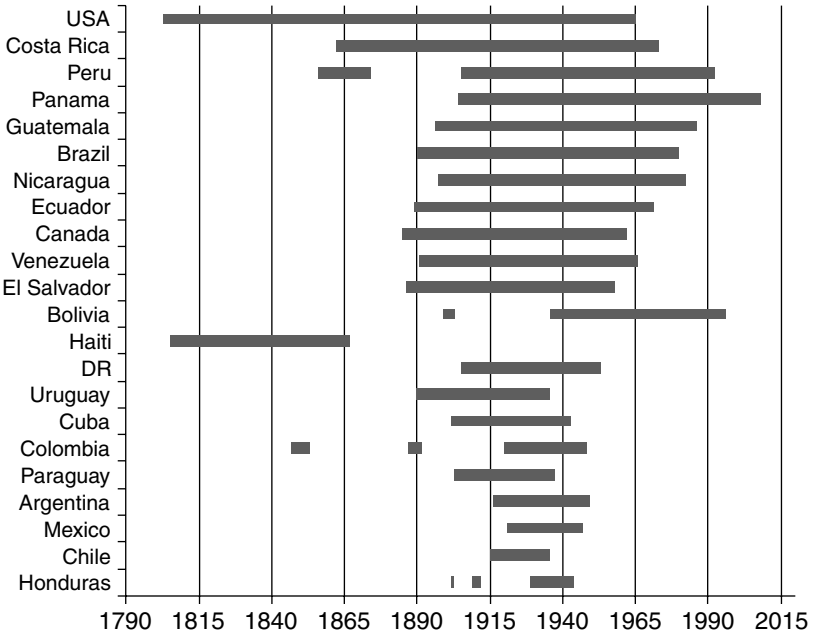

Figure 4. First and last years of negative ethnic immigration discrimination in the Americas, 1790–2010. (*Note:* For USA, the 1862 "Act to Prohibit the 'Coolie Trade' by American Citizens in American Vessels" outlawed the shipment of Chinese laborers; Public Law 93-461 repealed the anachronistic act in 1974. See 37th US Congress, 1862, Sess II, Ch 25, 27: 340–341; Kim 1994: 52; US Code, Title 8, Chapter 8, 2004: 7.)

ports to emigration to the Americas. The Peking Conventions between China and Britain and France in 1860 formally established the right to emigrate, distinguished between voluntary and coolie migration, and regulated coolie migration.[135]

Much of the North American historiography of early Chinese migration dismisses the claim that coolie migration was similar to slavery.[136] Indeed, Chinese migrating to the United States and Canada tended to arrive voluntarily and pay for their passage on a credit-ticket system, in which brokers advanced the costs of the voyage and were later reimbursed with the migrant's wages. Chinese migrating to Latin America as coolies, however, were often tricked or kidnapped and typically faced extremely harsh and coercive conditions. An international outcry against the coolie "devil ships" and conditions in Latin America, combined with Sinophobic sentiment, led to restrictions on the trade. Portuguese authorities in the embarkation port of Macau issued regulations in the mid-1850s

to eliminate recruitment and transportation abuses. The British Empire passed the Chinese Passenger Act of 1855 to regulate the migration of Chinese on British ships. The United States was the first country in the Americas to restrict Chinese indentured servant migration. In January 1856 it took diplomatic action along the Chinese coast to prevent the departure of U.S. ships carrying coolies bound for the Americas. Peru temporarily banned coolie migration later the same year, and the United States and Costa Rica followed with legislation in 1862. The first comprehensive exclusion of all Chinese labor migration, regardless of contract status, began in the United States in 1882. By the late nineteenth century, restrictions on Chinese regardless of their labor status had swept across the Americas and around the Pacific.[137]

Discrimination in immigrant selection policy shows a similar ethnic hierarchy across most cases, ranging from northwestern and Iberian Europeans at the top, down to central and eastern Europeans, Middle Easterners, Japanese, Roma, Chinese, and Africans on the bottom. Japanese often were despised, but not as much as Chinese, mostly as a result of Japan's greater perceived level of modernization and military and commercial power. Japan's prestige improved after its victory in the first Sino-Japanese War (1894–1895) and its defeat of Russia in their 1904–1905 war. Of the twenty-two country cases, twenty discriminated against Chinese, seventeen against Roma (categorized as *gitanos* in most of Spanish America and *ciganos* in Brazil), sixteen against blacks/Africans, fourteen against Japanese, and thirteen against Middle Easterners. Figure 5 shows the number of countries in the Americas with legal provisions directed against the immigration of these groups for every year between 1790 and 2010.

Panama became the last Latin American country to remove an explicit negative ethnic discrimination (against *gitanos*) in 2008.[138] Discrimination against Roma stayed on the books longer than against other groups in many countries. There are two explanations, which are not mutually exclusive. The ambiguous category of *gitanos* mixed ascriptive categories pertaining to Roma ("Gypsies") and non-ethnic, behavioral categories related to panhandling and itinerancy ("gypsies"). In some cases, such as Mexico, it is clear from internal government documents that the term was legally used in an ethnic, ascriptive sense. In other cases, such as in Argentina, it is much more difficult to determine how the category was used. Second, Roma are not represented by a nation-state that claims to protect their interests. Like the Doukhobors, Mennonites, and Hutterites excluded in Canada in 1919, Roma were more vulnerable to

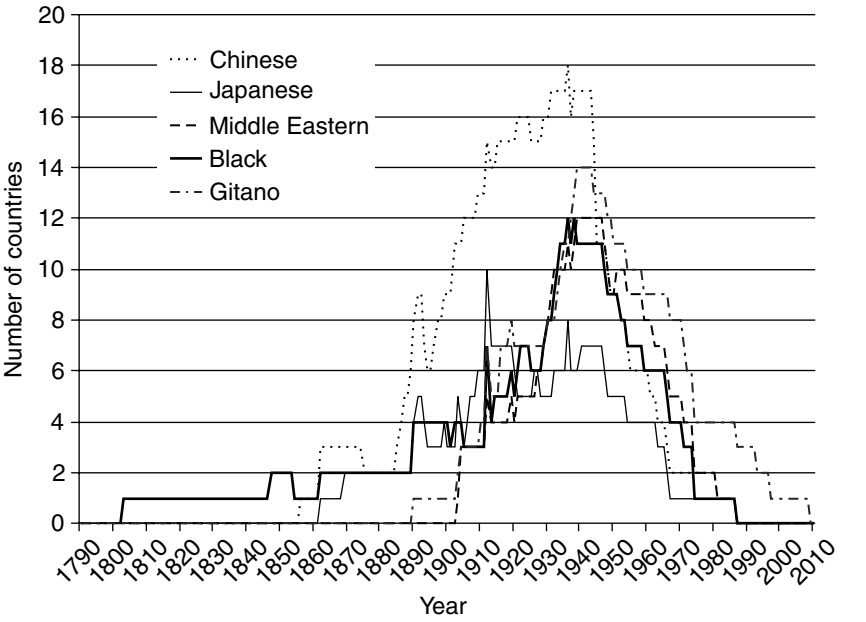

Figure 5. Number of countries in the Americas with negative immigration discrimination against Chinese, Japanese, Middle Easterners, blacks, and *gitanos,* 1790–2010.

named exclusion. Such late discrimination against *gitanos,* compared to the much earlier end of outright exclusion of Chinese, highlights the critical importance of countries of emigration in driving the end of negative ethnic selection.

One thinly disguised method of ethnic selection has been to pass laws that prefer ethnically "assimilable" immigrants or ban those that are "unassimilable." Immigration agents then judge which applicants are assimilable and which are not, with predictable results. Canada was the first country in the Americas to adopt such a policy, through its 1910 ban on immigrants "unsuitable to the climate" of Canada, which in practice excluded West Indians and Asian Indians. Figure 6 shows that eleven Latin American countries followed with different kinds of assimilability provisions. These provisions were often part of a transition from banning named ethnic groups to adopting policies that were ethnically universalistic. Of course, the notion of which groups were assimilable reveals more about government policies than the characteristics of immigrants themselves. In the United States, Canada, and Mexico, nativists

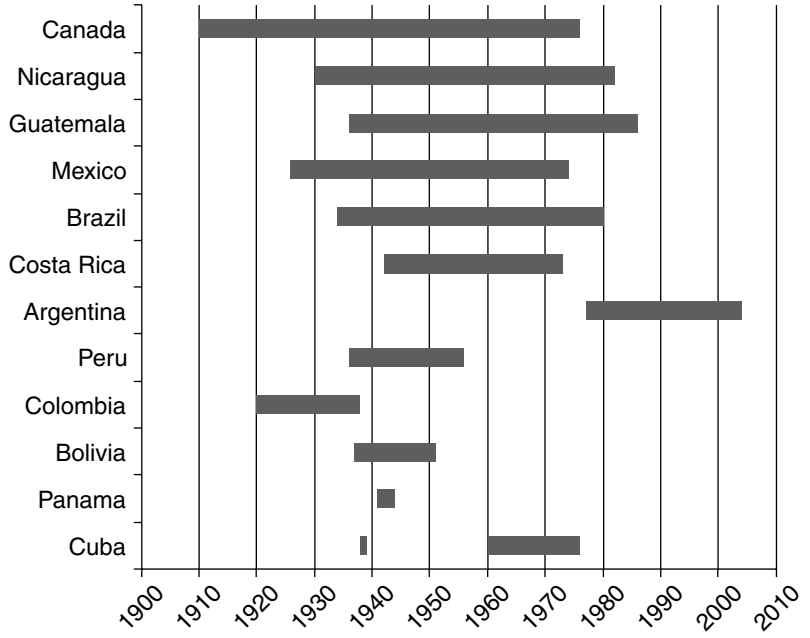

Figure 6. Countries in the Americas with "assimilability" provisions, 1910–2010.

passed laws restricting the ability of Chinese to interact freely with natives and then blamed Chinese for clannish behavior and refusing to assimilate.[139]

Governments also used positive preferences such as free passage and higher quotas to lure the immigrants they wanted. Between 1823 and 1904, every one of the twenty-two countries enacted laws explicitly preferring the immigration of at least one particular ethnic group. The first of these was Gran Colombia (precursor to Colombia, Ecuador, and Venezuela), which passed a law to attract North Americans and Europeans in 1823.[140] Eighteen countries had preferences for northwest Europeans, sixteen had preferences for Spaniards, and sixteen had preferences for Latin Americans. By 2011, only one country in the Americas, Argentina, had an explicit positive preference in its immigration laws for Europeans—a constitutional mandate dating back to 1853. Three Latin American countries had positive preferences for immigrant settlers from other Latin American countries. Figure 7 shows the number of countries in the Americas with positive preferences for Spaniards, Latin Americans, and northwestern Europeans for every year between 1790 and 2010.

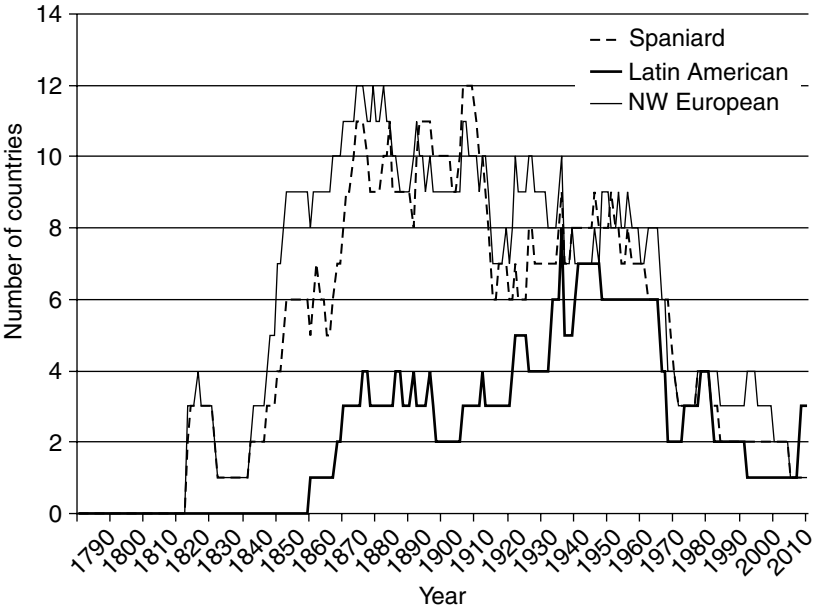

Figure 7. Number of countries in the Americas with positive immigration preferences for Spaniards, Latin Americans, and Northwest Europeans, 1790–2010.

A Policy Atlas

The following chapters use the three-dimensional model to explain patterns of ethnic selection across the Western Hemisphere. A historical atlas of policy charts developments in each country and the connections among them. Chapter 2 systematically analyzes the horizontal plane of international organizations and networks that channeled eugenicist and then anti-racism policies around the hemisphere and globe. It explores the interactions among a broad array of actors, including governments, quasi-governmental agencies, multilateral institutions, and epistemic communities of scientists as well as ties linking the hemispheric and global levels.

The following country case studies reveal the interplay between the vertical and horizontal origins of policy in the major countries of immigration. Chapter 3 shows how liberal democracy promoted ethnic selection in the United States beginning in 1790. The interplay between class struggles, racist and anti-racist ideologies, and foreign policy finally shifted decisively in favor of foreign policy considerations to remove the

national-origins quotas in 1965. Chapter 4 explores the case of Canada, which, like the United States, was an influential early adopter of ethnic selection and late to take it away, but whose position in the British Empire and Commonwealth makes it stand out from other countries in the Americas. The discussion of the Cuban case in Chapter 5 shows the strongest influence of the United States on immigration policy through various modes of diffusion, ranging from direct coercion to cultural modeling. Chapter 6 on Mexico explains why a country with miniscule levels of immigration relative to its population developed a complex system of ethnic selection, its resistance to U.S. diplomatic pressure, and the role of internally and externally directed populism in eventually moving toward an anti-racist stance. The Brazilian case in Chapter 7 illustrates the importance of the national myth of racial democracy in shaping immigration policy and the enormous gap between the law on the books and the law in practice. Chapter 8 explains the development of policy in Argentina, the second major exemplar of immigration policy in Latin America and an unusual case for its limited negative ethnic discrimination on the books and persistent explicit constitutional preference for Europeans.

The appendix summarizes the histories of ethnic selection laws in the sixteen countries that are not treated as a full chapter study. It also provides complete data on the beginning and end dates of overt discrimination and preferences in immigration and nationality law for each of the twenty-two countries. The conclusion assesses the major domestic and international deterrents to a return to overt discrimination and draws broad lessons for understanding the politics of immigration, policy diffusion, and race. Immigration policies cannot be fully explained by analyzing the vertical dimension of disputes within the state; they are fundamentally shaped by the policies of other countries of immigration and emigration through mechanisms that are elucidated by a three-dimensional analysis. Against prevailing accounts of policy diffusion that emphasize top-down models, we show that when geopolitically weak countries are able to band together, they can successfully apply leverage to change the policies of more powerful countries. Finally, we demonstrate that anti-racism is not inherently sustained by liberalism. Anti-racism is found across many different political systems, but it is especially fragile in populist and democratic environments.

The Organizational Landscape

From Eugenics to Anti-Racism

Norms concerning the selection of immigrants shifted from acceptance of racial selection among Pan American Union member countries in 1928 to an explicitly anti-racist consensus in the same organization just ten years later. Governments and non-state actors from geopolitically weaker countries like Brazil, Chile, Mexico, Peru, and Panama played a leadership role in delegitimizing racism and eventually pressuring stronger countries like the United States and Canada to change their immigration policies. These developments run counter to the received wisdom that the international turn away from racial discrimination in public policies was led by liberal democratic exemplars of the hemisphere in response to domestic politics and happened after World War II in reaction to Nazi atrocities and scientific racism.

What explains the normative and policy shift as well as the role played by countries in the Global South? We argue that a meeting of ideological motivation, geopolitical conjuncture, and organizational means combined to undermine ethnic selectivity in public policy and immigration law between the World Wars. White fears of postcolonial ethnic relations and the politics of humiliation endured by nonwhite countries created the *motivation* for a shift away from ethnic selectivity. The struggle of the Allies to gain support against their fascist enemies during World War II and the Cold War competition to win hearts and minds of postcolonial countries mostly of the Global South provided the *opportunity*. As the chill of the Cold War set in, claims to moral superiority over Communists seemed hypocritical when immigrants were excluded

because of ethnicity. Global organizational networks that gave voice to the concerns of non-English-speaking countries provided the concrete *means* to do away with ethnic selectivity in public policy.

The decline of ethnically selective policies demonstrates the utility of the three-dimensional framework discussed in the Introduction and in the process corrects standard accounts. Case studies of the United States, Canada, Cuba, Mexico, Brazil, and Argentina presented in the rest of this book show the importance of the vertical analysis of immigration policy formation as well as its limits and the promise of examining the intersection of the vertical and horizontal dimensions. This chapter explains explicitly how the horizontal political field of organizations and networks of state, quasi-official, and non-state actors shaped ethnically selective immigration policies.

Structures on the Horizontal Field

The horizontal and institutional orientation of this chapter reveals how policy norms develop, spread, change, and are sustained by the organization of international politics. In the Introduction, we discussed the mechanisms through which policy diffused from one country to another, the impact of domestic and foreign factors on the content of policy, and how power dynamics affect each mechanism. At the intergovernmental and transnational level of analysis, many of the same dynamics apply. Strong countries apply diplomatic pressure on weaker ones to get their way. Policymakers learn of other countries' policies and often emulate them because they know that this is how modern nations behave. Awareness of policies in other countries may motivate policymakers to strategically adjust their own policies in anticipation of the consequences of other countries' policies. A surprising finding is that at the intergovernmental level, weaker countries have more opportunity to use leverage with stronger ones. Weaker countries working together can exert pressure to create new international norms in ways that dramatically affect domestic outcomes in stronger states.

Ideas about how to select immigrants were not simply floating in the ether. Actors in particular organizations and networks created and spread eugenicist and anti-racist notions. Epistemic communities—networks of professionals with recognized and authoritative expertise in a policy domain who share normative and causal beliefs as well as notions of validity and common policy goals—frame issues, help states identify their interests, and point out matters to be negotiated. Epistemic communities play a critical part in the "diffusion of new ideas and information" that

can lead to new patterns of behavior and determine international policy coordination.[1] Here we examine the role of intergovernmental organizations and conferences of experts that contributed to the dramatic turn away from ethnic selectivity and toward human rights and nondiscrimination.

Our approach to these historical dynamics addresses some of the shortcomings of institutional explanations of diffusion identified by Martha Finnemore.[2] First, we trace processes in fine-grained detail, showing concrete mechanisms rather than simply establishing correlations between events like a conference on eugenics and changes in national immigration laws. Second, we pay careful attention to contestation and coercion in the process of normative diffusion rather than assume a consensual adoption of norms that would somehow take place outside of politics. We document, for instance, how many Latin American delegates at the First Pan American Eugenics Conference resisted and rejected the agenda of hardline eugenicists from the United States and Cuba. Finally, we capture a cultural feedback from periphery to core that conventional institutionalist models miss because they assume that global normative influences move in one direction from North to South. Since World War II, the push for anti-discriminatory immigration policies and anti-racism generally has moved against political gravity, from South to North and East to West. In contrast to Christian Joppke's rejection of the causal importance of international norms in explaining the demise of ethnic selection in major Western countries of immigration,[3] we show how the spread of similar patterns of immigration law throughout the hemisphere reveals that countries in the Americas learned from each other in international organizations and conferences. Collective leverage from weaker countries then changed the policies of the powerful.

The Rise of International Organizations and Conferences

International organizations and conferences have been an important feature of global integration and the international state system since the last quarter of the nineteenth century. They became particularly important in the domain of migration policy after World War I (see Table 2.1). To be sure, conferences relevant to racial selection took place before the war, but they did not have the political repercussions of the intergovernmental organizations that came later. The *Institut de Droit International* (IDI) founded in 1873 by jurists including nine Europeans, an American, and an Argentine was highly regarded in legal matters. The IDI issued a series of resolutions in the 1890s that implicitly rejected the selection of immigrants

Table 2.1 Key international meetings and treaties on racial equality and discrimination

Year	City	Meeting/Convention/Treaty
1911	London	Universal Races Congress
1912	London	First International Eugenics Congress
1919	Paris	Paris Peace Conference
1927	Havana	First Pan American Conference on Eugenics and Homiculture
1928	Havana	Sixth International Congress of American States endorses recommendations of First Pan American Conference on Eugenics
1934	Buenos Aires	Second Pan American Conference on Eugenics and Homiculture
1938	Lima	Eighth International Congress of American States
1939	Havana	Second Conference of American States Members of International Labour Organization (ILO)
1942	New York	Declaration by United Nations
1943	Mexico City	Inter-American Demographic Conference
1944	Philadelphia	International Labour Conference, 26th Session
1945	Mexico City	Act of Chapultepec
1945	San Francisco	United Nations Charter
1946	Mexico City	ILO Resolution Against Discrimination in Employment
1947	Bogotá	American Declaration of the Rights and Duties of Man (Bogotá Declaration)
1948	Paris	Universal Declaration of Human Rights
1950	Paris	UNESCO Statement on Race (1950) and Statement on the Nature of Race and Race Differences (1951)
1955	Bandung	The Asian-African Conference
1963	New York	International Declaration on the Elimination of All Forms of Racial Discrimination
1964	Moscow	UNESCO Proposals on the Biological Aspects of Race
1965	New York	UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)[1]
1966	New York	UN International Covenant on Civil and Political Rights (ICCPR)
1967	Paris	UNESCO Statement on Race and Racial Prejudice
1978	Geneva	World Conference to Combat Racism and Racial Discrimination
1983	Geneva	Second World Conference to Combat Racism and Racial Discrimination
2001	Durban	World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance

1. The Convention was adopted by the General Assembly of the UN in resolution 2106 (XX) of 21 December 1965.

by origin.[4] In a proposed international declaration written in 1888, the IDI suggested that except in cases of war, distinctions among immigrants be made individually rather than by "categories of individuals." In an 1892 proposal concerning the admission and expulsion of foreigners, the IDI proposed that immigrants not be excluded by virtue of the characteristics of their civilizations, although individuals from colonies were not subject to this principle.[5] The Universal Races Congress held in London in 1911 drew a wide range of statesmen, intellectuals, reformers, and anti-colonial activists from Africa, Asia, Europe, and the Americas, including delegations from Argentina, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Mexico, and the United States.[6] The proceedings before an audience of several thousand covered a wide range of topics related to improving interracial relations and produced a draft resolution urging policies that would endeavor to assimilate or change the economic, hygienic, educational, and moral standards of immigrants rather than to regard them as indefensible or fixed.[7] However, while the Universal Races Congress drew a global audience and the IDI had considerable international influence in some areas of the law, their declarations were followed by an era of unprecedented racial vitriol in the pronouncements of organizations like the 1912 First International Eugenics Congress in London. Thus, while the epistemic communities represented in the IDI and Universal Races Congress were primarily liberal and contested racial discrimination, their voices did not carry the day.

The League of Nations

After World War I, the League of Nations and associated conferences became important precursors to international networks that would swing the pendulum away from the racialized immigration policies then in place. The League sponsored several conferences to discuss barriers to world peace and to foster cooperation among countries between its establishment in 1919 and demise in 1946 when the United Nations took over its duties. It was largely ineffectual in achieving its stated goals and had few means to enforce implementation of its policies. Ironically, the United States was instrumental in establishing the League but never joined because the U.S. Senate refused to ratify the treaty.[8] While the League had some early successes, such as establishing the International Labour Organization and creating frameworks prohibiting the trafficking of women, it forfeited other opportunities to address key factors threatening world peace.[9]

The rejection of a Japanese proposal to introduce a racial equality clause in the Covenant of the League of Nations was a critical early

failure with long-term consequences. The incident illustrates the importance of the politics of humiliation on the world stage and makes it easier to understand why Asian, African, and Latin American countries were wary of the Great Powers during and after World War II. Japanese leaders resented the degrading treatment by Western powers, which had used the threat of force to open Japan to international trade and created immigration policies that banned or sharply restricted Japanese immigration. In this context, the Japanese delegation proposed in February 1919 a clause to establish racial equality among the citizens of participating nations: "Equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord as soon as possible to all alien nationals of State members of the League, equal and just treatment in every respect, making no distinction, either in law or in fact, on account of their race or nationality."[10]

Wellington Koo, a distinguished Chinese diplomat who was to play an important role in human rights debates after World War II, announced strong support for the racial equality proposal, as did Asian, African, and Brazilian representatives.[11] President Woodrow Wilson, who chaired the meetings, and representatives of the British Commonwealth countries strongly opposed the clause in terms that insulted delegates from nonwhite countries. These representatives "listened in horror as they heard many of the delegates refer to them as 'primitive' and 'racially inferior' peoples, 'savage tribes', and too 'backward' for self-government."[12] Isolationist politicians from the United States and other immigration countries were rattled by the prospect of the League becoming a platform to demand an end to racist policies. Senator James Reed (D-MO) venomously cautioned: "Think of submitting questions involving the very life of the United States to a tribunal in which a nigger from Liberia, a nigger from Honduras, a nigger from India . . . each have votes equal to that of the great United States."[13] Adding insult to injury, Wilson declared that the proposal had failed despite having been approved by eleven of seventeen delegates who voted because it had not been approved unanimously.[14] When confronted with the disregard for League rules, Wilson said that there simply were "too serious objections on the part of some of us."[15] The rejection of the amendment caused outrage at the conference and across the globe. At the end of World War II, the Commission to Study the Organization of Peace singled out the racial equality conflict and especially Wilson's behavior as "a rejection which embittered the Oriental world."[16]

The Western victors were keenly aware that the degradation of nonwhites could backfire and mobilize the rest of the world against white

dominance. As the geopolitical power of Japan grew, especially after its widely remarked defeat of Russia in 1905, other countries viewed it as challenging notions of white superiority. Indeed, President Theodore Roosevelt had developed the idea of big-stick diplomacy in response to this defeat against the white man. World War I further upset the racial hierarchy of world politics. "The World War," noted an editorial in the *Journal of Applied Sociology,* "augmented the spirit of nationalism in nearly all countries with the result that India, Turkey, Egypt, the Philippines, the South American republics, as well as China and Japan, are asking, if not demanding, autonomy regarding changes in their cultures and traditions."[17] A 1925 "Colored International" led by representatives from Japan, China, India, the Philippines, East Indies, Malay states, Egypt, and Turkey called to no effect for "the abolition of racial discrimination in the immigration policies of certain white nations."[18] At the 1929 International Labour Conference, the Chinese government proposed a discussion of the "question of equality of treatment between national workers and coloured foreign workers employed in the territories of States Members or in their possessions and colonies."[19] British diplomats thus took pains to manage how they communicated the rationale for racialized immigration laws with their nonwhite counterparts. A confidential 1921 memo explained, "We must realise too, that, although in polite talk with the Japanese it is customary to say that the reasons for exclusion of Japanese are purely economic, yet as a matter of fact, there is a racial and political antagonism to the Japanese in the countries concerned, which is stronger even than the economic antagonism. It is for racial reasons that the Japanese are not wanted."[20] European and U.S. diplomats increasingly felt that white superiority should be demonstrated through actions rather than inflammatory words and that voluntary compliance was preferable to coerced assent.

The League was the first global intergovernmental organization to which countries in the Americas belonged, and this experience shaped subsequent regional and global governance networks. All Latin American countries belonged to the League at some point between 1920 and 1946.[21] Many participated primarily to bolster their international prestige. South American countries in particular were more or less free to participate and did so for reasons of "idealism, prestige, and cooperation."[22] Another view is that Latin American countries sought some measure of juridical cover from the interventionist policies of the United States between the Spanish American War and the U.S. occupation of Cuba in 1898 and Franklin D. Roosevelt's proclamation of the Good Neighbor policy in 1933. Nine Latin American nations were charter

members of the League, and most others were members at some point. Brazil took a leading role in an effort to project an image of modern nationhood as it struggled with deep transformations in its economy and population. Argentina supported the League politically and financially. Latin American countries frequently acted as an unofficial bloc to guarantee representation on the Assembly and Council, presaging Latin American practices in Pan American organizations and in the United Nations.[23]

The Periphery Strikes Back

Organizations created by the United States (the Pan American Union) and the victorious powers of World War I (the International Labour Organization) allowed smaller countries to band together against world powers, specifically on the matter of ethnic selectivity in immigration policy. The United States organized a First International Conference of American States in 1889 in Washington primarily to serve as a clearinghouse for commercial and legal information. Latin American countries initially considered such conferences ineffectual and a ploy to advance U.S. commercial and political interests.[24] Latin American countries preferred a hemispheric union that would thwart European interventions like the one in Venezuela in 1902, when Germany, Great Britain, and Italy blockaded Venezuelan ports to demand payment of debts to European nationals. Both European intervention and Latin American organizing rubbed up against the desire of the United States to have a free hand in the region, and the initiative to form an explicitly political hemispheric organization failed, but the effort strengthened Latin American solidarity. Hemispheric conferences and organizations eventually became sites where Latin American countries cooperated to limit intervention by the United States and European powers.[25]

At the Fourth International American Conference (Buenos Aires 1910), a shift in organizational structure laid the groundwork for Latin American countries to work collectively through its institutions. Member countries passed a resolution creating the Pan American Union to take the place of the Union of American Republics. Control of the Union was vested in a governing board consisting of the diplomatic representatives of all the "Governments of said Republics accredited to the Government of the United States of America and the Secretary of State of the United States, upon whom the American Republics have conferred the chairmanship of the governing board."[26] This stipulation made it impossible for countries with no diplomatic representation in the United States to

participate, but they could designate a member of the governing board as a representative. Most importantly, each country representative had an equal vote. Thus, while the United States Secretary of State played a dominant role, other countries could still act as a bloc.

At the Fifth International Conference of American States in 1923, tensions between the United States and other countries came to a head over a proposed regional version of the League of Nations. The United States vehemently opposed the Latin American proposal, and the result of discussions was a weak resolution to study the bases for a mutual association. While relations between the United States and its Latin American neighbors remained tense over the unilateral application of the Monroe Doctrine, the Pan American conferences became a site where every country in the organization had a vote and the collective presence of the Latin American countries was significant.

The tensions among countries in the region persisted and erupted into strong disagreements at the Sixth Conference of American Republics (Havana 1928). In the wake of the U.S. invasion of Nicaragua, Latin American countries proposed a non-intervention resolution to curb U.S. power, but U.S. Secretary of State Charles Evans Hughes succeeded in blocking it, and the matter was tabled until the Seventh Conference (Montevideo 1933). By the Montevideo meeting, however, President Franklin Roosevelt's Good Neighbor policy reversed the U.S. position and took concrete steps to address Latin American concerns. When the United States signed the Additional Protocol on Non-Intervention in Buenos Aires (1936), it had pulled out of Nicaragua and Haiti, revoked the Platt Amendment in Cuba, and given up financial control in the Dominican Republic. By 1936, the Union had transitioned from a commercial and legal clearinghouse to a full-fledged intergovernmental organization that addressed key political issues in the region.[27]

The Eighth International Conference of American States in Lima (1938) was an especially important meeting because Latin American countries proposed an association of American states, just as the United States sought hemispheric support in case of a world conflict. Human rights appeared in the proceedings of the Eighth Conference as a concern that emerged primarily during time of war. The same proceedings contained a resolution that linked liberal principles of equality before the law with the principle of nondiscrimination based on race or religion: "[I]n accordance with the fundamental principle of equality before the Law, any persecution on account of racial or religious motives which makes it impossible for a group of human beings to live decently, is contrary to the political and juridical systems of America."[28]

Resolution XLV proposed that immigration provisions in particular not adopt discriminatory selection criteria contrary to the ideals of fraternity and peace. The resolution recommended to member states "that they coordinate and adopt provisions concerning immigration, wherein no discrimination based on nationality, creed or race shall be made, inasmuch as such discrimination is contrary to the ideal of fraternity, peace and concord which they undertake to uphold without prejudice to each nation's domestic legislation."[29]

The concession to national sovereignty toward the end of this resolution illustrates tensions at the intersection of vertical and horizontal dimensions of policymaking. Most countries in the region valued their sovereignty and feared that the United States or another neighbor would violate it, but the same countries realized that regional and international organizations could provide support against such violations. It was also on the horizontal field that weaker countries built a stage on which to enhance their reputations. In view of these potential payoffs, they were willing to make some concessions. The United States and other Western powers, including middle powers like Australia and Canada, consistently opposed any perceived limits on national sovereignty in matters of domestic policy, including immigration law and norms pertaining to colonies and treatment of racial minorities.[30] The United States eventually acquiesced in some pronouncements of racial equality, while making sure that such provisions were weak and unenforceable. Secretary of State Cordell Hull represented the United States before the Pan American Union and later was a proponent of this strategy in negotiations surrounding the UN Charter. It is likely that U.S. delegates played a role in the inclusion of a sovereignty clause that would strip the force of the 1938 Pan American's Conference's Resolution XLV.

The International Labour Organization (ILO) also provided a forum for Latin American countries to voice their views on international affairs and vent grievances against powerful countries.[31] The ILO served as a nexus between the League, of which it was originally a subsidiary, and the Pan American Union.[32] Eighteen of forty-seven ILO member countries were in the Americas. The United States did not join the ILO until 1934 when membership increased to sixty-two countries. Argentina and Canada were members of the Governing Body in 1921 and had been joined by Brazil and Mexico by 1934. Delegates in the Governing Body and in the General Conference decided matters by a simple majority vote.[33] This gave Latin American member countries a bloc voting advantage and in some ways put them on par with more powerful countries. Members could resist labor conventions to appease domestic interests,

but the reputational costs of going against the ILO community had been raised by the equal weight of country votes, by the right of any member to bring a complaint against another country, and by the public nature of voting within the ILO.[34] The system of giving each country equal voting rights in organizations and conferences became an important tool for weaker countries to jointly challenge U.S. positions.

The ILO compiled international examples of labor and social legislation that served as the basis for domestic and regional discussions.[35] The Office published and distributed to member states a series of detailed analyses of migration that served as concrete sources of information about immigration policies throughout the world. It also compiled social legislation from the Americas that addressed migration even when it was not the central theme.[36] The ILO sponsored meetings where participants discussed labor issues and migration. In this context, Latin American member countries voiced concerns about discrimination against their citizens.[37]

In brief, the League of Nations, the International Labour Organization, and what became the Pan American Union were organizations that had become politically significant by the eve of World War II. They constituted an organizational network where participants sought prestige on the world stage but also protection from interventionism by the Great Powers. The rules and practices of governance in these associations of states also contributed to legitimating the idea of intergovernmental organizations. The smaller powers of the hemisphere used these rules and practices to their advantage by acting as a bloc when members were threatened by regional and outside powers. These intergovernmental organizations were at the core of a loose network of organizations and conferences that dealt with a range of policy issues including ethnic selectivity in immigration law.

Epistemic Communities

The improved travel and communication technologies to which historian José Moya attributes an important role in bringing "brawn" to the Americas also made possible the global integration of "brains."[38] International organizations and conferences of experts became common in the last quarter of the nineteenth century. In the twentieth century, these organizations met with the sponsorship of national governments and intergovernmental organizations like the Pan American Union, League of Nations, and the ILO. Economics, law, natural sciences, and demography were among some of the disciplines in which national and international

organizations shared a keen interest. Statistics was at the forefront of developing an international epistemic community in the 1850s.[39] As global migration increased, governments viewed international organizations and conferences as sites where they could draw on experts in each of these fields to address the challenges posed by immigration. Developing standard practices around managing mobility would facilitate international exchanges and labor flows at the same time as they give countries a sense of belonging to an emerging group of modern nation-states.[40] Conferences provided the setting and mechanisms for the spread of ideas about what were legitimate ways to select immigrants and prospective citizens. International organizations at least formally were equally open to powers great and small.

Eugenics in the Americas

The emergence of international organizations coincided with the birth of eugenics, which became one of the most widespread and influential ideologies of the twentieth century. Its influence was especially felt in the domain of migration control. Eugenics was, in the words of its earliest proponent, "the science which deals with all influences that improve the inborn qualities of a race; also with those that develop them to the utmost advantage."[41] Scientists, doctors, and politicians across the political spectrum subscribed to its major tenets of bettering the biological constitution of national populations through selection of immigrants, controlling reproduction, and shaping the human environment though medicine, public health measures, and the cultivation of healthy habits. The contemporary focus on racist and aberrant applications of eugenics overshadows the extent to which it was a mainstream ideology and cultural movement that impacted a broad array of policy areas beyond race. Eugenics was seen globally before the 1920s as a "morally acceptable and scientifically viable way of improving human heredity." It was "not so much a clear set of scientific principles as a 'modern' way of talking about social problems in biologizing terms."[42] Government and scientific proponents viewed eugenic ideals and policies as a sign of progress.

Political elites in the Americas embraced eugenics' scientifically authoritative prescriptions for selecting northwestern European immigrants and keeping out blacks and most Asians. Scholars who study eugenics have argued that immigration policies were the "single most internationally significant and consistent policy and legal application of eugenic ideas."[43] The language of selection and improvement resonated with policymakers' concerns about the volume and composition of flows. The

idea of the quality of flows in particular implied a view of what made some people better than others as immigrants and citizens. U.S. immigration reforms after the First World War, for instance, were deeply influenced by eugenicist Harry Laughlin's notions of biological selectivity. While institutional openness to eugenics advocates varied significantly across countries, eugenicist principles spread to immigration law throughout the hemisphere, including Brazil, Canada, Mexico, the Dominican Republic, and Cuba. Eugenic ideals and organizations reinforced paths of ethnic selection already operative in immigration policies.

Eugenics was a global movement whose proponents organized three world congresses between 1912 and 1932. The congresses attracted medical professionals, scientists, and government officials from all over the world, but primarily from the North Atlantic and white settler states. Eugenicists from the Americas participated in the international conferences, and all of the major countries in the region had national eugenic associations. They also organized three regional conferences with the support of the Pan American Union, although only two actually took place. Eugenics organizations and conferences in the Americas were venues for the diffusion of acceptable ways of selecting immigrants and would-be citizens. Delegates would speak of how they did things in their country and how other countries handled similar challenges to the betterment of their national populations. Delegates from less powerful countries could successfully contravene the agenda of delegates from more powerful ones. Delegates who thought heredity was more open to environmental influence, for instance, generally opposed immigration policies based on deterministic models of heredity. Delegates from smaller countries also could contest immigration proposals that they found injurious to their sense of nationhood. Eugenics conferences were thus spaces for diffusing ideas as well as contesting notions that delegates from powerful countries expected to be taken at face value.

Eugenicists at the First Pan American Conference on Eugenics and Homiculture (Havana 1927) agreed that biologically selective immigration policy was a means to better national populations, but varied the role they attributed to environment in matters of heredity. On one end of the spectrum, *hereditary determinists* emphasized the imperviousness of inherited traits to environmental factors, although traits could vary significantly from one generation to the next depending on genetic inputs. Determinists primarily drew on the Mendelian tradition of genetics. On the other end of the spectrum, eugenicists who took an *environmentalist* view emphasized the impact of contextual factors on the expression of hereditary traits. Genetic inputs mattered a great deal, but environmentalists argued

that the effect of heredity could be offset by environmental modifications such as sanitation and education. Environmentalists drew on the Lamarckian tradition of genetics. Delegates from the United States, Cuba, the Dominican Republic, and Panama were hereditary determinists and represented by Juan Domingo Ramos, a Cuban physician and devoted follower of U.S. eugenicists Charles Davenport and Harry Laughlin. Delegates from other countries in Latin America were environmentalists and were represented by Carlos Paz Soldán, a renowned Peruvian professor of medicine and social medicine advocate who was to become Secretary General of the Pan American Sanitary Conference in 1934.

Assumptions of each camp strongly influenced their perspectives on immigration policy. The determinists proposed a Pan American Eugenics Code that would have gone even further than U.S. screening policy by ascertaining the family background of prospective immigrants. Most Latin American delegates resisted the adoption of a determinist hemispheric eugenics code even when the U.S. delegates and their proxies threatened inclusion of Western Hemisphere countries in U.S. nationality quotas from which they had been exempted. A bill by Rep. John Box (D-TX) that would have extended quotas to Mexico was moving toward introduction in the U.S. Congress at the time. The opening date of the Box Bill hearings was delayed at the request of the U.S. State Department to avoid antagonizing Latin American delegates meeting at the 1928 Pan American conference in Havana that followed the eugenics congress.[44]

Peruvian delegate Paz Soldán countered the threat of a hemispheric eugenics code by arguing that the greatness of the United States was attributable, *pace* Davenport, to "all of the races that live there together, like the Jews, the Russians . . ." and that when one made claims about quotas based on putative biological categories, one had moved into the realm of sectarianism in a matter that in actuality was purely economic. Mexican delegate Rafael Santamarina challenged Davenport's presentation of the 1924 U.S. national-origins quota law by asking how undesirable mental, moral, and physical characteristics were inferred from national origins. He cited the example of Mexican children who were discriminated against in the United States when they were subjected to standardized tests that did not control for linguistic or cultural competencies.[45]

The final draft code approved by the representatives included the option to select immigrants by race, but focused on the characteristics of individuals, rather than whole families, and recognized the possibility that environmental factors and public policies would improve the quality

of immigrants: "The American nations will draft and apply immigration laws destined to impede the entry in their territories of representatives of races with whom association is considered biologically undesirable."[46] The Sixth International Conference of American States, which opened in Havana just days later, passed an intergovernmental resolution based on the recommendations of the scientific experts at the Eugenics Conference.

The Second Pan American Conference on Eugenics and Homiculture (Buenos Aires 1934) further exposed the gap between the hereditary determinist view, espoused primarily by U.S. delegates and a handful of Latin American supporters, and the environmentalist perspective, supported by most Latin American delegates. It also revealed that most Latin American delegates were eager to assert their position strongly regardless of the U.S. stance. The 1934 conference had delegates representing more countries than had participated in 1927. In part, this was attributable to its following on the heels of the Ninth Pan American Sanitary Conference. The sanitary conference had a significant impact on the Second Pan American Eugenics Conference through common leadership. Paz Soldán, for instance, was Secretary General of the Sanitary Conference and a key participant in debates against the determinist position. The Eugenics Conference adopted the same procedural rules of the Sanitary Conference, which gave Latin American countries the ability to vote effectively as a bloc.

By the end of the Second Pan American Eugenics Conference, most Latin Americans had made a decisive break with the hereditary determinists and moved in the direction of a "positive eugenics." Positive eugenicists stressed the interaction between genetic endowments and the environment and pressed for studies showing more empirically informed causal linkages between them. They emphasized individual "biotypes" rather than group-level mutation and heredity. This break was also in line with global developments. At the Third International Conference of Eugenics (New York 1932), H. J. Muller, a prominent geneticist and later Nobel Prize recipient, derided determinist eugenics for being the terrain of the uninformed and scientifically suspect. In response to Davenport's presidential address at the congress, even the renowned Italian eugenicist and fascist Corrado Gini proposed a "regenerative eugenics" that cultivated positive traits rather than eliminated negative ones.[47] The regional and global eugenics conferences signaled significant ruptures in the eugenicist canopy and presaged the transformation of the movement.

A close reading of the Pan American Conference papers yields several lessons about eugenics as an epistemic community with vertical and horizontal dimensions. First, eugenic organizations channeled ideas about ethnic selectivity to their respective governments as well as internationally. The Eugenics Records Office at Cold Springs Harbor was the launching pad for Charles Davenport and Harry Laughlin's successful framing of immigration policy as an instrument for the rational selection of newcomers who would racially improve, rather than defile, the U.S. population. The Princeton-educated Laughlin in particular was a darling of American restrictionists. He became friends with Representative Albert Johnson, co-sponsor of the 1924 immigration act, and this led to his appointment as expert witness for the House Committee on Immigration and Naturalization.[48] Laughlin's work had an overtly political dimension after passage of the 1924 quotas. He vigorously pursued proposals to gather eugenic data with the 1930 census, pass sterilization laws, have prospective immigrants eugenically screened at the point of departure by U.S. consulates, and extend eugenic policies throughout the Americas. He maintained an extensive correspondence with Representative John Box (D-TX), who in 1926 introduced the unsuccessful Box Bill to include Mexico and other Western Hemisphere countries in the quota system.[49] The Eugenic Records Office supported public education campaigns that relied on the notions of heredity taken for granted by the U.S. population to advance ideas of racial improvement through sterilization and immigration restriction. American eugenicists were not the only ones with influence on framing national debates about ethnic selectivity in immigration policy. In Brazil, eugenicist epistemic communities and the political class overlapped and the nexus between eugenics and policy discussion was direct.[50]

On the international front, Davenport and Laughlin hawked their ideas of ethnically selective immigration policy to other countries. The Pan American Eugenics Conferences offer a glimpse into their efforts and Latin American delegates reacted. Laughlin even acted as a consultant to Cuban legislators when they considered a nationality quotas bill in the early 1930s. Whatever Laughlin's intent, his superiors at the Carnegie Institute perceived his work as attempts to influence Cuba's immigration policy.[51] Laughlin's activism suggests a second important lesson about the eugenics movement as an epistemic community. If organizations are means to put ideas into practice, they still require particular people to serve as carriers or transmitters of the ideas they wish to embody.[52] In addition to his domestic advocacy for eugenic policies, Laughlin's exchanges with Cuban medical doctor Domingo Ramos in preparation

for the Pan American Conferences attest to how carefully he crafted an agenda to pass a hemispheric eugenics code. On an international level, he lobbied tirelessly to attend regional and world conferences on migration and to serve as a civilian consultant to any government that would listen to his views. Laughlin's meticulous and persistent correspondence with State Department officials requesting nomination as a civilian delegate for the United States to the Second Emigration Conference (Havana 1928) reveals the political networks to which he had access and that aided him in propagating eugenic ideology.[53]

Finally, exchanges at the Pan American Eugenics Conferences show that important norms, in this case about ethnic selectivity, do not move uncontested from the powerful to the weak. A mandate from the Pan American Union, the scientific status of participants, and the conference's rules leveled the field of discussion. Each country had one vote and all countries had to follow the same rules. Threats could still be issued, as Davenport did through Ramos, but the inclusion of countries less susceptible to U.S. pressure than Cuba or Panama created opportunities for contention that might not have otherwise materialized. Epistemic communities may share foundational norms—like the notion that populations can be improved through selective policies—but there is room for debate about important details. Latin American countries showed a broader range of positions on ethnic "betterment," from the social medicine of Peruvian Paz Soldán to the hereditarian determinist views of Cuban delegate Domingo Ramos. When it came time to establish principles for immigration selection, Latin Americans mostly preferred selecting individuals based on expressed traits rather than choosing families on latent characteristics. Delegates recognized that the mechanisms linking underlying biological characteristics to expressed physical or behavioral traits were still unknown and that filling in knowledge gaps created spaces for sectarianism, as Paz Soldán put it. The Latin American predilection for individual level selectivity and openness to environmental betterment carried within it a rejection of a hard racialist position. The delegates understood that a eugenic position like Davenport's held within it the prospect of exclusion against Latin Americans. The U.S. delegate's threat of including Western Hemisphere countries in the U.S. national-origins quotas scheme only confirmed this view.

The differences and dynamics revealed at the Pan American Eugenics Conferences were only the beginning of a trend that would be accentuated in future meetings, especially of intergovernmental organizations like the Pan American Union and later the UN. Experts, policymakers, and diplomats from the United States could not take for granted the

deference of their peers from Latin America. Political leverage works on both sides of a fulcrum and the points of leverage change. The mobilization of the Western Hemisphere behind the Allied effort in World War II gave smaller countries leverage. A new political opportunity structure created openings for the reconsideration of ideas about ethnic discrimination and equality.

Consolidation of a Human Rights Regime

By the eve of World War II, the foundations of scientific racism had been battered by hard evidence from genetics and anthropology. At a global level, determinist eugenics had been discredited by Nazi policies and had begun a retreat into the more moderate guise of demography and human development. In Latin America, natural and social scientists were well aware of evidence that called popular and older conceptions of biological race into question. For example, a participant at the First Population Congress in Argentina in 1940 chastised fellow participants who did not recognize that from a scientific perspective, "one can categorically affirm that there are no races; that there are species: the human species and animal species."[54]

Latin American leaders knew full well that the United States, among other Great Powers, viewed most Latin Americans as racial inferiors. The strong reaction by the United States and others against the Japanese proposal to include a racial equality clause in the Convention of the League of Nations had not escaped notice.[55] Discussions by U.S. experts and legislators about the possible inclusion of Latin American countries in the nationality quotas scheme had also registered. Latin American countries rejected discriminatory policies and hardline determinist eugenics in solidarity with regional peers, probably on the assumption that discrimination against one Latin American nation entailed the possibility of similar behavior toward other Latin American countries. Mexican and Panamanian representatives at the ILO publicly condemned the egregious discrimination against Mexicans in the United States and black workers in the Panama Canal Zone.[56] Brazilians had diplomatically contested the association of their nationality with blackness in the practice of U.S. immigration policy.[57] In the context of a hemispheric racial politics that disadvantaged Latin America, its governments publicly advocated for universal human rights and for racial equality extending to all public policies, including immigration. To be sure, claims of racial equality were often motivated by a desire to save national

face on an international stage even as systematic discrimination and inequalities were the norm at home. The interwar period was a time of nationalist retrenchment when exclusions of particular groups of foreigners were justified by the perceived imperative of forging internal homogeneity.

CYNICISM AT EVIAN

The treatment of Jewish refugees in the late 1930s puts Latin American anti-discrimination initiatives in perspective and reveals a bewildering ideology of anti-racist racism. On the world stage, we have described how, in reaction to U.S. interventionist practices and U.S. discrimination against Latin Americans, Latin American countries called for the end of discriminatory selection criteria that were contrary to the ideals of fraternity and peace. At the same time, Latin American countries rhetorically committed to assisting Eastern European Jews within the framework of their respective immigration laws, a telltale sign of exclusion by means of facially neutral policies. At the U.S.-sponsored Evian Conference held in France in 1938—attended by 20 countries in the Americas and 13 others—countries like Argentina, Brazil, and Mexico pledged support of humanitarian efforts to assist Jewish refugees fleeing Nazi persecution. This support, however, would be guided by immigration policies in effect. Even when those policies appeared neutral, however, they resulted in the exclusion of Jews and other outsiders. The notable exception was the Dominican Republic, which extended visas to Jews fleeing Europe, albeit at a price, as part of its project of "whitening" the Dominican Republic.[58] The American Jewish Committee lamented the oversight by South American republics that wrote laws which combined with European emigration laws to effectively exclude Jews. "They completely ignored the fact that the abnormal occupational stratification of the Jewish population in Eastern Europe was a direct result of the long-standing discriminations against Jews: non-admission into agriculture, industry, government and municipal service and restrictive measures in education and the trades," the committee wrote.[59]

The seemingly neutral focus of Latin American policies on attracting agricultural immigrants allowed prospective receiving nations to please their U.S. hosts while in fact excluding Jews. Helio Lobo, Brazil's diplomatic representative at the Evian Conference, stressed that while the 1938 nationality quotas decree allowed the redistribution of quotas among nationalities, "80 percent of each quota has to be earmarked for agricultural immigrants or technical experts in agriculture and that no

member of these latter categories may change his occupation until four years after his arrival in the country."[60] The innocuous category of "agricultural worker" used by South American republics and by Canada effectively targeted Eastern European Jews who had historically been barred from agriculture and hence had made a livelihood in urban areas.[61] Tomás Le Breton, the lead Argentine diplomat at Evian, commented on the unassimilability of some prospective workers, a thinly veiled reference to why Jews were unlikely to be welcomed in Argentina.[62] These diplomats, influential among their Latin American colleagues, also ended with polite promises to study and solve "this problem." As other chapters in this book show, Latin American countries also excluded Jews using bureaucratic mechanisms like secret memos to diplomats and immigration officials that banned the entry of Jews. From 1933 to 1945, an estimated 200,000 Jews entered the United States compared to 5000 in Canada and 100,000 in Latin America, including 45,000 in Argentina, 23,500 in Brazil, 3,500 in Cuba, and 2,000 in Mexico.

THE TURN TO ASSIMILABILITY

Assimilability, the idea that some newcomers would integrate better than others with the national population and not threaten social and political institutions, had been used to select immigrants in Canada as early as 1910, in Argentina after the First World War, and in Brazil by the early 1930s. The criterion of assimilability, rather than restriction of named ethnic groups, gained prominence on the hemispheric stage for the first time at the First Inter-American Demographic Congress in October 1943. The congress also revealed the rise of Latin American understandings of race and eugenics that reflected populist nation-state building and a challenge to the United States.

The Mexican government took the initiative to organize the congress to "coordinate hemispheric governmental perspectives about problems posed by postwar migratory movements as well as the determination of a demographic policy for this emergency period."[63] The Mexican government had emerged as a promoter of Latin American unity in the previous decade and had become immersed in the politics of migration. In addition to dealing with Spanish and Jewish refugee issues, Mexican migration to the United States had been in progress for almost half a century. *Braceros* had been migrating to the United States since the previous year as part of a bilateral temporary worker program. Social discrimination against Mexicans in the United States was a sore spot in the bilateral relationship. The Mexican government had banned Bracero migration to Texas, where conditions were especially harsh.[64] While the idea for the

congress was initiated by Mexico, its goals were part of ongoing hemispheric debates and included countries like Argentina that were on the outs with the United States and its allies because of its lack of participation in the war effort. The congress included delegations from all twenty-two independent countries in the Americas who officially represented their governments and/or attended in their role as prominent demographers. Representatives from the Pan American Union, Pan American Institute of Geography and History, the Inter-American Indigenist Institute, the Inter-American Statistical Institute, the Pan American Sanitary Office, the International Labour Office, and the League of Nations' Economic, Financial, and Transit Department also attended.

The 1943 congress was significant because its resolutions simultaneously recommended that governments in the Americas reject in the strongest terms any policy or action that was racially discriminatory, while still subscribing to the eugenic logic of improving the quality of national populations. It also recommended the abandonment of "race" as a term that implied psychological, cultural, religious, or linguistic qualities given that "scientifically valid" criteria for racial classification refer to hereditary somatic features with no implications for any psychological or cultural trait. The formal abandonment of race as a legitimate criterion for social policy also resonated because many of the participants saw ideologies of racial superiority as a cause of the Second World War.[65] Eugenics, the resolution clarified, was to be understood in its strict scientific sense as "a factor for the biological and social improvement of the individual, whatever his or her race. In this sense, any tendency is anti-scientific which has as its purpose to foster a sense of racial superiority since these are not only contrary to the conclusions of science but deny the elevated principles of social justice supported by all American nations."[66] This understanding of race and eugenics was a direct assault on the hereditarian determinist theories that had been promoted by Davenport and Laughlin. The resolution thus shifted to a *biotypological approach* that focused on the socioeconomic and physical environment and individual over group traits. It also signaled a reclaiming of "science" from those who had made unsupported claims about the link between somatic characteristics, morality, and personality.[67]

According to contemporary observers, the conference focused with particular intensity on the challenges faced and presented by Afro-Americans and Amerindians.[68] Resolutions IX and X, which preceded the racial discrimination discussion, stressed the plight of Amerindian populations and highlighted steps taken in Mexico to promote *indigenismo*.[69] The emphasis on indigenous groups and blacks reflected

populist nation-state building strategies of the interwar period developed in other countries such as Brazil under Getúlio Vargas and Cuba after the Revolution of 1933. The strategy was to integrate existing ethnic groups into a national body while excluding foreigners deemed undesirable because they would alter the perceived ethnic or cultural balance. Resolution XVI noted that Afro-American populations had not achieved the "status which they are owed" and were objects of legal discrimination that put them at a disadvantage relative to other groups in their countries. The remedy to this situation was education for "Afro-Americans, blacks, and people of color to eliminate racial or color discrimination from all human relations but especially from work conditions, housing, education, sanitation, and distribution of public services," as well as guaranteeing full political rights which were "essential to the democratic spirit of America." Afro-American populations were also to be studied extensively so as to understand their situation, and other groups were to be educated from a young age about the scientific results of these studies in the interest of promoting a better understanding among different social groups.

Discussions at the Congress also attest to a shift away from biologized ethnicity and toward a standard of cultural assimilation. This turn appears in a terminological discussion of "maladaptation" and "undesirables." "Socially maladapted" was a category that located two potential problems with immigrants. First, they elicited hostility from the existing population due to their "culture and habits very different from those of American Nations." Maladapted immigrants in turn reacted negatively against their rejection by natives (Resolution XIV). Second, some maladapted immigrants brought a "deliberate negative purpose, especially political." Immigrants in this latter group insisted on maintaining cultural distance from the native population and in conserving for themselves and their offspring "characteristics and original differences." This resulted in the existence of "cyst-like" communities that "tenaciously resist all assimilation, thus preventing the complete national integration to the country that has received them, and, on occasion, becoming sources of disintegration." The language of social maladaptation replaced the language of undesirability, with its implied rejection of particular national and racial origins, which had been the euphemistic term used to exclude Jews, Arabs, blacks, and others. The "maladapted" were problematic not because of their biological origins, but because of their putative unwillingness to assimilate and integrate and the barriers this resistance posed to nationalist integrative projects.

Assimilability became the new standard for immigration and political selection. In practice it allowed for the potential exclusion of the usual suspects—Jews, blacks, Roma, and Asians—and of politically questionable newcomers that became a category of renewed concern as the Cold War emerged. Governments could claim to make decisions based on the best "fit" with national characteristics and needs without invoking discredited notions of racial prejudice. They could also adopt "acculturation" policies rather than wholesale exclusion based on ethnic or national origins (Resolution XIV).

The resolutions of the Inter-American Demographic Congress reflected the anti-discrimination spirit of the 1938 Inter-American Conference of American States resolution. Subsequent meetings reiterated the notion that immigrants should not be selected on the basis of ethnicity and that there was a fundamental disconnect between racial prejudice and "the conclusions of science and the principle of social justice" inherent to democracy.[70] The Inter-American Conference on Problems of War and Peace (Mexico 1945) and the Third Conference of American States Members of the ILO (Mexico 1946) affirmed this principle.[71] The politics surrounding the inclusion of human rights and racial equality in the United Nations Charter and in the Universal Declaration of Human Rights, however, suggests that liberal democracies would not give up their privileges for whites without substantial resistance.

Race Relations Become International Relations

The United States and Great Britain rallied global support for the war against the Axis by pitching it as "the people's war."[72] The third point of the Atlantic Charter (1941) promised that Prime Minister Churchill and President Roosevelt would "respect the right of all people to choose the form of government under which they will live." The Voice of America trumpeted these and other principles of the Charter as the standard around which the entire world could rally. Twenty-six countries agreed to band together in defense of the principles of the Atlantic Charter when they signed onto the Declaration by the United Nations (1942).[73]

The Allies, however, confirmed the apprehensions of friends and the accusations of foes through their actions and omissions. Prime Minister Churchill publicly flaunted his sense of racial superiority over his nonwhite allies, noting, "Why be apologetic about Anglo-Saxon superiority? We are superior."[74] Rounding up local citizens of Japanese descent throughout North and South America raised serious questions about

equitable treatment even among some Allies. Discrimination by Allied military forces against their own citizens of color, including those fighting in the war, was widely known. For most of World War II, immigration policy in the United States, Canada, Australia, New Zealand, South Africa, and fifteen Latin American countries discriminated against the immigration of people from key members of the Grand Alliance such as China and India.[75]

Geopolitics explains the repeal of Chinese exclusion in the United States, Cuba, and Canada. It would have been difficult to maintain exclusion against the people of a key supporter like China and without lending credence to Japanese propaganda about Allied hypocrisy. More profoundly, Frank Füredi persuasively argues that white fears of retaliatory race wars initiated by nonwhites, rather than reactions to eugenic excesses and Nazi atrocities, drove the global demise of racist policies. These fears overlapped with geopolitical concerns that attracting a cross-racial coalition to fight World War II would increase demands for racial equality and push nonwhite countries in an anti-white direction.[76]

The ambivalence of the dominant Allied powers was also seen in preparations for the end of white empires and in efforts to exclude human rights and racial equality from foundational documents of the new world order after the war. Official committees on both sides of the Atlantic prepared for what seemed to be the inevitable rise of demands for self-government, human rights, and racial equality emanating from Asia and Latin America. Under Secretary of State Sumner Welles, who in 1942 had tried to squelch hearings into discrimination against Mexicans in Texas for fear of repercussions for the Good Neighbor policy, organized a Special Subcommittee on Legal Problems under the Advisory Committee on Postwar Foreign Policy. The Subcommittee was charged with considering issues related to an international bill of human rights. The closing paragraph of the highly confidential draft of a human rights bill stated that these rights were to be guaranteed and a part of the supreme law of each state "without discrimination on the basis of nationality, language, race, political opinion, or religious belief, any law or constitutional provision to the contrary notwithstanding."[77] The British Foreign Office in 1941 opposed open support for the principle of racial equality. British officials privately reasoned that such a statement would create problems for the Australians and the Americans, who "are also far from any real belief in racial equality."[78] And yet, British policymakers began to plan for the implications of an international acceptance of the principle of racial equality.

The politics surrounding the Dumbarton Oaks meeting held on the outskirts of Washington, D.C., from August to October 1944 revealed a

strong aversion toward human rights on the part of the "Big Three" (the United States, Britain, and the Soviet Union). The goal of this meeting was to draft a charter for international organization after World War II. The conversations were not open to smaller countries but were joined by China in a second phase. In the postwar era, participating countries would act as the "Four Policemen." The four powers plus France would serve as permanent members of a Security Council and have veto power. A much weaker General Assembly would be open to representatives of all other nations. The United States, Britain, and the Soviet Union agreed to oppose any meaningful proposal for the inclusion of human rights in the new organization's charter. China's respected head delegate, Wellington Koo, proposed that the new international organization uphold "the principle of equality of all states and all races."[79] China, he maintained, was even willing to cede some of its sovereignty so that the new organization could "enforce justice for the world." The Big Three were unwilling to cede any sovereignty and strongly opposed any mention of racial equality. Delegates from the United States feared negative effects on domestic politics, particularly in the segregated South. The British feared what this would mean for white domination of Asians and blacks in the vast Empire. Churchill had already indicated that he would not preside over the liquidation of the British Empire by recognizing the right of self-determination and equality of its colonial subjects. Stalin would not consider such a discussion given his plans to expand the Soviet Union. Thus, the Big Three agreed in response to China's proposal that they would "bury any mention of human rights deep within the text and confine it to social and economic cooperation, and to completely eliminate all mention of racial equality," as Paul Gordon Lauren summarizes.[80] A strong Security Council in which the permanent five members held a veto would ensure that key geopolitical concerns received due consideration, and a weak General Assembly in which every country had an equal vote would allow small countries to "blow off steam," in the words of President Roosevelt. This was the tenor of the proposal for a UN charter that emerged from Dumbarton Oaks and against the pleas and warnings of China about the practical and moral reasons for consideration of human rights and racial equality.

The major powers on the Allied side had created great expectations with a call to arms in the Atlantic Charter and its promise of a more equal world. Medium and small countries reacted vehemently against the heavy-handed nature of the Dumbarton Oaks proposals after the Atlantic Charter had promised that the United States and Britain were not seeking self-aggrandizement. Even smaller Anglo settler states and British

Commonwealth allies reacted against these proposals. New Zealand was one of the earliest and most vigorous opponents of the Dumbarton Oaks arrangements, but Australia, Canada, and South Africa also felt that their perspectives had been ignored despite the blood they shed for the war effort. New Zealand and Australia met in Wellington during November 1944 to discuss Dumbarton Oaks. They agreed to press for a greater role of smaller powers in the UN, explicit human rights provisions, and an international trusteeship for native peoples. The British found this last point especially threatening to the Empire and issued a rebuke, but the participants at Wellington remained unrepentant.[81]

Latin American countries felt particularly betrayed by their exclusion from Dumbarton Oaks because they had for the previous decade bandied about hemispheric proposals to support the United States in the event of extra-hemispheric aggression. They feared a return to unilateral decision-making in the region, U.S. interventionism, and discrimination against Latin American immigrants in the United States. Latin American governments called for an extraordinary meeting to articulate their own postwar policy and to present it as a bloc. In February 1945, they met at Chapultepec Castle in Mexico City for the Inter-American Conference on Problems of War and Peace. They examined the Dumbarton Oaks proposals in detail and presented a unified front resolving to make "every effort to prevent racial or religious discrimination."[82] Brazil, Guatemala, Mexico, Panama, Uruguay, and Venezuela all made statements in favor of human rights or racial equality.[83]

When the United Nations Conference on International Organization began its meetings in April 1945 in San Francisco, the countries of Latin America, British Commonwealth countries, China, and India were well prepared to resist the self-serving arrangements made at Dumbarton Oaks by the Big Three. The consolidation of a human rights regime that included racial equality and a disavowal of ethnic discrimination would not have happened without the mobilization of small and medium powers. Sensing an opportunity to use the race issue to push a wedge between the West and countries in Africa, Asia, and Latin America, the Soviet Union reversed its previous strong opposition to provisions of racial equality and anti-discrimination. Delegates from the United States were surprised that Soviet delegates conceded to even mention human rights.[84]

The contribution of small and medium powers to human rights' recognition after World War II has been largely ignored in accounts of the "human rights revolution." Of the fifty states represented, the twenty countries of Latin America and the Caribbean constituted the largest

regional bloc, and many allied with other lesser powers to get human rights on the agenda. Latin American drafts that informed Canadian jurist John Humphrey's initial draft of the charter were the product of a hemispheric process dating to the creation of a Pan American organization of states and to their human rights declarations of the late 1930s and early 1940s.[85] The Eighth Inter-American Conference of States had adopted a "Declaration in Defense of Human Rights" at the 1938 meetings held in Lima. The 1938 declaration referred primarily to human rights abuses as a result of wartime invasions in Europe, the destruction of cultural heritages on that continent, and the expulsion of large masses of people by the Nazis. At the same conference, a resolution eschewed racially discriminatory policies of any kind, including immigration law, as mentioned earlier.

China, Brazil, Mexico, Panama, Uruguay, Cuba, Venezuela, and the Dominican Republic supported a proposal in San Francisco to prohibit racial discrimination, in the face of united opposition from Anglophone settler countries and all European countries but France. The Australian delegation saw the proposal as "the thin end of a dangerous wedge" that would make it easier for China or India to challenge the White Australia policy of only accepting European immigrants. John Foster Dulles, the U.S. delegate, opposed human rights language in the charter out of concern that it could require a member state to change its immigration policy and that there would be an international investigation of "the Negro question in this country."[86]

Under tremendous pressure from smaller and medium powers and following advice from their own diplomats, the Big Three decided to revisit the Dumbarton Oaks proposals and conceded changes that eventually resulted in a more central role for human rights in the charter. Delegates had by the end of the conference in June 1945 inserted mentions of human rights into the charter in seven places.[87] Article 1 declared that among the purposes of the United Nations was "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." The charter also provided for the creation of a Commission for the Promotion of Human Rights, which later prepared a draft of the Universal Declaration of Human Rights. Before agreeing to these provisions, U.S. and other Western diplomats ensured that considerations of national sovereignty trumped the rights language, the rights language itself was passive rather than active, and there was no mechanism to enforce the rights provisions.[88] The Latin Americans, in tandem with China, India, and the Soviet Union, may not have achieved the ambitious goal of including an

international bill of rights in the charter, but they succeeded in drawing attention to human rights in the charter, introducing an explicit mention of the illegitimacy of race discrimination, and promoting a strategy to develop a full declaration of human rights later.

The Global Demise of Racial Exclusions

From its first session, the UN became a forum for governments of most Latin American countries, all of the countries in Africa and Asia, and the Soviet Union to condemn racial discrimination. On June 22, 1946, the Indian government lodged a complaint with the UN claiming that South Africa was violating its treaties with India by discriminating against Indians living in South Africa. The debate over Indian immigrants grew into a debate over the entire system of apartheid in 1952, and the General Assembly considered the question of Indians in South Africa every year until 1994, when apartheid collapsed.[89] Four statements of the United Nations Educational, Scientific and Cultural Organization (UNESCO) by social and natural scientists between 1950 and 1967 decisively removed even the slightest hint of scientific authority from race as a discriminatory category.[90]

Following the San Francisco conference, several Latin American and Asian countries pressed the issue of an international bill of rights. At the first session of the General Assembly in 1946, the Panamanian representative proposed that its San Francisco draft be adopted through a resolution. This proposal did not succeed, but the Assembly charged the Human Rights Commission with drafting an international bill of rights. John Humphrey led the initial effort and has been identified as the author of the foundational draft used by a larger committee for its deliberations.[91] In his memoirs, Humphrey explicitly recognized his debt to the Panamanian draft. "The best of the texts from which I worked was the one prepared by the American Law Institute, and I borrowed freely from it," he wrote. "This was the text that had been unsuccessfully sponsored by Panama at the San Francisco Conference and later in the General Assembly. It had been drafted in the United States during the war by a distinguished group representing many cultures, one of whom was Alfredo Alfaro, the Panamanian foreign minister."[92]

Humphrey also drew extensively from a Chilean draft presented at the San Francisco Conference.[93] Latin Americans and their Asian allies continued to have influence when an eight-person team drafted the declaration under the leadership of Eleanor Roosevelt. Hernán Santa Cruz, the

delegate from Chile, was instrumental in advocating for economic and social rights to be included in the human rights declaration.[94] The final point at which Latin Americans had influence was at its consideration by the General Assembly's Committee of Social, Cultural and Humanitarian Questions. A third of the fifty-nine delegates on the so-called "Third Committee" were from Latin American countries and they voted together.[95]

The meaning of "human rights and fundamental freedoms" in the 1948 declaration can be inferred from framers' repetition of the prohibition to discriminate on the basis of "race, sex, language, or religion."[96] This reflected the prevailing Latin American view of human rights as the rejection of racial discrimination. The emphasis on race, creed, and language can be found in a series of documents produced by intergovernmental organizations and conferences beginning with the Pan American Union. In addition to the 1938 declarations mentioned earlier, proceedings of the Second Conference of American States Members of the ILO (Havana 1939) showed concern about overlapping class and race distinctions that affected workers. Resolutions of the Inter-American Demographic Congress (1943) made an explicit link between human rights and racial discrimination, particularly against "Afro-Americans" and indigenous groups in the Americas. At the International Labour Conference's Twenty-Sixth Session in Philadelphia (1944), Latin American delegates, particularly those from Panama and Mexico, stressed that the right of all human beings to pursue material and spiritual well-being should apply regardless of race, creed, and gender.[97] A report on the Philadelphia Session in the official Mexican press stressed a unanimous sentiment against racial discrimination suffered by Mexican emigrants to the United States and by black workers in the Panama Canal Zone.[98] The Third Conference of American States Members of the ILO (Mexico 1946) invoked the previously mentioned documents and reaffirmed the link between human rights, anti-discrimination on the basis of "race, colour, creed, sex or national origin," and inequities in work conditions and wages.[99] Finally, the American Declaration of the Rights and Duties of Man, or Bogotá Declaration, which predated the 1948 Universal Declaration by almost a year, confirmed the relationship between human rights and the rejection of discrimination: "all persons are equal before the law and have the rights and duties established in this Declaration, *without distinction* as to race, sex, language, creed or any other factor."[100] In brief, notions of human rights as nondiscrimination were commonplace in regional organizations and conferences that predated the UN Charter and the Universal Declaration of Human Rights. Weaker countries

of the region used and invoked the very organizational means and rules conceived by the United States to extend its hegemony as a constraint on that country's discriminatory policies.

Through the 1950s, the United States, Canada, Australia, South Africa, and New Zealand consistently attempted to block the adoption of anti-racist provisions in agreements such as the 1948 Universal Declaration of Human Rights based on fears that they might limit their sovereign right to select immigrants by race. Additionally, the South African and U.S. governments sought to avoid international scrutiny of their treatment of domestic blacks. Eleanor Roosevelt, who represented the United States on the drafting committee, challenged the race clause proposed in the 1948 declaration based on concerns that U.S. Southern Democrats who controlled the Senate would never pass a treaty containing such a provision.[101]

Latin America was not the only, or even the most important, source of human rights ideals on the global scene. Neither were Latin American countries moral luminaries in the domain of ethnic relations. Argentina, Brazil, Cuba, and Mexico all engaged in regular domestic ethnic discrimination. Anti-racist statements were in many ways deeply cynical and hypocritical. These and other countries could all agree, however, that discrimination against their nationals on the basis of ethnicity or religion was inconsistent with higher principles of equality to which modern nations subscribed. Further, discrimination against any of their nationals implied a stain on the national honor—a stain that all of these countries were keen to remove through an exercise in Latin American solidarity. Even when they did not have large numbers of emigrants like Mexico, status in the concert of nations was at stake. A slight against Mexico and the source countries of migration to the Panama Canal Zone was potentially a slight against the citizens of all Latin American countries. The politics of avoiding humiliation loomed in the background of many discussions of human rights, nondiscrimination, and exclusion in immigration law. A number of important declarations or conventions followed that at least rhetorically denounced ethnic discrimination in immigration policy.

Foreboding at Bandung

Fears about the advancement of racial equality continued to play a role in international politics under emerging Cold War conditions. The Asian-African Conference held in Bandung, Indonesia (1955), represented an important moment in the development of the non-aligned

movement that sought a third way between the emerging bifurcated paths of the United States and the Soviet Union. A fundamental part of the Bandung platform was to affirm principles of human rights, including racial equality, in a way that white leaders in the West perceived to be racially threatening.

In April 1955, representatives from twenty-nine countries in Asia, Africa, and the Middle East met at Bandung to discuss their international role and how to effect decolonization in Africa.[102] Most Bandung participants stressed their common histories of colonial exploitation and their current dilemma as weaker countries who aspired to social and economic development in a context polarized by superpowers. They also declared "full support of the principle of self-determination of peoples and nations as set forth in the Charter of United Nations and took note of UN resolutions on the right of peoples and nations to self-determination, which is a prerequisite to the full enjoyment of all fundamental human rights."[103] Lauren has argued that the conference gave confidence to the participants and a new sense of solidarity against racial domination and discrimination.[104] The ideological orientation of the governments represented at the conference was extremely diverse, including Communism, socialism, monarchy, and liberal democracy. Bandung's anti-racist platform was steeped in the experience of colonialism and a history of racial degradation by Europeans and European settler states, not in ideologies of liberal democracy per se.

While participants firmly supported racial equality and expressly denounced "practices of racial segregation and discrimination which form the basis of government and human relations in large Regions of Africa and other parts of the world," it was not the aim of participants to "create another source of tension by constituting an anti-Western and even an anti-White bloc."[105] The Western press was excessively concerned with the threat of Bandung to white global influence despite participants taking great pains to strike a moderate and at times laudatory tone with respect to the Western world. As Füredi has noted, Western fixation on Bandung as a threat reveals more about its racial imagination than about the conference as an effort to build Asian-African unity. The rise of a "racial consciousness" among the nonwhite countries of the world was threatening to the United States and its allies to the extent that it provided grist for the Communist propaganda mill, which could justifiably point to ongoing segregation in the United States and racially discriminatory practices in the colonial holdings of Western European countries. *Newsweek* saw in Bandung a step toward an inevitable clash between "the yellow and the white."[106]

Bandung had an enduring significance as a catalyst for unity among countries that had historically been the objects of racial stigmatization. The opening speech of Indonesian President Sukarno proclaimed that "this is the first intercontinental conference of coloured peoples in the history of mankind."[107] Moreover, the countries assembled met as independent nations and not in one of the capitals of the metropole. General Carlos Rómulo of the Philippines recalled that representatives at Bandung had become adept at the art of "diplomacy by conference," which suggests they had learned a great deal in past gatherings organized by Western powers. African-American sociologist Franklin Frazier celebrated Bandung for showing that "the colored peoples of the world are developing a solidarity of interest which is based in part upon race consciousness."[108] Contemporary powers would henceforth have to contend with a global coalition of less powerful countries, which President Sukarno hoped would include Latin America.[109]

In the wake of World War II, Latin American and Asian countries collaborated to put human rights and anti-discrimination on the agenda of the UN Charter and subsequently contributed to the drafting of the Universal Declaration of Human Rights. By the 1950s, countries from Africa, Asia, and Latin America constituted more than half of the members of the UN and hence could sway the organization's policies. In a second moment—in the midst of decolonization and the early days of the Cold War—African and Asian countries that had gathered at Bandung drove the human rights agenda. For Burke, Bandung was significant as a gathering where strong support for human rights was precariously balanced with a desire for national liberation and self-determination and not only as a symbolic meeting of formerly subjugated countries.[110] This balance would subsequently be upset, but the point is that African and Asian countries that met at Bandung advanced the human rights agenda in the decades after World War II. This feedback loop from the Global South to the North was evident in subsequent discussions surrounding the UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

A Contentious Periphery

The Universal Declaration of Human Rights had very little organizational bite between the time of its passage in 1948 and 1960, mostly because U.S. officials had fought a successful rearguard action against the implementation of its statement of principles. The right of an individual to petition the UN about alleged violations was a point of much

contention between the Indian, Lebanese, Guatemalan, Egyptian, and Filipino delegates supporting it and most Western and Soviet powers that opposed it. Europeans and the United States had shown some willingness to limit their sovereignty in matters of human rights, but they remained resistant to discussions of the right to petition because of General Assembly politics, particularly what they considered the strident claims of totalitarian regimes and anti-colonialists.[111] Western countries and the Soviets preferred to avoid the implementation of human rights provisions altogether by resisting the right of petition at every turn.

The entry of increasing numbers of postcolonial Asian and African countries into the UN transformed the discussion. The induction of a large bloc of African nations and their concern with apartheid and colonialism changed how the UN handled individual petitions and forced the organization to hear complaints that had been previously ignored.[112] The newly formed Special Committee on Decolonization (Special Committee of 24) and the Special Committee on Apartheid were both allowed to hear petitioners and to launch investigations. Western powers resented what they perceived as the radical behavior of these Committees, but the UN gave them considerable leeway. The United States in particular viewed the Special Committee of 24 as having been taken over by a "militant," anti-Western, Afro-Asian caucus and Communists. U.S. ambassador Seymour Finger resigned from the committee in protest.[113]

The International Convention on the Elimination of All Forms of Racial Discrimination passed in 1965 was the next major human rights initiative of the Special Committee of 24 and hence raised the hackles of Western delegates. As debates unfolded, however, Western countries began to see support for individual petition as a way to call out Afro-Asian countries who loudly supported universal human rights, but also feared intervention in their internal affairs and embarrassment if their domestic human rights record were exposed to the world. Western countries now pressed for strong implementation measures, including the right to petition, because they wanted these adopted in the pending International Covenant on Civil and Political Rights. The most effective advocate for the right to petition, however, turned out to be the moderate delegate from Ghana, George Lamptey. Once again, a delegate from the periphery was able to strike a bargain between Western countries and some of his reluctant peers from Asia and Africa to ultimately see the adoption of ICERD.[114]

The United Nations has continued to institutionalize a global anti-racist norm since the 1960s. These efforts have included treaties, such as the International Covenant on Civil and Political Rights (1966) and a

series of three world conferences to combat racism held in 1978, 1983, and 2001.[115] The ICERD was a particularly important treaty because it enjoined countries to "revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists."[116] It also recommended taking measures to combat prejudices that lead to racial discrimination. Article 1 seemingly exempts alienage and nationality law from the anti-discrimination imperative, as we discuss in the concluding chapter, but the ambiguity of these articles should be viewed in the context of the Convention's preamble, which clearly denounces racial discrimination under any circumstance.[117]

Conclusion

A widespread narrative attributes the demise of ethnic discrimination in immigration laws to the vertical scale of politics within each Anglophone settler state. An extended analysis of the horizontal plane shows that this narrative is partial and inaccurate. Motivated by a search for respect after centuries of racial stigmatization, Asian and African leaders allied with the so-called "Latin American bloc" to challenge the dominance of the great powers of the West and to pressure for anti-racist principles that would ultimately change immigration policies throughout the Western Hemisphere and the Anglophone settler societies.[118]

The first major challenge came immediately after World War I, when Japan proposed that the Covenant of the League of Nations include a racial equality clause and many countries agreed, only to have the initiative quashed by Woodrow Wilson. Two features of the period between the world wars made for a different outcome when the smaller powers made proposals in favor of human rights, anti-racism, and anti-discrimination after World War II. First, racist immigration laws in the Anglophone settler societies presented a serious propaganda and leadership challenge to the Allies at a time of total war and an existential need for support in Asia and Latin America. A second feature of the interwar period with consequences for ethnic selection was the consolidation of a system of intergovernmental and international organizations with relatively equitable voting arrangements. The experience of participation in the League of Nations, for instance, affected Latin American expectations and aspirations for the Pan American Union as a regional political organization, rather than simply a commercial clearinghouse, in which all members had an equal vote and the action of powerful countries would be constrained by anti-intervention and conflict resolution conventions. This is

the organizational context from which provisions against racially selective immigration policies emerged in 1938, despite strong ideologies like eugenics that favored such selectivity. These features of interwar politics combined to give strong moral backing to calls for human rights principles and anti-discrimination policies and to give smaller powers the organizational means to pursue these calls.

Institutionalist research has made great advances in documenting the effects of a globally diffused world culture, but culture is often assumed to be a causal factor rather than empirically examined.[119] In contrast, we have traced the processes by which norms spread through overlapping intergovernmental and expertise networks as well as identified carriers of ideas about how to select immigrants. This has allowed us to identify the direction of influences and challenge the assumption that world norms travel uncontested from the West to the rest or from the Global North to the Global South. The following chapters examine these processes as they unfolded in different national contexts.

The United States

Paragon of Liberal Democracy and Racism

The United States is the world's oldest continuous democracy and has often been described as a global beacon—"the only example of a true liberal democracy that the rest of the world would emulate."[1] The United States was also the first independent country in the Americas to introduce racial selection in policies of naturalization (1790) and immigration (1803) and late to end racial discrimination in policies of naturalization (1952) and immigration (1965). What explains the paradox of a liberal democracy culling newcomers by race while proclaiming that all men are created equal? It is one facet of a deep contradiction in U.S. history—the promise of democracy in the midst of slavery and exclusions of a long list of groups—that has perplexed observers since Alexis de Tocqueville.[2]

Many have concluded that racism is fundamentally incompatible with the political values of the United States and that its eradication was part of an inexorable process of liberal self-purification. Gunnar Myrdal's *An American Dilemma* (1944) described segregation of blacks as a violation of the "American Creed," which is fundamentally a "democratic creed."[3] John Higham's classic interpretation of U.S. nativism repeatedly argues that racism was a European import. "The movement toward racism was an up-hill fight in democratic America," he asserts.[4] Even contemporary scholars who meticulously describe racist features of U.S. immigration policy history see racial exclusions as "undemocratic."[5]

Empirically, however, proponents of liberal democracy, emphasizing the rights of the individual, and republican democracy, emphasizing the collective nature of the political enterprise, have often argued that certain

groups are inherently incapable of self-governance. In their view, the very racial or religious qualities necessary for democratic institutions to function demanded exclusion. For instance, the 1836 Texas Declaration of Independence noted the Anglo settlers' "melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefore of a military government; that they are unfit to be free, and incapable of self government."[6] W. W. Stone, the secretary of the Knights of Labor's assembly in California, asserted that Chinese had the mentality of "the brute slave, without the first instincts of the freeman." Protestant nativists saw Catholic immigrants as agents of the Pope sent to subvert the institutions of American democracy.[7] "A republican form of government implies freedom and self-reliance," which are "extinguished in Romanism, as flame goes out in carbonic acid," wrote the *North American Review*.[8] Around the same time, Francis Walker, president of the Massachusetts Institute of Technology and superintendent of the 1870 U.S. Census, described the new immigrants from southern and eastern Europe as "beaten men from beaten races; representing the worst failures in the struggle for existence . . . They have none of the ideas and aptitudes which . . . belong to those who are descended from the tribes that met under the oak trees of old Germany to make laws and choose chieftains."[9]

Against the whiggish view of U.S. political culture developed by Myrdal and Higham, Rogers Smith's magisterial *Civic Ideals* has shown how the history of citizenship and immigration policy in the United States reflects multiple and conflicting traditions of individualistic liberalism, participatory republicanism, and ethnic and gendered hierarchies.[10] Carol Horton's history of the relationship between race and U.S. liberalism similarly concludes, "[B]oth more racially equalitarian and hierarchical forms of liberalism have played significant roles in the nation's political development. Consequently, it is impossible to issue a verdict regarding the fundamental nature of liberal politics with regard to issues of racial justice."[11]

Critical race scholars push even further to argue not only that liberalism and racism are sometimes packaged together historically, but that they have a philosophical affinity. They emphasize relentless racial exclusion in U.S. immigration policy that has continued in disguised form even after the end of the national-origins quota system.[12] Indeed, the law in action shows more evidence of ethnic selection than the law on the books. Yet if the continuity of racism is the U.S. story, why did Congress end its national-origins policy in 1965 (see Table 3.1 on page 86), legalize 2.7 million (mostly Mexican) unauthorized immigrants in 1986, and

expand the numbers of legal immigrants in 1990 knowing that they would primarily hail from Asia and Latin America? If the conventional story of a post-racial immigration policy is true, what explains visa programs in 1986 and 1990 that were designed to attract more Europeans and restrictive state and local immigration policies since the 1990s that in practice target Latino unauthorized immigrants?

We argue that the struggle between capital and labor, ideologies of liberalism and racism, and the democratic structure of government promoted the onset of ethnic selection. Against Joppke's position that inherent qualities of liberalism and "domestic society pressures led to the demise of settler states' ethnoracial immigration policies,"[13] we argue that foreign policy and norms arising from the horizontal plane primarily drove this shift, with ethnic lobbying from southern and eastern Europeans and other interest groups on the vertical plane playing a secondary role.

Many accounts look to the economy rather than ideology to explain U.S. immigration policy. In the perspective that treats ethnicity as epiphenomenal to the economy, immigration policies treated ethnic groups differently before 1965 simply because ethnic categorization could be used as a proxy for the qualities of a good worker. Given the aggregate differences in skill levels across ethnic groups, ethnic discrimination was simply an efficient means to a strictly economic end.[14] Softer versions of this thesis allow that ethnic prejudice may play a secondary role in immigration policy.[15] William Shughart and his colleagues argue that economic cycles explained the timing of restrictive and welcoming policies from 1900 to 1982. During periods of economic contraction, unions kept immigration from expanding the workforce and reducing wages; during booms, employers expanded the workforce through immigration to hold down wage inflation.[16] Daniel Tichenor demolishes the economic cycles argument, noting that while it applies in some cases, such as enacting the national-origin quotas during the 1921 depression, expanding immigration in 1965 at a time of prosperity, and California's Proposition 187 aimed at denying social benefits to unauthorized immigrants in 1994 during a recession, there are multiple disconfirming cases, such as the restrictions in 1917, 1924, and 1952 during times of prosperity and the dramatic expansion of immigration in 1990 at the beginning of a recession.[17] Timmer and Williamson find that the economic cycle argument did not apply between 1860 and 1930, and Shanks notes the lack of a correlation between the unemployment rate and the restrictiveness of immigration policy.[18]

Political scientists recognize the much broader range of domestic interest groups affecting U.S. immigration policy. Keith Fitzgerald sees the struggle between labor and capital as defining a "back door" policy that allows some illegal immigration, while the struggle among a broad array of groups organized around material and cultural interests defines "front door" legal immigration policy shown in Table 3.1.[19] Aristide Zolberg and Daniel Tichenor argue that the politics of immigration produces coalitions of "strange bedfellows" cutting across the typical partisan cleavages.[20] Since the late nineteenth century, the fault lines have typically pitted (1) the restrictionist cultural nationalists of the right and economic protectionists of the left against (2) the pro-immigration economic laissez-faire advocates of the right and cosmopolitan advocates of the left composed of rights organizations and ethnic interest groups.[21]

Institutionalists point out that the organization of politics, and not just the interest groups emphasized in pluralist accounts, shapes immigration policy. Multiple "veto points"—the ability of the president to veto bills, the Senate filibuster, and other parliamentary procedures—make it difficult to change the status quo.[22] The president and State Department typically have been less restrictive and more focused on foreign policy concerns than Congress, whose members are more responsive to domestic interest groups and public opinion. Refugee law is primarily the preserve of foreign policy, though lobbying by domestic interest groups has played a secondary role as well.[23]

The horizontal plane has always influenced U.S. immigration policy, but it has mattered more than the vertical plane at times of sustained expansion of U.S. military, commercial, and diplomatic power. Strong cross-class coalitions could overcome foreign policy concerns to exclude immigrants from Asia, with which the United States had relatively limited ties at the turn of the twentieth century. In the 1920s, the coalition could restrict immigrants from parts of Europe, a region from which the United States was disengaging. Yet restrictionists were not able to limit Latin American immigration because of the deep U.S. military, commercial, and diplomatic ties to the region. The global scale of U.S. ambitions in World War II and the Cold War were especially influential in eliminating the national-origins policy and racial prerequisites to naturalization. Governments of independent countries of emigration successfully delegitimized ethnic selection in countries of immigration. Even a superpower like the United States finds it in its interests to avoid antagonizing governments abroad by overtly excluding their co-ethnics.

Table 3.1 Principal U.S. laws of immigration and nationality selecting by ethnicity

1790	Naturalization restricted to free whites[1]
1803	Restriction of black immigration[2]
1862	Ban on Chinese "coolie" migration[3]
1870	Naturalization allowed for persons of African descent[4]
1875	Ban on subjects from "China, Japan, or any other oriental country" coming for "lewd or immoral purposes"[5]
1882	Exclusion of Chinese labor immigration[6]
1907–08	"Gentlemen's Agreement" restricts Japanese[7]
1917	Creation of Asiatic Barred Zone and literacy tests[8]
1921	Quota system favoring northwestern Europeans[9]
1924	Quota system further favoring northwestern Europeans and banning aliens ineligible to citizenship[10]
1940	Naturalization allowed for "descendants of races indigenous to the Western Hemisphere"[11]
1943	Repeal of Chinese exclusion; Chinese become eligible to naturalize[12]
1952	End of racial prerequisites to naturalization; symbolic Asian quotas[13]
1965	End of national-origins quotas; caps on annual preference visas per country for Eastern Hemisphere[14]
1968	Caps on annual preference visas for Western Hemisphere take effect[15]
1976	Applies the annual caps on preference visas per country to the Western Hemisphere[16]
1978	Single worldwide preference visa cap[17]
1986	Mass legalization program; small NP-5 program favoring citizens of countries "adversely affected" by the 1965 act[18]
1990	"Diversity visa" program[19]

1. 1790 Uniform Rule of Naturalization, 1 Stat. 103, Sec. 1.
2. Act of Feb. 28, 1803, ch. 10, 2 Stat. 205.
3. 1862 Act to Prohibit the 'Coolie Trade' by American Citizens in American Vessels, 12 Stat. 340.
4. Naturalization Act of 1870, 16 Stat. 254, Sec. 7.
5. 1875 Page Law, 18 Stat. 477.
6. 1882 Chinese Exclusion Act, 22. Stat. 58.
7. 1908 Root-Takahira Agreement.
8. 1917 Immigration Act, 39 Stat. 874.
9. 1921 Emergency Quota Law, 42 Stat. 5.
10. 1924 Immigration Act, 43 Stat. 153.
11. 1940 Nationality Act, 54. Stat. 1137.
12. 1943 Magnuson Act, 57 Stat. 600.
13. 1952 Immigration and Nationality Act, 66 Stat. 163.
14. 1965 Immigration and Nationality Act, 79 Stat. 911.
15. 1965 Immigration and Nationality Act, 79 Stat. 911.
16. 1976 Eilberg Act, 90 Stat. 2703.
17. Act of October 5, 1978, 92 Stat. 907.
18. 1986 Immigration Reform and Control Act, 100 Stat. 3359.
19. Immigration and Nationality Act, 104 Stat. 4978.

White Naturalization

Within a decade of winning independence, the United States reserved naturalization for whites. Aside from backward steps for free blacks between 1857 and 1866 and the muddled court cases and bureaucratic regulations defining whether various groups of Asians were white in the early twentieth century, there was a slow, episodic widening of racial eligibility to naturalize until all restrictions had fallen by 1952. The internal dynamics of liberalism did not drive this opening. With the important exception of the inclusion of blacks following the Union victory in the Civil War, the expanding foreign policy interests of the U.S. government in Latin America and Asia explain the widening circle of eligibility.

Security interests guided immigration and nationality policy during the colonial period. Britain's colonies in North America were sandwiched between Catholic French and Spanish rivals. The British parliament's naturalization act of 1740 accepted Jews but excluded Catholics.[24] Many British colonies charged head taxes on immigrating Catholics and offered positive inducements only to Protestants.[25] Some colonies, such as Georgia, banned Catholic immigration outright. Pennsylvania and Rhode Island discriminated by assessing special taxes on immigrants from outside Great Britain.[26] Exceptions to allow the widespread immigration of Germans are explained by Germany's absence as a colonial competitor in the Americas. As in Cuba, colonists in the South sought black slaves for the plantation economy while fearing that blacks would threaten whites if their percentage of the population grew too high. The colonists' solution was to tax the slave trade to subsidize white immigration. For example, Carolina's Act of 1751 mandated that three-fifths of government revenue raised by slave duties be used over the next five years to pay six pounds to every qualified "poor foreign protestant" from Europe.[27]

British authorities began to sharply restrict immigration to North America in the late 1760s and early 1770s, primarily because they feared that a larger population would be tempted to secede and compete economically with Britain. The Declaration of Independence (1776) condemned George III's "absolute Tyranny" in matters of immigration and naturalization. "He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands," the seventh of 27 charges against the king declared.[28]

When the United States became independent, the 1787 Northwest Ordinance opened citizenship in the Northwest Territory to French Catholics, free blacks, and Native Americans, as well as European Protestants.[29] The expansiveness of the ordinance reflected the colonists' interests in increasing their population to achieve military security and economic growth, as well as recognizing the crucial military assistance of Catholic France in the rebel campaign.[30] The promise of equality implicit in the ordinance dissipated, however, when Congress established systematic naturalization requirements three years later. The 1790 Uniform Rule of Naturalization restricted eligibility to naturalize to free whites,[31] a provision that seemed so obvious to lawmakers that the whiteness requirement passed without debate. Zolberg points out that even with this racial requirement, the 1790 act was comparatively expansive in that it allowed full citizenship for Jews (a year before revolutionary France) and Catholics (nearly half a century before the United Kingdom).[32] Opening eligibility to all whites allowed for the demographic and military expansion of a country with a tenuous toehold on a continent populated by rival powers and indigenous groups.

The 1790 act did not define who was white at a time when elite notions of whiteness could be quite narrow. Benjamin Franklin's 1751 essay on population argued that "white excludes not only the black and tawny, but also Europeans of a 'swarthy complexion' such as Spaniards, Italians, Russians, Swedes, and most Germans."[33] Legally, however, white was understood to be "European" rather than exclusively Anglo-Saxon, an interpretation that gave a critical advantage to Irish, southern European, and Jewish immigrants. Even though these groups were not socially considered fully white when they arrived, they remained eligible for naturalization and became socially white over time.[34]

A contradictory series of fifty-two court cases from 1878 to 1952 gradually defined who was *not* white, even though these cases never positively defined who *was* white. From 1878 to 1909, eleven of twelve cases deciding racial prerequisites to naturalize ruled against their plaintiffs, thus declaring people from China, Japan, Burma, and Hawaii to be nonwhite.[35] Despite the U.S. Attorney General's 1906 instruction that Japanese not be considered white, a rule extended to Asian Indians the following year, several hundred Japanese and Asian Indians were able to naturalize during the 1900s and 1910s.[36] The Supreme Court eventually declared in 1922 in *Ozawa v. United States* that regardless of their degree of cultural assimilation, Japanese were not eligible for naturalization because of their Japanese race.[37] The courts often ruled inconsistently on the whiteness of particular groups. Syrians were ruled nonwhite

in 1913 and 1914 but white in 1909, 1910, and 1915. Between 1909 and 1923, Armenians were declared white despite their origins in Asia. Filipinos were not considered white, but they could naturalize if they immigrated to the United States and served in the U.S. military in World War I.[38] Asian Indians were ruled white in 1910, 1913, 1919, and 1920 but were ruled nonwhite in 1909 and 1917. The Supreme Court's 1923 ruling in *U.S. v. Bhagat Singh Thind* definitively categorized Indians as nonwhite and established that "common usage," rather than "scientific terminology," was the legal basis for racial categorization.[39] The variation in decisions about the whiteness of these groups suggests a high degree of judicial autonomy regarding Asians and Pacific Islanders.

For Mexicans, however, the definition of who was legally white became intertwined with U.S. treaties and the bilateral relationship. The 1897 *In re Rodriguez* case upheld the right of a Mexican immigrant to naturalize. Even though the judge found that "if the strict scientific classification of the anthropologist should be adopted, [Rodriguez] would probably not be classified as white," he ruled that the United States had to accept the naturalization of Mexicans due to its obligations in the 1848 Guadalupe Hidalgo and 1853 Gadsden treaties with Mexico. The foreign relations commitments of the U.S. government thus ensured that Mexicans would be treated as white in the law, even if in daily practice Mexicans were typically racialized as an inferior population.[40] Diplomatic considerations about not offending a large neighbor on the horizontal plane trumped popular sentiment on the vertical plane.

Black Restriction

Most accounts date racial selection in U.S. immigration law to the 1882 Chinese exclusion, even though explicit discriminations against black immigrants began in 1803. During the antebellum period, states in the U.S. South and northern states such as Illinois banned the migration of free blacks. The targets of these prohibitions were primarily blacks living in other states, but in some cases included the immigration of blacks from abroad. White plantation owners were especially afraid of blacks from Haiti, where slaves revolted in 1791 and established a black republic.[41] The states with bans on black admission enlisted federal support to enforce their immigration laws, resulting in an 1803 act prohibiting the importation into those states of "any negro, mulatto, or other person of colour, not being a native, a citizen, or registered seaman, of the United States, or seamen, natives of countries beyond the Cape of Good Hope."[42] While this ban did not apply to states that allowed black in-migration, it

is an important milestone in the racialization of federal immigration policy that is all but forgotten in the historiography.

Following the Union's victory in the Civil War, Reconstructionists imposed the 1866 Civil Rights Act and 1868 Fourteenth Amendment that established citizenship for all persons born in the United States regardless of their racial categorization. This overturned the Supreme Court's 1857 *Dred Scott v. Sandford* decision that had stripped all blacks, including free blacks, of their U.S. citizenship.[43] During debates over the Naturalization Act of 1870, Reconstructionist Senator Charles Sumner (R-MA) proposed that naturalization should be open to any race, but opponents who wanted to exclude American Indians and Chinese defeated the Sumner amendment by a vote of 26 to 12.[44] The bill's final language extended eligibility to naturalize "to aliens of African nativity and to persons of African descent," along with whites.[45]

The end of restrictions on black naturalization was not meant to encourage black immigration. On the contrary, President Lincoln and many abolitionists, both black and white, supported schemes for U.S. blacks to *emigrate* to Liberia, Central America, and Haiti.[46] Extending eligibility to naturalize to blacks was a byproduct of the main project of granting full citizenship (at least on paper) to the black population already in the country. It was not the result of American liberalism purifying itself of racism *tout court*. Indeed, just as the door symbolically opened to blacks, it slammed shut on Chinese.

Chinese Exclusion

Chinese were the targets of the first federal restriction on the immigration of a particular racial group to anywhere in the country. For the U.S. president, steering between the Scylla of domestic restrictionism and the Charybdis of international pressure to ease restriction would prove to be a difficult course. The linkage between trade and immigration moderated the degree of Chinese exclusion by allowing in merchants and motivating bilateral treaties that were less degrading to China. It was only when immigration became linked to deeper military and diplomatic interests that exclusion was overturned. When the United States needed China in its existential fight against the Axis in World War II, the vertical interests demanding restriction yielded to the horizontal exigencies of foreign policy.

An estimated 110,000 to 300,000 Chinese, mostly men, entered the United States between 1850 and 1882. The vast majority worked in California, where they comprised a third of the adult male population.

California farmers saw Chinese as cheap labor, and in 1852, the governor proposed granting land to Chinese to induce further immigration. Companies building the transcontinental railroad in the 1860s recruited Chinese migrants, whom they paid lower wages than whites and sometimes used as strikebreakers. Chinese on the West Coast quickly established ethnic niches in mining, laundries, and domestic service. In Louisiana, a handful of sugarcane plantation owners recruited Chinese workers from Cuba to replace the slaves who had been freed by the Union victory.[47]

Opposition to Chinese immigration soared in the 1850s. Vernon Briggs and Charles Price emphasize the material interests that explain organized labor's hostility to Chinese immigrants, while Andrew Gyory asserts that politicians on the East Coast scapegoated Chinese to distract workers from genuine national problems.[48] In Alexander Saxton's classical account, economic and ideological interests overlapped. Employers generally opposed the initial attempts at Chinese exclusion but were not any less racist than workers. Business interests wanted a reserve labor army of cheap Chinese labor, not Chinese neighbors or fellow citizens. For intellectuals, the supposed servility of Chinese evidenced by their willingness to accept low wages was an indicator that they were unfit for citizenship. A California statewide referendum in 1879 on whether Chinese immigration should be allowed received 883 votes in favor and 154,638 opposed.[49] The fact that the exclusionary position came to be held by a broad coalition cutting across classes and was virulently racist in its rhetoric suggests that ideology, more than class interests, drove exclusion.

California led the movement toward restricting Chinese admissions and discriminating against residents. In 1855, the state assembly imposed a head tax for arriving ship passengers who were not eligible for citizenship.[50] The assembly went on to pass a Chinese Exclusion Law preventing admissions of Chinese or Mongolians.[51] A new state constitution in 1879 banned government and businesses from hiring Chinese, delegated to cities and towns the authority to segregate Chinese, and urged an end to further Chinese immigration.[52] In 1891, the state assembly passed a racialized ban on all Chinese immigration regardless of the applicant's nationality.[53] San Francisco, home to the largest Chinese population in the country, passed an ordinance that confined Chinese residences and businesses to a segregated slum—the Chinatown so loved by modern tourists. The city enacted other measures that on their face were ethnically neutral, but which targeted Chinese in practice, such as the Queue Ordinance directing that prisoners have their hair cut immediately upon

entering jail, with the unwritten but plain intent of stigmatizing Chinese men by lopping off their braids.[54] An 1880 city ordinance prohibited the operation of laundries in wooden buildings without a special permit, at a time when only Chinese owned such laundries.[55]

Chinese immigrants sought relief from the courts. In most cases, Chinese already in the United States, and certainly those born in the United States, over time gained "equal protection" under the law. Most racial discrimination within U.S. territory was rendered illegitimate long before racial discrimination at the border. As a federal circuit court elaborated in the 1879 *Ho Ah Kow v. Nunan* decision that invalidated the Queue Ordinance, "[H]ostile and discriminating legislation by a state against persons of any class, sect, creed or nation, in whatever form . . . is forbidden by the fourteenth amendment."[56] The Supreme Court similarly ruled in *Yick Wo v. Hopkins* (1886) that even facially neutral discrimination against Chinese already in the United States, such as the 1880 San Francisco laundry ordinance, violated the Fourteenth Amendment's guarantees of equal protection.[57] The Supreme Court also invoked the Fourteenth Amendment in its 1898 ruling in *U.S. v. Wong Kim Ark* that children of aliens born in the United States are birthright U.S. citizens, regardless of their race.[58]

In striking down discriminatory laws toward Chinese already in the United States, however, the courts also signaled that laws preventing Chinese from entering the country were acceptable and desirable. In the *Ho Ah Kow v. Nunan* decision, Judge Stephen Field wrote that the "remedy for the apprehended evil [from the Chinese presence] is to be sought from the general government" based on its exclusive competence in making treaties, regulating foreign commerce, and regulating immigration.[59] In other words, while the principles of liberalism might be inconsistent with thinly disguised racial discrimination against residents of the United States, in his view, racial discrimination in admissions policy was perfectly compatible with the U.S. Constitution.

The judiciary repeatedly disallowed state laws aimed at restricting Chinese admission on the grounds that immigration policy was the exclusive competence of the federal government. The California Supreme Court first made the argument in *Lin Sing v. Washburn* (1862).[60] The U.S. Supreme Court went on to more fully elaborate the principle of the federal governments' plenary power.[61] Thus, the courts overturned state and local anti-Chinese laws by extending civil rights protections to Chinese residents of the United States and affirming the authority of Congress, not individual states, to exclude non-citizens from admission on racial grounds.

Federal Restriction

The State Department and Congress began to investigate Chinese restriction in the 1850s. Their initial target was limited to Chinese "coolies"—indentured servants transported to the Americas on U.S. ships. On the instructions of the Secretary of State, the U.S. plenipotentiary to China warned U.S. captains in January 1856 that they would forfeit diplomatic protection if they continued the trade, which was "replete with illegalities, immoralities, and revolting and inhuman atrocities, strongly resembling those of the African slave trade in former years." The U.S. delegate cast the policy as a way to maintain amicable relationships with the Chinese government, which formally prohibited emigration of all kinds until 1860.[62] The House of Representatives passed a resolution in 1856 calling for an inquiry into ending U.S. participation in the "Chinese Coolie trade."[63] In 1862, Congress passed and President Abraham Lincoln signed an anti-coolie act.[64] The act is oddly forgotten in many accounts of Chinese exclusion, even though it explicitly restricted *Chinese* coolie migration.[65] The main motivation for the law was to stamp out U.S. shipping companies' participation in the trade to Cuba and Peru, but the policy also expressed racial prejudice. Congressional hearings noted that the people affected were "an inferior race."[66] On the other hand, the act specifically allowed "any free and voluntary emigration of any Chinese subject." Congress finally repealed the 1862 act in 1974 at the behest of Rep. Spark Matsunaga (D-HI) and Sen. Hiram Fong (R-HI), with the support of Acting Assistant General Patrick McSweeney, who noted that the law had become archaic and that the "removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries."[67]

A Racist Cross-Class Consensus

Despite the opposition of labor and cultural nativists, West Coast businesses and the U.S. government saw advantages in closer relations with China, including access to cheap labor. The 1868 Burlingame Treaty between China and the United States mutually recognized "the inherent and inalienable rights of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration" of their people from one country to another. The treaty further guaranteed Chinese in the United States "the same privileges, immunities, or exemptions in respect to travel or residence" as U.S. citizens, though it denied the right to naturalize.[68] Sustained pressure for Chinese restriction grew

in the 1870s, however, as the competitive equilibrium in national politics amplified anti-Chinese voices concentrated in the Western states and territories. In his 1874 annual address to Congress, President Ulysses Grant called for Chinese restriction.[69] Congress responded by passing the Page Law (1875), which extended the provisions of the anti-coolie act to Japanese and other Asians and denied entry to any subject coming from "China, Japan, or any other oriental country" for "lewd or immoral purposes."[70] Immigration officials interpreted the law to deny entry to practically any Chinese woman.[71]

The split between an executive branch relatively more concerned with the horizontal implications of immigrant selection and a Congress reflecting the balance of demands of vertical interest groups surfaced as early as the late 1870s. In 1879, Congress passed a bill excluding Chinese labor migrants. The Chinese government protested that the bill violated the Burlingame Treaty. President Rutherford Hayes vetoed the measure based on the argument that Congress did not have the constitutional authority to abrogate the treaty and that it would be possible to negotiate a bilateral measure with the Chinese government that reduced Chinese immigration without paying the diplomatic price of an absolute ban.[72] Public opinion ran strongly against the president. A February 1880 *New York Times* editorial argued that the United States was powerful enough to safely ignore the treaty: "Can China compel us to keep a treaty, and if not, can we be expected to keep it? We can violate it, since China cannot possibly invade our coast with a powerful fleet and batter down our towns."[73] China's geopolitical weakness made it possible to enact Sinophobic restrictions. The Angell Treaty signed by the United States and China that November recognized the right of the United States to limit the immigration of Chinese laborers but not absolutely prohibit it.[74] The willingness of the Chinese government to sign the measure indicates the decisive influence of symbolic politics in the bilateral relationship. The Chinese government was not so much interested in guaranteeing mass labor emigration as avoiding the stigma of an outright ban.

Symbolic interests shaped the response of U.S. restrictionists as well. Even though the Angell Treaty severely restricted Chinese labor immigration, opponents continued to press for an outright ban that would make a symbolic statement of the kind of country the United States should be. Both the Democratic and Republican 1880 platforms called for an end to Chinese labor immigration.[75] In April 1882, Congress passed a bill that would have barred Chinese laborers from entering the United States for the next twenty years. Supporters of exclusion argued that Chinese had a slave-like mentality unsuited to democracy. "How can

you transform such a slave into a citizen of free America?" asked Rep. Randolph Tucker (D-VA).[76] Like President Hayes before him, President Chester Arthur vetoed the exclusion bill for repudiating U.S. treaty obligations and threatening diplomatic and commercial relations with China.[77] A second version of the bill suspended Chinese labor immigration for ten years rather than twenty. It passed the House by a vote of 201 to 37 and was approved by the Senate.[78] Arthur signed the second bill, despite his misgivings, as his fears grew that he would lose votes in western states if he did not sign.[79]

The easy passage of subsequent restrictions reflected a growing Sinophobic cross-class consensus.[80] An 1884 act racialized exclusion by extending it to all Chinese, regardless of whether they were subjects of the Chinese emperor.[81] The Scott Act (1888) prohibited Chinese laborers who had left the United State from returning, even if they had been given certificates on departure that guaranteed their right to return.[82] The Geary Act (1892) extended Chinese exclusion for ten more years.[83] In 1894, China and the United States signed a ten-year treaty acknowledging the absolute prohibition on Chinese labor migration. The treaty framed the ban as the preference of the Chinese government to protect its subjects "in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States."[84] A bilateral treaty avoided the public degradation of unilateral exclusion and allowed the U.S. government to lower the diplomatic price of restriction.

Congress closed the few remaining back doors to Chinese immigration in 1898, when as part of the joint resolution annexing Hawaii, it banned Chinese immigration to Hawaii and the migration of Chinese already living in Hawaii to the U.S. mainland.[85] Washington rebuffed the efforts of Hawaiian business owners who had asked for a waiver to allow continued access to Chinese labor.[86] Soon after, Chinese were excluded from new U.S. possessions won from Spain—the Philippines, Puerto Rico, and Cuba.[87] The State Department pressured the governments of Canada and Mexico to restrict Chinese migrants who would use those countries to clandestinely enter the United States.[88] Congress went on to extend Chinese exclusion indefinitely in 1902.[89]

The executive branch and export-oriented U.S. businesses feared that Chinese exclusion was harming the Sino-U.S. relationship. Nine of the nineteen members of the 1901 Industrial Commission's report to Congress on immigration dissented from the recommendation to strengthen Chinese exclusion, arguing that it threatened to seriously interfere with bilateral commerce.[90] Chinese diplomats condemned U.S. policy, warning

that the "exclusion act is humiliating" and that the Chinese felt "insulted and menaced."[91] In light of the Shanghai Chamber of Commerce's boycott of U.S. goods to protest the exclusion laws, President Theodore Roosevelt ordered that immigration inspections of Chinese merchants be eased. Merchants had always been exempted from the Chinese exclusion laws, but a 1911 memorandum from the Immigration Bureau to President William Taft explained the limits of easing the entry of Chinese merchants. "We have gone as far as we possibly can to yield to the demands of the commercial interests of the coast," the memo read. "The danger is . . . that our present course may invite popular condemnation on the part of the labor unions and perhaps even the legislature."[92] Chinese exclusion was thus slightly moderated in the interest of foreign trade, but the combination of a strong Sinophobic coalition cutting across class lines and a weak Chinese government kept the basic system of exclusion in place.

Anti-Chinese policies had effects far beyond their impact on Chinese migration to the United States. Federal laws and their precursors in California spread through the Anglophone settler societies and Latin America, mostly via the mechanisms of cultural diffusion. Politicians and intellectuals in the United States, Australia, New Zealand, South Africa, and Canada created ever more restrictive policies to combat the "Yellow Peril."[93] For example, when the Queensland (Australia) Postmaster-General introduced the anti-Chinese Gold Fields Bill (1877) to fight "the unrestricted invasion of the country by an inferior race," he cited extensively a U.S. Senate report on Chinese immigration released earlier that year.[94] An 1878 California state senate report and legislators in the 1882 federal debates over Chinese exclusion then called for the United States to emulate the Australian restriction of Chinese.[95] In an iterative process of mutual emulation, each government developed a policy that other governments then invoked to legitimize their own increasingly restrictive policies.

Japanese Restriction

The difference between the treatment of Chinese and Japanese in U.S. immigration law highlights the importance of the horizontal dimension's interaction with the vertical dimension of politics. Strong domestic political pressures emerged that demanded exclusion of both Chinese and Japanese. However, because Japan was a much stronger power than China, U.S. restrictions against Japanese were less harsh, constructed from the outset through bilateral agreements, and later disguised in

facially neutral terms. It was not until World War II, when China became an Allied friend and Japan an Axis enemy, that the U.S. treatment of Chinese and Japanese reversed.

Around 30,000 Japanese contract laborers worked in Hawaii from the 1880s to 1894, when the Japanese government ended contract migration and signed a treaty with the United States allowing for mutual rights of residence for their nationals. In California, the Japanese population soared from 1000 to 41,000 between 1890 and 1910. A cross-class consensus against Japanese immigration quickly developed. San Francisco labor unions began an anti-Japanese campaign in 1900 that culminated in the 78,000 members of the Asiatic Exclusion League calling for a ban on Japanese, Korean, and Asian Indian immigration. The national American Federation of Labor (AFL) joined in demanding an end to Japanese immigration. Conservative businessmen united with the anti-Asian crusade, thus creating a white consensus around exclusion. Both houses of the California legislature passed a unanimous resolution in 1905 calling for a limit on Japanese immigration. As with Chinese immigrants, Japanese were excluded from integrating and then blamed for refusing to assimilate. The resolution's litany of complaints against Japanese laborers included their "race habits," "mode of living," refusal to assimilate, lack of regard for "republican institutions," loyalty to their country of origin, and servile work as near-slaves that drove out white labor unwilling to accept such low wages. The following year, the San Francisco Board of Education forced Japanese to join Chinese in a segregated Oriental School.[96]

The Japanese government reacted angrily to the segregation of Japanese. While privately sympathetic to restricting Japanese, whom he saw as part of an "Oriental invasion" of white countries, President Roosevelt and Secretary of State Elihu Root feared that their outright exclusion would provoke a serious diplomatic crisis that might even lead to armed confrontation.[97] In his December 1906 State of the Union address, Roosevelt denounced segregation in San Francisco and warned that hostility toward Japanese threatened "the gravest consequences to the nation." He told Congress that in the wake of the Russo-Japanese War (1904–1905), "Japanese soldiers and sailors have shown themselves equal in combat to any of whom history makes note." The president urged restraint and called for a bill allowing Japanese immigrants to be eligible to naturalize.[98]

To resolve the crisis in a way that allowed the Japanese government to avoid the humiliation of explicit discrimination against Japanese, U.S. and Japanese diplomats exchanged a series of notes between 1907 and

1908 known as the Root-Takahira or "Gentlemen's Agreement." It allowed Japanese to remain in regular California public schools; banned the entry of Japanese laborers coming from Hawaii, Canada, and Mexico; and charged Japan with stopping labor migration to the continental United States through its own exit controls.[99] President Roosevelt issued a proclamation on March 14, 1907, that banned Japanese or Korean laborers from entering through Mexico, Canada, or Hawaii. There was never a formal treaty based on the Gentlemen's Agreement, and Congress did not ratify its terms. The presidency used its executive powers to respond to vertical demands in a way that would minimize damage on the horizontal field.

Ten years later, the Immigration Act (1917) banned labor immigration from the "Asiatic Barred Zone" defined by lines of latitude and longitude. While the Philippines and Guam geographically fell in the zone, they were under U.S. jurisdiction and thus exempt from its immigration ban. Parts of China, Japan, and Korea were not excluded in the barred zone, but Chinese were already excluded under laws dating back to 1882, and Koreans were under Japanese colonial control and thus treated under the 1907–1908 Gentlemen's Agreement restricting immigration from Japan.

Restrictions against Japanese continued to have repercussions in high politics. When the Japanese delegation attempted to insert a racial equality clause in the League of Nations charter in 1919—recall the discussion in Chapter 2—the United States blocked the initiative in part because its delegation feared that it would delegitimize the restriction of Asian immigrants.[100] Warning of the dangers to U.S. immigration policy, Senator Henry Cabot Lodge (R-MA) asked, "Are we ready to leave it to other nations to determine whether we shall admit to the United States a flood of Japanese, Chinese, and Hindu labor?"[101] When Congress forced a complete end to Japanese immigration in the 1924 quota law, it unleashed a torrent of reactive hostility in Japan and the specter of a Pacific race-war that the Gentlemen's Agreement had avoided.

Filtering "Scum from the Melting-Pot"

While the U.S. government was establishing controls on black and Asian immigration in the nineteenth century, why did it not also select Europeans by ethnicity, given that many groups were seen as only liminally white and/or politically threatening? In the 1850s, the Know-Nothing Party and its 1 million members demanded restrictions on Irish and German Catholics, whom they portrayed as papists bent on undermining

the republic.[102] By the late nineteenth century, southern and eastern European immigrants were widely seen as agents of anarchism, socialism, and violent radicalism that culminated in events such as the Haymarket Riot of 1886. Federal immigration policy nevertheless remained open to almost all Europeans. Minor regulation of shipping companies began in 1819 followed by bans on the immigration of criminals in 1875; lunatics, idiots, and those likely to become a public charge in 1882; contracted laborers in 1885; and carriers of contagious disease in 1891.[103] Despite the steady expansion of grounds of inadmissibility, the U.S. Immigration Service excluded only 1 percent of the 25 million Europeans who landed between 1880 and World War I.[104]

On the vertical plane, Zolberg argues that Democratic congressional dominance from 1835 to 1860, which was fortified by incorporating immigrants into urban political machines, prevented the enactment of nativist policies.[105] On the horizontal plane, the fledgling republic wanted to build up its population to survive attacks from European competitors and expand west. It was not until the republic had become firmly established that policymakers had the luxury of restricting particular groups of Europeans.[106] Scientific racism on both planes gave a new shine to the old argument that certain races should be barred. Intellectuals in Europe and European settler societies circulated scientific papers and popularized works warning of the perils of race mixing. The most influential ideas originated in France, Germany, and Britain and spread through cultural emulation.[107] In the United States, blacks and Asians were considered to be completely inassimilable, and discussion centered on how much the mixing of different European groups threatened national demographic health. Groups such as Celts and Alpines were considered different "races" with distinctive phenotypes and inherited social and behavioral characteristics.[108]

Racism cut across the class divide on questions of immigration. By the 1880s, the Knights of Labor supported preferences for northern Europeans and restrictions on new sources from southern and eastern Europe. Business interests split. The National Association of Manufacturers opposed restriction, even as Protestant businessmen joined workers in the 2 million-strong American Protective Association that called for anti-Catholic and anti-immigrant measures in the 1890s. Irish and German ethnic lobbies fought against restriction, as did some social reformers.[109]

Literacy tests became the preferred technique for restricting the entry of southern and eastern Europeans.[110] Economist Claudia Goldin argues that literacy tests were motivated by the immigration of less educated groups with lower living standards, not by ethnocentrism, but this is

unconvincing.[111] Literacy tests were already an established model for facially neutral restrictions with racist goals, and proponents of tests for immigrants explicitly explained their motivation in racist terms. Mississippi already had adopted literacy tests at the polls to disenfranchise black voters, who were disproportionately illiterate.[112] The Immigration Restriction League founded by Boston intellectual elites promoted a literacy test in the 1896 immigration bill. Senator Henry Cabot Lodge, a prominent member of the League, explained its goals: "The literacy test will bear most heavily upon the Italians, Russians, Poles, Hungarians, Greeks, and Asiatics, and very light, or not at all upon English-speaking emigrants or Germans, Scandinavians, and French." He invoked the warnings of French racist Gustave Le Bon, whose writings Lodge had encountered on a trip to France the previous year, that racial assimilation between superior and inferior groups would only progress if the numbers of the inferior group were small.[113] President Grover Cleveland vetoed the literacy test bill primarily on the grounds that the test was a "pretext for exclusion."[114] Congress passed literacy test bills again in 1913, 1915, and 1917, but Presidents Taft and Wilson vetoed them.[115] Congress finally overrode the veto in 1917 and a test requiring immigrants to prove their literacy in any language was instituted at Ellis Island.[116] To the consternation of nativists, most immigrants from southern and eastern Europe passed the tests and gained admission.

Restrictionists sought a new policy tool that would use differential annual quotas for each national-origin or racial group. Although two of the initial authors proposed quotas that would favor northwestern Europeans while still allowing some Asian immigration, a position that Ly and Weil interpret as "anti-racist,"[117] eugenicists created the successful version of the law. The eugenicist position entered immigration debates most directly through the work of Harry Laughlin, who directed the Eugenics Records Office at the Cold Springs Harbor Laboratory established by Harvard biologist Charles Davenport in 1898. The chairman of the House Committee on Immigration and Naturalization, Albert Johnson (R-WA), nominated Laughlin as the committee's "Expert Eugenical Agent." Laughlin testified to Congress during the quota debates and praised the quota as a turning point that set U.S. immigration policy on "a biological basis." He went on to help spread eugenicist immigration policies throughout the hemisphere.[118]

During the debates over the national-origins quota laws, Rep. Johnson summarized the supposed dangers that the innate qualities of new immigrants posed for democracy. "Today, instead of a nation descended from

generations of freemen bred to knowledge of the principles and practices of self-governments, of liberty under law, we have a heterogeneous population no small proportion of which is sprung from races that, throughout the centuries, have known no liberty at all, and no law save the decrees of overlords and princes. In other words, our capacity to maintain our cherished institutions stands diluted by a stream of alien blood with all its inherited misconceptions respecting the relationships of the governing power to the governed."[119]

A broad coalition for restriction formed around security, ideological, and economic interests. Writing in the *American Journal of Sociology* on his proposal to rid the country of "Scum from the Melting-Pot," Edwin Grant called for "a systematic deportation" that "eugenically cleanses America."[120] Various Europeans were blamed for the assassination of President McKinley in 1901, a bombing campaign against government officials in 1919, and other violence. The Bolshevik Revolution in 1917 exacerbated fears of foreign radicalism that culminated in the Red Scare of the early 1920s. At the same time, a revitalized Ku Klux Klan of 3 million members demanded the exclusion of Catholics and Jews.[121] Opponents of quotas for Europeans were generally limited to politicians and organizations whose constituents were targeted for restriction.

In his last days in office, President Woodrow Wilson pocket vetoed the 1921 immigrant quota bill without giving a rationale. When President Warren G. Harding took office, the Senate passed the same bill by a vote of 78 to 1, and Harding signed it into law.[122] The Emergency Quota Act of 1921 restricted the annual number of immigrants admitted from any country to three percent of the number of residents from that same country living in the United States in the 1910 census.[123] In effect, "old-stock" immigration from northern and western Europe was permitted at the prewar level, while immigration from "new-stock" southern and eastern Europe fell to a fifth of its prewar level.[124] Residents of the independent countries of the Western Hemisphere were exempted from the quotas. Although it was designed to privilege old-stock Europeans, new-stock Europeans still held 45 percent of the quotas. Nativists therefore persisted in their search for a scheme to cut off more of the flow from despised sources. Even the National Association of Manufacturers and U.S. Chamber of Commerce supported new quotas. Congress finally enacted a new quota scheme in the Immigration Act of 1924 (Johnson-Reed Act).[125] All legislators except those representing southern and eastern European constituencies overwhelmingly supported the law.[126]

The 1924 act heightened the preference for "old-stock" European immigrants by rolling back the base year for calculating the quotas from

1910 to 1890. The 1924 act established that until 1927, the annual maximum quota for each nationality would be 2 percent of the total population of that nationality as recorded in the 1890 census, with a minimum quota of 100. In practice, that meant that the share of the quotas reserved for southern and eastern Europeans fell from 45 to 16 percent.[127] The House committee report adopting the 1890 baseline acknowledged that its goal was to reduce the flow of "races from southern and eastern Europe," but at the same time it claimed the mantle of nondiscrimination. "The use of the 1890 census is not discriminatory. It is used in an effort to preserve, as nearly as possible, the racial status quo in the United States."[128]

After 1927, the annual maximum quota of 150,000 immigrants would be divided between countries in proportion to the national-origin ancestry of the population in 1920, with a minimum quota of 100. A Quota Board would determine the proportions of national ancestry in 1920 based on a calculation of the national-origins proportions in the 1790 census adjusted for subsequent migration. The definition of the 1920 U.S. population specifically excluded immigrants from the Western Hemisphere and their descendants, aliens ineligible for citizenship and their descendants, descendants of slaves, and descendants of American aborigines. In other words, the quotas were based only on calculations of the European-origin population.[129] Ethnic associations campaigned against the shift to the national-origins system in 1927 and were able to delay its implementation until 1929.[130]

Geopolitics at Home

While the quota system primarily filtered Europeans, it also banned all Asian immigration, with the exception of colonized Filipinos. Nationals of independent countries of the Western Hemisphere were exempt from the quotas as well, as long as they were not of Chinese descent. Why were Mexicans and Filipinos, who were even more racially despised than Italians and Slavs, afforded more favorable treatment in the law?

The willingness to select among Europeans and the exceptions to the quota system reflected the focus of U.S. foreign policy. Immigration law exempted nationals of areas in which the United States had the deepest engagement—the Americas and the Philippines. Most U.S. foreign investment was in the Western Hemisphere, including 44 percent in Latin America and 27 percent in Canada, compared with only 21 percent in Europe and 8 percent in Asia and Oceania.[131] During the 1920s, the U.S. government intensified its enforcement of the 1823 Monroe

Doctrine that proclaimed the Americas to be a zone of U.S. influence. It launched military occupations and interventions throughout the Caribbean and Central America. At the same time, it turned away from transatlantic engagement following the Senate's rejection of the Treaty of Versailles and membership in the League of Nations. Congress paid little heed to the protests of European countries upset by the quotas. The failure of weaker countries to protest collectively yielded ineffective unilateral complaints. However, the perceived threat of Japanese military retaliation yielded sharp divisions within the U.S. government and a disguised circumlocution to exclude Japanese.

Many European governments complained about the new quota system. The Polish governments lodged protests, as did the government of Britain, even though British nationals fared well relative to other nationalities.[132] During the discussion of the 1924 bill, one of the objections of Secretary of State Charles Evan Hughes was that the plan had provoked diplomatic protests from Italy and Romania.[133] Mussolini denounced restrictions on Italians as a "condition of tyrants." He organized an International Conference on Emigration and Immigration in Rome in May 1924 with the aim of unifying the position of countries of emigration so they could break the U.S. quota restrictions. The meeting failed to bring together the disparate interests of the representatives of fifty-nine countries. With international opposition fragmented and the United States resolutely turning away from European engagement, the horizontal political field did not impinge on the near U.S. consensus for establishing a quota system for Europeans.[134]

While the quota system was primarily a mechanism for selecting among Europeans, the 1924 law also excluded almost all Asians by stipulating that "no alien ineligible to citizenship shall be admitted to the United States."[135] In effect it targeted nationals of Japan, which had not been covered by the geographic coordinates of the 1917 Asiatic Barred Zone. During the 1924 debate, Japanese ambassador Masanao Hanihara sent Secretary of State Hughes a letter protesting the bill. "The manifest object of the [exclusion clause] is to single out Japanese as a nation, stigmatizing them as unworthy and undesirable in the eyes of the American people," he wrote.[136] Hanihara warned of "grave consequences" if the bill passed. Senator Henry Cabot Lodge denounced the letter as "a veiled threat" from Japan and consolidated Senate support around exclusion, which passed the amendment excluding aliens ineligible to naturalization by a vote of 71 to 4.

While congressional representatives more attuned to domestic demands had the luxury of discounting foreign policy considerations, the president

and State Department sought to avoid a diplomatic rupture with Japan. Secretary Hughes promoted an alternative plan that would have given Japan a quota of 250 immigrants a year, similar to the levels of a quota based on the Japanese population of the United States in 1890. On the same foreign policy grounds, President Calvin Coolidge said he would have vetoed the exclusion of Japanese had it been a separate bill, and he unsuccessfully attempted to delay the bill's implementation so he could negotiate a new treaty with Japan.[137] Coolidge was clearly concerned with the diplomatic fallout rather than opposing restriction per se. As his letter to Congress explained, "There is scarcely any ground for disagreement as to the result we want, but this method of securing it is unnecessary and deplorable at this time."[138] Further opposition to overt Japanese exclusion came from East Coast newspapers, businesses involved in East Asia, and Protestant churches with missions in Japan, but they were not strong enough to overcome a broad cross-class coalition demanding restriction of Japanese.

When the bill passed, the U.S. ambassador in Tokyo resigned in protest. The press in Japan declared a "National Humiliation Day." As historian Izumi Hirobe explains, "In Japan, the total ban of Japanese immigrants to the United States in 1924 was interpreted as a rejection of Japan, made exclusively on the grounds of race, by the existing world order, controlled by the Western nations."[139] In December 1941, as the Japanese navy steamed toward Pearl Harbor, Commander Kikuichi Fujita wrote in his diary that it was time to teach the United States a lesson for its treacherous behavior, including the exclusion of Japanese immigrants.[140] A 1942 State Department memorandum analyzing the war concluded that it had been a mistake to reject the Japanese government's 1919 proposal for a statement of racial equality in the League of Nations.[141] Japan's growing military and economic strength had enabled it to avoid the humiliation of outright exclusion until 1924, and even then the quotas did not name Japanese per se, but the discriminatory intent and practical effect of the policy was obvious. The geopolitical price of racial exclusion became painfully clear in the years to come.

Filipinos enjoyed a temporary exception to the quota system's ban on Asian immigration because of a colonial status derived from the United State's victory over Spain in 1898. As U.S. nationals, Filipinos were exempt from the Asiatic Barred Zone.[142] The exceptional treatment of Filipinos ended when the Tydings-McDuffie Act (1934) restricted Filipino entries to fifty a year.[143] Paradoxically, Filipino leaders seeking independence saw that agreeing with the U.S. State Department on a new quota for the Philippines could advance the cause of independence. There was

no international push-back against Filipino quotas to counter the strong demand for restriction from major U.S. interest groups.

Western Hemisphere countries were the greatest exception to the quota system. Quotas did not apply to immigrants if they were born "in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America."[144] The 1921 quota act had exempted residents of the same independent Western Hemisphere countries who had lived there at least one year, a clause that was tightened in 1924 to refer to birthplace in the Western Hemisphere to prevent Asians from using neighboring countries as a back door into the United States. Territories that were not independent, which in practice meant majority-black colonies in the Caribbean, fell under the quotas of their metropoles.[145]

On the vertical plane, the preponderance of forces supported quotas for Latin American countries. In 1926, Rep. John Box (D-TX) introduced an unsuccessful bill to include Mexico and other Western Hemisphere countries in the quota system. Box claimed that the influx of Mexicans created "the most insidious and general mixture of white, Indian, and Negro blood strains ever produced in America."[146] Eugenics expert Harry Laughlin testified to the House Immigration Committee that immigration from the Western Hemisphere should be restricted to whites, a position echoed by Princeton economist Robert Foerster in his report to the Secretary of Labor.[147] In addition to these eugenicist arguments, public health agencies, patriotic societies, and the AFL also supported restriction of Mexicans. In contrast, representatives of railroad, mining, agricultural, and cattle interests in the Southwest opposed quotas on Mexican labor immigration. These employers wanted Mexican workers because they supposedly would *not* assimilate and would return to Mexico when employers did not need them. Rep. John Garner (D-TX) assured his House colleagues that Mexicans "do not cause any trouble, unless they stay here a long time and become Americanized."[148] Yet a congressional majority demanded restriction of the Western Hemisphere. In 1930, Sen. William Harris (D-GA) introduced such a bill that passed the Senate by a vote of 56 to 11, but the House leadership effectively killed the bill in the House Rules Committee after President Hoover threatened a veto.[149]

The State Department and the presidency supported favorable treatment for the Western Hemisphere for diplomatic reasons, even before the Roosevelt-era Good Neighbor policy of treating Latin American countries with greater respect and ending the cycles of military intervention.[150]

Consular reports warned that governments in the region would view the imposition of quotas as an unfriendly gesture. Senator David Reed, co-author of the 1924 act, spoke against a Western Hemisphere quota because it would harm the "Pan-American idea." "If we want to hold them to us—and I think we do so as long as we maintain the Monroe Doctrine—we have got to treat them differently from the rest of the world," he told the Senate.[151] All of the bills under consideration gave Canada special treatment—either a complete exemption or a much higher quota, but Secretary of State Frank Kellogg argued that it would be diplomatically difficult to assign a quota to Mexico without treating Canada and Newfoundland the same. He warned the Senate Immigration Committee in 1928 that Western Hemisphere quotas "would adversely affect the present good relations of the United States with Latin America and Canada" and "would be apt to have an adverse effect upon the prosperity of American business interest in those countries."[152] In Robert Divine's analysis, "The vital factor in defeating the restrictionist cause was the opposition of the State Department."[153]

Frustrated by their failure in Congress to bring Mexicans under the quota system, restrictionists hatched a plan to use the courts. The 1897 *In re Rodriguez* circuit court decision had declared Mexicans to be white for purposes of naturalization law, based on U.S. treaties with Mexico. Restrictionists hoped to overturn the categorization of Mexicans as white, which would not only make them ineligible to naturalize but would also make them ineligible to immigrate because the 1924 quota act denied admission to aliens ineligible to naturalize. In 1935, the restrictionist California Joint Immigration Committee recruited Immigration and Naturalization Service examiner John Murff and federal district judge John Knight in Buffalo, New York, to ignore the *Rodriguez* precedent in the case of Timoteo Andrade and two other Mexican nationals petitioning to naturalize. Based on Murff's objection in court that the three Mexicans were not white, Judge Knight denied their petition. Internal State Department communications feared that a "deplorable effect on relations between the United States and Mexico would result if it became the policy of the United States to exclude Mexicans."[154] To avoid letting *Andrade* stand as a precedent or to risk appealing the case, which might lead to a Supreme Court decision declaring Mexicans ineligible to naturalize as it had done with regard to Japanese and Indians in the 1920s, the Roosevelt administration used administrative procedures to declare Mexicans white for the purposes of naturalization and immigration law. A new examiner replaced John Murff and withdrew

the objection to Andrade's naturalization on racial grounds in a court hearing the following year. After consultations with the Mexican government on how to deal with the issue quietly, the Roosevelt administration ordered the U.S. Immigration Service and State Department visa officers in Mexico to categorize Mexicans as white in 1937. The same officials who crafted the administration's response to the Andrade case then wrote into the Nationality Act of 1940 a new provision that extended eligibility to naturalize to "descendants of races indigenous to the Western Hemisphere."[155]

While the domestic coalition of restrictionists could overcome foreign policy concerns to exclude immigrants from Asia—where the United States had relatively limited ties apart from the Philippines—and restrict immigrants from parts of Europe—from which the United States was disengaging—restrictionists were not strong enough to overcome the deepening U.S. military, commercial, and diplomatic links to Latin America under the Good Neighbor policy.

Discrimination in Action

While nationals of the Western Hemisphere enjoyed preferences on the books, in practice, U.S. officials sometimes restricted Latin Americans and Caribbean blacks, while avoiding the diplomatic problems of overt exclusion. When the State Department eventually agreed to limit Mexican immigration in January 1929 (before the Wall Street crash in October), it used administrative discretion rather than quotas. The department instructed American consuls in Mexico to strictly enforce existing laws that prohibited the admission of contracted laborers, illiterates, and immigrants likely to become public charges. As Divine explains the interview process for an immigrant visa at U.S. consulates in Mexico, "When an applicant was asked about his financial status, if he replied he had a job waiting for him in the United States, he was ruled out on the contract labor provision, while if he answered that he had no job in sight, he was rejected as likely to become a public charge."[156] Admissions of Mexican immigrants fell by 50 percent in April 1929 and 80 percent by February 1930. Senator Carl Hayden (D-AZ) pointed to the effectiveness of this technique on the floor of the Senate to defend the exemption of the Western Hemisphere from the quota system in 1930.[157] Federal and local governments used deportations and repatriations to remove an estimated 400,000 Mexicans from the United States during the Great Depression, including many who were U.S. citizens by virtue of their birth on U.S.

territory. No other national-origin group was singled out for this harsh treatment. The Border Patrol, founded in 1924, used its discretion to target Mexicans as well.[158]

While the quota system gave generous allowances to British nationals that could in theory be used by blacks in Britain's Caribbean colonies, the sponsor of the bill, Sen. Reed, ensured that their numbers could be limited by manipulating how the quota given to Britain was apportioned. "We want to hold down the immigration that has begun to spring up among the negroes, of the West Indies," Reed told Congress.[159] In practice, U.S. officials at the embassy in London sharply limited the numbers of visas for blacks.[160] Quiet administrative regulations accomplished what Southern-led Congressmen had failed to do in 1914 and 1915, when they tried to pass an immigration bill that would exclude "all members of the African or black race." The Senate passed the anti-black amendment, but after intensive lobbying against it by the National Association for the Advancement of Colored People, the bill was defeated in the House on the grounds that it would deny reentry to black U.S. citizens abroad, would impair Protestant missionary activities in Africa by stigmatizing blacks, and was misdirected in any case given that black immigrants from the West Indies had relatively high levels of education.[161] While domestic opposition killed the overt discrimination in the 1915 bill, the regulation of the 1924 quota act in practice reduced black immigration from the Caribbean from 12,000 in 1923 to less than 800 in 1924.[162]

Government officials systematically discriminated against Jews as well. In his study of the Immigration Service's list of admitted aliens' races, Patrick Weil found that officials refused to merge categories such as "Hebrews" with their legal nationalities. "The list was probably utilized as a tool for racial selection when the law did not expressly authorize racial selection," Weil concludes.[163] When Jews began fleeing Nazi Germany, officials demanded that refugees present evidence of economic self-sufficiency, a difficult barrier given that the German government prevented Jews from taking their capital with them.[164] From 1933 to 1940, the United States admitted 127,000 Jewish refugees, but it rejected most applicants even though a further 110,000 could have been admitted under the German quota alone.[165] On the horizontal plane, the U.S. State Department strongly resisted allowing in more Jewish refugees to avoid offending the German government. In January 1944, Secretary of the Treasury Henry Morgenthau presented a report to President Roosevelt originally titled "Report to the Secretary on the Acquiescence of this Government in the Murder of the Jews." The report charged that the

State Department had kept Jewish immigration below the quota levels under the guise of national security and that some of its officials had deliberately failed to rescue Jews.[166] Policies toward Jewish refugees, West Indians, and Mexicans reveal that the law in practice was even more racialized than the law on the books.

Global War and the Anti-Racist Turn

The Pacific fortress erected against Asian immigration began to crumble less than a decade after its construction was completed. The major catalysts were the need to create international alliances to prosecute World War II and the global reaction against the horrors of Nazi racism. The horizontal dimension affecting policy, resulting from interstate relationships and the spread of new transnational norms, was especially important in shaping this turning point, though interest group politics on the vertical plane played a secondary role.

As the war raged, Gunnar Myrdal warned that racial segregation in the United States was harming the U.S. war effort and would continue to create problems for its international goals after the war. He noted that Nazi propagandists were citing U.S. treatment of blacks in their radio broadcasts in Europe. Myrdal and many others pointed out the chasm between U.S. claims to be fighting for equality and human rights abroad while practicing segregation at home.[167] In the Western Hemisphere, all of the independent states eventually joined the Allies. Latin America protected the southern flank of the United States, provided vital natural resources to the war effort, and, in the case of Mexico, sent contracted labor to replace U.S. men sent into battle. The war gave Latin American governments new leverage to protest discrimination against Mexicans living in the United States and Central Americans and Caribbean islanders working in the segregated Panama Canal Zone. Whites enjoyed U.S. citizenship and a high standard of living in the Zone, while black workers and their children born there were excluded from U.S. citizenship.[168] As shown in Chapter 2, Latin American and Asian governments used the war and a new set of international institutions to push anti-racist principles.

Since the late nineteenth century, Japan's greater geopolitical power compared to China had prompted the U.S. government to avoid naming Japanese as targets of exclusion and instead adopt disguised techniques of restriction. Once World War II broke out, however, the United States enacted explicit, harsh restrictions on Japanese. While some measures extended to all "enemy aliens," officials singled out Japanese for much

worse treatment than nationals of other Axis countries. The Department of Justice interned 4,092 Japanese, 2,384 Germans, 794 Italians, and 199 people of other nationalities on national security grounds. A further 4,058 Germans, 2,264 Japanese, and 287 Italians were brought from fourteen Latin American countries and interned in U.S. camps. On the West Coast, the U.S. government interned a much larger group of 110,000 people of Japanese birth and ancestry, two-thirds of them U.S. citizens.[169]

The war had the opposite effect on the treatment of Chinese immigrants. Repeal grew out of the interaction between civil society lobbying and foreign policy, but the fact that Chinese exclusion ended around the same time in many countries throughout the hemisphere reflects the causal primacy of the horizontal dimension. China was the fourth signatory (after the United States, Great Britain, and the Soviet Union) to the "Joint Declaration of the United Nations" on January 1, 1942.[170] Japanese propagandists highlighted the hypocrisy of U.S. efforts to incorporate China into the Allied war effort at the same time as U.S. immigration law excluded Chinese on racial grounds. By contrast, the Japanese government claimed that it sought to "liberate East Asia from Anglo-Saxon imperialists" and establish a Greater East Asia Co-Prosperity Sphere based on "racial equality and harmony."[171] Japanese radio broadcasts to China, India, and Latin America reminded listeners that "the Chinese are rigidly excluded from attaining American citizenship by naturalization, a right which is accorded to the lowliest immigrant from Europe."[172] A June 24, 1943, editorial in *China Daily*, the organ of the Reorganized National Government puppet regime, charged that "if the American government does not abolish the discriminatory laws against the Chinese, Asian peoples can never be treated equally." Japanese cartoons showed Uncle Sam breezily walking into East Asia while closing the gates to Asians.[173]

The U.S. Foreign Service was keenly aware of its problem in the propaganda war. Charles N. Spinks, an East Asia specialist, published an article in 1942 calling for the United States to repeal Chinese exclusion.[174] Madame Chiang Kai-shek, the wife of the nationalist Chinese leader, toured the United States in early 1943 and publicly made the same demand. A nationwide committee of white intellectuals, who did little to engage the population of Chinese Americans, took up the call.[175] Roosevelt himself called for repeal in 1943, declaring that it would be "important in the cause of winning the war and of establishing a secure peace" and would "silence the distorted Japanese propaganda."[176] The Roosevelt administration also looked forward to the postwar period and

the need to develop a Chinese ally as a counterweight to the Soviet Union.[177] Further support for repeal came from pro-business lobbies anticipating friendlier relations with a country of 400 million consumers and the internationalist-oriented Congress of Industrial Organizations (CIO). An October 1943 national survey found that 65 percent of the U.S. public favored repeal.[178]

The greatest opposition to repeal lay in southern states, even though they would likely be least affected by any future uptick in Chinese immigration. The AFL, American Legion, and Veterans of Foreign Wars opposed repeal for economic and nativist reasons.[179] Consistent with a broad shift against biological racism at mid-century, restrictionists publicly invoked culture, rather than biology, to defend discrimination against Chinese.[180] Sen. Rufus Holman (R-OR) assured the Senate, "I base my thoughts on the subject not on the ground of inferiority of any race or group but on the ground of incompatibility when in large unassimilable groups they settle permanently among us."[181] Of course, the issue of race lurked just beneath the surface. Rep. Ed Gossett (D-TX) told the committee hearings that he "and the rest of the boys down below the Mason-Dixon line do not like the idea of trying to tie this thing up with social equality and racial equality," but he led the fight for repeal exclusively as "a war measure and a peace measure."[182]

The 1943 Magnuson Act repealed the Chinese exclusion acts, established an annual quota of 105 for "persons of the Chinese race" (with a preference of up to 75 percent given to persons born and living in China), and made "Chinese persons or persons of Chinese descent" eligible for naturalization.[183] Racial restrictions further eased in a 1946 act that exempted Chinese wives of U.S. soldiers from the annual quota, and a 1947 amendment allowed all Asians to obtain U.S. citizenship by marriage. A 1950 act allowed immigration outside the quotas of U.S. citizens' spouses and adult children, regardless of their race.[184] Members of Congress introduced several failed bills in 1944 that would have allowed immigration from India, Korea, the Philippines, and Siam.[185] As soon as India and the Philippines entered the final stages of independence, similar bills passed, and their citizens became eligible for naturalization and symbolic annual quotas of 100.[186] The racial restrictions on naturalization, though not immigration, were completely eliminated in 1952 by the McCarran-Walter Act. The incremental lifting of anti-Asian restrictions in World War II and its aftermath was not automatic, but clearly a response to pressures rising from the horizontal field. By the 1960s, decolonization and Cold War imperatives would dismantle the Pacific fortress altogether.

Wooing the Third World

The United States and its allies designed the international architecture of the postwar era, but in doing so, they unwittingly created institutions through which governments of much weaker countries were able to band together to delegitimize racial discrimination. As described in detail in Chapter 2, the politics of immigration and emigration were played out on a transformed horizontal political field with new governmental and scientific actors from decolonized countries and a more proactive Latin America. Like Japan and Germany during World War II, the Soviet Union highlighted racist U.S. policies to the rest of the world. The U.S. government was forced to take seriously the anti-racist platforms of third-world governments because it was competing with the Soviet Union for their favor. Thus, the UN did not change U.S. immigration policy directly through treaties or by directly influencing U.S. court decisions, but rather indirectly, by serving as a channel for foreign policy mechanisms of non-coercive diplomatic leverage.[187] The geopolitical price of maintaining racist immigrant admissions policies became too high given their linkage to U.S. national security.

Following the establishment of the UN, with its charter calling for racial equality, Soviet media systematically attacked the United States for its racial discrimination. Secretary of State Dean Acheson wrote to President Truman that "our failure to remove racial barriers provides the Kremlin with unlimited political and propaganda capital for use against us in Japan and the entire Far East."[188] Truman moved civil rights reforms to the top of his domestic agenda.[189] His 1947 Presidential Committee on Civil Rights report cited three critical reasons that the status quo needed to change: harm to U.S. foreign relations, morality, and economic efficiency.[190] The report, titled *To Secure These Rights,* strongly recommended the elimination of racial prerequisites to naturalization and described the quotas for Japanese, Koreans, and other Asians and Pacific Islanders as unfair.[191]

How could the federal government better combat racial discrimination in the United States? Interestingly, the report cited Article 55 of the UN Charter, which included "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion" as the potential basis of congressional action to achieve those ends. The very clause that the U.S. delegation had attempted to squelch in 1945 was invoked by the president's own commission just two years later to call for an end to segregation.[192] However, the report noted that Article 2(7), which gutted the UN's

ability to intervene in domestic matters, might limit the applicability of Article 55.[193]

In the report's conclusion, the commission made a critical observation to explain why U.S. policy was opposed around the world:

> Discrimination against, or mistreatment of, any racial, religious or national group in the United States is not only seen as our internal problem. The dignity of a country, a continent, or even a major portion of the world's population, may be outraged by it. A relatively few individuals here may be identified with millions of people elsewhere, and the way in which they are treated may have world-wide repercussions. We have fewer than half a million American Indians; there are 30 million more in the Western Hemisphere. Our Mexican American and Hispano groups are not large: millions in Central and South America consider them kin. We number our citizens of Oriental descent in the hundreds of thousands; their counterparts overseas are numbered in hundreds of millions. Throughout the Pacific, Latin America, Africa, the Near, Middle, and Far East, the treatment which our Negroes receive is taken as a reflection of our attitudes toward all dark-skinned peoples.[194]

As Donald Horowitz argues, ethnic conflict can arise even when individuals do not have direct material interests at stake, but they see the fate of anonymous co-ethnics as a symbolic gauge for the success of the whole group.[195] Policies excluding the immigration of co-ethnics because of skin color or nationality is a stigma felt by the co-ethnic community abroad and the governments who represent them, not just by the excluded individual. The contrast between U.S. efforts to woo nonwhites abroad and the treatment of nonwhite co-ethnics at and within the U.S. border, the global span of nonwhite ethnic groups, and the international prominence of the United States prompted a reaction of ethnic solidarity.

The effect of international pressures to end racist policies lagged, however. Frank Holman, former president of the American Bar Association, warned a Senate hearing in 1953 that UN agreements would open up U.S. immigration laws and "eliminate all screening processes of this country."[196] The administration of Dwight Eisenhower (1953–1961) pulled out of UN human rights initiatives. Opponents of racial reform called proponents "Communists." While the NAACP attempted to use the United Nations to push its anti-racist agenda in the 1940s, by the 1950s it had largely abandoned the international route that had become tainted by red-baiters.[197] Neither did the national-origins quota system immediately fall in the face of international pressures. Following the dominant pattern, the White House and State Department were more

susceptible to foreign policy arguments and international influences than Congress, which remained more inward-looking.[198]

The 1952 Immigration and Nationality Act (McCarran-Walter Act) preserved the basic outlines of the national-origins quota system but continued the symbolic opening toward Asia by including a new annual quota of 2000 for the "Asia-Pacific Triangle." Each country in the triangle received a quota of 100. Unlike all other countries in the world, the Asia-Pacific token quotas were racialized. An "immigrant who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle" was charged to the country of ancestry's quota of 100, along with immigrants born in that country.[199] The bill's sponsors openly stated during committee hearings that the main intent of this provision was to limit potential immigration from the estimated 600,000 Asians living elsewhere in the Americas.[200] In practice, the 1952 act also restricted immigration of blacks from the British West Indies by introducing a provision that limited each colony to a maximum quota of 100, charged against the quota for the metropole. The act continued the quota exemption for independent countries in the Western Hemisphere.[201]

In contrast to discussions during the 1920s, supporters of national-origins quotas now typically defended discrimination on the grounds of cultural assimilability rather than biology.[202] According to the Senate Judiciary Committee's report, "Without giving credence to any theory of Nordic superiority," the quota system favored "immigrants considered to be more readily assimilable, because of the similarity of their cultural background, to those of the principal components of our population."[203]

Ethnic lobbies from southern and eastern Europe opposed the continuation of the national-origins quotas.[204] Despite its reservations, the Japanese American Citizens League supported the token quotas as an incremental improvement over the degradation of absolute exclusion of Japanese and the people of most other Asian countries. The League urged Truman to accept the quotas in return for removing the racial prerequisites to naturalization that had been in place since 1790.[205] Representatives from Northeast districts with large black populations and African-American organizations opposed the colonial quotas as a thinly disguised means of limiting black immigration from the West Indies.[206]

The strongest opposition spoke against the international consequences of continuing to severely restrict Asian immigration. Senator William Benton (D-CT) highlighted the folly of spending billions of dollars and

suffering 100,000 U.S. casualties in the Korean War while enacting a bill that would restrict the entrance of Koreans and other Asians. "We can totally destroy that investment, and can ruthlessly and stupidly destroy faith and respect in our great principles, by enacting laws that, in effect, say to the peoples of the world: 'We love you, but we love you from afar. We want you but, for God's sake, stay where you are,'" Benton told the Senate.[207] Even the American Federation of Labor, which generally supported a national-origins system, objected that the limited formula for Asians would damage U.S. foreign policy. "This form of discrimination may still be a serious impediment to good diplomatic relations with Asian countries and could be used by the Communists to great advantage to hurt our position in Asia," the AFL representative told a congressional hearing.[208] Truman vetoed the bill, echoing Benton's warnings of its dangerous implications for the Cold War. His veto message called for a new bill that would remove "racial barriers against Asians" and warned that "failure to take this step . . . can only have serious consequences for our relations with the peoples of the Far East."[209] Truman further decried the small quotas for southern Europeans and Turks, the "brave defenders of the eastern flank" against Communism.[210] Congress overrode Truman's veto and the bill became law.

On the horizontal plane, Cold War interests had created a symbolic opening toward immigration from Asia, eliminated the racial prerequisites to naturalization, and disguised in facially neutral language new restrictions on black immigration from British colonies. Yet the fundamental principle of ethnic selection survived on the backs of a congressional majority that insisted on favoring "assimilable" immigrants from northwestern Europe.

Demise of the Quotas

Explanations for the end of the national-origins quota system in 1965 fall into three broad categories. The first two restrict their analyses to an exclusively domestic perspective. One explanation argues that the 1965 reform was a response to the Civil Rights movement, while the second emphasizes lobbying by ethnic organizations in the United States that represented groups whose numbers were limited by the quotas.[211] The third perspective explains how U.S. foreign policy affected immigration policy, though studies taking this view typically do not consider the role of policy diffusion and interactions between states and nongovernmental actors on the broad horizontal field.[212] The three perspectives are not mutually

exclusive, but the relative causal weight given to each of these factors varies in different accounts. We argue that the principle of anti-racism bleeding over from the Civil Rights movement and ethnic lobbying were secondary factors that influenced immigration policy. The shift was primarily a response to geopolitical pressures emanating from the growing number of independent Asian and African countries and Latin American countries that had delegitimized racism through the United Nations and Pan American institutions. Cold War national security concerns amplified these pressures to end the national-origins immigration system.

Two months after McCarran-Walter passed in 1952, Truman created a Commission on Immigration and Naturalization to hold hearings on immigration reform. Its report, *Whom We Shall Welcome,* formed the outline of the 1965 act. It called for abolishing the national-origins quotas, particularly the "racist provisions" toward Asians and Caribbean blacks. The rationales for these changes included the "democratic faith of our own Declaration of Independence in the equality of all men" and an affirmation that "the best scientific evidence available today" shows that "the basic racist assumption of the national origins system is invalid." Beyond these nods to liberal democratic creeds and the scientific rejection of racism, foreign policy concerns dominated the report's arguments. The commission argued that ethnically discriminatory immigration policies impaired U.S. foreign policy. It cited the exclusion of Japanese in 1924 as promoting the growth of Japanese militarism and the ongoing blows delivered by various Communist countries in the propaganda wars. For example, the report quoted Radio Moscow's Korean-language broadcast of July 5, 1952, to show how the Soviets presented the national-origins quotas to an Asian audience: "The United States Congress on June 27 passed the 'McCarran-Walter Bill,' which calls for drastic discrimination and restrictions against the nations [sic] of China, India, Southeast Asia, and other Asiatic countries, who enter or reside in the United States. The nature of the new law was thoroughly unmasked by the Congressmen in their debates on the bill. They stressed that the new immigration-restriction bill is very similar to the Nazi theory of racial superiority. The McCarran-Walter law places those nationals of Asian countries who enter or immigrate into the United States in a far more inferior category."[213]

In an effort to suggest that the United States was out of synch with its Anglophone peer states, the commission wrongly reported in bold-faced type, "The United States is the only major English-speaking country in the world which has written discrimination into its national immigration laws. Great Britain, Canada, Australia, and New Zealand, the

other great English-speaking countries, all of them immigrant-receiving countries, have neither a national-origins system nor an inflexible quota limitation." It went on to claim, also inaccurately, "The national origins system is also unique among the laws of English-speaking nations in the candor of its purpose," which was "intended to discriminate on the basis of national origin, race, color, and (in effect) religion."[214] In fact, policies in other Anglophone settler countries were openly discriminatory. The report did not mention the immigration policies of Latin American or continental European countries, suggesting that policymakers saw themselves as part of an Anglophone epistemic community even if they were mistaken about the character of other policies within it.

Support for the national-origins system continued to slide through the 1950s. By 1956, the Republican and Democratic party platforms endorsed its termination.[215] After the AFL and CIO merged in 1955, the new federation supported ending the national-origins quotas as long as the total number of immigrants did not increase. Scholars have explained organized labor's shift away from restriction as a result of the booming postwar economy, its alliance with the Civil Rights movement, the incorporation of the CIO with its disproportionately high representation of white ethnics, and its commitment to helping the United States achieve Cold War goals abroad.[216] AFL-CIO president George Meany described ending the national-origins quota as the federation's patriotic duty when he declared that "part of our total program to combat world Communism must be a willingness to welcome a reasonable number to our own shores."[217] Cold War concerns eventually filtered down from the executive branch to include a broader public. An August 1963 Harris Poll found that 78 percent of white Americans believed that race discrimination in the United States harmed it abroad.[218] A Gallup poll two years later found broad support for changing the quota system.[219]

Supporters of ending national-origins echoed the internationalist arguments made against the 1952 immigration bill. Senator Kenneth Keating (R-NY) asked in 1961, "If we are willing to continue laws discriminating against individuals because of race or national origin, what trust can we in turn expect from the emerging nations of Asia and Africa?"[220] Echoing arguments made earlier about the Korean War, Rep. John Lindsay (R-NY) noted the paradox of fighting for South Vietnam while continuing to exclude all but token numbers of Vietnamese: "[T]his nation has committed itself to the defense of the independence of South Vietnam. Yet the quota for that country of 15 million is exactly 100. Apparently we are willing to risk a major war for the right of the Vietnamese people to live in freedom at the same time as our quota

system makes it clear that we do not want very great numbers of them to live with us."[221]

Secretary of State Dean Rusk told a congressional hearing that U.S. immigration policy had serious foreign policy implications. "What other peoples think about us plays an important role in the achievement of our foreign policies," he argued. "More than a dozen foreign ministers have spoken to me in the last year alone, not about the practicalities of immigration from their country to ours, but about the principle which they interpret as discrimination against their particular countries." Rusk emphasized that "even those [countries] who do not use their quotas . . . resent the fact that the quotas are there as a discriminatory measure."[222] In the same vein, Attorney General Nicholas Katzenbach warned that the "national origins system harms the United States in still another way: it creates an image of hypocrisy which can be exploited by those who seek to discredit our professions of democracy."[223]

Supporters of the existing national-origins system attacked the foreign policy argument for a more racially egalitarian policy. For example, Sen. John McClellan (D-AR) ridiculed the attorney general's statement for "trembling in the presence of foreign potentates, kings, dictators, or any other heads of government."[224] McClellan argued that foreign complaints of U.S. discrimination were illegitimate in any case. He cited testimony to the Senate Judiciary Committee by anti-Communist crusader Rosalind Frame that a long list of countries practiced ethnic selection, including Canada, Brazil, Australia, Israel, Liberia, Nicaragua, and Costa Rica.[225] The report provided ammunition to supporters of the national-origins system based on the logic that if foreign governments wanted to complain about discriminatory policies, they should direct their complaints elsewhere, and to the extent that the U.S. government did select by origin, that was legitimate because other countries did the same.

Opponents of the existing system did not point out that many other countries in the Americas had already removed their policies of ethnic selection. Rather, they pointed to the high diplomatic costs of maintaining the current policy and its unfairness for using race and national origin as criteria of selection. Changes in ethnic selection of immigrants in other countries did not influence U.S. policy through the mechanism of emulation. Rather, changes in other countries were felt through the mechanisms of diplomatic leverage in the UN and through bilateral diplomacy. Rapid decolonization in Asia and Africa increased the numbers of countries with an international voice. By the early 1960s, they were on the verge of successfully pushing forward the International Convention on

the Elimination of All Forms of Racial Discrimination, and U.S. policies were the targets of sustained international opprobrium.[226]

Developments within the United States influenced the shift in immigration policy as well. Massey, Durand, and Malone view the 1965 immigration act as being one of the achievements of the Civil Rights movement.[227] "As part of the broader move to end racism in federal law, the civil rights coalition also sought to modify U.S. immigration law by repealing the national-origins quotas and the Asian exclusion acts," they write. The 1965 immigration act passed just a year after the Civil Rights Act of 1964 and the same year as the Voting Rights Act of 1965. Some legislators at the time specifically mentioned the connection between U.S. civil rights and the end of the national-origins scheme. For example, Rep. Philip Burton (D-CA) told the House, "Just as we sought to eliminate discrimination in our land through the Civil Rights Act, today we seek by phasing out the national origins quota system to eliminate discrimination in immigration to this Nation composed of the descendants of immigrants."[228] Yet the Civil Rights movement at the time was primarily framed in a black/white dichotomy, and the 1965 immigration act was not strongly pushed by African-American organizations, which focused on fighting for their civil rights within the United States. United Farm Worker leader César Chávez was more concerned with ending labor market competition from the bracero temporary worker program, which gave 4.6 million bracero contracts (mostly to Mexican nationals) between 1942 and 1964, than in changing the whole immigration system.[229] Asian-American congressional representatives opposed national-origins quotas but were largely ineffectual given their extremely small numbers and constituencies.

White ethnic organizations and representatives attacked the quota system for discriminating against the Italians, Greeks, Portuguese, Poles, and other Europeans waiting in line for oversubscribed quotas. In the most extreme case, almost 137,000 Italians languished in a queue for "fourth preference" family reunification visas in 1962, creating an expected waiting time of more than 50 years.[230] White ethnic voices had become much more influential by 1965 than in previous legislative debates. John F. Kennedy had become the first elected Catholic president in 1960, and the 89th Congress (1965–1966) was the first in U.S. history to be majority Catholic.

Institutionalists argue that the national-origins quota system endured until 1965, rather than changing in the mid-1950s, because conservative Democrats, mostly from the South, held powerful congressional

committee positions and were able to defeat efforts by racial egalitarians in their own party to enact immigration reform. Reform bills were bottled up in committee until Rep. Walter, coauthor of the restrictive 1952 act and chair of the House subcommittee, died in May 1963. The structure of U.S. democratic institutions famously includes multiple "veto points" where it is possible for minorities of determined political actors to prevent policy change.[231] Thus, the timing of the end of the national-origins quotas was affected by the structure of the U.S. legislative process, ethnic lobbying, and the Civil Rights movement, but it was fundamentally driven by geopolitics.[232]

The 1965 Immigration and Nationality Act (Hart-Celler Act) prohibited preferences or discrimination in the issuance of immigrant visas based on "race, sex, nationality, place of birth, or place of residence," with specified exceptions.[233] It eliminated the national-origins quotas and replaced them with an annual ceiling of 170,000 visas for immigrants from the Eastern Hemisphere. No country from the Eastern Hemisphere was allowed more than 20,000 visas. Spouses, minor children, and parents of adult U.S. citizens were exempted from the ceiling. Among the 170,000 "preference" visas, 74 percent were reserved for other categories of family members, 20 percent for highly skilled workers sponsored by an employer, and 6 percent for refugees fleeing Communism, persecution in the Middle East, and natural calamities.

The Western Hemisphere had not been included under the numerical ceiling in the original bills proposed by Sen. John F. Kennedy (D-MA), Sen. Philip Hart (D-MI), and Rep. Emanuel Celler (D-NY) from the late 1950s to 1965.[234] During the final negotiations of the 1965 bill, conservative Democrats and Republicans introduced an amendment establishing a quota of 120,000 visas for immigrants from the Western Hemisphere that would take effect in 1968. The White House opposed the provision based on its historical concern with protecting U.S. diplomatic interests in its self-described backyard. President Johnson's assistant, Jack Valenti, relayed to the president the concern of Secretary of State Dean Rusk that a system of limiting all immigration, including sources in the Western Hemisphere, would "vex and dumbfound our Latin American friends, who will now be sure we are in final retreat from Pan Americanism. The immigration project, on top of Santo Domingo [where the US was then intervening in a revolution], will be, in the opinion of Rusk too much too quick for them to take."[235] The opposition to a Western Hemisphere exemption invoked the principle of nondiscrimination, thus taking the civil rights language of equal treatment and throwing it back at the White House. The House Judiciary Committee

insisted on "uniform treatment for all countries."[236] Almost all of the Republicans joined a small number of conservative Democrats in voting against the Western Hemisphere exemption.[237]

Between 1965 and 1968, there were no numerical caps for natives of independent countries in the Western Hemisphere. This change put natives of newly decolonized countries there on an equal footing with long-established republics, to the immediate benefit of Jamaica and Trinidad-Tobago, which had been allotted only 100 visas in 1952 when they were still British colonies. However, only aliens from the Western Hemisphere were prohibited from adjusting their legal status to permanent resident while living in the United States. All immigrants from the Western Hemisphere and the immigrants from the Eastern Hemisphere who entered on employment visas had to be certified by the Department of Labor that they were not seeking a job in which U.S. workers were able, qualified, willing, and available.[238] Relative to the population of the countries in each respective hemisphere, the 1968 Western Hemisphere ceiling was more generous than the Eastern Hemisphere ceiling. Forty-one percent of the preference visas were reserved for countries with only 9 percent of the world's population.[239] Accepting limitations on Western Hemisphere immigration was the price of ending the national-origins quotas in the Eastern Hemisphere. Eliminating the negative discrimination against Asians, Africans, and southern Europeans would relieve a far greater diplomatic problem than would be created by eliminating the positive preferences for the Western Hemisphere. In the mid-1970s, the State Department dropped its opposition to country caps on permanent legal immigration from Mexico and Canada. The Eilberg Act of 1976 applied the Eastern Hemisphere's preference categories to the Western Hemisphere, established the same cap of 20,000 preference visas per country, and applied the same labor certification requirements to both hemispheres.[240] A 1978 law created a single worldwide preference visa cap of 290,000.[241]

The 1965 immigration system quickly transformed the ethnic portrait of the nation. In the short run, immigration of southern Europeans that had suffered from small quotas quickly rose. The immigration of nationalities that had enjoyed large quotas, but which had few recent immigrants who could sponsor immediate family members, fell sharply. The introduction of the Western Hemisphere ceilings in 1968 had its most adverse immediate effect on potential Canadian immigrants. With their relatively high average skill levels, they had difficulty obtaining certification from the Department of Labor that they would not compete with U.S. workers. In the absence of country quotas in the Western Hemisphere,

Mexicans with lower average levels of skill received most of the Western Hemisphere visas.[242] The European and Canadian share of legal immigrants fell from 60 percent in the 1950s to 22 percent in the 1970s.[243] In the long run, the end of the national-origins quotas and emphasis on family reunification accelerated Asian migration. The Asian percentage of legal immigrants rose from 6 percent in the 1950s to 35 percent in the 1980s. The arrival of Indochinese refugees in the 1970s, which was made possible through special refugee programs, led to more Asian migration as former refugees sponsored their family members' immigration through the reunification provisions of Hart-Celler.

Limits on preference visas issued per country within the Western Hemisphere were introduced in 1976. Mexican immigration immediately fell by 40 percent. To compound the effect of the country caps, from 1965 to 1976, the State Department assigned 150,000 visas from the Western Hemisphere quota to Cuban refugees who were supposed to have been admitted outside the hemispheric ceiling. A federal court ruling in *Silva v. Bell* (1979) forced the government to "recapture" the misallocated visas and provide them mostly to Mexicans who would have gained entry had the visas not been assigned to Cubans.[244] Presidents Richard Nixon, Gerald Ford, and Jimmy Carter unsuccessfully urged reforms to the country caps that would provide more visas for Mexicans.[245] Low-skilled Mexicans who did not have immediate family members in the United States to sponsor them were frozen out of the legal immigration system. With access to legal temporary migration shut down by the end of the bracero program in 1964, increasing numbers of Mexicans who previously would have been able to immigrate legally entered without authorization. Yet because reunification of minor children, spouses, and parents of adult U.S. citizens is outside the annual ceiling, the overall number of immigrant visas issued to Western Hemisphere countries actually remained quite stable. In 2010, Latin America was the source of a third of legal immigrants, roughly the same as in 1962.[246]

Ostensibly, the 1965 act ended the system of racial discrimination that had marked U.S. immigration policy since the nineteenth century.[247] Many argue, however, that the intent of the 1965 act was to continue selecting by origin and that the system is unfair. Every country receives the same number of preference visas regardless of population size or the level of demand to emigrate to the United States.[248] Howard Winant goes so far as to claim that discriminatory immigration policies in practice are one of the areas of U.S. policy that "continue in the present, at

times ameliorated as a consequence of civil rights reform, but by no means uprooted or fundamentally altered from their pre-civil rights era configurations."[249] On the opposite end of the political spectrum, Peter Brimelow and other restrictionists agree with critical race theorists that Congress never intended for the 1965 act to allow in such an ethnically diverse group of immigrants, but they draw the opposite policy conclusion and advocate for a new system that would favor Europeans.[250] Against the position of both critical race theorists and racist restrictionists, Gabriel Chin argues that it is most likely that "legislators and administration officials knew that Asian immigration would increase substantially, even if no one predicted the actual magnitude."[251]

The strongest evidence that the 1965 act really was a fundamental break with the ethnic selection of the past is that Congress did not return to the national-origins system even though it quickly became evident that Asian immigrants were the primary beneficiaries.[252] On the other hand, efforts to favor certain European groups continued through the early 1990s, and the 1965 law differentially impacted ethnic groups, often in ways that Congress did not fully foresee. Regardless of the extent to which policymakers in 1965 intended to limit numbers of Asians and Latin Americans, geopolitical pressure from the Global South and East in the wake of decolonization, and a more assertive anti-racist stance by Latin American countries, made ethnic selectivity illegitimate. The U.S. Civil Rights movement did not, in the first instance, drive this shift.

Culling Refugees

Legal scholars, politicians, and immigrant advocates claim that ethnic discrimination persists in refugee policy—if not on the books, then in practice.[253] The evidence shows, however, that refugee policy has responded to both foreign policy interests on the horizontal plane and to ethnic lobbying on the vertical plane, but ethnic lobbying has only been effective when congruent with U.S. foreign policy interests.[254] The global reach of the Cold War prompted the United States to increasingly select on political rather than ethnic grounds.

After World War II, the 1948 Displaced Persons Act provided 200,000 visas to specific groups of Europeans affected by the war. The bill was shot through with disguised efforts at ethnic selection. Where refugees exceeded their nationality's annual quota, the bill mortgaged fifty percent of that nationality's future annual quotas. President Harry Truman said he signed the bill "with very great reluctance" because of the quota

mortgage provision and because it was "flagrantly discriminatory" against Catholics and Jews.[255] The 1953 Refugee Relief Act reserved 151,000 visas for particular European ethnic groups, an additional 45,000 to "escapees" from Communism in Europe, and 2000 for refugees in the Far East "who are not indigenous to the area." For the first time, the law also included visas for several non-European groups—3000 refugees in the Far East who were "indigenous to the area," 2000 "refugees of Chinese ethnic origin" endorsed by the nationalist government in Taiwan, and 2000 Palestinians.[256] The 1957 Refugee-Escapee Act extended the definition of refugee to include persons fleeing persecution in Communist countries or the Middle East. It also ended the policy of mortgaging national-origins quotas for refugees and allowed extensive family reunification outside of the quotas, which opened about 300,000 slots to southern and eastern Europeans.[257]

Notwithstanding the ethnic politics on the vertical plane that were implicated in favoritism toward European refugees, the geopolitical imperatives of the Cold War drove refugee policy and created further openings for Asians to enter the United States. In its 1957 report on world refugees, the State Department argued that "Chinese and other Asian refugees [should] be given treatment as equal as possible to that accorded refugees" from the rest of the world. Eliminating discrimination against Asian refugees would "help silence Asian criticism that, despite our professions of belief in racial equality, we in fact are more concerned with Europeans than with Asians."[258] The Kennedy Administration in 1962 agreed to admit 14,000 Chinese who had fled the People's Republic for Hong Kong.[259] In 1968, the United States ratified the 1967 Protocol Relating to the Status of Refugees that eliminated the geographic and temporal limitations of the 1951 UN refugee convention (which had limited the definition of refugees to Europeans affected by WWII) and required signatories to offer benefits to refugees "without discrimination as to race, religion or country of origin."[260] The 1975 Indochina Migration and Refugee Assistance Act and its 1976 amendment used an administrative "parole" mechanism to admit 400,000 Vietnamese, Cambodians, and Laotians following the U.S. defeat in Indochina.[261]

By the late 1970s, the U.S. government was admitting several times more refugees per year than the 17,400 annual slots in the refugee preference of the 1965 immigration act. A new refugee law in 1980 separated refugee admissions into their own category. The Refugee Act applied the definition of the 1967 Protocol Relating to the Status of Refugees, thus opening the possibility of affording refugee status to individuals persecuted for their religion, political opinion, race, nationality, and membership in

a particular social group. In consultation with Congress, the executive raised the annual limit for refugees to 50,000 visas.[262] Although escaping Communism was no longer the explicit basis for gaining refugee status after 1980, people fleeing civil wars in countries whose authoritarian governments were allied with the United States, such as El Salvador in the 1980s, were typically denied asylum, while it was more often granted when people fled Communist governments in places such as Nicaragua under the Sandinistas.[263] The Nicaraguan Adjustment and Central American Relief Act in 1997 gave Salvadorans and Guatemalans who had lived continuously in the United States since 1990 the opportunity to apply for relief from deportation, but it reserved to Cubans and Nicaraguans the much more generous provision that unauthorized persons could adjust their status to legal permanent residency.[264] Between 1983 and 2007, the United States admitted nearly 2.2 million refugees, of which 24% were from the Soviet Union, 22% from Vietnam, and 15% from Cuba.[265]

In recent decades, Haitians and Cubans fleeing illiberal governments have received differential treatment, prompting charges of racism. Haitians are forcibly returned to Haiti while Cubans are much more likely to be paroled into the United States and quickly given permanent residency. Loescher and Scanlan report that in the late 1970s, "Haitians alone had been singled out for harsh treatment. No other national group applying for political asylum had been routinely detained and denied work authorizations."[266] While Haitians may receive harsher treatment from immigration officials because they are primarily black, the preferential treatment given to Cubans seems to be an artifact of longstanding ideological discrimination in asylum policy that favors people leaving Communist countries.

More commonly, preferential treatment of certain groups in overseas refugee resettlement programs—which in the zero-sum game of caps on the overall numbers of refugees implies indirect discrimination against those who are not admitted—reveals ethnic and religious selection. Legal scholar Matthew Price notes that "politicians attempting to curry favor with domestic constituencies may reserve scarce slots for ethnic groups who do not have objectively strong claims for admission." Congress passed the Lautenberg amendment in 1989, for instance, under pressure from organizations concerned about declining numbers of Jews seeking to leave the Soviet Union. The amendment declared that Jews, Pentecostal Christians, and members of the Ukrainian Catholic and Ukrainian Autocephalous Orthodox churches living in the former Soviet Union presumptively faced persecution and were eligible for refugee

resettlement visas. Over a third of refugee visas between 1989 and 2004 were issued under the Lautenberg provision.[267]

In short, while domestic interest groups, particularly ethnic lobbies, have sometimes successfully influenced the policy process, postwar refugee policy has been driven by foreign policy considerations in a way that has lessened ethnic selectivity to the benefit of non-Europeans.[268] In 2011, 35,500 visas were allocated to refugees from the Near East/South Asia; 19,000 to East Asia; 15,000 to Africa; 5500 to Latin America/Caribbean; and 2000 to Europe, though the number of visas actually issued is consistently much lower than the legal maximum. The top source countries were Bhutan, Burma, Iraq, and Somalia.[269] Ethnic selection continues in overseas refugee policy and to a lesser extent in asylum policy, but as in other aspects of admissions, the historical trajectory is toward less ethnic selectivity.

Bringing Europeans Back In

As Latin Americans and Asians dominated immigration to the United States in the 1970s, a handful of influential Democratic congressional leaders sought positive preferences for the immigration of their European co-ethnics. The rhetorical rationale for these proposals was that Ireland and Italy were disadvantaged by the 1965 Hart-Celler Act's emphasis on family reunification. Hart-Celler in fact had dramatically boosted Italian immigration, but demand was even higher. More than 100,000 Italians were on a wait list for preference visas in 1968.[270] Supporters of increased Irish immigration made even more dubious claims of discrimination by calling the 1965 law an "Irish Exclusion Act" similar to the Chinese exclusion act of 1882.[271]

Pro-European proposals finally achieved success in 1986 as part of the Immigration Reform and Control Act when Rep. Joe Donnelly (D-IN) pushed through the little-noticed NP-5 visa program. Eligibility for NP-5 visas was restricted to citizens of countries "adversely affected" by the 1965 act.[272] The Department of State defined 36 countries, most of them in Europe, as adversely affected because their citizens' average annual rate of immigration was lower after the 1965 act.[273] The final bill in 1986 authorized 5000 annual NP-5 visas in 1987 and 1988 and 30,000 visas in 1988, all of which were distributed on a first-come, first-served basis. A campaign by an Irish-American lobby for Irish nationals to send in their paperwork quickly ensured that 40 percent of the NP-5 visas went to Irish applicants. An OP-1 visa in 1988 provided an additional 20,000 visas over two years in a lottery for natives of "underrepresented

countries," defined as countries that did not use more than 5000 visas in their annual country cap. Against the expectations of lawmakers who thought the program would bring in more Europeans, the principle beneficiaries were citizens of Bangladesh, Pakistan, Egypt, and Peru.[274]

Thinly disguised efforts to give positive preferences to European immigrants continued during debates over the 1990 Immigration and Nationality Act, which established a "diversity visa" program.[275] The first temporary diversity lotteries from 1992 to 1994 gave 40,000 annual visas to natives of countries that had been "adversely affected" by the 1965 immigration act. During the transition period, 40 percent of the visas were reserved for "natives of the foreign state the natives of which received the greatest number of visas issued under section 314 of the Immigration Reform and Control Act."[276] Ireland was the foreign state defined by the deliberately obscure language. Beginning in 1995, no country was eligible for more than 7 percent of the diversity visas, which consisted of a maximum of 55,000 annual visas reduced to 50,000 in 1999. Citizens from countries sending more than 50,000 immigrants in a five-year period under the family and employment preferences were ineligible.[277]

During the congressional hearings and debates in 1990, proponents of a new program reprised arguments made since the late 1960s that the 1965 act was unfairly prejudicial to Europeans. Sen. Patrick Moynihan (D-NY) claimed that the dominance of family-preference in immigration law "disadvantages" European immigrants who "arrived in this country long before 1965 [and] do not have any close relatives to bring them in."[278] He argued that "people who arrive in the future ought to in some sense reflect those who have arrived in the past," which, as Joppke points out, was the logic behind the national-origins quota system.[279] Although some Latino and Asian interest groups and other legislators opposed the diversity program for smuggling nationality back into selection criteria, they did not oppose it strongly as they were concentrating on opposing proposals for cutbacks to family preference visas, and in any event, the pro-Irish provisions were temporary.[280]

Some legal scholars argue that the diversity visa lottery is evidence that "current immigration law is tainted by race discrimination."[281] The diversity program was able to pass as a positive preference, but it would have been much more difficult to pass as negative discrimination. The diversity visas were in addition to the family reunification and employment visas, so there was a sense that the diversity visas were not part of a zero-sum game in which some countries' advantage was at the direct expense of others. For policymakers that intended the program to

admit more Europeans, the results of the randomized lottery were abysmal. In 2010, for example, the program's top ten countries of origin were Ethiopia, Egypt, Uzbekistan, Nigeria, Bangladesh, Kenya, Ghana, Ukraine, Morocco, and Nepal.[282] Consequently, support for diversity visas eroded in the 2000s. The diversity visa program's few supporters defended it as a mechanism to help "under-represented" countries. Rep. Zoe Lofgren (D-CA) contended the program was "an important element of an opportunity for the American dream for would-be Americans who are coming from the continent of Africa." Democrats now defended as a means to admit more Africans a program that was originally designed by Democrats in 1990 to bring in more Europeans.

The Domestic Policy Bazaar

The 1990 diversity visa program and its antecedents were the last major programs that explicitly sought to change the ethnic composition of U.S. immigration flows. Positive preferences remain a controversial but conceivable policy option. However, the main consequence of both the 1986 and 1990 immigration acts was to further open avenues for legal immigration in ways that immediately benefited non-Europeans. The 1986 and 1990 laws and reforms that nearly passed under the administrations of George W. Bush and Barack Obama showed little direct influence of the horizontal dimension of policymaking. Without discussion of overt ethnic discrimination that might upset foreign governments, the laws emerged from ad-hoc vertical coalitions creating grand bargains—a dynamic that can best be understood through the lens of pluralist and institutionalist theories of the state.

In 1986, the Immigration Reform and Control Act legalized 2.7 million unauthorized immigrants through two one-shot programs that exempted participants from the country ceiling caps that regulated normal admission policy.[283] The Legally Authorized Workers program legalized 1.6 million immigrants who could prove they had been residents since at least 1982. The Special Agricultural Workers program legalized 1.1 million immigrants who could show that they had worked in U.S. agriculture during the previous year for at least 90 days or in each of the previous three years for a total of at least 90 days.[284] Immigrant interest groups and ethnic associations supported legalization but were deeply skeptical of the law's heightened border enforcement provisions and new sanctions against employers for hiring unauthorized immigrants, given fears that this would lead to discrimination against "foreign-looking" workers. The interest groups swallowed the aspects of

the bill pushed through by restrictionists in return for a broad legalization program. Businesses supported legalization because it created a more stable labor force.[285]

While the response to the agricultural workers legalization program was far higher than lawmakers expected, there was no question among lawmakers that the programs would primarily legalize large numbers of Latino immigrants. Three-quarters of the program's actual beneficiaries were Mexican even though they only represented an estimated 50 percent of the total unauthorized population. Susan González Baker found that the immigration authorities' implementation of legalization actually favored Latinos by hiring more Spanish-speaking and Latino employees in a way that was not done for other ethnic groups.[286] Authors who portray the United States as an "apartheid police state" with a fundamentally racist immigration policy have not explained why such a state would then deliberately design an immigration policy such as the 1986 Immigration Reform and Control Act that would primarily benefit Latinos.[287] Calavita and Burawoy have argued that the primary function of allowing in an unauthorized, ethnic minority workforce through the back door is to create hyper-exploitable labor, but this position fails to explain why the capitalist state would then remove one of the bases of hyper-exploitation by legalizing that same workforce.[288] The 1986 law provides further strong evidence that the post-1965 immigration system has fundamentally shifted away from negative ethnic selection.

Four years later, Congress passed another grand bargain immigration policy. The initial intention of the crafters of the 1990 law was to reduce legal immigration and to shift the criteria for selection toward a point-based system rewarding high levels of skills and English language competency. Under pressure from ethnic interest groups and employers seeking access to more labor, however, the bill ended up dramatically raising the worldwide cap of 290,000 preference immigrants to a maximum of 700,000 for the next three years, followed by 675,000 thereafter. Spouses, minor children, and parents of adult U.S. citizens remained exempt from the ceiling. Section 201 set an annual minimum family-sponsored preference limit of 226,000 and employment-based preference of 140,000. Section 202 raised the per-country cap for preference immigrants to 7 percent of the total annual preference limits, or the equivalent of 25,967 visas for FY-2012.[289] Immigration reforms in 1996 primarily dealt with the security and social welfare aspects of immigration and left the broad outlines of the 1990 system in place.

During the administrations of George W. Bush and Barack Obama, bipartisan enthusiasm for more border enforcement and a debate over

comprehensive immigration reform dominated the politics of immigration. In 2006 and 2007, President Bush attempted to push a reform bill through Congress. An effort by Rep. James Sensenbrenner (R-WI) to make entry without inspection a felony was widely interpreted as an anti-Latino measure and brought hundreds of thousands of mostly Latino protestors into the streets of 140 cities in 2006. The Sensenbrenner amendment was then beaten back.[290] The final 2007 bill would have reduced family reunification visas, eliminated the diversity visas, and created a new point system. Applicants would be given points for English fluency, high levels of education, the ability to fill jobs in occupational sectors with shortages of native workers, and being the adult children or siblings of U.S. citizens or permanent residents.[291] The bill would have increased border and workplace enforcement and, once those measures were in place, created a new temporary worker program and legalization program for most unauthorized immigrants who paid a fine and passed a background check.[292] The Comprehensive Immigration Reform Act passed the House in 2007 but died in the Senate seven votes short of a cloture vote to end a filibuster.

Ad-hoc coalitions cut across party lines on the vote, though Republicans tended to vote for more restrictionist measures. The most vocal opposition came from Republicans opposed to the legalization program. Supporters of the point system invoked policies in Canada and other Anglophone countries as examples to be emulated.[293] Most of those who opposed the point system, such as Sen. Barack Obama (D-IL) and Sen. Robert Menendez (D-NJ), claimed that the emphasis on high educational qualifications would disadvantage potential immigrants from Latin America. "That means that we have the essence of the ethnic origins act," Menendez said.[294] The National Immigration Law Center, League of United Latin American Citizens, and the Mexican American Political Association lobbied against displacing family reunification visas with a point system.[295]

Organized labor showed the greatest shift from the historical alignment of coalitions on immigration policy. Until the 1980s, organized labor consistently supported immigration restriction, particularly on low-skilled immigration.[296] As unions suffering overall declines in membership increasingly sought to attract immigrants, however, many union leaders fought to maintain high levels of new permanent immigration to create alliances with progressive groups. Organized labor was most concerned with limiting temporary worker programs that create labor market competition from workers with fewer rights and challenging

employment eligibility verification programs that could lead to ethnic profiling.[297]

A 2013 reform bill shared many of the same provisions as the 2007 bill, though it emphasized enforcement measures even more, created a new temporary status for legalized migrants, and increased the share of family-sponsored preferences that can be from any one country from 7 percent to 15 percent. The Border Security, Economic Opportunity, and Immigration Modernization Act passed the Senate with the support of President Barack Obama but was blocked by conservative Republicans in the House of Representatives. The broad outline of the debate and the positions of interest groups largely carried over from 2007, though ethnic politics became even more salient as a reaction to the overwhelming support of Asian and Latino voters for Obama in his 2012 reelection combined with the secular decline in the non-Hispanic white share of the electorate. Many Republican leaders and commentators feared that without passing immigration reform, the party would continue to have difficulty attracting the increasingly important votes of Latino and Asian Americans in presidential elections.

Foreign policy considerations did not play an important role in the 2006, 2007, and 2013 debates given that no one was proposing explicitly singling out a particular ethnic group for negative treatment, even if the bills would have had differential impacts on ethnic groups. The horizontal dimension of policymaking has faded in importance as overt ethnic discrimination appears to be off the policy menu and decades of immigration from all over the world have yielded domestic ethnic lobbies that patrol the discursive and legal boundaries of the immigration debate.

Discrimination in Practice?

While ethnic discrimination has been erased from the law on the books, immigration policy unquestionably affects ethnic groups differently. Immigration law will always differentially impact ethnic groups because socioeconomic characteristics are unevenly distributed among potential migrants. Even a hypothetical policy of open borders would benefit those with the resources to travel and social networks already linking them to the United States. Policies favoring high-skilled immigration in practice disproportionately attract high-skilled individuals from particular places—countries with lower wages such as China and India. Language requirements clearly favor native speakers of those tongues, but languages

can also be learned, and there is no shortage of people other than native speakers who would likely enjoy the advantages of an English-speaking preference. Such policies would benefit Canadian and British applicants, but given the much larger wage differentials between the United States and most countries in Asia, English-language preferences would be even more likely to increase immigration from India and the Philippines, where English is widely spoken as a first or second language given their colonial histories. The point system proposed in the 2013 immigration reform would probably reduce levels of immigration from Latin America given that Latin American immigrants have disproportionately lower levels of education. The most likely beneficiaries would be highly educated, English-speaking Asians.[298] Given that Asians were subject to a century of racist immigration policies, it is difficult to accept the argument that the point system is a vehicle for white racism. Selecting on skills over family reunification is not inherently racist. In fact, critical race theorists' principal complaint about the 1965 immigration act is that it emphasized family reunification too much. Family reunification policies *always* disproportionately benefit the immigration of those who have nuclear family members in the United States. Consequently, groups with high levels of recent co-ethnic immigration benefit from family reunification policies.

The country caps are nondiscriminatory where the source country is the unit of analysis because all countries are treated the same. Where the individual is the unit of analysis, however, the limit of 25,967 preference visas per country discriminates against individuals from countries where there is high demand to immigrate to the United States. Under the current system, Mexico is treated the same as small countries with little history of migration to the United States such as Djibouti or Monaco. Consequently, the waiting period to process an immigrant visa through family preference categories under the country caps varies widely by nationality. Family reunification is oversubscribed for Mexicans and Filipinos. In 2011, unmarried adult daughters and sons of U.S. citizens were waiting nineteen years to get their visa if they were Mexican, fourteen years if they were Filipino, and only five years on average if they were nationals of other countries.[299]

The principle of avoiding national-origin discrimination is much more strongly rooted in permanent immigration policy than in the treatment of temporary visitors. Temporary visas are one of the gateways to policies controlling permanent immigration given the possibility that visitors might overstay their legal limits. An estimated 25 to 40 percent of all unauthorized immigrants entered the United States legally and then

overstayed their visas.[300] Tourists and business visitors from thirty European countries, Australia, New Zealand, Japan, Singapore, South Korea, Brunei, and Taiwan are eligible to enter for up to ninety days without obtaining a visa under the Visa Waiver Program.[301] The program selects countries with three apparent major criteria: low rates of its nationals overstaying their visas, a rate that reflects a high level of wealth that reduces incentives for their nationals to emigrate permanently; a high level of security cooperation; and being other than Middle Eastern. The exclusion from the program of rich U.S. allies such as Qatar, Kuwait, and the United Arab Emirates is striking. As neighbors of the United States, Canadians, and to a much lesser degree Mexicans, also have advantages in their eligibility for temporary visit permits.[302] Differential treatment of nationalities in temporary visa policy is a robust feature of the international mobility regime that is unlikely to change.

The religious affiliation of immigrants became a renewed topic of debate in the wake of terrorist attacks in the United States beginning in the 1990s and culminating with the September 11 attacks of 2001. The Supreme Court ruled in 1999 that noncitizens who face deportation are generally disallowed from defending themselves in court on the grounds that they have been selectively prosecuted based on their race or religion.[303] In response to the 2001 attacks, the federal government instituted the National Security Entry-Exit Registration System (NSEERS). The program required men in the United States on nonimmigrant visas to register with the government if they were nationals of one of twenty-five countries of origin. With the exception of North Korea, all of the countries had populations that were predominantly Arab and/or Muslim. In response to a lawsuit brought by a Moroccan citizen claiming that NSEERS violated the equal protection principles of the Fifth Amendment by only targeting certain nationalities, a federal judge ruled that the program was acceptable because it was "substantially related" to national security. More than 1000 immigrants were detained, most of whom were Muslim, often for minor violations of immigration law, amid serious civil rights abuses and a popular backlash against Muslim Americans. The program was eventually terminated in large part because of constraints on the horizontal plane. The State Department and U.S. allies abroad with predominantly Muslim populations strenuously objected to NSEERS.[304] Policy toward the selection of permanent immigrants did not change after 2001, however. A comparison of admissions of legal permanent immigrants born in Saudi Arabia (the source of fifteen of the nineteen hijackers in the 2001 attacks) and Pakistan (probably the largest contemporary source of Muslim immigrants) for the five years before

and after the 2001 attacks shows a slight increase in immigration from both countries. The average annual number of Saudi admissions rose from 902 to 1081, and the average annual number of Pakistani admissions rose from 13,322 to 13,508.[305]

Subnational immigration policies have often targeted Mexicans and other Latinos in practice even when the language of the law is ethnically neutral on its face. The vast majority of political attention is focused on illegal border crossers rather than visa overstayers, further conflating Mexican immigration and illegal immigration in the public mind. For example, the 1994 reelection campaign of California's Republican governor Pete Wilson broadcast television advertisements showing surveillance video of scores of migrants running up the freeway past a U.S. border entry point as an announcer ominously intoned, "They keep coming." Wilson's campaign used the advertisements to present an image of Mexicans pouring across a border that was out of control. He supported Proposition 187, which stripped unauthorized migrants of the right to a wide range of social services.[306] Restrictionist political entrepreneurs argued that they were motivated by an effort to control "illegal aliens" rather than any prejudice against Mexicans. In practice, many of their own pronouncements suggest they intended to target Mexican unauthorized immigrants in particular.[307] Proposition 187 passed with support from 63 percent of non-Hispanic whites, 47 percent of blacks and Asians, and 23 percent of Latinos.[308]

A federal court subsequently declared most of Proposition 187 unconstitutional for violating the federal government's plenary power to control immigration. Supreme Court cases that allowed the exclusion of Chinese laborers on racial grounds in the nineteenth century were now used to prevent states from usurping the federal government's sole authority to control immigration.[309] Nevertheless, there is significant variation among states, counties, and municipalities in how immigrants are treated. In 2011, 1,607 immigration-related bills and resolutions were proposed in all fifty states and Puerto Rico, 19 percent of which passed. Of the 306 that passed, thirty-nine regulated law enforcement, twenty-seven focused on employment, twenty-seven legislated identification and licenses, and twenty-three centered on health.[310] The most restrictive state laws in effect in 2012 were in Arizona, Alabama, Georgia, and South Carolina. Arizona's Senate Bill 1070 required local police to check the immigration status of anyone stopped based on a "reasonable suspicion" that the person was unauthorized, check the immigration status of anyone arrested, make it a state crime for immigrants to work or fail to

carry proof of immigration status, and give law enforcement authority to arrest without a warrant immigrants suspected of violating laws that would make them eligible for deportation. Many legal scholars and activists persuasively argued that the law would result in widespread racial profiling.[311] All of the law except the document-checking provision was struck down by the Supreme Court in 2012 for violating the federal government's plenary power in immigration law based on its constitutional authority over naturalization law and its "inherent sovereign power to control and conduct foreign relations."[312]

The Mexican government and sixteen other Latin American countries protested SB 1070 through diplomatic and media channels as well as in an *amici curiae* brief arguing that diplomacy required being able to deal with "one voice" for each country. "In addition to its encroachment on the collaborative efforts of the Governments and the U.S., SB 1070 injures their diplomatic relationships by raising a grave risk of unfair targeting of individuals of Latin-American descent in the enforcement of the law by Arizona officers," the brief argued.[313] The court's opinion favorably cited the brief. The horizontal dimension of politics thus helps to restrain policies that in practice target particular ethnic groups.

At the federal level, efforts to deter illegal immigration typically focus on Mexicans. Deportation and repatriation campaigns removed 400,000 Mexicans during the 1930s, and in 1954, "Operation Wetback" deported a million Mexican workers.[314] Border enforcement is almost entirely concentrated on the border with Mexico. Of the 613,000 foreign nationals apprehended at the border and in the interior of the United States by the Department of Homeland Security (DHS) in 2009, 86 percent were Mexican, even though the DHS estimates that only 62 percent of unauthorized immigrants were from Mexico.[315] The Supreme Court ruled in 1975 that the Border Patrol could not stop vehicles "when the only ground for suspicion is that the occupants appear to be of Mexican ancestry," but it allowed officers to stop vehicles near the border if they had a reasonable suspicion that the vehicle contained illegal immigrants. The basis for such a reasonable suspicion could include such "factors as the mode of dress and haircut" by which trained officers could "recognize the characteristic appearance of persons who live in Mexico."[316] A decision that putatively prohibited racial profiling came close to making it legal in practice.

Is ethnic selection really dead in U.S. immigration policy? Competing answers to that question take different points of reference. From a historical reference point, there has been a dramatic demise in policies of

ethnic selection, away from explicit racial bans on blacks and Chinese, national and racial quotas, and racial naturalization requirements. If the reference point is the absolute irrelevance of ethnicity, however, there is still some ethnic selection. In practice, immigration enforcement within the United States disproportionately targets Latinos, Muslims, and Arabs. The ethnic and regional preferences for refugees, diversity programs, and country caps are the strongest evidence for such selection in permanent admissions law.

Conclusion

What explains patterns of ethnicization and deethnicization in U.S. immigration policy? Understanding both the horizontal and vertical dimensions of policymaking is necessary to explain change. Geopolitical interests were a major obstacle to domestic groups that advocated restriction. It was only when these groups created broad cross-class coalitions that they were able to advance Chinese exclusion, the literacy tests, and a quota system. Immigration policy toward a particular group was most constrained when the U.S. military, businesses, and diplomats were deeply engaged in that group's country or region of origin. In times of a perceived existential crisis, namely World War II and the Cold War, the horizontal dimension trumped the vertical dimension altogether. Even when the vertical dimension was more influential on policy outcomes, the influence of the horizontal dimension was consistently important in shaping the particular techniques of selection. Until 1965, policymakers masked the ethnocentric intent of restrictionists through quota formulas based on the existing "demographic balance" and bilateral treaties of restriction to reduce the diplomatic price of selection.

Why Ethnic Selection Started Early

The founders of the United States only welcomed whites for naturalization. The fact that the country was a democracy meant that elites typically sought to restrict admission for permanent settlement to people thought to be inherently fit for self-government and to either exclude or restrict to temporary admission the groups thought to be inferior. The ideology of liberalism fit neatly with the ideology that only certain groups were worthy of becoming Americans. These ideologies spread throughout the United States and the self-governing dominions of the British Empire in a process of iterative, mutual emulation of policies restricting Chinese in particular.

At the same time, democratic institutions such as a free press and voting were vehicles for labor to express its demands for restricting particular groups.

Marxian accounts that describe ethnic discrimination as a way for capitalists to better exploit socially despised workers can explain why businesses on the West Coast made early successful attempts to attract Chinese migrants as workers, even as those same business interests supported efforts to restrict the social integration of Chinese. Labor unions led the charge to exclude Chinese in large part to eliminate economic competitors. Yet labor unions focused their rage on a particular racial group rather than all groups with which they were in economic competition; they framed their arguments in specifically racist terms of degeneracy that went far beyond economic competition; and unions were eventually joined by business interests in the anti-Chinese crusade. A near-consensus across the class divide suggests that an ideology of racism was the most critical factor explaining Chinese exclusion, rather than the struggle of capital versus labor.

The division between a presidency that must consider both the vertical and horizontal dimensions of policy and congressional majorities oriented more toward the vertical plane helps explain why the United States was an early adopter of racist policies despite the diplomatic costs. The United States was not a major Pacific or Atlantic power in the nineteenth century. Isolationist congresses overrode presidential vetoes when excluding Chinese laborers in 1882, creating the Asiatic Barred Zone in 1917, and passing the 1921 quota act. The executive tried to prevent outright exclusion for diplomatic reasons but failed in the face of a growing consensus against Chinese immigration. A similar dynamic unfolded when other Asian groups were excluded, with the critical exception that the executive was able to fight a rearguard action against outright exclusion of Japanese, a rising international power, until 1924, when a broad cross-coalition of restrictionists was able to overcome the objections of the presidency.

Scientific racism played a dominant role in forming the literacy test and national-origins quotas. The 1921 national-origins quota system was a direct response to the failure of the 1917 literacy provision to keep out immigrants who were considered racially inferior even though they had passed the test. The economistic notion that racial categories were a mere proxy for objective skills belies a fundamental misunderstanding of how racism worked. The dominant view in the 1920s was that certain racial groups had higher intelligence, a lower disposition to criminality, and a higher capacity for democratic self-governance. Indeed, the

concept that human capital endowments are naturally distributed among racial categories is the central tenet of biological racism. Race was not a proxy for objective qualities; the very category of race was constituted by the notion that different races varied in their social qualities.

Why, then, were Mexicans not excluded in the quota acts, when they were widely considered to be much lower in the racial hierarchy than the southern and eastern Europeans who were restricted? The answer in part lies in policymakers' belief that Mexicans were temporary workers who would return to Mexico on their own when employment demand slackened, an explanation consistent with a Marxian reserve labor army theory. More powerfully, the State Department was able to convince Congress that restricting immigration from the Western Hemisphere would create diplomatic problems and damage U.S. business interests. Foreign policy toward Latin America was not subject to the same isolationist currents as policy toward Europe in the 1920s. Since the 1823 Monroe Doctrine, the United States consistently treated Latin America and the Caribbean as its own backyard. Control of Mexican and Caribbean immigration was achieved through discrete administrative regulation instead.

Why Ethnic Selection Ended Late

The first racial barriers to naturalization and immigration fell during Reconstruction following the Union victory in the Civil War. Reconstructionist policies were directed at erasing the legacy of black slavery, even if Reconstructionists generally thought that blacks were inferior to whites. Attention to black international migration at the time was directed at schemes to send blacks to Liberia and Central America and certainly not to encourage new immigration.[317] Had it not been for the Civil War, it is highly likely that restrictions on blacks would have remained at least as long as restrictions on Asians. The lifting of black restrictions after the Civil War was also exceptional in the broader history of ethnic selection in that international factors were not a motivation. By 1915, the renewed congressional effort to block black immigration failed due to pressure from U.S. interest groups with both horizontal and vertical interests: Protestant churches concerned that banning black immigration would harm missionary activities in Africa and the lobbying efforts of U.S. blacks.

The following waves of deethnicization were primarily attributable to the changing international system as it was articulated through U.S. foreign policy. The 1897 *Rodriguez* decision that recognized the eligibility

of Mexicans to naturalize based its rationale entirely on U.S. treaty obligations to Mexico, and the 1935 *Andrade* decision declaring the Mexican petitioner to naturalize to be nonwhite was quietly beaten back by the executive working with the Mexican government. The extension of the right to naturalize to Amerindians in 1940 was a direct outgrowth of the Good Neighbor policy toward Latin America, and the extension of the right to naturalize to Chinese in 1943 was a direct result of the U.S. effort to woo its Chinese allies in the face of Japanese propaganda during World War II. Allowing token Chinese immigration in 1943 obeyed the same logic. Extending the same token immigration and naturalization rights to Indians and Filipinos in 1946 was a response to their impending independence, a rationale that then extended token immigration to all of Asia in 1952 and ended racial prerequisites to naturalization. Foreign policy interests were equally critical in opening refugee policy from a focus on Europeans around World War II to a preference for people fleeing Communist countries anywhere beginning in the late 1940s. Given the worldwide spread of Communism, this allowed cracks in the Euro-centric policy to form when small groups of Asian refugees, mostly Chinese, were admitted in the 1950s and many more Indochinese were admitted in the 1970s.

The effort of the U.S. government to project its strength abroad in a context of decolonization and the global Cold War is critical to explaining this history. Had the United States entered a postwar isolationist phase in the 1950s and 1960s, restrictions on Asians probably would have continued. Policymakers would not have had a strong motivation to listen to the protests of foreign governments. In fact, the U.S. government developed sustained global ambitions and a capacity for projecting its military, economic, and diplomatic strength abroad after World War II. As a superpower, the United States was too formidable for its immigration policies to be coercively changed by other countries. Neither did the United States typically emulate the immigration policies of other countries. It was so dominant in attracting immigration that the policies of other countries were typically irrelevant in shaping migration flows, so the mechanism of strategic adjustment did not apply either. Rather, the global ambitions of the United States made it slowly but inexorably susceptible to thirty years of diplomatic leverage from other countries working in concert to delegitimize racism.

The move away from ethnic selection was mostly driven by horizontal factors, but the timing was affected by the structure of U.S. democracy. The United States did not end its national-origins policies until 1965 despite the opposition to the national origins system of all presidents

beginning with Truman and the opposition of both the Democratic and Republican platforms and the AFL-CIO beginning in the mid-1950s. The U.S. political system allows many veto points in which minority opponents of change can torpedo reform. Restrictionist control of key congressional committees was critical to the success of the rearguard defense of national origins until 1965, by which time the increased presence of African and Asian countries in the UN was pushing forward the International Convention on the Elimination of All Forms of Racial Discrimination.[318] Institutional factors on both the vertical and horizontal planes are necessary to explain the timing of the changes in the law.

Ethnic interest groups, including small Asian American groups and more politically powerful white ethnics, successfully lobbied against the national-origins quotas. Immigration policy was not a major concern of the Civil Rights movement, which focused on the treatment of African Americans, but the successes of the Civil Rights movement contributed to the illegitimacy of making openly racist arguments about criteria for selecting immigrants. As we discuss in the concluding chapter, the anti-racist norm and growth of ethnic lobbies make it much less likely that there will be a return to overt ethnic selection. Domestic interest groups as well as foreign governments now monitor the law on the books and the law in action for evidence of ethnic discrimination.

Canada

Between Neighbor and Empire

Canada is a quintessential nation of immigrants. For much of its history, one in five Canadians was born abroad.[1] With the world's second-largest land mass and a population of less than 18 million in 1960, Prime Minister John Diefenbaker proclaimed that Canada must "populate or perish."[2] Despite a history of urgently seeking more immigrants, Canada was even more ethnically selective than the United States from 1910 through the 1960s. The sources of ethnic selection lie in both the vertical and horizontal dimensions of policymaking, but the causal forces from outside Canada's borders—in the United States, the British Empire, the Commonwealth, and UN—have been stronger and configured in ways that are distinctive in the Western Hemisphere.

On the horizontal political field, the immigration policies of the United States have profoundly influenced Canadian policy to a degree unparalleled in the Americas, save Cuba. The main mechanisms for diffusing U.S. policy have been Canada's strategic adjustment to changes in North American migration patterns created by U.S. laws, cultural emulation of U.S. policies, and direct diplomatic leverage by the U.S. government. Strategic adjustment has been the most important mechanism of diffusion. The mass emigration of Canadians to the United States, and overseas immigrants' use of Canada as a country of transit, means that Canada has to try harder than the United States to attract the immigrants it wants. The Canadian government must fill the top of the North American hourglass with new workers faster than they trickle down to the United States below. Canadian policy has also been shaped by

domestic fears that it will become the dumping ground for immigrants rejected by the United States. The onset of restrictions against Chinese in the 1880s, the bilateral agreements restricting Japanese in 1907–1908, the imposition of literacy tests in 1919, the end of Chinese exclusion in 1947, and the end of Asian restriction in the 1960s closely track the U.S. pattern.

Uniquely among the countries studied in this volume, Canadian policy was deeply influenced by the British Empire and its legacies. The slow process of achieving sovereignty from Britain encouraged consistently pro-British immigration policies until the global opening of the assisted passage scheme in 1970. More than 90 percent of immigrants to Canada before 1961 came from Europe, with the preponderance from Britain.[3] In its negative discrimination until 1962, Canada explicitly emulated anti-Asian restrictions in the self-governing dominions of South Africa, Australia, and New Zealand. Yet many of the most overt anti-Asian measures were moderated by diplomatic pressure from Britain, which sought to strengthen relationships with China and Japan in the nineteenth and early twentieth centuries and reduce Indian discontent with anti-Indian immigration measures in the dominions. Britain's major influence was not to coerce Canada into changing its immigration restrictions, but rather to use diplomatic suasion to encourage forms of restriction that were racially neutral on their face while discriminatory in their motivations and consequences.[4] Canadian immigration policy has been marked by administrative discretion, coded language about a group's "suitability," and secret circulars that allowed ethnic selection with fewer diplomatic costs than would be incurred by explicitly naming a hierarchy of ethnic groups.

The Canadian government ended its overt ethnic selection of permanent immigrants to advance its primary foreign policy goal of becoming a middle power with global reach. Decolonization within the Commonwealth after World War II quickly yielded token openings toward immigration from the Asian subcontinent and the West Indies. By the 1960s, these openings had become more consequential and universal. At the same time, prominent Canadian participation in the UN helped drive an end to overt ethnic selection. "Without significant military or economic power, Canada attempted to secure the world's respect by its good deeds," Sean Brawley explains. "If it wanted influence it would have to revere the principles and mechanics of international organisation. Canada embraced 'liberal internationalism' and married Canadian national interest to the world under the United Nations."[5] The few outspoken Canadian critics of the shift away from ethnic selection also blame foreign

influences, from the U.S. Civil Rights movement to the "propaganda and pressure put out by the United Nations, which is dominated by the Third World."[6]

Canadian policymakers and intellectuals have historically ignored Latin America, unlike their peers in other countries of the Americas. Canada was never a member of the Pan American Union, mostly because the United States created the organization to enforce the Monroe Doctrine against European intervention in the hemisphere and Canada was a British dominion. Although Canada became fully independent after World War II, it did not join the Organization of American States until 1990.[7] As a result of its unique geopolitical position in the hemisphere, Canada did not participate in Pan-American eugenics conferences and was not appreciably influenced by the immigration policies of Argentina, Brazil, or other Latin American countries. Its epistemic community was built around Britain and the Anglophone settler societies.

Within Canada, immigration policymaking tended to be an elite project hidden behind closed doors until the 1976 immigration act. Most policies have been made through regulations issued by the prime minister and government departments, rather than through open parliamentary debate of statutes.[8] This characteristic and the Westminster parliamentary system that blurs the division between the legislative and executive branches of government historically have insulated Canadian lawmaking from the intensive interest group politics found in the United States. It was only in the 1970s that ethnic lobbies became an important part of immigration policymaking, and by then the deethnicized parameters of policy had already been established.[9]

While labor is usually considered a domestic interest group, the vertical and horizontal planes intersected in Canadian labor politics. Organized labor was the primary opponent of immigration and the most vociferous advocate of Asian restriction from the late nineteenth century through World War II. Organized labor tried to restrict the admission of southern and eastern Europeans to a lesser extent, mostly on grounds of labor competition, and did not actively oppose their admission until the turn of the twentieth century. Canadian labor's position toward ethnic selection closely followed the pattern in the United States, to which many Canadian unions are linked through North American federations and ad-hoc collaborations on Asian exclusion. Policy proposals to control immigration drew on models from the United States and the dominions.[10]

Big businesses have been the strongest proponents of immigration to Canada, especially in the railway, shipping, land development, and mining sectors before World War II. Pro-immigration interests extended

to manufacturing companies often based in the United States after the war. The transportation companies in particular supported the immigration of Asians and continental Europeans even in the midst of public campaigns to restrict those groups. Most scholars agree that business interests captured the state's immigration policy apparatus at least through World War II, though Asian restrictions from 1885 to the 1960s, the ban on Germans and Austrians from 1919 to 1923, restrictions on Jewish refugees in the 1930s, and de facto restriction of almost all black immigration from the 1900s to 1960s are important exceptions that cannot be explained by the interests of capital.[11] Class dynamics alone do not explain the rise and fall of ethnic discrimination.

Much of Canadian immigration policy can be attributed to racist ideologies interacting with class interests. Racial ideologies developed at the nexus of the horizontal and vertical planes. Canada had a eugenics movement that closely followed the U.S. movement and made similar recommendations about selecting immigrants by race and health, which were sometimes put into practice. However, at the same time as eugenicists in the United States successfully sought to reduce flows of eastern Europeans based on their supposed lack of biological fitness, the Canadian government sought to recruit more eastern Europeans. While the government clearly would have preferred Britons, their supply was limited, and Canadian employers were desperate to use continental European immigration to substitute for the large numbers of Canadians who had emigrated to the United States.

Although most scholars claim that racism is anti-democratic, we argue that democracy was a channel for the rise of racist policy from below as shown in Table 4.1. Canada became a quasi-autonomous democracy when it confederated in 1867, with the critical exception of its political exclusion of most aboriginal First Nations and Inuit populations and Canadian nationals of Asian descent. In the late nineteenth century, organized labor and racist interests elected in British Columbia (BC) instigated what became a cross-class consensus on the restriction of Asians that they then effectively pushed through on the federal level. The origins of racist Canadian immigration policies reflected the institutions of democracy more than ideologies of liberalism. Canada did not have a national citizenship independent from British citizenship until 1946, long after the other countries in our case studies had become fully independent, so questions of ethnic aptitude for self-governance did not have the same resonance in Canadian political culture as they did in the United States.[12] When Canada did establish national citizenship, some parliamentarians argued that particular ethnic groups were unfit for self-governance.

Table 4.1 Principal Canadian laws of immigration and nationality selecting by ethnicity

1885	Head tax of $50 for Chinese immigrants[1]
1907–08	Gentlemen's Agreement with Japan limits Japanese immigration[2]
1910	Ban on "immigrants belonging to any race deemed unsuitable to the climate or requirements of Canada"[3]
1923	Ban on "any immigrant of any Asiatic race," with occupational and family reunification exceptions[4]
1923	Limits immigration to U.S. citizens and British subjects from Newfoundland, Ireland, New Zealand, Australia, and South Africa, with occupational and family reunification exceptions[5]
1923	Ban on most Chinese immigration[6]
1925	Agreement with railways to recruit eastern and central European workers[7]
1931	Discriminatory naturalization requirements target Chinese and Japanese[8]
1947	Repeal of Chinese exclusion allows family reunification[9]
1952	Limits immigration to nationals of the UK, Australia, New Zealand, South Africa, the United States, France, and immigrants suitable to the "climatic" conditions of Canada. Allows restriction based on "ethnic group"[10]
1956	Extends eligibility, with restrictions, to immigrants from Europe, Latin America, Egypt, Israel, Lebanon, and Turkey[11]
1962	Removes all negative ethnic discriminations, but extended family reunification favors citizens of countries in Europe or the Americas and Turkey, Egypt, Israel, and Lebanon[12]
1966	Seasonal Agricultural Workers Program selects temporary workers from the Caribbean, and beginning in 1974, Mexico[13]
1967	Applies family reunification preferences equally to all national-origin groups[14]
1970	Assisted Passage Loan scheme extended to eligible immigrants of all nationalities[15]
1976	Stipulates that admission standards "do not discriminate on grounds of race, national or ethnic origin, colour, religion or sex"[16]

1. The Chinese Immigration Act, 1885, S.C. 1885, c. 71.
2. Avery 1995, 50–52.
3. Immigration Act of 1910, S.C. 1910, c. 27.
4. Order-in-council P.C. 182 of January 31, 1923.
5. P.C. 183 of January 31, 1923.
6. The Chinese Immigration Act, S.C. 1923, c.38.
7. Railway Agreement, 1925.
8. P.C. 1378 of June 17, 1931.
9. Act to Amend the Immigration Act and to Repeal the Chinese Immigration Act (1947, Ch. 19, 107–9).
10. Immigration Act, R.S.C. 1952, c. 325; P.C. 1953–859.
11. P.C. 785 of May 24, 1956.
12. P.C. 86 of Jan. 18, 1962.
13. Preibisch and Binford 2007.
14. P.C. 1967–1616 of August 16, 1967.
15. Parai 1975, 463.
16. Immigration Act, S.C. 1976, c.52, Part I 3.f.

While the rise of restriction came from below, the decline of ethnic selection was driven by elite understandings of foreign policy interests rather than any factors having to do with democracy or liberalism. Indeed, the ground-changing shifts in 1962 and 1967 were enacted by the cabinet from above, deliberately through regulation rather than statute, to avoid extended parliamentary debate and to minimize attention from a public that still supported ethnic selection. The end of overtly discriminatory policies was in that sense both anti-racist and undemocratic in its lack of popular input.[13]

From Colony to Confederation

Colonial immigration policy was driven by security concerns. France established the first permanent European colony in Canada in the early 1600s and legally restricted settlement to French Roman Catholics with few exceptions. After Britain seized New France in 1760, most of the French elite returned to France and French immigration dried up permanently. Canada's current ethnic French population is almost entirely descended from settlers who arrived before 1760.[14]

British colonial immigration policies also revolved around the primary goal of ensuring military security and the secondary goal of generating economic growth. An estimated 40,000 to 50,000 Loyalists, who had backed the losing side of the U.S. War of Independence, arrived after the rebellion followed by mostly apolitical U.S. settlers seeking land grants. By 1815, 80 percent of Upper Canada's population was of U.S.-origin. Following the War of 1812, British authorities resolved to protect thinly populated areas from U.S. expansion. They reduced U.S. immigration and offered settlers from the British Isles free land, an incentive denied to "subjects of the United States."[15] Britain began promoting mass Irish immigration during the 1840s and 1850s, but many Irish fleeing the famine landed in Canada and continued on to the United States, thereby establishing a pattern of trampoline migration that has frustrated Canadian policymakers ever since. Provincial governments began recruiting yeoman farmers and agricultural workers in the 1850s at offices in Liverpool and Germany.[16] These preferences simultaneously diminished the demographic weight of the Francophone population. With French immigration cut off, two-thirds of British North America's 3.5 million people claimed British origin by 1867.

British authorities allowed significant black immigration on political grounds through the 1860s. During the U.S. War of Independence, about 3000 blacks were admitted to Canada as freedmen in return for fighting

for the British military. Until the importation of slaves to Canada was banned in 1793, fleeing Loyalists were allowed to bring 1500 black slaves with them. In 1833, Westminster outlawed slavery throughout the empire and Upper Canada began admitting escaped American slaves and protecting them from extradition. By 1860, a network of abolitionists had helped 40,000 to 50,000 escaped slaves reach Upper Canada. Once Canada achieved greater self-governance and the issue of black immigration became separated from the issue of slavery, Canadian policy become resolutely anti-black in practice until the 1960s.[17] More democracy translated into greater racial restriction.

By the mid-1800s, the British government decided that the best way to maintain some affiliation with British North America, rather than lose it altogether like the U.S. colonies, was through a gradual devolution of power.[18] Most of the Canadian colonies became self-governing in domestic matters between 1848 and 1855. Canada then took a long stride toward autonomy in 1867 with the Constitution Act (British North America Act), in which the most populous colonies became a British dominion. Westminster retained the statutory authority to block the laws of the dominion and its provinces, but imperial common law precluded overturning dominion law except in rare cases.[19]

In addition to establishing a new relationship between Canada and Britain, the 1867 Constitution Act elaborated the nexus between provincial and federal immigration prerogatives. Section 95 made immigration a "concurrent power" in which both provincial and federal parliaments held the authority to make laws. Federal law trumped provincial law in case of a conflict between them. The 1869 Immigration Act then gave the cabinet the power to make rules and regulations in the form of "orders-in-council"—legal declarations of the cabinet approved by the Governor General, who represented the British monarch.[20] By regulating immigration primarily through orders rather than parliamentary statutes, the cabinet maintained maximum discretion and flexibility, as well as significant institutional autonomy from interest groups. Compared to policy in the United States, which was dominated by a Congress more carefully attuned to the vertical dimension of politics, the institutional design of immigration policymaking in Canada made it particularly reactive to the horizontal field through its link with the British Empire.

"The Cry of a White Canada"

Canadian law did not define admissions criteria until criminals were banned in 1872.[21] In practice, and sometimes in law, the government

encouraged immigration from the British Isles and, with greater selectivity, continental Europe. Racial discrimination began with policies directed against Chinese that were later extended in different ways against Japanese, Asian Indians, and blacks. On the vertical dimension, restriction was shaped by a cross-class, anti-Asian coalition rising out of BC. On the horizontal dimension, restriction was shaped by interactions with the United States, the British Empire, and the other self-governing dominions. Immigration policy toward particular groups reflected the broader relationship between the Canadian/British government and the potential immigrants' country of origin. The closer the overall tie to the country of origin, the more overtly welcoming was positive selection when the Canadian government wanted the immigrants, and more disguised was negative selection when the government did not want them.

The Pacific Gate

Canadian businesses at first welcomed Chinese workers in the 1850s. The Sino-British treaty of 1860 formalized permission for Chinese to land in Canada.[22] Support for Chinese immigration came primarily from Pacific business interests, particularly in transportation, agriculture, mining, forestry, and fishing. Transportation companies wanted Chinese passengers, railroad workers, and merchants who would facilitate trans-Pacific commerce. When the Canadian Pacific Railway (CPR) began construction in BC in 1879, it became the leading promoter of Chinese immigration. Railway recruiters claimed that Chinese would work harder and for lower wages than whites and warned Conservative Prime Minister Sir John Macdonald that if Chinese laborers were not imported, completion of the transcontinental railway would be delayed by a dozen years.[23] The federal government supported industrialists during the early disputes over Chinese immigration. The House of Commons defeated an 1878 attempt to prevent Chinese railway employment. As Macdonald later told Parliament, "It will be all very well to exclude Chinese labour, when we can replace it with white labour, but until that is done, it is better to have Chinese labour than no labour at all."[24] Parliament did not restrict Chinese immigration until the transcontinental railway was completed in 1885.[25]

Opposition to Chinese immigration began in BC and spread throughout the country as white labor leaders worried that Chinese would move east. Chinese workers generally earned one-third to one-half less than equivalent work by whites.[26] When the labor union that was to become the largest in Canada—the Trades and Labor Congress—met for its first

convention in 1883, its first resolution was that "the future welfare of the working people of this country requires the prohibition of further importation of Chinese labor."[27] Many of its fears were directly imported from the U.S. anti-Chinese labor movement. The international circulation of gold miners between California and the Canadian Pacific spread Sinophobic sentiment through a process of cultural diffusion.[28] Many of the unions that came to dominate organized Canadian labor, such as the Knights of Labor and the international craft unions, were based in the United States. More than half of the anti-Chinese articles published in Canadian labor newspapers were reprinted from U.S. newspapers.[29]

The earliest formal action against Chinese took place in 1863, when an election official in the Cariboo region of the Pacific coast nullified all ballots cast by Chinese. Two years later, the Assembly of Vancouver Island unanimously rejected a measure to tax incoming Chinese $10 each. The richest members of the assembly were the most vocal opponents of the measure. By the time BC confederated with Canada in 1871, however, BC leaders had become the primary proponents of Chinese restriction both at the provincial and national level. As many Asians moved up the economic hierarchy from laborers to merchants, local white merchants began to oppose Asian immigration as well.[30] By the end of the nineteenth century, even industrialists acquiesced to anti-Asian policies in a way that ran against their economic self-interest in attracting cheapened labor.

The eventual federal restriction of Chinese responded to influences from the United States and Australia as well as politicians in BC. After the United States excluded Chinese labor in 1882, the *British Columbian* published a warning. "Finding the Golden Gate closed against it, the yellow wave will roll in on our shores in increased volume," the newspaper predicted.[31] In its view, the new U.S. policy would cause changes in migration patterns to which Canadian policy needed to adjust. While the Canadian government was still willing to accept Chinese as temporary workers, Prime Minister Macdonald told the House of Commons in 1883, "I share very much the feelings of the peoples of the United States and the Australian Colonies against a Mongolian or Chinese population in our country as permanent settlers."[32] The prime minister explicitly held up the United States and Australia as models worthy of emulation to advance the ends of scientific racism, telling Parliament that he was "sufficient of a psychologist to believe that the two races cannot combine and that no great middle race can arise from the mixture of the Mongolian and the Arian [sic]."[33] In the 1884 report of the Royal Commission on Chinese Immigration, the commissioners accepted both the prevailing

wisdom that Chinese were inferior and business's claim that BC generally benefited from Chinese labor. The commission urged a "judicious selection" of Chinese immigrants that could be achieved by following the head tax model of the Australian colonies rather than the U.S. model of outright exclusion of Chinese laborers.[34] Cultural emulation thus shaped racialized thinking about Chinese as well as the specific techniques of restriction.

The House of Commons passed the Chinese Immigration Act in 1885 that applied to "any person of Chinese origin." Ships arriving in Canadian ports were limited to carrying one Chinese immigrant per 50 tons of the ship's tonnage, and Chinese were singled out for quarantine and a head tax of $50.[35] When Secretary of State Joseph-Adolphe Chapleau introduced the bill to Commons, he explained that it was "a natural and well-founded desire of the white population of the Dominion . . . that their country should be spoken of abroad as being inhabited by a vigorous, energetic white race of people."[36] Commons barely debated the act, and only a few members of the Senate raised objections before passing it.[37] The same year, Parliament amended the Electoral Franchise Act to prevent "any persons of Mongolian or Chinese race from voting in federal elections."[38]

Japanese were the second major targets of anti-Asian sentiment. Nearly 14,000 Japanese arrived in BC between 1896 and 1901, where they mostly worked in the fisheries and small-scale farming. The major railways sought Japanese workers, but there was widespread opposition to Japanese immigration in BC, and practically no interests spoke on their behalf in policy debates.[39] Japanese immigrants were typically portrayed as more civilized than Chinese, if less civilized than whites. The impression that Japanese were more "modern" worked against them, however, to the extent that whites in higher-ranking occupations feared Japanese upward mobility and nativists portrayed Japanese as subversives perpetually loyal to a foreign naval power expanding across the Pacific. The balanced gender ratio of Japanese immigrants, who tended to migrate as married couples, also suggested that they intended to settle in BC permanently rather than return to Asia, a worrisome prospect even to business interests that wanted temporary Japanese labor.[40] As with the Chinese question, a cross-class vertical coalition formed around Japanese exclusion.

The British government privately shared the racist goals of Canadian policymakers, but it was concerned about how its dominions' policies of ethnic selection would affect imperial commercial, diplomatic, and security interests. It therefore exerted a moderating influence on Canada's

overtly discriminatory policies against Japanese, Asian Indians, Chinese, and blacks. At the same time, it suggested discreet policy tools to accomplish the same ends.

Attempts by the BC Parliament to restrict Asian immigration and curtail the rights of Asians living in the province threatened to undermine strategic geopolitical relationships. Between 1872 and 1922, the BC legislature passed more than 100 laws explicitly discriminating against Asians. Many of the laws set up disputes between the restrictionist provincial legislature, which was elected and more closely responsive to public opinion, and the Lieutenant-Governor of BC, who was appointed by the Governor General of Canada and thus more responsive to the concerns of the federal and imperial governments. The laws also sparked disputes between the federal and provincial governments over the authority of provinces to pass their own immigration laws. In three instances, the Lieutenant-Governor of BC blocked the legislation by "reserving assent." On twenty-two occasions, the federal cabinet disallowed the law for intruding on federal authority, and in six cases, federal courts declared the law to be outside the authority of the provincial government to legislate. Bruce Ryder's definitive analysis of the BC anti-Asian laws found that they were blocked only when the federal government felt it was necessary to protect its geopolitical interests and the interests of big business. Laws restricting Asians from voting were generally upheld, while laws preventing them from entering the country or working in particular occupations were generally disallowed.[41]

British Colonial Secretary Joseph Chamberlain wrote to the Governor General affirming that the British government did not object to racial selection per se, but rather policies that would provoke the Japanese government. "It is not the practical exclusion of Japanese to which the Government of the Mikado objects but their exclusion nominatim, which specifically stamps the whole nation as undesirable persons," wrote Chamberlain.[42] The international humiliation of having ethnic Japanese singled out for discrimination prompted the Japanese government to pressure Canada via Britain. The need for discretion in restricting Japanese became all the more apparent when Japan defeated Russia in 1905. Liberal Prime Minister Wilfrid Laurier (1896–1911) told the Liberal MP for Vancouver, R. G. Macpherson, to tone down his anti-Asian rhetoric. "Conditions, with regard to the Asiatic question, are not the same as they were twenty years or even ten years ago," he wrote. "Up to that time, the Asiatic, when he came to white countries, could be treated with contempt and kicked. This continues to be true for all classes of the yellow race, with the exception of the Japanese. The

Japanese has adopted European civilization, has shown that he can whip European soldiers, has a navy equal man for man with the best afloat, and will not submit to be kicked and treated with contempt, as his brother from China still meekly submits to." Laurier added that maintaining a respectful relationship with Japan was in the interest of Canada as well as the rest of the British Empire given that BC lay in closer range of the powerful Japanese fleet than Britain.

The British government's solution was to promote the Natal Act, a thinly disguised means of ethnic selection passed in the Southern African colony in 1897 that required immigrants to be literate in a European language. The Natal Act was a modified version of the literacy bill that the U.S. Congress passed the same year. Natal's Prime Minister Harry Escombe invoked the U.S. literacy bill, which had not yet been vetoed, when he urged the Natal assembly to pass the act. "The great Republic of the America has found it necessary to have recourse to that restriction, and I may say generally that the Bill that I now have the honour to submit to this Assembly is founded on the American Act," he said.[43] The "Natal formula" was applied in New South Wales, Western Australia, Tasmania, and New Zealand in 1898; Australia at federation in 1901; and the Union of South Africa in 1910.[44] The Canadian parliament finally passed a literacy provision in its 1919 amendments to the Immigration Act.[45] The ability of applicants to satisfy the requirement with literacy in any language reflected the provisions of the 1917 U.S. immigration act, rather than the versions in the other dominions that specified European languages only. Mechanisms of both voluntary modeling and imperial leverage spread different versions of the literacy act throughout the English-speaking world.

The immigration of Asian Indians further challenged the Canadian government to develop techniques of restriction that would avoid raising uncomfortable questions about race and citizenship in the British Empire. Throughout the empire, white colonial leaders sought to restrict Indians, while the Colonial Office in London discouraged the colonies from enacting explicit discrimination against subjects of the crown. While imperial governance in practice was obviously based on a racial hierarchy, the fiction of non-discrimination was a way of trying to keep quiescent a vast population of subjects spread across one-quarter of the world's land mass. At a June 1897 meeting of the leaders of the self-governing British colonies and dominions, Secretary Chamberlain argued for immigration control measures that did not directly use race or color as criteria even though the British government approved of the goals.

"We quite sympathize with the determination of the white inhabitants of these colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people alien in civilisation, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population," he assured the leaders. "An Immigration of that kind, must, I quite understand, in the interests of the Colonies, be prevented at all hazards, and we shall not offer any opposition to the proposals intended for that object."[46]

The Canadian government devised a novel approach to exclude Indians without naming them as an alternative to the "Natal formula," which would have been ineffective at excluding Indians literate in English. The 1906 Immigration Act gave the governor in council virtually unlimited authority. Section 30 authorized him "by proclamation or order, whenever he considers it necessary or expedient, [to] prohibit the landing in Canada of any specified class of immigrants."[47] Citing this authority, the government passed a 1908 order-in-council that required immigrants to arrive by "continuous journey" from their country of birth or citizenship. At the time, there was no direct passenger service between India and Canada. The dominion and colonial governments pressured the Canadian Pacific Railway not to establish a direct passenger service and ordered the company not to sell any through tickets.[48] Officials enforced the continuous journey provision against all people of Indian descent, but did not apply it to Europeans. "You will understand . . . that a great deal is left to your discretion with regards to the application of that particular order," the immigration minister told his officers.[49]

The Immigration Act of 1910 laid out an even broader racially restrictive policy that would last until the 1960s. Section 38 codified the continuous journey provision into statutory law and introduced a new clause allowing the governor in council to prohibit the landing of "immigrants belonging to any race deemed unsuitable to the climate or requirements of Canada, or of immigrants of any specified class, occupation or character."[50] The notion that certain races were unsuitable to the Canadian climate was aimed at Asian Indians, though it was expanded later to exclude West Indians. Section 37 of the 1910 act allowed the governor in council to establish the minimum amount of money that intending immigrants be required to show for admission, an amount that "may vary according to their race, occupation, or destination . . . and otherwise according to circumstances." Immigrants of Indian origin were required to pay a landing tax of $200 rather than the $50 assessed on other

entrants. The major test of Indian exclusion came in 1914, when a group of 376 Indians chartered the *Komagata Maru* out of Hong Kong. The ship and its passengers anchored under guard in the Vancouver harbor for two months until the government finally ordered it to return to Asia.[51] Between 1909 and 1913, only twenty-nine Indians were admitted, down from 4,757 between 1907 and 1908.[52] The 1908 and 1910 laws effectively ended Indian immigration.

Canada's subordinate position to Britain on the horizontal field thus moderated the effects of the vertical demands for Asian restriction spread through democratic conduits from below, even as the government developed strategies to reach the same ends of ethnic selection. Canada was strongly influenced by its position next to the United States as well. Diplomatic pressure from Washington had a small but direct effect on restricting Chinese immigration to Canada, though emulation had an even greater effect. Even more consequential was the mechanism of strategic adjustment that indirectly shaped restrictions of Japanese.

In 1901, Parliament decided that Canada needed a new comprehensive approach to immigration. A Royal Commission on Chinese and Japanese Immigration interviewed officials, politicians, business owners, and anti-Asian activists in BC. The report concluded that "the Chinese do not assimilate with the white race in British Columbia, and it would not be desirable if they did." Legal models in other Anglophone settler societies influenced the commission's findings at least as much as its investigation in BC. The chair of the commission visited Washington, D.C., and interviewed numerous Americans on the West Coast. It favorably described Chinese exclusions in the United States, Natal, and Australia and included copies of the 1897 Natal Act and U.S. government reports on Chinese and Japanese immigration. In nearly every section of the report, there was a segment on the U.S. experience or U.S. opinion on the matter. The commission recommended immediately increasing the Chinese head tax to $500 while pursuing a treaty with China to prohibit Chinese immigration altogether.[53]

At the same time, the U.S. government applied diplomatic leverage to gain "remote control" over Chinese immigration to the United States.[54] The 1894 "Canadian Agreement" between the U.S. government and Canadian rail and shipping lines allowed U.S. officers to examine all U.S.-bound passengers arriving in Canada using the same requirements as if they had arrived directly at U.S. ports. A 1903 agreement with the CPR, which operated both ships and trains, required the CPR to examine U.S-bound Chinese passengers for their eligibility to enter the United States and to transport them under guard to the border. The U.S. Bureau

of Immigration and Department of Justice also pressured the Canadian government to increase its Chinese head tax to $500, which it did in 1903 in response to both vertical and U.S. pressure.[55] The Canadian government went on to agree in 1912 to deny entry to Chinese immigrants who had already been denied admission to the United States.[56]

Between 1900 and 1904, the Japanese government unilaterally restricted emigration to Canada in an effort to avoid the degradation of discriminatory laws enacted against Chinese. In return, the dominion government agreed to follow the 1905 Anglo-Japanese commercial treaty. The collusion between the Japanese and Canadian governments collapsed, however, when U.S. policy toward Japanese immigrants changed in 1907. Nearly 30,000 Japanese had migrated to Hawaii after the Japanese government lifted a ban on labor emigration in 1885. Once in Hawaii, they were outside the Japanese government's control. When the U.S.-Japanese Gentlemen's Agreement restricted Japanese immigration to the United States in 1907, Japanese living in Hawaii attempted to use Canada as a back door to the U.S. mainland or to migrate permanently to Canada. A Royal Commission reported that when 8000 Japanese landed in BC in 1907, "The cry of a white Canada was raised." Following a rally of the bi-national Asiatic Exclusion League featuring speakers from BC and Washington State, 10,000 whites in Vancouver attacked Asian neighborhoods. The change in U.S. policy had deflected Japanese immigrants to Canada, prompting a violent popular backlash and calls for new restrictions. On the vertical plane, business and labor created an anti-Asian consensus.[57]

Parliament reacted to the pressure from BC by nominating a new Royal Commission led by Liberal politician Mackenzie King, who served as prime minister between 1921 and 1948. In early 1908, King met with U.S. president Theodore Roosevelt in Washington, D.C., where Roosevelt proposed a "Convention between the English-speaking peoples" united against Asian immigration. Canada would serve as an intermediary between the United States and Great Britain to convince the British of the need to act together.[58] The Canadian Foreign Office did not submit to Roosevelt's pressure, but it did adjust to the new strategic environment created by U.S. restriction. Ottawa was able to find a solution acceptable to the British, U.S., and Japanese governments when it reached an informal "Gentlemen's Agreement" of its own with Tokyo between 1907 and 1908. The Japanese government would voluntarily prohibit emigration to Canada except for established residents of Canada, domestic servants employed by Japanese, and an annual maximum of 400 contract laborers approved by the Canadian government. In return, the

Canadian government pledged that it would not formally ban Japanese immigration.[59] The restrictions, which were roughly modeled on the U.S.-Japanese Gentlemen's Agreement, were effective. Japanese immigration fell from 7600 in 1908 to below 500 the next year.[60]

The Southern Gate

Canadian policymakers also faced external constraints on their efforts to limit black immigration from the United States and the British West Indies. When several hundred black Oklahoman farmers began arriving in Alberta in the early 1900s, Ottawa looked for ways to dissuade them without provoking the ire of the U.S. State Department. Canadian immigration officials began selectively enforcing financial requirements for entry and conducting humiliating medical examinations on intending black immigrants at the border. Canadian agents also recruited black preachers in Oklahoma to convince their congregations that emigration to the harsh Canadian prairie would be a mistake, a message that was the polar opposite of a wider campaign encouraging Europeans and white Americans to migrate there. Proving that remote control was a two-way device, Canadian officials told U.S. railroad companies that they would have to pay for the return ticket for any black immigrant turned away at the border.[61] The number of black immigrants fell from 136 in 1907–1908 to seven in 1909–1910.[62] This was a rare instance of U.S. policy encouraging Canada to disguise rather than intensify its overt ethnic selection.

Canada's color-blind charade with the British West Indies followed a similar logic to its policies that targeted Asians. Several hundred West Indians immigrated during the 1910s and 1920s. In 1911, Assistant Superintendent of Immigration Edward Robinson wrote the immigration minister to suggest an order-in-council to ban black immigration. The minister agreed and suggested to the cabinet that it pass such an order, but the cabinet did not take action before Prime Minister Laurier's government was defeated later that year.[63] As a practical solution, Immigration Superintendent W. G. Scott told immigration agents in 1914 to be discreet when denying admission to Caribbean blacks to avoid protests from merchants in the West Indies who traded with Canada. "I notice in a number of Board cases the cause of rejection includes the statement that the person rejected is a Negro and that instructions have been received to prevent the entry of Negroes in every possible way," he wrote. "While it is true that we are not seeking the

immigration of coloured people . . . I do not think it is advisable to insert any notice of the instructions or policy of the Department in a Board decision or any other correspondence. . . . I am sure you will appreciate the view I have expressed and will understand the reason therefor."[64] As with African Americans, Caribbean blacks were publicly excluded on the grounds that they did not meet facially neutral requirements. The Inspector of Immigration Agencies in the Maritime Provinces recommended to Scott in 1914 that "every obstacle is to be put in their way, and if everything else fails . . . reject them under subsection (g) of Sec. 3 of the Act, as 'likely to become a public charge.' " Passenger ship agents were also instructed not to sell tickets to black passengers.[65]

Although the British Empire tried to shroud what was happening along the borders of Canada's vast territory, approaching foreigners found that it was surrounded by white walls and moats.

The Atlantic Gate

Canadian elites broadly shared the view that Europeans were preferable to Asians and blacks, but they split on which kinds of Europeans should be recruited. Eugenicists and cultural conservatives favored British, American, and northwestern European immigrants. Employers in agriculture and the railways had different racialized criteria for determining who was a good worker that made them more amenable to recruiting central and eastern Europeans.

Active recruitment of Europeans was necessary to compete with the United States and Australia, which offered immigrants a more temperate climate, and to replenish the loss of Canadians to the United States. From 1860 to 1900, more people left Canada than entered. The federal government agreed to establish recruitment offices in England, Scotland, Ireland, and continental Europe. The Dominion Lands Act (1872) modeled on the U.S. Homestead Act (1862) offered settlers free land. Between 1897 and 1899, Interior Minister Clifford Sifton created a clandestine network of European shipping agents who directed agricultural settlers to Canada in exchange for per capita bonuses. The effort was kept secret to avoid running afoul of restrictions on emigrant recruitment in countries of origin and Canadian unions' support of restriction on new entries. The "North Atlantic Trading Company" recruited 70,000 workers from Russia, Austria, Germany, Romania, Switzerland, Belgium, Holland, France, and northern Italy. Sifton excluded southern Italy from recruitment because he considered southern Europeans inadequate to

the challenges of life on the prairie. The agreement fell apart after its existence was exposed in 1906 and attacked by the opposition Conservatives and organized labor.[66]

By the early 1900s, Canadian eugenicists increasingly adopted the U.S. movement's proposals to restrict eastern and southern Europeans, who purportedly had higher rates of mental defectiveness and fertility than the native-born Canadian population. Social reformer and Winnipeg parliamentarian James Woodsworth concluded *Strangers Within Our Gates* (1909) with a plea for Canada to emulate the immigration proposals of the American Restriction League. When Frank Oliver took over as the minister responsible for immigration in 1905, he drew on the tenets of scientific racism to end concessions for unorthodox European sects and accelerate the promotion of British and U.S. immigration. Oliver urged the government to follow U.S.-style health restrictions so that Canada would avoid the "deterioration of morality and intelligence" caused by Galician and Doukhobor immigration from Eastern Europe. Under Oliver's leadership, Canadian authorities hired seventeen immigration agents in the United States who launched an advertising campaign extolling the virtues of life on the prairie. A million people moved from the United States to Canada between 1901 and 1914, swelling a population that stood at just 5.3 million in 1900. Many were returning Canadians.[67] The immigration branch also placed 100 government agents in Britain who earned $2 for each farm worker they recruited and paid the Salvation Army more than half a million dollars to recruit 3000 poor British boys.[68]

Cultural conservatives wanted British immigrants for their ease of assimilation, but many Canadian employers believed that Britons assimilated *too* easily. Farmers on the Canadian prairies joked that the British "had no skill with the pitchfork, but great enthusiasm for the dinner fork." A 1909 survey of labor contractors found they preferred southern Europeans, who were "particularly suited for the work" even if they made poor citizens. As MP William Lucas of the United Farmers of Alberta party told a parliamentary hearing, "I would say we must not move towards too free a movement among certain Italians, if you need them, for settlement; if you need them for railways or for digging drains you cannot get anything better than Italians."[69] The Canadian Pacific Railway similarly concluded that Britons did not make good workers because they did not tolerate low wages, refused to work in dangerous conditions, and used their knowledge of English to make trouble in the press. "I feel very strongly that it would be a huge mistake to send out any more of these men from Wales, Scotland or England," wrote CPR

President Sir Thomas Shaughnessy. "It is only prejudicial to the cause of immigration to import men who come here expecting to get high wages, a feather bed and a bath tub." Neither did railway recruiters want Slavs and Scandinavians, who created rapid turnover in the labor force by periodically returning to their own farms. Between 1907 and 1914, the major railways sought 50,000 to 70,000 workers and pressured the Immigration Branch to let in immigrant laborers "irrespective of nationality." As Sir William Cornelius Van Horne, chairman of the CPR's board of directors, put it, "Labour is required from the Arctic Ocean to Patagonia, throughout North and South America, but the Governments of other lands are not such idiots as we are in the matter of restricting immigration. Let them all come in."[70]

Concerns about national security and groups of unassimilated pacifists temporarily trumped such economic considerations when war broke out in 1914. The War Measures Act banned the immigration of enemy aliens.[71] A national security backlash continued in 1919 when two laws introduced the literacy act discussed earlier, authorized the governor-in-council to prohibit or limit immigrants "because of their probable inability to become readily assimilated," and banned the immigration from citizens of countries that had been hostile to Canada. The last measure remained in effect until 1923, when agricultural interests successfully pushed for rescission under the new Liberal government of Mackenzie King.[72] A 1919 law banned the entry of Doukhobors, Mennonites, and Hutterites from Central and Eastern Europe because of their pacifism and lack of assimilation.[73] While European selection laws in the early '20s did not typically name the targets of discrimination to avoid diplomatic repercussions, these three groups were religiously defined and lacked co-ethnic state sponsors. Indeed, they sought to emigrate precisely because the governments of their countries of origin sought to eradicate their culture through coercive state-led nationalism. Such minorities could be named for exclusion without a diplomatic cost. The bans on Hutterites and Mennonites were rescinded in 1922 and Doukhobors were readmitted in 1926 as a new government came into power and wartime pressures to assimilate faded.[74]

More than 22 percent of the Canadian population was foreign-born by 1921. Immigration policy had successfully populated the country, and the government now had the tools to select who it wanted. Drawing on the extreme flexibility of the assimilability provision and the authority that the immigration statute granted to exclude by race, the government issued a series of ad hoc orders-in-council to open and close the gates to particular groups.

Freedom to Exclude

Until World War I, Canada's position within the empire had moderated discriminatory policies against Asians. Rather than exclude Asians altogether, the Canadian government at least paid lip service to British imperial interests by using less obnoxious techniques of restriction such as head taxes for Chinese, the continuous journey and assimilability provisions to restrict Indians, and the bilateral agreement with Japan to restrict Japanese. As Canada gained more sovereignty from Britain and became more democratic, it excluded Asians more openly.

World War I quickened the shift toward greater Canadian sovereignty as Britain became more dependent on the conscripts and resources of its empire to fight the war. During the 1917 and 1918 Imperial War Conferences, Britain and its dominions agreed that each dominion would be able to set its own immigration policy, despite objections from India that this would allow the others to restrict Indians. The 1926 Imperial Conference that launched the Commonwealth declared all dominions to be "equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs." Canada's equal status was codified by the 1931 Statute of Westminster passed by the British Parliament. By 1946, the only limits on Canadian sovereignty were that the British monarch was the head of state, the 1867 Constitution Act could only be amended by the British Parliament, and appeals of Canadian laws could be lodged with the Privy Council in London.[75]

As Canada gained more sovereignty, it sought to ensure that its immigration policy would not be constrained by other external bodies. When the Japanese government tried to insert an anti-racism statement in the League of Nations covenant in 1919, the government of Canada objected with other Anglophone settler states fearing that the adoption of such a statement would preclude the exclusion of Asians. Canadian diplomats also successfully objected to a Japanese proposal that would have created equal labor rights for immigrants and native workers, a provision that could have been used to challenge the explicit occupational restrictions on Asians in BC and Saskatchewan.[76] Canada's privy council told the Canadian representative at Versailles that it accepted the League's covenant with the major condition that it did not impinge on Canada's sovereignty to control immigration.[77]

Meanwhile, vertical pressure grew to exclude Asians altogether. The head taxes had not sealed off Canada from Chinese immigration, which averaged 4500 entries a year between 1908 and 1914 and rose to more than 5500 after the lull of World War I.[78] Native whites increasingly saw

Chinese as a national problem as they moved east away from their historic concentration on the Pacific coast.[79] As Chinese formed small businesses, they incurred the wrath of white competitors in the retail sector who organized a boycott of Asian businesses. The Retail Merchants' Association of Canada endorsed Asian exclusion in 1920. Organized labor and small businesses united to form the Asiatic Exclusion League in Vancouver with a proclaimed membership of 20,000 by 1921.[80] Anti-Asian sentiment cut across the class divide.

After New Zealand passed its Immigration Restriction Bill in 1920, a bill that the prime minister said was motivated by a popular interest in keeping New Zealand white, the Chinese government attempted to circumvent degrading restrictions on Chinese. In 1922, the Chinese government joined the Chinese Association of Canada in seeking a bilateral agreement modeled on Canada's "Gentlemen's Agreement" with Japan. The proposal would restrict Chinese labor migration to Canada to a number dictated by Ottawa, students and religious leaders would enjoy free entry, and the number of merchants would be regulated by an annual quota. Chinese living in Canada would be granted full civil rights. Prime Minister King initially favored the Chinese proposal, but he gave in to Sinophobic pressure from BC and concerns that the government in Peking did not have the capacity to control emigration from the southern ports from which most Chinese migrants sailed.[81] Order-in-council P.C. 182 (1923) excluded "any immigrant of any Asiatic race" except bona fide agriculturalists and farm laborers, female domestic servants, and wives and minor children of legal residents of Canada able to care for their dependents.

The Chinese Immigration Act passed five months later eliminated the Chinese head tax but limited the entry of people of Chinese origin to diplomats, children born in Canada, merchants, and students.[82] During the parliamentary debate, no one spoke in support of Chinese immigration. Sinophobic sentiment was strong even among many members of the business elite that had previously supported Asian labor migration.[83] The prime minister said Chinese exclusion was necessary to limit labor competition, but in the interests of trade with Asia, he supported the admission of wives and children of Chinese merchants.[84] When the act went into effect, the number of Chinese immigrant admissions fell from 811 in 1923 to zero in 1925. Only eight Chinese immigrated before the act's repeal in 1947.[85]

The Tories demanded similar exclusions of Japanese labor, but the Liberal government developed more subtle techniques of remote control that avoided a diplomatic rupture with a powerful country. As Prime

Minister Mackenzie King wrote in his diary in 1927, "It seems to me that our only effective way to deal with the Japanese question is to have our own Minister in Japan to vise passports. This will be the way to meet the Tory policy of 'exclusion' which we can never consent."[86] Bilateral agreements with Japan in 1923 and 1928 limited admissions to 150 a year and ended "picture bride" migration.[87] The House of Commons rejected a 1937 bill that would have excluded Japanese altogether.[88]

In 1930, a new regulation replaced P.C. 182 with a prohibition on the immigration of "any Asiatic race" except wives and minor children of a Canadian resident citizen who could care for his dependents and nationals of countries with an existing immigration agreement with Canada (i.e., Japan).[89] The notion of an "Asiatic race" was broadly construed to include individuals whose families originated anywhere from China to Asia Minor. For example, the immigration bureaucracy categorized Armenians as Asian, with the exception of one month in 1930, in which they were recategorized as European before reverting to becoming Asian.[90] Unlike in the United States, where federal court cases created racial definitions, Canada defined races by administrative fiat. Between 1924 and 1947, the annual influx of all Asians combined never exceeded 570.[91]

By 1930, blacks were excluded by selective enforcement of facially neutral laws, Chinese were excluded by the 1923 act, Japanese were reduced to tiny numbers in the 1928 bilateral agreement, other Asians were excluded by the 1930 regulations, and the general assimilability clause in Section 38 of the 1910 act was always available to exclude any other groups on grounds of racial inassimilability. The different instruments of racial selection reflected the geopolitical relationships between Canada and the powers holding sovereignty over each of the potential migrant source populations. Restriction was softer and more disguised for fellow subjects of the British monarch and the powerful Japanese and more outright exclusionary and explicit for the weaker Chinese and other Asians.

Unlike the United States, Canada did not formally exclude Asians from naturalizing. When the BC legislature urged the federal parliament to tighten naturalization requirements for Japanese and Chinese in 1897, the Privy Council in Ottawa refused because of British treaty commitments.[92] Instead, the Canadian solution was to discriminate in practice against Asian applicants for naturalization and strip the substance of citizenship from Asian Canadians. The Naturalization Act of 1914 gave district, county, and superior court judges the authority to determine whether foreigners were eligible for naturalization, with final discretion reserved to the Secretary of State.[93] Canadian judges used their discretion

to keep Asian naturalization rates low, particularly when it came to Chinese applicants.[94] Chinese and Japanese were not singled out for openly discriminatory naturalization requirements until 1931. Free of British treaty obligations, an order-in-council required Chinese and Japanese applicants for naturalization to place advertisements in Asian newspapers in Canada announcing their intent to naturalize and to produce a document from their home country government showing that they had already renounced their birth country allegiance.[95] Obtaining such a home country document was possible under Chinese law, but was impossible under Japanese law unless the individual had already naturalized abroad. The Catch-22 for Japanese made their naturalization impossible between 1931 and a 1934 order-in-council that removed the requirement for Japanese.[96] The discriminatory requirement for Chinese continued until 1947. Even when Chinese became or were born Canadians, they could rarely vote. The 1920 Dominion Elections Act disenfranchised Chinese at the federal level by making the right to vote in a federal election contingent on the right to vote in a provincial election.[97] This meant Chinese in BC and Saskatchewan could not vote in federal or provincial elections until provincial reforms following World War II and a new Dominion Election Act was passed in 1948.[98]

By the mid-1930s, immigration scholars such as Henry Angus and Norman MacKenzie predicted the demise of overt racial restrictions and their replacement by laws accomplishing the same ends more discreetly.[99] MacKenzie wrote in his 1937 survey of immigration laws around the Pacific that he expected Asian exclusion laws to be reformed cosmetically due to increased interaction between people around the world and the concept of British subjecthood, which included both whites and nonwhites. His predictions were prescient for their understanding of the role of globalization in making racism illegitimate, the difficulty of maintaining overt racial exclusion in a Commonwealth that included large numbers of nonwhites, the sense even before World War II that biological racism was passé and that the new axis of exclusion would be "cultural," and the possibility of achieving restrictive goals using more delicate tools.[100]

Quietly Adjusting to U.S. Quotas

The onset of the U.S. quota system in 1921 created two major problems for Canadian policymakers. While they admired the ethnic goals of the quotas, they feared that Canada would become a dumping ground for U.S. rejects as ethnic undesirables that had previously gone to the United

States entered Canada instead. The U.S. quotas restricted southern and eastern Europeans while exempting Canadians, so Canadian immigrants in the U.S. labor market faced less competition. Nearly a million Canadians emigrated to the United States during the decade, thus "draining Canada" of its population and leaving Canadian employers scrambling to find replacement labor.[101] The U.S. quota system prompted the Canadian government to redouble its efforts to call back Canadians living in the United States, recruit Britons, and cast a wider net for immigrants in Europe than eugenicists would have preferred.

Canadian eugenicists repeatedly praised the work of U.S. eugenicist Harry Laughlin and his colleagues and urged emulation of the U.S. model of selecting immigrants through national-origins quotas, literacy tests, and medical inspections. The Canadian National Committee for Mental Hygiene trained three psychiatrists to screen prospective immigrants. Their training included a field trip to Ellis Island to learn how U.S. inspectors carried out their work.[102] Despite the diffusion of cultural models that promoted more eugenic selection at ports, the indirect effect of U.S. immigration policy combined with the demands of Canadian big business to push the Canadian government toward less ethnic selectivity within Europe than eugenicists would have liked. A unique system of selection strongly discriminated against Asians; more weakly discriminated against southern Europeans; weakly liked eastern Europeans; and strongly preferred people from the British Isles, self-governing dominions, northern Europe, and the United States.[103]

Canada reinstituted its active recruitment of British immigrants through the Empire Settlement Act (1922). British and dominion governments and private organizations offered subsidized passages to skilled married couples, single agricultural workers, and domestics. Teenagers received free passage. Most were expected to work in agriculture, but of the 130,000 immigrants who arrived in Canada under the program, fewer than 10 percent were farmers.[104] Canadian officials and employers fretted that it was impossible to attract enough British farmers given the small percentage of the British population employed in agriculture, competition with other dominions to attract the same farmers, and the British dole that offered an alternative to potential emigrants. Consequently, big businesses successfully pushed positive recruitment of the same kinds of eastern European immigrants that were being restricted in the United States on eugenicist grounds. The 1925 Railway Agreement attempted to resolve the labor shortage by granting railroad companies the authority to recruit immigrants from rural areas in eastern and central Europe. Industrialists and major newspapers supported the agreement, which

was opposed by the Trades and Labour Congress, United Farmers of Alberta party, nativists in the National Association of Canada, and the Ku Klux Klan. About 185,000 Europeans arrived under the program between 1925 and 1930.[105]

The immigration department struggled to maintain a ratio of one British immigrant for every continental European. It calculated that it spent $16.67 to attract each Briton compared to only 11 cents for each continental.[106] Unable to sustain the desired ratio, the government passed a 1926 order-in-council allowing admission to any immigrant "whose labour or service was required in Canada."[107] Quasi-secret administrative regulations allowed admission of citizens of nine "preferred" northern European countries and agricultural workers, domestics, or family members of citizens from ten "non-preferred" eastern European countries. Special permits governed the entry of southern Europeans, Middle Easterners, and Jews.[108] The non-preferred and special permit categories were issued outside of the strict framework of the law, highlighting the extreme administrative discretion available to policymakers, which they used to avoid the diplomatic costs of naming certain countries as "non-preferred."

When the Select Standing Committee on Agriculture and Colonization held hearings on immigration policy in 1928, MP Charles Cahan (Conservative, Quebec) extracted an admission from W. J. Egan, Deputy Minister of the Department of Immigration and Colonization, that the department's ethnic selection practices operated outside statutes and orders-in-council. Ministerial action was used quietly to avoid creating "a hostile feeling towards Canada on the part of the Governments and nationals of non-preferred countries from which Canada desires only farmers, farm labourers and household workers."[109] Egan pleaded for discretion from the committee when discussing the preference system:

EGAN: I think it would be just as well that this should be just among ourselves here.

CAHAN: Let us have the real facts?

EGAN: From an international point of view it should not be stated that some countries are preferred as against others. I am giving all the facts. I am making a suggestion that perhaps it should not be broadcast. It was decided that it should not be an Order in Council naming one preferred country from another. But with all the national institutions cooperating with us it was natural—it is completely understood now, of course—without any Order in Council, without any agreement, but just in a general understanding and in a general way.

CAHAN: Then it is an understanding outside the law, as I understand it?
EGAN: Yes and no . . . [110]

The law in action thus relied on a consensus among bureaucrats and politicians that some ethnic groups were more desirable than others. Under further questioning, MP Cahan elicited Deputy Minister Egan's admission that since 1910, the immigration department had not been applying the financial test and passport regulations for immigrants from "preferred countries" and some other Europeans.[111] Both preferences and restrictions were freely manipulated by the department of immigration to select desirable immigrants while avoiding international censure.

Yet by 1928 it had become clear that many of the Europeans who came under the Railway Agreement had ended up in cities rather than rural areas, prompting the deputy minister of immigration to order that their admission be cut by two-thirds.[112] Attracting agricultural immigrants from Asia was not even considered an option given the strength of racist ideology. The onset of the Great Depression created such high levels of unemployment that for the first time, the government severely restricted immigration from Europe as well. Under a new policy unveiled in March 1930, each provincial government would decide annually the number, occupations, and nationalities of the immigrants it desired and the federal government would carry out the province's selection.[113] As the crisis deepened, a 1931 order-in-council prohibited practically all immigration except for economically independent subjects of the United States, British Isles, and self-governing dominions, wives and minor children of Canadian residents able to care for their dependents, and agriculturalists with the means to farm in Canada.[114] Immigration from other sources remained all but closed through World War II.

Symbolic Asylum

Just as the door was bolted against immigration in the 1930s, Nazi persecution of European Jews generated desperate pleas for admission. The Canadian government and public opinion were generally indifferent or hostile to Jewish refugees in Europe. The director of the Immigration Branch, Frederick Blair, suggested that Jews did not make good farmers and ordered railway colonization agents in Europe in 1938 to allow in as few Jewish agriculturalists as possible. Unions and organizations of professionals that felt threatened by the prospect of economic competition with urban Jews opposed their admission. Anti-Semitic ideology also had an impact. Prime Minister King had allowed in nearly 50,000 Jews

during the 1920s, but by the 1930s, he told the cabinet that allowing in Jewish refugees would cause riots and undermine national unity. King privately worried that increased Jewish immigration would cost him political support. "We must . . . seek to keep this part of the Continent free from unrest and from too great an intermixture of foreign strains of blood," he wrote in his diary. The most intense anti-Semitic pressure arose from Quebec, where conservative Catholics portrayed Jews as agents of Communism and conservative Francophones complained that Jews sent their children to Anglophone schools. Inconsequential pressure to open the doors to Jewish refugees came from the socialist Co-operative Commonwealth Federation party and two Liberal, Jewish members of parliament from Montreal.[115]

The question of Jewish refugees was tightly wound up in the high politics leading to World War II. The Canadian government reluctantly agreed to participate in the 1938 Evian conference called by President Roosevelt to discuss Jewish refugees in Europe. A 1938 memo to the prime minister from the Department of External Affairs and the Immigration Branch of the Department of Mines and Resources wrote that public opinion in Canada expected the government to take action to help redress "the problem which the Christian and civilised countries now find upon their doorstep," but that it was not possible to take large-scale action in a time of economic distress. "We do not want to take too many Jews, but in the present circumstances, we do not want to say so," the memo acknowledged. "We do not want to legitimatise the Aryan mythology by introducing any formal distinction for immigration purposes between Jews and non-Jews. The practical distinction, however, has to be made and should be drawn with discretion and sympathy by the competent department, without the need to lay down a formal minute of policy."[116]

Even before the onset of war, reactions against Nazism were stripping racial selection of immigrants of its moral legitimacy. Symbolic admission of a few Jews would publicly express the government's distaste for racial persecution while administrative discretion would be used to quietly exclude most Jewish applicants in practice.[117]

World War II

World War II and its immediate aftermath caused several shifts in Canadian immigration policy, mostly toward reopening flows that had been cut off in the 1920s and 1930s. The exception to this greater openness was the internment and repatriation of thousands of Japanese

Canadians. For Chinese, the wartime alliance and the institutions of the UN created the first opening for Chinese immigration since 1923. Canadian national citizenship was defined for the first time as Canada became a fully sovereign constitutional monarchy. Postwar refugee policy selected particular European groups. The horizontal dimension dominated policymaking during this period because of the existential crisis of the war.

Canada banned the immigration of enemy aliens at the onset of the war by using the authority of the 1914 War Measures Act.[118] Unlike its policy in World War I, however, Canada did not intern significant numbers of Germans. In 1942, the government relocated 22,000 ethnic Japanese, including Canadian nationals, from the Pacific coast to the interior. Following the war, Parliament discussed whether to deport all ethnic Japanese in Canada, deport only those that had supported the Japanese government during the war, or restrict Japanese from living along the BC coast for another ten to twenty years. The BC delegation and others supported various restrictive measures based on the charge that Japanese were enemy aliens, traitorous, inassimilable, and lacking in democratic spirit.[119] Even as Japan lay defeated, however, pressures to accommodate forces on the horizontal field persisted. MP Angus MacInnis (Independent Labour, BC) warned Commons of the international consequences of mass deportations of Japanese. "Asia is a large continent, with an enormous population who have become pretty well tired of the white man's 'superiority.' Now, with the instruments of war which we have invented and which they can use just as well as we can, it may not be a good thing for the world if we goad them too far," he cautioned.[120] In the end, 4000 ethnic Japanese were coerced into leaving Canada in a scheme involving denaturalization, repatriation, and expulsion similar to the one in the United States at the end of the war. Half of those sent to Japan were Canadian-born and two-thirds were Canadian nationals.[121] The ban on the immigration of enemy aliens was lifted for Italians in 1947, Germans in 1950, and Japanese in 1952.[122]

In contrast to the increased discrimination against Japanese during the war, horizontal pressures from China and the UN ended the outright exclusion of Chinese. Thomas A. Crerar, the minister responsible for immigration, urged Prime Minister King to repeal the 1923 Chinese Immigration Act in the interests of improving relations with China. Madame Chiang Kai-shek made the same point when she visited Canada in 1943. The Department of External Affairs searched for a mechanism, such as bilateral reciprocity in admissions, which would change the law on the books but retain the exclusionary function of the law in practice. A

department memo highlighted the need for a solution that would "in fact retain the ban on permanent Chinese immigration in to Canada but would do so in such a manner as to spare Chinese sensibilities."[123] After U.S. repeal of Chinese exclusion in 1943, King told an interdepartmental meeting that it was "urgently necessary" for Canada to follow the U.S. lead.[124]

World War II ended without Canada repealing its exclusion act, however, and the question of racialized immigration policies moved to the new institutions of the postwar order. The Australian government strongly resisted any treaty with China that would imply an end to its own policy of Chinese exclusion and pressured Canada to take the same stand. The governments of Canada, Australia, and New Zealand then joined the United States in attempting to keep race and immigration policy off the UN agenda.[125] The racial equality clause of the Charter passed in San Francisco in 1945 almost immediately became part of the Canadian debate over the repeal of Chinese exclusion. As Special Assistant to the Secretary of State for External Affairs Henry Angus explained in 1946, "The undertakings contained in the Charter include a pledge of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion and, although this pledge is limited to areas falling within the trusteeship system, there is also a pledge to ensure equal treatment in social, economic, and commercial matters for all members of the United Nations and their nationals. These undertakings, vague as they are, make it increasingly difficult for discriminations to be maintained, unless the need for them can be established by arguments which will carry weight with international opinion."[126] The Chinese ambassador continued to press Ottawa to repeal exclusion in 1945 and 1946 and suggested that Canada could continue to restrict Chinese immigrants to a mutually agreed quota.[127] Secretary of State for External Affairs Louis St. Laurent warned the Cabinet in December 1946 that the UN Charter would be used to argue for the right of admission for wives and children of Chinese lawfully living in Canada. The following month he recommended their admission "in view of complaints of discrimination made by representatives of the government of China and of the obligations to avoid racial discrimination assumed by Canada under the United Nations Charter." The cabinet approved the reforms.[128]

On the vertical plane, the Committee for the Repeal of the Chinese Immigration Act formed in 1946. It was closely associated with the United Church of Canada and received support from Catholic and Protestant clergy, the League of Women, several members of Parliament, the Canadian Congress of Labour, the Toronto Trades and Labour

Council, and ethnic Chinese war veterans. Eighty percent of the membership was white. In a brief directed to the Minister of Mines and Resources, who controlled the immigration portfolio, the committee's first reason for repealing the act was that it was in conflict with the UN charter. The brief went on to argue that Chinese exclusion was the greatest single cause of disturbance in friendly relations with China; posed a major barrier to trade; stood against principals of humanity, morality, social welfare, and Canadian democracy; and left Canada as the only North American country with a targeted anti-Chinese immigration act.[129]

Prime Minister Mackenzie King believed that most Canadians, particularly in BC, continued to support Chinese restriction, however. His private diary entries summed up the dilemma of balancing foreign policy interests and winning democratic elections demanding racial exclusion. The problem was "trying to please those who wanted to serve United Nations ends on avoiding as much in the way of discrimination as possible and others who did not want to do anything that might make their position in BC more difficult."[130] "There should be no exclusion of any particular race," he wrote. "That I think has really been wiped out against the Chinese but a country should surely have the right to determine what strains of blood it wishes to have in its population and how its people coming from outside have to be selected. There is going to be great danger of the U.N. refusing the idea of justifiable rights of selected immigration with racial and other discriminations."[131]

When Parliament debated the end of Chinese exclusion in May 1947, every member from BC, regardless of party affiliation, spoke out against lifting exclusion.[132] The prime minister's statement to the House of Commons that supported the repeal of Chinese exclusion did not refer to "strains of blood" in public, which would have appeared crude by 1947, but he made clear to his domestic audience that "the government has no intention of removing the existing regulations respecting Asiatic immigration unless and until alternative measures of effective control have been worked out." The "people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population," he assured Parliament. "Large-scale immigration from the orient would change the fundamental composition of the Canadian population. Any considerable oriental immigration would, moreover, be certain to give rise to social and economic problems of a character that might lead to serious difficulties in the field of international relations."[133]

Even with repeal of Chinese exclusion in 1947, the only way that Chinese could immigrate was through narrow categories of family

reunification. Within the family reunification provisions, the measure was discriminatory, as Asians had to be sponsored by Canadian *citizens,* while people of European, U.S., or South American origin could be sponsored by family members who were simply Canadian *residents*.[134] Horizontal pressures from the Chinese government and UN were strong enough to end outright bans on Chinese immigration, but widespread Sinophobia on the vertical plane continued to limit Chinese admissions for another generation.

Who Is a Canadian?

Canada's increased international profile during World War II and growing autonomy from Britain created a demand to define Canadian national citizenship. Previously, the 1910 Immigration Act had defined Canadians as British subjects domiciled in Canada, and the Canadian Nationals Act of 1921 created an ambiguous Canadian national status necessary for Canada to join the League of Nations and participate in the International Court of Justice. A unique Canadian citizenship was not definitively created until the Canadian Citizenship Act of 1946.[135]

Parliamentary debates in 1946 revealed notions of which groups were fit for self-government. During discussions of the rights in Canada of British subjects coming from Britain or elsewhere in the Commonwealth, many Tories pushed for a definition of "British" that included only subjects from self-governing dominions and the UK, thus excluding Asian Indians, West Indians, and people from Hong Kong. Tories also supported giving British subjects who immigrated faster access to the full rights of Canadian citizenship. While denunciations of racism and Hitler's policies were ubiquitous in the debates, some members continued to demand ethnic and even explicitly racial selection. The argument for preferring white Britons was usually made with reference to "cultural" superiority, as when Thomas John Bentley (Cooperative Commonwealth Federation—Saskatchewan) argued against giving preferential rights to groups living in the empire who might not be "in exactly the same position as we are in regard to the development of democratic institutions."[136]

The final act created a unified Canadian national citizenship. Immigrants, including Commonwealth immigrants, could naturalize after five years of residency. Immigrants who were already British subjects would preserve their existing rights, including the franchise after only one year of residence in Canada. With these transitory exceptions, Canadian citizenship was permanently decoupled from British citizenship.

Skimming the White Cream of the Camps

Refugees from Europe became a major source of Canadian immigration following World War II, yielding an estimated 186,000 arrivals.[137] Admissions policies were once again wrapped up in Canada's international relations and domestic conflicts. On the vertical plane, railway companies, industrialists, bankers, agribusiness, European ethnic groups, and leading newspapers favored opening the door to more refugee immigration. Organized labor was willing to accept some immigration if the numbers were controlled to avoid competition with Canadian workers.[138] On the other hand, a majority of the public opposed increased immigration and wanted to select those who did come on ethnic grounds. When Gallup polls in 1946 asked Canadians to choose the most desirable European immigrants, Scandinavians were ranked first. Sixty percent of respondents said they would like to keep out Japanese, 49 percent were against Jews, 15 percent against Ukrainians, and 14 percent against Poles.[139] A 1946 order-in-council allowed residents of Canada to sponsor first-degree relatives in Europe as well as orphaned nieces and nephews younger than sixteen.[140] Prime Minister King told the House of Commons that this movement would take place "without discrimination as to race or creed," but the policy only applied to Europeans in practice.[141] Around the same time, Reconstruction Minister C. D. Howe ordered that Jews be given no more than half of the slots for displaced persons recruited for any given industry.[142]

Canadian policymakers felt they had to compete with the United States to attract refugees with the most human capital. For example, the deputy minister of the Department of Mines and Resources worried that impending U.S. admissions of hundreds of thousands of refugees would scoop up the most economically productive. He proposed that Canada move first so it could select the best of the lot and gain international prestige for its pioneering humanitarianism. The government quickly passed an order-in-council authorizing the entry of 5,000 European displaced persons.[143] Critics, including the Canadian Association for Adult Education, protested that governments "should not think of skimming the cream off the Displaced Persons camps and leaving the remainder to some unknown fate."[144] Further orders in July 1947 and October 1948 admitted 45,000 more displaced persons.[145] Canadian diplomats participated in the drafting of the 1951 UN Convention Relating to the Status of Refugees, but did not sign the convention for fear that it would restrict the government from freely deporting Communists or other undesirables.

The White Walls Crumble

Immigration policy after World War II became intimately tied up with the high politics of the Cold War and decolonization. Canadian diplomats rightly worried that the Soviet Union would publicize racist policies in the West to gain support in the Third World. A 1947 Department of External Affairs memo defined the risk. "The Soviet Union is today posing as the principle defender of the rights of coloured and colonial peoples. It is also posing as the principle defender of the sovereignty of small powers. It would seem probable that, if the Western powers are unable to remove racial discrimination rapidly and to satisfy the demands of colonial peoples for self-government, the Western powers may have the great majority of the colonial and coloured peoples hostile or unfriendly to them in the event of war with the Soviet Union or at least doing their best to fish in troubled waters," the memo warned.[146]

Canada's membership in the Commonwealth directly challenged its immigration policy as Asian and Caribbean members decolonized. After India became independent in 1947, the Indian government insisted that it would only stay in the Commonwealth on the condition that other Commonwealth countries repeal their anti-Indian immigration restrictions.[147] Prime Minister Jawaharlal Nehru's visit to Canada in 1948 promoted the extension of small quotas for Indians. Canada concluded bilateral agreements in 1951 to create annual quotas of 150 Indians, 100 Pakistanis, and 40 Ceylonese. A 1957 agreement with India increased the quota to 300 Indians and allowed close relatives of Canadian citizens to enter as non-quota immigrants.[148] An unpublished report from the Department of External Affairs explained that Canada's bilateral relationships with the three countries and multilateral relationships in the Commonwealth and United Nations directly motivated the quotas. Allowing even token numbers of Asians would help avoid international charges of racial discrimination. "There can be little doubt that friendly relations between Canada and these three countries [India, Pakistan, and Ceylon] as well as China and Japan have been hampered considerably in light of its new international obligations . . . As a member of the United Nations, Canada has assumed an unqualified obligation to eliminate racial discrimination in its legislation. It can be argued that racial restriction in immigration violates this United Nations commitment," the report read.[149]

Canadian policy toward immigration from the Caribbean, including both British colonies and newly independent Commonwealth countries beginning in 1962, was subject to even more external forces than its

policies toward the Asian Commonwealth countries. Diplomatic pressure from Britain, Jamaica, Trinidad and Tobago, and Barbados; the need to adjust to U.S. and British policies affecting West Indian migration flows; and domestic politics all influenced Canadian policy. In 1947, the British High Commission in Ottawa asked the Canadian government to admit temporary Caribbean workers, who had just lost access to the wartime U.S. temporary labor program. The 1952 U.S. immigration act then limited annual immigration from West Indian colonies to a quota of 100 people, putting further pressure on West Indians to find alternative destinations. The colonial governments of Jamaica and Barbados requested temporary access to Canadian labor markets in 1952 and 1954, respectively. On the vertical plane, the Ontario agricultural lobby sought temporary Caribbean workers, but immigration and labor officials blocked their requests based on the argument that West Indians were unsuitable for the Canadian climate.[150]

In 1955, amidst warm words about Commonwealth unity, the Canadian government agreed to admit an annual quota of 100 domestic servants from the West Indies. It curtailed the program in 1966 based on fears that women would settle and bring in their husbands and relatives. While formal public policy before 1962 did not specifically discriminate against black immigration, a 1955 memo from the Director of Immigration to the Deputy Minister of Immigration noted that with few exceptions, "it has long been the policy of this Department to restrict the admission to Canada of coloured or partly coloured persons."[151] One of the reasons that West Indians were not banned categorically is that some of them were white. A 1958 memo by the director of the Immigration Branch to the Deputy Minister of Immigration explained, "[I]t has been our long standing practice to deal favourably with British subjects of the white race from the British West Indies . . . On the other hand, apart from a limited domestic movement, no encouragement is given to persons of coloured race unless they have close relatives in Canada or their visas have exceptional merit, such as graduate nurses, qualified stenographers, etc."[152]

A 1950 order-in-council and the 1952 Immigration Act preferred immigrants from the British Isles, Australia, New Zealand, South Africa, the United States, and France.[153] It authorized the Governor in Council to restrict immigrants on account of their "ethnic group" (rather than "race," as previous laws had established).[154] The semantic shift highlighted the growing delegitimization of distinctions based on "race" as well as the ongoing effort to achieve the same kinds of racial discrimination in practice. Family reunification remained the only means for East

Asians to immigrate to Canada.[155] Prime Minister St. Laurent expanded the geographic origins of acceptable immigrants four years later by adding eligibility to citizens of fifteen European countries with some restrictions. People living in Canada could sponsor relatives from any country in Europe, any country in the Western Hemisphere, and Egypt, Israel, Lebanon, and Turkey.[156] The extension of immigration preferences to new sources quickly led to more family chain migration than the government anticipated and prompted a 1959 order-in-council to end the provision for admitting Canadian residents' siblings or married children. All family reunification from Egypt was banned. In a rare victory for ethnic lobbying, Canadians whose co-ethnics were affected by the changes protested and the provision was rescinded.[157]

On the vertical plane, there was little sense in the mid-1950s that the full deethnicization of permanent immigration policy was imminent. A Royal Commission on Canada's Economic Prospects surveyed major interest groups and provincial governments in 1953 and 1955. Its report suggested a general consensus that immigrants contributed to the postwar boom, though organized labor opposed assisted-passage schemes and sought no more immigration than could be absorbed without harming natives. Positions differed more widely about the best criteria for selection. The Canadian Manufacturers' Association proposed that "steps should be taken to assure that a reasonable proportion of future immigrants shall be of British or Northern and Western European stock."[158] While some labor organizations in the 1940s and 50s had participated in anti-racist campaigns,[159] the Vancouver, New Westminster and District Trades and Labor Council told the Commission, "If we are to maintain our cultural heritage it is essential that the present racial composition be maintained." Even the United Church of Canada, which had pushed for the repeal of Chinese exclusion, showed its ambivalence toward any immigration that would change the ethnic and religious landscape. It insisted that the proportions of religious dominations existing in Canada should be maintained, and that while "there should not be a colour bar," Canada should avoid the types of problems imported by "Porta Ricans [sic] present in New York City."[160] A domestic consensus continued to support at least some kind of ethnic selection.

Ending Ethnic Selection

Prime Minister John Diefenbaker's Conservative government (1957–1963) ended formal negative discrimination against the immigration of particular ethnic groups. A 1959 Cabinet meeting resolved to remove

racial discrimination from immigration law. The following year, the Chinese Adjustment Statement Program began to regularize the status of many Chinese illegally living in Canada,[161] and Diefenbaker pushed through the Canadian Bill of Rights which enumerated fundamental human rights held "without discrimination by reason of race, national origin, colour, religion or sex."[162] However, the cabinet worried that it would be politically difficult to pass an act in Parliament that would fundamentally end racial selection of immigrants, and opted instead for a 1962 order-in-council from the cabinet to minimize the public debate and the input of interest groups.[163] Some members of the opposition complained that such a fundamental shift in immigration policy should have been passed by an act of Parliament rather than through regulation. MP Leon Crestohl (Liberal-Quebec) argued that the use of an order-in-council to achieve this end was "a clumsy move . . . to block a parliamentary debate on the immigration laws of this country."[164] Indeed, the dismantling of discrimination by fiat to avoid extensive debate reflects the fact that the government did not trust a public clinging to its prejudices. A majoritarian expression of the public's preference would have been to maintain discriminatory law.

The 1962 regulations removed negative ethnic discrimination, but Section 31(d) retained positive ethnic preferences. Reunification of extended family members of Canadian residents was limited to citizens of a country in Europe or the Americas or Turkey, Egypt, Israel, or Lebanon.[165] When Minister of Citizenship and Immigration Ellen Fairclough tabled the new regulations in Commons, she said that though under the new policy, "any suitably qualified person from any part of the world can be considered for immigration to Canada entirely on his own merits without regard to his race, colour, national origin or the country from which he comes," the family reunification provisions would be continued for "essentially historical" reasons of maintaining privileges for "those parts of the world from which Canada has traditionally derived the vast majority of its population."[166] Freda Hawkins writes that Deputy Minister George Davidson apparently inserted this section at the last minute because he feared a large influx of Indians who had relatives living in Canada.[167]

Most authors cite anti-racist norms as explaining the end of formal ethnic selection.[168] A few, such as Alan Green, claim that Canadian officials sought a broader pool of human capital from which to select immigrants because the international competition for skilled labor was being won by the United States.[169] Although Canadian manufacturers called for more skilled labor regardless of ethnic background, archival work by

Phil Triadafilopoulos debunks the argument that the deracialization of policy was fundamentally driven by employers' search for nontraditional sources of skilled migrants.[170] The policy was driven by the delegitimization of racism in the UN and Commonwealth at a time when the Canadian government sought to raise its international profile.

Despite the end of formal ethnic discrimination in 1962, in practice, the government continued to restrict black immigration at least until the end of the decade. The gap between the law on the books and the law in practice was particularly hypocritical given the prominence of the Canadian government's project of promoting principles of anti-racism to a Commonwealth audience. Canadian diplomats took an active part in drafting the Declaration of Racial Equality for the 1964 Commonwealth Prime Ministers' conference in London. However, a confidential memo on Canada's immigration policy prepared for the 1965 conference warned that as the British government restricted immigration from the West Indies, India, and Pakistan, it would pressure Canada and Australia to increase their admissions. The Canadian government intended to resist any such British pressure. "[A]lthough Canada may not discriminate racially in its immigration policies we cannot deny the right of a state to decide its own social and racial composition and refuse to accept immigrants whose presence would cause severe disruptions or drastic change," the memo concluded.[171] In a confidential briefing in preparation for the 1966 Canada-West Indies conference, the Assistant Deputy Minister for Citizenship and Immigration took the contorted position that while Canada did not have a racially discriminatory policy, it recruited mostly white immigrants to avoid bringing in nonwhites that would provoke a racist reaction from the Canadian public.[172] The Canadian government hoped that by allowing in token numbers of West Indians under carefully controlled conditions, it would smooth over Commonwealth relations and provide temporary workers for Canadian farm owners, while avoiding permanent West Indian settlement.[173] At least during the 1960s, the formal end of negative discrimination against West Indians was a charade played for an international audience.

After the Liberal government of Lester Pearson (1963–1968) took power, it commissioned a 1966 White Paper on Immigration, which argued that the selection of immigrants "must involve no discrimination by reason of race, colour or religion." It noted that ethnic selection "creates strong resentments in international relations" and argued for selection based on immigrants' skills.[174] Public parliamentary hearings followed in which organized labor opposed increased immigration but no longer argued for excluding Asians and blacks. The Confederation of

National Trade Unions objected that the White Paper's proposal would favor western Europeans, with their relatively high levels of education, and exploit the Third World by encouraging brain drain.[175] Even if the argument was a self-serving way to protect native Canadian labor from competition, the fact that an important labor union denounced facially neutral proposals as racism in disguise shows how far overt ethnic selection had become delegitimized by the 1960s. Ethnic organizations, mostly of continental Europeans, demanded generous and open immigration. Historian Donald Avery describes the Chinese and West Indian lobbies as "more tentative and deferential."[176] Notwithstanding the fact of these hearings, Triadafilopoulos points out that there were fewer inputs into immigration policymaking from interest groups in Canada than in the United States at the time.[177]

The 1967 immigration regulations applied the same family reunification criteria to all ethnic groups. Ethnic selection was replaced with a point system that gave preferences to applicants according to their level of education, training, and occupational skill; demand for their occupation; arranged employment; knowledge of English and/or French; personal suitability; presence of relatives in Canada; destination within Canada; and age.[178] Although most authors date the end of ethnic selection to 1967, the Assisted Passage Loan scheme was only offered to Europeans from its inception in 1951 until it was extended to immigrants from Caribbean countries in 1966 and immigrants from the entire world in 1970.[179] 1970 marks the end of formal immigration preferences for particular national-origin groups.

The regulatory changes of the 1960s did not alter the 1952 immigration statute, which allowed for exclusion based on unsuitability for the Canadian climate. In preparation for a new immigration law, Parliament commissioned a 1974 Green Paper on Immigration Policy, which was discussed at public hearings across Canada. The parliamentary committee writing the paper recommended a new immigration act that included the principle of nondiscrimination.[180] In 1976, Parliament passed the Immigration Act, which established in statutory law the principal "that any person who seeks admission to Canada on either a permanent or temporary basis is subject to standards of admission that do not discriminate on grounds of race, national or ethnic origin, colour, religion or sex."[181]

Immigration law since 1976 has tweaked the point system and maintained the principle against ethnic discrimination. The Immigration and Refugee Protection Act (2001) maintained the basic categories of economic, family, and refugee immigration.[182] In 2012, 62 percent of

permanent admissions were in the economic class (though 58 percent of these were family members of immigrants admitted for their economic qualifications), 25 percent in the family class, 9 percent in the refugee category, and 3 percent in other categories. The more than 250,000 permanent immigrants that year represented 0.8 percent of the national population—an extremely high level of admissions by international standards.[183] Ethnic selection appeared to have been abolished.

Selection by Subterfuge?

Critical race scholars have argued that contemporary Canadian immigration policy in practice discriminates against particular ethnic groups, notwithstanding the end of formal negative discrimination in the 1962 regulations, the end of family reunification preferences in the 1967 regulations, the worldwide extension of eligibility for the assisted passage program in 1970, and an explicitly anti-racist immigration act in 1976.[184] Most claims of ethnic selection by stealth, reviewed below, are not compelling, with the important exceptions of vastly differential wait times for permanent immigrant visas and the temporary farmworker program, which is openly based on national origin.

Foreigners seeking an immigrant visa must apply at Canadian immigration offices abroad. Given the indisputable use of preferred recruitment as a tool of ethnic selection before 1970, the distribution of immigration offices has been scrutinized for evidence of bias.[185] The number of offices has dramatically expanded in Africa, Asia, and the Caribbean since 1967. By 2011, there were sixteen offices in Asia, twenty-six in Africa and the Middle East, twelve in Europe, six in the United States, eighteen in the rest of the Americas, and one in Australia. There is an office in most major capitals, suggesting that the distribution of offices is no longer a tool of ethnic selection. The most suggestive evidence of ongoing ethnic bias in the offices abroad is that immigrant visa processing times varied in a 2008 study from one-and-a-half years in Buffalo, New York, to four years in Europe, more than six years in Africa, and more than fifteen years in New Delhi, though the study was unable to control for the non-ethnic characteristics of the applicants.[186]

The point system that prefers applicants with high levels of education is facially neutral when it comes to ethnicity, but critics such as Ernest Cashmore argue that the educational criteria "effectively weighted entry chances rather heavily against certain nationals from, for example, Asia, Africa and Latin American and Caribbean countries. Discrimination was refined, but not eliminated."[187] Later critics also claimed that

immigration fees have a disproportionate impact on applicants from poor countries, which tend to lie outside of Europe, and have even compared immigration fees assessed on all applicants to the Chinese head taxes.[188] Any immigration selection criteria will have differential effects on various social groups, but in the absence of stronger evidence of racial discrimination, to define policies that select immigrants based on education as racist is to strip the term of its historical specificity and analytical utility.

Awarding points for English and French language competency has differential effects on national origin groups. Within Canada, provinces are increasingly influential in the selection of immigrants. Alarmed by the growing numbers of Anglophones amid a sharp decline in Francophone fertility, the government of Quebec created its own Department of Immigration in 1968 and opened recruitment offices in Paris, Brussels, and Beirut.[189] The 1976 Immigration Act allowed the provinces to determine the annual number of admissions and create their own immigration agreements with the federal government. Quebec became the first province to take advantage of the provision through a 1978 accord with the federal government declaring that immigrants to Quebec must contribute to its cultural and social development and giving Quebec the right to select its own skilled immigrant workers and entrepreneurs. Since the "Provincial Nominee Programs" began in 1998, all Canadian provinces have developed their own selection programs, which accounted for a fifth of the inflow by 2010.[190] The government of Quebec has been an especially strong proponent of linguistic selection.

Yasmeen Abu-Laban argues that Quebec's Francophone preferences are ethnically discriminatory. However, the preferences discriminate by language rather than race. Few French immigrants have come to Canada since 1760. The Francophone preferences have worked mostly to the benefit of immigrants from Haiti, Lebanon, and West Africa. Similarly, in practice the preferences for English speakers mostly benefit people from countries formerly colonized by Britain—an advantage enjoyed by Hongkongers over mainland Chinese, Jamaicans over Dominicans, and Indians over Thais. Languages can be learned, and the globalization of English and French via colonization and other forms of globalization have increasingly decoupled linguistic and racial categories. Although literacy and specific language tests have been used in the past as proxies for race, they are decreasingly effective for achieving that end.

The Canadian immigration system has long been characterized by a high degree of administrative discretion that potentially invites ethnic selection in practice. Parliament issued a 1984 directive to "ensure that

members of visible minorities are not unduly singled out for unusual immigration procedures," and Citizenship and Immigration Canada has recruited more ethnically diverse officers and mid-level supervisors to replace the formerly all-white bureaucracy.[191] The major changes in the Immigration and Refugee Protection Act (2001) were to increase administrative discretion to regulate policy—in part on national security grounds following the terrorist attacks of September 11, 2001—and give immigration officers more latitude to judge an applicant's suitability for immigration.[192] It is difficult to assess systematically whether immigration officers discriminate against nonwhite applicants, in part because of the difficulty of controlling for variation in non-ethnic characteristics such as education and work experience. Taylor's 1991 study of adjustments to landed immigrant status made inside Canada and exclusions at ports of entry did not find a clear pattern of ethnic discrimination.

The most obvious flaw in the argument for racist continuity in Canadian immigration policy is the dramatic transformation in the origins of permanent immigrants. Flows in the 1950s were 90 percent European and 3 percent Asian (including Middle Easterners). By 2011, flows were 48 percent Asian and 13 percent European. The top sending countries were the Philippines, China, India, the United States, and Iran.[193] Despite the growing presence of permanent immigrants from Asia, Africa, and the Caribbean, there is no serious proposal on the table as of this writing to reintroduce a system of ethnic selection.

The opening of immigration to nonwhites extended to refugees. As in the United States, Canadian refugee policy was mostly a tool of Cold War foreign policy. Asian refugees were first admitted in 1961, when 100 Chinese families from Hong Kong were accepted. Canada ratified the 1951 Refugee Convention and its 1967 Protocol (extending the definition of refugee to apply beyond Europe and the immediate post-WWII period) in 1969, as its foreign policy turned more global in outlook.[194] Three years later, it admitted more than 7000 Asians expelled from Uganda by President Idi Amin. Despite opposition from a majority of the public, the government admitted 100,000 Indochinese in the decade following the end of the Vietnam War in 1975, making Canada the world's third-largest country of admission for Indochinese refugees. Half of the top ten countries of refugee resettlement in Canada in 2006 were African, and none were European.[195]

Asylum policy potentially leaves room for ethnic discrimination. Beginning in the 1990s, the Canadian government attempted to crack down on "asylum shopping" in ways that differentially impact particular nationalities. The passage of Bill C-86 (1992) prevented migrants from claiming

asylum in Canada if they arrived from a safe country prepared to grant them asylum. Some opponents of the law called it racist because it would disadvantage asylum seekers arriving from countries without direct air routes to Canada, such as many countries in Africa, Asia, and Central America.[196] In 2011, the Conservative government of Stephen Harper introduced the Preventing Human Smugglers from Abusing Canada's Immigration System Act (Bill C-4), which would give the Minister of Public Safety the power to "designate" a group of asylum seekers as irregular arrivals and subject them to a long list of punitive measures. Refugee advocates protested that such a policy could be used to deter particular ethnic groups from applying for asylum "since there are no objective criteria that need to be met for a group to be designated."[197]

While ethnic criteria have been stripped from permanent immigration policies, some temporary worker programs openly select on ethnic grounds. In the late 1960s, the Canadian Federation of Agriculture requested government support for temporary agricultural workers, specifically "people originating from peasant stock of Europe" or "Mexican workers in family groups . . . because of their adaptability and experience as field labour in specialty crop production."[198] The Seasonal Agricultural Worker Program began contracting workers from Jamaica (1966), Barbados (1967), Trinidad and Tobago (1967), and Mexico (1974). The program annually recruited nearly 25,000 workers by 2009, two-thirds of whom were Mexican. Contemporary interviews with employers show that many prefer Mexicans to West Indians because they consider Mexicans less likely to assimilate or protest working conditions, given their limited English skills and the lack of an established Mexican community.[199] Employers do not know anything about the work history or skills of potential new hires, but they can select workers based on country of origin. "It is the Employer's choice to select the supply country that he/she wishes to request workers from," the program guidelines state.[200] The selection process for temporary farmworkers is in some ways the opposite of the selection of permanent immigrants, which eschews selection by national origin for selection of special skills.

The ratio of temporary migrants to permanent immigrants rose sharply in the late 2000s. By 2011, more than 190,000 temporary workers entered Canada, compared to 248,000 permanent immigrants.[201] Temporary worker programs have increasingly drawn in workers that are less skilled and that include a wide variety of occupations beyond the traditional categories of live-in caregivers and farmworkers. Labor unions convincingly portray the growing use of such programs as a back door for

business interests and the state to create a class of vulnerable workers without a full public debate.[202] Most temporary workers are not eligible to adjust their immigration status to permanent settlement and are excluded from many social and labor rights.[203] Nandita Sharma compellingly argues that the temporary worker programs have grown so rapidly since the late 1960s precisely because permanent immigration policy was deethnicized at the same time. Most temporary migrants originate from outside Europe. In her account, policymakers have deliberately recruited temporary, nonwhite workers to lessen the perceived negative impact of permanent, nonwhite immigration.[204] Employers prefer to hire nonwhites not as fellow citizens, but rather as disposable, low-paid labor desired for their perceived cultural differences from the native majority.

Conclusion

The Canadian case offers several lessons for understanding patterns of ethnic selection. The development of political institutions promoting societal inclusiveness explains why BC and then the federal government were among the first to restrict Chinese systematically. As the British authorities conceded more autonomy to British North America, self-government drove greater demands for racial restriction. Demands for Chinese restriction arose from whites on the Pacific Coast who successfully used the provincial parliament, their representation in the federal parliament, and a free press to demand federal restriction. The institutions of democracy promoted restriction by providing labor, and eventually a cross-class coalition with business as well, with an effective means to express anti-Asian demands.

The shifting forms of Canadian government shaped policies of ethnic selection as well. Institutions that most closely reflected domestic public opinion were the most ethnically restrictive. Particularly in the late nineteenth century, the governor general, his provincial appointee in BC, and the prime minister were far more closely aligned with promoting British imperial interests, and thus moderating overt ethnic selection, than the provincial BC parliament that reflected the anti-Asian consensus that had developed among the white population. Growing Canadian sovereignty and democracy following World War I led to a decline in the influence of the governor general and more overt policies of ethnic selection, including the outright exclusion of Chinese and other Asians.

In Canada's Westminster parliamentary system, there is not as sharp a divide between the legislature and the executive as there is in a U.S.-style presidential system. Nevertheless, there are sometimes divisions

between the prime minister and his cabinet on the one hand, who must consider foreign policy as well as domestic ramifications of their decisions, and the more domestically oriented Parliament. The cabinet ended ethnic selection in 1962 and 1967 through orders-in-council to avoid a full parliamentary debate that would lend voice to domestic actors with a more restrictionist agenda. The fact that different ruling parties took the same processual route in both 1962 and 1967 shows how the institutions of government and pressures on the horizontal field, rather than partisanship, shaped the process of deethnicization.

Ethnic selection in Canada can only be explained by placing the country on a global map of policy diffusion. Emulation of foreign models in the United States and the self-governing dominions was particularly important in shaping head taxes of Chinese, the "Gentlemen's Agreement" bilateral model of control with Japan, literacy requirements, Chinese exclusion, and the repeal of Chinese exclusion. After the 1960s, Canada itself became an exemplar for policy debates in countries throughout the rich world. Its point system was partly adopted in Australia, New Zealand, the UK, Denmark, Hong Kong, and Singapore, and the Canadian system deeply influenced U.S. debates over comprehensive immigration reform in the early twenty-first century.

Strategic adjustment to U.S. policy was also critical in encouraging more proactive recruitment of British and northern Europeans and restricting Chinese, Japanese, and unwanted Europeans whose migration flows were deflected by changes in U.S. policy. To a lesser extent, Canadian policymakers were forced to adjust to Australian policies competing for the same immigrants from the British Isles, and to British policies in the 1960s restricting West Indian immigration. Despite the massive power asymmetry between the United States and Canada, U.S. diplomatic leverage was only effective in promoting control over Chinese immigration. British leverage during the late nineteenth and early twentieth centuries was more consequential in creating policies to disguise restrictions on Japanese, Asian Indians, Chinese, and West Indians.

More than in any of the other cases in this volume, the end of ethnic selection was shaped by Canada's position in multilateral institutions rather than domestic pressure or any incompatibility between ethnic selection and liberal democracy. It is clear from both public and private statements of leading policymakers from the late 1940s to the 1960s that ethnic selection would have to be sacrificed due to Canada's place in the Commonwealth and the UN. As an aspiring global middle power, the Canadian government could no longer afford to antagonize countries of emigration whose geopolitical stature was on the rise. The Westminster

structure of governance and the cabinet's ability to create immigration policy through orders-in-council made it possible to change these policies quickly from above.

The horizontal field of policymaking was exceptionally influential throughout Canadian history for two reasons. First, although Canada was not in the Pan American Union, it was part of three major political groupings with a global scope that included countries of emigration: the British Empire, the Commonwealth, and the UN. All of these memberships moderated the ethnic selection advocated by constituencies on the vertical plane. Second, Canada had a neighbor in the United States that was both stronger and part of the same cultural community; both are factors associated with diffusion of policy via the mechanism of emulation. That same neighbor had an outsized effect on immigration patterns to the region, and because they shared a long border as well, the mechanism of strategic adjustment to U.S. policy was unusually strong. Diplomatic leverage by the United States played a more minor role, but might have been activated more had the Canadian government not followed U.S. policy on its own terms. In short, although Canada only has one land neighbor and is separated from the rest of the globe by vast oceans, all of the major mechanisms for the diffusion of policies shaped Canadian law because of its geopolitical location.

Cuba

Whitening an Island

Cuba was among Spain's first and last colonies in the New World. Christopher Columbus claimed the island for Spain on his first voyage in 1492. Cuba and Puerto Rico remained Spain's last colonies in the Americas until the U.S. military seized the islands in 1898. Cuba's unusually long colonial history with Spain and quasi-colonial history with the United States shaped its immigration policies in ways that make it stand out in the Americas.

Centuries of colonialism nearly eliminated its indigenous population through disease and attacks by colonists. Most republics in Latin America began to abolish slavery around the time they gained independence in the early nineteenth century, but colonial authorities in Cuba replenished the population by importing slaves. Cuba was the last country in Spanish America to abolish slavery, between 1880 and 1886, and the size of the slave population was unusually large.[1] "In no other Spanish colony was the local economy so totally dependent on slavery; in no other Spanish colony did African slaves constitute so large a part of the population; in no other Spanish colony did the total population of color constitute a majority," summarizes Louis Pérez.[2] Even as most Cuban whites wanted slave labor, they were terrified by the prospect of black dominance. As a result, Cuba was the first country in Latin America to recruit large numbers of Chinese indentured servants as alternatives to black slave labor. Cuba also recruited mainland Spaniards and Canary Islanders in a largely successful effort to whiten the population. Cuba became the sixth-largest destination of overseas European migration in

the late nineteenth and early twentieth centuries and the only Latin American country to receive large numbers of European and Chinese as well as black migrants. Although it has not been a country of mass immigration since the 1930s, Cuba's experience reveals unique interplays of the horizontal and vertical dimensions of immigration politics.

Nominally independent after U.S. forces withdrew in 1902, Cuba retained a quasi-colonial relationship with the United States until the 1934 repeal of the Platt Amendment that had allowed repeated U.S. military, political, and economic intervention on the island. The United States shaped Cuban immigration policy through coercive and quasi-coercive means to a greater degree than in any other country in the Americas. Yet because U.S. policy itself reflected the interests of multiple interest groups, policies flowing from the United States often led in contradictory directions. On the one hand, the U.S.-dominated sugar industry wanted to recruit temporary black workers from the neighboring Antilles and Chinese over the objection of native white Cuban elites who wanted to restrict all migration to Europeans. On the other hand, U.S. military and diplomatic officials tried to restrict the immigration of despised racial groups that would then try to enter the United States across the Straits of Florida. Cuban eugenicists followed U.S. style, strict hereditary determinism, and racial selection of immigrants more closely than other Latin American countries. At critical moments in the 1910s and 1920s, the economic interests of U.S. sugar planters trumped the eugenicist ideology of Cuban and U.S. intellectual elites.

Eugenicist interests in promoting Spanish immigration lost out decisively to a populist revolution in the 1930s that rejected permanent settlement immigration as the road to modernity and demanded the nationalization of the labor market. The incorporation of blacks into the populist state made explicitly anti-black migration policies illegitimate. At the same time, Cuban populism contained strong xenophobic elements, including prejudice against Chinese and Jews, considered to be unassimilable to a Cuban nation composed of a Spanish and African mix, and against blacks from Haiti and the Antilles considered to be a cultural and economic threat. As in Mexico, this particularistic form of anti-racism with racist elements laid the basis for the Cuban state to later participate in a more universal form of anti-racism when the UN was founded in 1945. The post-1959 revolutionary government's vigorous promotion of an anti-racist international agenda further contributed to the pressure on the United States to eliminate its national-origins quotas and other discriminatory laws. Ironically, the country in the Americas

that had most consistently been under the U.S. thumb became part of an international movement to force the hemispheric hegemon to change its own immigration policies.

On the horizontal plane, Spain's rivalries with Britain, France, and the decolonized republics in Latin America shaped colonial immigration policy in Cuba. The British Empire drove the end of the transoceanic slave trade and its replacement with Chinese coolie migration. During the republican period, Cuba's immigration policy was exceptional in the Americas for the degree to which the United States used coercive leverage to impose the U.S. government's preferences. On the vertical plane, the distinction between "foreign" and "domestic" policy empirically breaks down at many points because U.S. interests so deeply penetrated the Cuban economy, polity, and society. Shifting configurations of economic and ideological interests, and their changing access to the political system, determined the shape of immigration policy. Liberalism and racism were closely linked, as were corporatism and racism. Anti-racist discourse coexisted with exclusionary laws and practices directed against numerically small minorities, especially during periods of populist nationalism.

Colonial Slavery and Security

Spanish colonial immigration policy tried to quickly increase Cuba's small population without introducing security threats from colonial rivals, slave revolts, and independence movements on the island. British, French, and pirate navies jeopardized Spain's control over its Caribbean colonies in the eighteenth century, and the British Navy occupied Havana for ten months in 1762.[3] After it regained control, the Spanish crown limited admission to Catholic Spaniards and prohibited the entry of *negros ladinos* (blacks born in the Americas) if they came from foreign colonies.[4] The major exception to the ban on foreigners was the admission of thousands of French colonists fleeing slave revolts in neighboring Saint-Domingue (Haiti). After Napoleon Bonaparte threatened Spain on the continent, Emperor Charles IV ordered the suspension of naturalizations for the French *refugiados* in 1804 and the expulsion of all foreigners from his colonies in 1807.[5] The governors sent by Spain to administer Cuba feared a Haitian-style slave revolt, but they also worried that if Creoles outnumbered blacks, Creoles would stop looking to Spain for protection from blacks and would seek independence.

The crown's solution was to use immigration and slave imports to maintain a racial balance.[6] Blacks and whites stood at parity in 1792,

but the collapse of Haiti's sugar exports during its revolution created an opening for Cuba's industry, and its slave population soared from 85,000 in 1792 to 286,000 in 1827. On the backs of its slaves, Cuba became the world's largest sugar producer by the 1840s.[7] However, a forceful push from Britain to end the transatlantic slave trade challenged Spain's strategy of maintaining a black/white equilibrium.[8] After Britain abolished its own slave trade in 1808, it urged its commercial rivals to do the same. Britain finally convinced Spain to sign a treaty that ended the slave trade in 1817, followed by a more rigorous treaty in 1835 and the imposition of British naval patrols that seized slave ships. Spanish authorities were initially lukewarm about enforcing the ban, but by 1841, slaves slightly outnumbered whites and together with free blacks constituted 59 percent of the island's population. Creoles and the colonial administration became obsessed with reversing the higher ratio of blacks to whites. An 1849 regulation strictly banned immigration of "individuals of color, free or slave."[9]

Given the ban on the oceanic slave trade and the impossibility of natural growth in a slave population working under horrific conditions, Cubans expected the demise of slavery for decades before it was abolished. Colonial authorities, capitalists, and intellectuals looked for new sources of labor to replace or at least complement slaves. In 1817, colonial authorities began allowing Catholics of any nationality to immigrate and naturalize.[10] White immigrant families who settled in remote regions were given cash assistance to help survive the first years and were exempted from paying taxes. Few foreigners took up the offer, however. Most European immigrants went to North America, leading immigration promoters in Cuba to call for more proactive efforts to recruit Europeans.[11] Colonial authorities allied with Creole intellectual and planter elites formed the White Population Committee (Junta) to promote white immigration. The Junta republished articles from prominent European and North American intellectuals on the question of racial origins and the possibilities of race improvement. In dialogue with these foreign influences, the Junta created its own synthesis for how to best whiten Cuba's population.[12]

By the mid-1800s, the Junta had settled on Canary Islanders as the ideal new Cubans. Canary Islanders shared Creole Cubans' Spanish language, allegiance to the Crown, and Catholicism. According to the acclimatization models of development that dominated racial thinking among intellectuals, Canary Islanders were especially suited to the Cuban climate because of their similar tropical origins. The Junta successfully recruited many young men from the Canary Islands, but it was frustrated

that few families came and most migrants returned home. For Canary Islanders, Cuba was an attractive destination because Spanish emigration law closed off other destinations in Latin America.[13] Until 1853, the Spanish government banned Canary Islander emigration to Spain's former colonies in the Americas, given hostile attitudes there toward Spaniards after independence. As Spain's last major colony in the Americas, Cuba thus benefited from the tensions between Spain and the newly independent republics.[14]

While intellectuals sought more immigration from Spain, planters pressed for alternative sources of nonwhite labor that could be exploited through indentured servitude. After Britain forced Chinese ports open as a condition of its victory in the First Opium War, Cuban planters, the transportation industry, and the British government promoted the recruitment of Chinese coolies. The British hoped that by helping provide Cuban planters with an alternative source of labor, the slave trade to Cuba could be more easily suppressed. Most Cuban intellectuals opposed Chinese migration based on complaints that Chinese had a different religion, language, and customs and were predisposed to crime, but the interests of economic elites overwhelmed intellectuals. Some 130,000 Chinese coolies arrived beginning in 1847. Within a generation, they comprised 15 percent of the island's workforce.[15]

High politics in Cuba and the Pacific joined to force the end of the coolie trade. When the Ten Years' War (1868–1878) pitted Cuban independence seekers against the colonial regime, several thousand Chinese joined the rebels. The shadow government of the "Republic of Cuba in Arms" passed an 1870 law that voided Chinese indentured servant contracts for being "notoriously contrary not just to the fundamental principles of law in the matter of conventions but to the principles of humanity and justice."[16] The Governor General in Havana responded by urging the Spanish government to end further importation of Chinese contract laborers—a measure which the crown decreed in 1871. The same year, the Governor General placed new restrictions on indentured servants whose contracts were expiring to keep them from joining the rebel army.[17] In China, the Qing emperor publicly condemned the abuses of the trade. The British government worried that the coolie migration it had once supported as an alternative to slavery had become all too successful, to the detriment of British colonies whose exports competed with Cuba. In 1874, representatives from China, Britain, and France arrived in Cuba to study coolie conditions. The commission found that more than half of those who left China as healthy young men had died within twenty years from illness, abuse, and suicide. Eleven percent died

on the ocean passage alone. Based on hundreds of depositions taken from Chinese workers, the commission reported that Chinese were treated like slaves and lacked even the law's minimal protections in practice. In the wake of the report, China and Spain signed a treaty in 1877 that banned the transportation of contracted Chinese to Cuba.[18]

With access to coolie labor cut off and slavery abolished in the 1880s, colonial authorities earnestly pursued new sources of Europeans. An 1881 decree allowed Jews to immigrate, and an 1886 decree provided free passage to any white person who would work in Cuba for at least a year. A quarter of a million Spaniards arrived between 1882 and 1894. Spanish immigration served the interests of the colonial administration, Creole intellectuals, and planters.[19] Spanish immigration also served interests of the Crown, which worried about "hemorrhaging" subjects to former colonies like Brazil and Argentina. Opposition from small Cuban worker organizations in sectors such as tobacco and the views of blacks were politically irrelevant given elite white domination of the colonial administration. Voices from below were silenced in a political system of little societal inclusion or contestation.[20]

In broad strokes, on the vertical plane during the colonial period, a consensus of the only Cubans with a political voice supported immigration from the Canary Islands, but the economic interests of big planters and the ideological interests of intellectuals split on the desirability of black slaves and Chinese coolies. Colonial rivalries played on the horizontal political field initially constrained immigration from other European countries and ended the importation of black slaves while temporarily opening coolie migration from China. The influence of Spain and its colonial rivals dwindled with the arrival of a new master from the north.

Military Coercion

Creole elites and U.S. politicians had debated for decades whether the United States should annex Cuba. Creole planters dreamed of annexation to prevent Britain from seizing the island and abolishing slavery. In the United States, expansionist President James Polk offered Spain $100 million for Cuba in 1848, an offer increased to $130 million by President Franklin Pierce in 1854. As the U.S. Civil War approached, most of the U.S. political establishment gave up on annexing Cuba because they feared that such a move would upset the balance of slave-holding and free states, increase the size of the black population, and provoke war with Spain. When the U.S. Congress approved President McKinley's

request for military intervention in Cuba in 1898, it insisted on including the Teller Amendment that prohibited U.S. annexation of the island.[21] For its part, the Cuban independence movement of 1895–1898 sought true sovereignty rather than eventual U.S. annexation. The U.S. military landed Col. Theodore Roosevelt and his "Rough Riders" in 1898, defeated the Spanish army, and shunted the rebel leadership aside. In the words of Louis Pérez, "A Cuban war of liberation was transformed into a North American war of conquest."[22]

Having seized the levers of the law, the United States remade immigration policy in its own image. "The laws and regulations that govern immigration to the United States are declared to be in effect in the territory under the Military Government of the U.S. forces," announced Circular no. 13 in 1899.[23] However, the regulations for the circular did not mention racial selection. Although the Chinese Exclusion Act had been in effect in the United States since 1882 and prompted 5000 Chinese to remigrate from California to Cuba, diplomat Paak-shing Wu found that anti-Chinese provisions were not applied in Cuba during the occupation.[24] Any questions about Chinese admissions policy were definitively resolved by Military Order no. 155, issued just five days before Cuba formally gained sovereignty in May 1902. Occupation authorities were determined to ensure that Cuba did not become a back door for Chinese immigration to the United States. Section VII of the order categorically prohibited all Chinese labor immigration to Cuba. "Chinese" included "all subjects of China and all Chinese," thus creating a racialized definition that was maintained in subsequent laws regulating Chinese immigration during the Cuban Republic.[25]

Military Order no. 155 also prohibited contracted labor immigration from any country.[26] It did not include explicit anti-black measures, but the anti-contract measures were aimed at West Indians in practice. Surprisingly, the ban was enforced against the interests of U.S. employers in Cuba, who complained vociferously that it harmed industry.[27] For example, the military government rejected the Cuba Company's request to bring in 4000 Jamaican workers for its railway project.[28] Some Cuban historians claim that North American sugar beet growers insisted on the anti-contract policy to retard the growth of the Cuban sugar industry, though they do not offer evidence for this claim.[29] In any event, U.S. sugar capital in Cuba exercised less influence over immigration policy in Cuba under the military occupation than it did under the republic in the 1910s and 1920s. Military Governor Leonard Wood encouraged white immigration, arguing that "the solution of both the social and economic problems in the Island of Cuba depends principally on endowing it with

a population of 8 or 10 millions of white inhabitants."[30] Tens of thousands of Spaniards and thousands of Americans arrived during the U.S. occupation. While U.S. officials encouraged Spanish immigration as a means of keeping wages cheap and labor disorganized, their racial prejudice against black immigrants prevented them from allowing U.S. employers on the island to recruit West Indians.[31]

Sugar, Genes, and Marines

Immigrants poured into Cuba after independence in 1902. By 1931, more than a fifth of the population was foreign-born. The largest groups came from Spain, followed by Haiti, the British West Indies, and China.[32] The Cuban government tried to balance conflicting demands over immigration policy at a time when the country was so deeply controlled by foreigners that empirically distinguishing the vertical and horizontal dimensions of the politics of immigration sometimes becomes impossible. The U.S. military only withdrew in 1902 after forcing the new government to agree to the Platt Amendment, which was attached to the 1901 Cuban Constitution as an appendix. The Platt Amendment sharply restricted Cuban sovereignty over its foreign policy and international commerce and permitted direct U.S. intervention on the island for "the maintenance of a government adequate for the protection of life, property, and individual liberty." Until it was repealed in 1934, the Platt Amendment provided the authority for a series of military, political, and economic U.S. interventions. Even during periods without U.S. troops in the streets, the amendment sanctioned U.S. oversight of Cuba's public administration.[33] To the considerable extent that U.S. diplomats represented U.S. sugar owners on the island, the U.S. government faced the competing interests of pressuring Cuba to admit contracted migrants for the plantations while keeping out racial undesirables that might continue on to the United States. The major local interest groups included native plantation owners, other economic elites, nationalists and eugenicists, native white workers, and Afro-Cubans.

Through the 1930s, the plantation owners that dominated the eastern provinces sought a more open immigration policy that would allow the seasonal recruitment of Antilleans (Haitians and British West Indians) and, to a lesser extent, Chinese. The Planters' Circle and Immigration Promoters organizations represented local sugar interests. Planters based in the United States typically made demands indirectly via the powerful U.S. legation in Havana.[34] The western side of the island, including Havana, was dominated by a more diverse set of interests that warned of

both "the yellow peril and the black peril."[35] Cuban merchants opposed the admission of Chinese who might compete economically. Nationalists resisting U.S. control opposed U.S. sugar interests' attempts to import Antillean workers. The Cuban press opposed Haitian migration based on old fears that Haitians would foment racial violence and lead Cuba the way of Saint-Domingue.[36] Influential thinkers also worried that Cuba would be incapable of forming a truly independent republic unless it further whitened the population. Author Francisco Figueras argued that Cubans were racially incapable of self-governance in their current state because they had inherited from the Spanish an attachment to slavery and a tendency to act emotionally and from Africans habits of lasciviousness and a failure to plan. Fernando Ortíz, a prominent ethnologist and political leader, described white immigration as the avenue to an Anglo-Saxon style of civilization and greater prestige abroad. "Populated with good and progressive people our beloved fatherland will be able to present itself in the international arena," he wrote in 1906.[37] Intellectuals and economic elites from all sectors could agree on the desirability of Spanish immigration. Creole political elites enjoyed government sinecures during the early republic and rarely felt threatened by economic competition with immigrants born in Spain *(peninsulares)*. The Agrarian League and Havana's Immigration Promoters association worked for policies that gave free land to Spanish immigrants if they settled permanently in rural areas. Cuba stands out among other former Spanish colonies for attracting large numbers of Spaniards soon after independence, which reflects the strength of eugenicists who used immigration policy to "dilute" the population's black blood over time.[38]

Native workers typically sought to restrict all immigration, including both Antillean contract labor and Spaniards. Workers blamed Antilleans for serving as tools of U.S. capital by lowering wages, breaking strikes, and fragmenting efforts to organize unions.[39] Spaniards dominated commerce and the professions and typically hired other Spaniards, so that native Cubans were frozen out of much of the labor market. By 1927, foreigners owned half of all general stores. "Nothing had higher priority on the national agenda of organized labor than the restriction of foreigners in the workplace," writes Louis Pérez.[40] As early as early as 1904, the Workers' Party of the Island of Cuba called for 75 percent of jobs in each industry to be reserved for Cuban nationals.[41] Organized labor remained weak and did not become a serious factor in immigration policy until the early 1930s. The Communist-controlled National Confederation of Cuban Workers and Spanish anarchists were more willing to look beyond nationality as part of their "workers of the world"

orientation, while less radical unions sought to repatriate Antilleans and stop all immigration.[42]

Afro-Cubans faced even stronger employment discrimination by foreign employers than Creole Cubans. The Independent Party of Color (PIC), a prominent Afro-Cuban organization, and black congressman Aquilino Lombard, a Liberal representing the province of Matanzas, worked against racist laws that explicitly discriminated against black immigrants and preferred Europeans. The PIC newspaper blasted immigration policies that attempted to "whiten the horizons [and] to destroy" Afro-Cubans.[43] At the same time, they demanded racially neutral restrictions on new immigration and the percentage of jobs held by immigrants. This was a rare case in Latin and North America at the time of nonwhite workers organizing to exclude foreign workers on nonracial grounds.

The lack of explicit restriction on black immigration between 1902 and 1912 reflects the strength of the rhetoric of racial democracy, even at a time when governing elites were clearly trying to attract more whites. The Cuban independence movement had brought together Afro-Cubans and Creoles in a strategic alliance to defeat Spain. The movement's Creole intellectual leader, José Martí, and Afro-Cuban military commander, Antonio Maceo, invoked a vision of *cubanidad* without racial distinctions. "All Cubans are equal before the law," declared Cuba's 1901 constitution.[44] However, post-independence cubanidad typically meant inclusion along a strictly black-white continuum, leaving out Chinese. Unlike the Ten Years' War in which Chinese had fought, during the 1895–1898 war, the dwindling, mostly urban Chinese population did not participate in the fighting.[45] Many historians argue that the discourse of racial democracy was a masquerade for whites to suppress political mobilization along explicitly Afro-Cuban lines.[46] While recognizing this dynamic, de la Fuente argues that the discourse of racial democracy at the same time opened real opportunities for Afro-Cubans by delegitimizing the kinds of segregation practiced in the U.S. South, for example, and institutionalizing the principle of anti-racism that Afro-Cubans could later invoke to make successful demands on the state, including an end to anti-black immigration policies.[47]

The Early Republic, 1902–1933

The occupation government departed in May 1902, leaving behind as president a naturalized U.S. citizen who had stayed in New York while U.S. officials rigged his election.[48] President Tomás Estrada Palma continued to follow the provisions of Military Order no. 155 that excluded Chinese

Table 5.1 Principal Cuban laws of immigration selecting by ethnicity

1902	Independent Cuba inherits the U.S. military order excluding Chinese laborers[1]
1906	Promotion of permanent immigration of Europeans and Canary Islanders and temporary migration from Sweden, Norway, Denmark, and Northern Italy[2]
1912	Ban on Roma and individuals of the black or yellow race[3]
1913	Presidential decree allows limited contracting of Antilleans[4]
1917	Contracting of Antilleans and Chinese allowed as temporary wartime measure[5]
1924	Ban on all Chinese but diplomats[6]
1931	Ban on non-Spanish speakers entering with less than 200 pesos[7]
1939	Restrictions on black immigration lifted[8]
1942	End of Chinese exclusion[9]

1. Military Order no. 155, May 15, 1902. Section VII.
2. Law of July 11, 1906: Fomento de la inmigración y colonización por familias.
3. Diario de Sesiones (Dec. 4, 1912), 68. Art. 17 and 18.
4. de la Fuente 2001, 102.
5. Law of Aug. 3, 1917.
6. Decree no. 559 of May 8, 1924.
7. Circular no. 11940 of May 15, 1931.
8. Decree no. 55 of Jan. 13, 1939.
9. Treaty of Friendship. Art. V. November 12, 1942.

laborers and banned contract labor migration (see Table 5.1). A 1903 regulation intensified the racialization of Chinese exclusion by requiring Asians who were not Chinese to present passports with photographs and visas on arrival in Cuba. "Any individual of the yellow race susceptible because of his ethnic characteristics to be confused with a Chinaman, who does not fill these requirements, will be considered Chinese for the purposes of the Law of Immigration and as such will be returned to the country of departure," the regulation read.[49] Discussions within the Cuban bureaucracy concluded that, as in the United States, exclusion applied to "individuals of the Chinese race," regardless of their nationality. Caucasian subjects of the Chinese emperor were not considered Chinese.[50]

The Chinese government had opened its first legation in Latin America in Havana in 1878 with the stated goal of looking out for the interests of Chinese workers on the island. Along with the Chinese Chamber of Commerce in Havana, the legation persistently asked the Cuban government to repeal the 1902 ban. The point of these entreaties was not to encourage Chinese emigration, given that China's own ban on contract emigration was not relaxed until the fall of the Manchu dynasty in 1911, but rather

to end the humiliation of the Chinese government and population.[51] In response, Immigration Commissioner F. E. Menocal outlined a familiar litany of eugenicist and economic complaints in his memorandum to the Secretary of the Treasury on why the ban should remain. "The Chinese can be called the mother of the plagues," wrote the commissioner. He argued that Chinese lived among themselves in a "semi-savage" state, spread "moral infection" to natives through their houses of vice, and produced weak offspring predisposed to tuberculosis when they mixed with the Cuban population. Moreover, Chinese remitted money to China rather than consuming locally, competed with native workers, employed natives at substandard wages, and, as in the United States, provoked racial antagonism from natives. "Nations, as well as persons, should take advantage of the teachings and experience of their neighbors, if they want to avoid the difficulties that others have suffered in their lifetimes," he warned in his call to learn from what he considered to be U.S. mistakes. In the most hard-hitting passage, the commissioner reminded the secretary that the U.S. government held a stick to ensure Cuba's compliance with its demands. "Cuba, given its situation and commercial and political relations with the United States, should ensure that its laws are, as far as it is possible, the same as U.S. laws," he suggested. "Civil Order no. 155 of 1902, imposed in Cuba by the intervening government, which was intended to copy the U.S. law excluding Chinese from that country, is an indication that we should not try to do anything in vain. Moreover, if the ports of Cuba were opened to Chinese immigration and the Chinese used the island as a way-station to land on the American coast illegally, the United States would adopt the defensive measures against Cuba that it considered appropriate."[52] The Cuban government kept the ban on Chinese labor migration, though more than 6000 Chinese entered Cuba between 1903 and 1916 as merchants or students. Many were actually laborers.[53]

Surprisingly, President Estrada Palma initially followed the anti-contract provisions of the 1902 order to the detriment of U.S.-owned sugar interests. His administration refused the United Fruit Company's request to contract Jamaicans for its eastern plantations.[54] The government only acceded to requests by the United Fruit Company and the Agrarian League to promote European migration. In 1905, the Secretary of Agriculture and the president of the Agrarian League joined to write a major new immigration law. The original version would have banned "individuals and families of the colored race, be they blacks, Malays, Mongols, of Oceanic and copper races and all mestizos, [and] Gypsies also known as

'zíngaros.'"[55] The law that Congress passed in 1906 did not exclude by race, but rather used positive preferences backed by a million-peso recruitment fund. Eighty percent of the fund was reserved for family immigration from Europe and the Canary Islands. Twenty percent was reserved for temporary workers from Sweden, Norway, Denmark, and Northern Italy, based on the logic that "the inhabitants of these countries more readily adapt themselves to the climate of Cuba and they more readily familiarize themselves with the work of Cuban agriculture."[56] The curious preference for Scandinavians derived from a meeting of Norwegian polar explorer Otto Sverdrup and President Estrada Palma to discuss Sverdrup's plan to attract Norwegian farmers to Cuba. A handful of Norwegians and Swedes already cultivated citrus along the eastern coast.[57] After the law passed, the Cuban government sent a delegate to Europe to investigate the best recruitment strategies. In his report, the delegate argued that Canary Islanders, Czechoslovakians, and Portuguese would be most suitable for harvesting sugarcane and cultivating fruit.[58] The latest theories of scientific racism posited that there were two white races, one Northern and one Latin, and that their mixture in Cuba was optimal for its tropical conditions.[59] Fernando Ortíz summarized the eugenicist position in a 1906 article. "White immigration is what we should favor" because it would "inject in the blood of our people the red blood cells which tropical anemia robs from us, and sow among us the seeds of energy, of progress, of life . . . which today seems to be the patrimony of colder climates."[60] Sadly for these theorists, immigration records show that only four Scandinavians immigrated to Cuba as laborers the following year.[61]

While the 1906 law did not contain any explicit negative ethnic discrimination, Article 16 only allowed contract immigration if it had previous government authorization. The U.S. ambassador in Havana, who supported the law, told his superiors in Washington that it was meant "to debar Chinamen and West Indian negroes—the class of immigrants which threaten white labor, because the former are unacceptable from their habits of life and the latter are restless and ignorant."[62] Approximately 8,500 Antilleans immigrated to Cuba between 1902 and 1911, representing 3 percent of the total immigrant inflow. The number would have been much higher without the contract labor ban, but the fact that so many Antilleans were legally registered as immigrants at all suggests that any informal policy of black restriction was not airtight. The lack of explicit anti-black language in the law reflected the rhetoric of racial democracy arising from the black/white coalition forged in the war of independence.

The 1906 immigration and colonization law was barely applied in practice because the U.S. military reestablished direct control over Cuba between September 1906 and January 1909 to end a rebellion against Estrada Palma.[63] The new provisional government immediately acceded to the demands of local and U.S. sugar interests to allow more contract labor, but restricted it to migrants from Spanish-speaking countries.[64] Just six weeks after the U.S. intervention, the provisional government approved a request by the Guantánamo Sugar Company to bring in 500 Puerto Ricans as temporary workers.[65] After the reestablishment of an independent Cuban government on January 28, 1909, a presidentially mandated mission to Puerto Rico to study the possibility of attracting peasant families enthusiastically called for more Puerto Rican immigration, based in large part on the high percentages of white workers in the sugar and coffee sectors. The author noted that even the mestizos were of favorable stock. "The ethnic conditions are so favorable that, biologically, the vitality of the native race has increased with an infusion of new blood, which upon mixing, has activated and fortified the blood that circulates through the former's veins, giving new cause to the production of riches."[66] Large-scale Puerto Rican migration to Cuba never materialized, however, because U.S. control over Puerto Rico directed Puerto Rican migration toward the U.S. mainland instead.

Efforts to attract Europeans to cut sugarcane under the scorching tropical sun continued to flounder. A 1910 decree to allow braceros from outside the Caribbean to work at the height of the sugarcane harvest and a 1911 law allotting $300,000 to attract European colonists to unpopulated areas showed limited success.[67] Spanish men were known as *golondrinas* (swallows) because they returned to Spain after every season. "While large numbers of Spanish men came to Cuba for the Winter . . . each year [during the harvest] it was very difficult to induce Spanish families to immigrate," complained the Cuban Secretary of Agriculture. Echoing the demands of U.S. sugar interests, he called for more contract migration.[68]

In 1912, a race war blasted away the façade of racial democracy and immediately led to the most racialized immigration laws in Cuba's history. After the Morúa law banned the organization of political parties based on race or religion, members of the Independent Party of Color rebelled in the eastern province of Oriente. The United States landed marines and threatened a full-scale invasion if Liberal President José Miguel Gómez could not squelch the rebellion. The Cuban military unleashed a broad wave of repression against Afro-Cubans and destroyed the *independentistas*. An estimated 3000 people died that summer.[69]

Prominent Creoles argued that more than ever, Cuba needed not just more white immigration, but a total ban on black immigration that would consolidate Creole dominance on the island.[70] Liberal President José Miguel Gómez issued an August 1912 decree allowing private companies to bring in contract workers by petition to the executive. Four months later the Cuban congress authorized the executive to promote the immigration of industrious workers while restricting prejudicial immigration. For the first time since the colonial period, the law explicitly banned not just Chinese, but "individuals of the black or yellow race" and *gitanos*.[71] Based on the December 1912 law, President Gómez authorized a subsidiary of the United Fruit Company to recruit 2000 workers from Panama and Spain and the Ponupo Manganese Company to recruit 2000 Antilleans. The authorizations were later revoked, however, because the contracts did not specify that the workers must be white.[72]

While Cuban authorities wanted to keep out black migrants, they could not openly resist pressure from the U.S. government, which flipped its old position against Antillean migration to Cuba to accommodate its changing geopolitical interests in the broader Caribbean. In Cuba, plantations and mills owned by U.S. companies increasingly dominated the sugar sector, rising from 15 percent ownership in 1906 to 75 percent in 1928. According to U.S. diplomats, "the wholesale slaughter of Negroes" in the race war of 1912 required the Cuban sugar industry to make a "systematic effort . . . to attract immigration on a large scale."[73] The completion of the Panama Canal in 1913 freed up tens of thousands of migrant laborers from around the Caribbean. Concerned that a concentration of unemployed migrant workers might create unrest in the Canal Zone, the U.S. government worked with the United Fruit Company to redistribute the workers to plantations throughout the Caribbean, including Cuba.[74] Finally, the U.S. government pressured Cuba to accept Haitian workers after U.S. marines occupied Haiti in 1915 and migration became a politically useful escape valve and source of remittances.[75] Under pressure from the U.S.-dominated sugar industry and U.S. authorities, a Cuban presidential decree allowed limited West Indian contract migration in 1913.[76] However, Cuban authorities used the guise of controlling malaria to limit the number of Haitians who entered. "Neither the health authorities here nor in Habana nor elsewhere on the Island entertain any serious apprehension with regard to the introduction of malaria," the U.S. consul in Santiago reported in 1916. "[The migrants] are almost all as black as coal and the authorities here view with alarm this constant augmentation of the already high percentage of negroes in

this vicinity."[77] The treatment of Haitian workers was particularly harsh, and from 1918 to 1919, the Haitian government halted migration to Cuba in protest. Haiti under U.S. occupation was even less sovereign than Cuba under the Platt Amendment, and the U.S. government forced Haitian authorities to allow labor migration to Cuba to resume in time for the next harvest.[78]

The ongoing dispute between eugenicists bent on whitening Cuba and sugar planters looking for a reliable source of temporary migrant labor turned decisively to the advantage of sugar producers in 1917. World War I devastated European sugar beet exports, creating an opening that Cuban growers filled as the price of sugar soared. The U.S. State Department asked the Conservative government of President Mario García Menocal to resolve the labor shortage.[79] During congressional debate days later over a new law that would allow the entry of contract laborers without racial distinction, eugenicists, nationalists, and pro-labor figures protested that the measure would "sacrifice the balance and harmonic ethnic composition of the country" to the interests of the sugar industry. Lawmakers rejected an amendment to ban Chinese from participating in the new program by a vote of 48–37, but opponents of Antillean and Chinese immigration successfully amended the bill so that it would automatically expire two years after the war in Europe ended.[80] To ensure that migrants did not overstay their contracts, the law required recruiters to post a bond for each worker. The bond was only $5 for each migrant from North and Central America, the Antilles, Bahamas, Europe, and the Canary Islands and $25 for each Chinese, Japanese, and Pacific Islander.[81]

The relaxation of the contract labor ban ended in 1921 at a time of economic crisis precipitated by a plunge in the price of sugar.[82] Through the boom and bust sugar cycles of the 1920s, the government attempted to regulate temporary Antillean migration through fifty-three decrees allowing new migration when sugar interests demanded it and a mixture of voluntary repatriations and forced deportations when employers no longer wanted Antillean labor. Immigration enforcement was deliberately lax during harvests. When sugar prices plunged again in the mid-1920s, Liberal President Gerardo Machado responded by shortening the length of the harvest to reduce supplies of sugar and drive up its price. A short harvest meant less demand for labor. Machado ordered a second round of 18,000 repatriations beginning in 1928 that mostly targeted Haitians.[83] The cycle of contracts and repatriations continued through the early 1930s.

Closing the Back Door

Throughout the 1920s, U.S. diplomats compelled Cuba to exclude migrant who might use Cuba as a back door into the United States. The U.S. legation in Havana pressured the Cuban government to insist that immigrants held a passport and to determine if they intended to continue north. Diplomatic pressure began around the question of Chinese immigration and expanded to other groups who were restricted by the 1924 U.S. quota act.

More than 12,000 Chinese laborers arrived legally between 1917 and 1921 and an unknown number of Chinese continued to enter in the 1920s due to corruption, legal loopholes, and lack of enforcement. As during the end of the coolie trade, the Chinese government opposed contract labor migration because its conditions were considering humiliating to the Chinese people and its government. In April 1924, the Chinese minister in Havana wrote to the Cuban Secretary of State to suggest a model administrative decree that would more definitively ban contract immigration without specifying a ban on Chinese. If the Cuban government could not enforce its Chinese restriction laws, the Chinese government would restrict emigration to Cuba. Notwithstanding these warnings, the Chinese government did not have effective control over major ports of embarkation, which were held by European powers.[84] In May, the *Siboney* landed 420 Chinese workers in Havana, to the distress of the local press, which claimed that sugar interests were flouting the law openly by recruiting Chinese.[85] The U.S. ambassador, Enoch Crowder, wrote Cuban officials the same month to demand that Cuba stop allowing Chinese to be smuggled into the United States.[86] Presidential decrees of May 1924 and a departmental order of 1925 closed admission to all Chinese but diplomats.[87] While both the Chinese and U.S. governments applied leverage on Cuba to end Chinese labor migration, Cuba acceded to the U.S. demand for a racialized ban because of its dependence on the northern colossus.

Archival work by Margalit Bejarano shows the hidden interplay between U.S. and Cuban immigration policies that went far beyond the Chinese question.[88] When the 1924 U.S. quota law was published, the U.S. consulate estimated that 15,000 foreigners in Cuba had arrived simply to establish their Cuban residency or citizenship and then migrate to the United States, using a loophole in the law that exempted most of the Western Hemisphere from the quotas. The U.S. consulate in Havana repeatedly called on Cuban authorities to reject visa applications from Poles, Russians, Italians, Turks, Armenians, and Japanese. Consular

officials were most concerned about Jews, who because of "the help and influence of protective organizations in the United States, posed the greatest problem in connection to compliance with the immigration law of 1924." In response to U.S. pressure, President Alfredo Zayas y Alfonso ordered the expulsion of any immigrant returned to Cuba after trying to clandestinely enter any "friendly nation," and the United States and Cuba signed an agreement the following year to control illegal migration. During their discussions, U.S. diplomats advised their Cuban counterparts to limit the naturalization of foreigners and at least obliquely threatened to impose immigration quotas on Cuba if it did not adhere to U.S. demands. Ambassador Crowder reported to Washington, "I am confident that Cuba does not want quota restrictions applied to Cubans who wish to enter the United States, and therefore we can count on the Cuban authorities to take measures to avoid the fraudulent acquisition of Cuban nationality by foreigners as a means to enter the United States." Crowder had good reason to be confident. Jewish immigrants in Cuba complained that their naturalization petitions were systematically ignored.

A comprehensive immigration law proposed in 1930 was influenced directly by a wide range of actors on the horizontal field, including U.S. diplomats and eugenicists and indirectly by the example of major countries of immigration in South America. According to a report by Consul William Jackson praising a quota proposal to limit eastern Europeans, "The Cuban Department of State has prepared an immigration law, that if it is passed, will diminish in great measure the immigration of most European countries, which would be of great assistance to the United States . . . The Cuban Department of State is ready to include any clause in the law that could be advantageous for the United States in its control of immigration." A 1930 memorandum from the Cuban Secretariat of the Treasury to the chief of the section studying the modification of the immigration law included a copy of the 1924 U.S. quota act. The proposed law excluded "Chinese, or those who appear Chinese, blacks, *gitanos* of any nationality, Russians,[89] idiots, the demented" and several non-ethnic categories.[90]

The Cuban government also invited U.S. eugenicist Harry Laughlin to aid, in his words, "in drafting their new immigration law on a eugenical basis." Cuba's leading eugenicist, Dr. Domingo Ramos, closely collaborated with Laughlin and his boss, Charles Davenport, in their advocacy of racial selection in immigration laws throughout the hemisphere.[91] Laughlin's employers at the Carnegie Institute were upset by Laughlin's public profile in directly designing another country's law, prompting

him to send the institute a letter of apology showing his sensitivity to diplomatic niceties. He promised that in the future, he would only "let the Cuban Government have access to any objective studies which we have made in the field of human migration in relation to future composition of the family-stocks of any country."[92] Ramos continued to invite Laughlin's input on Cuban policy in 1932, at a time when Ramos was calling for immigration quotas at the Third International Congress of Eugenics held in New York.[93]

Other countries in Latin America provided models for the proposed law as well. A 1930 report from Cuba's Secretariat of the Treasury synthesized the laws of ten other Latin American countries. The report noted racial restrictions against *gitanos,* Asians, and Africans in Uruguay; bans on Antilleans in Venezuela; and successful European immigration to Brazil. It reserved its greatest praise for Argentina, a country that "marches at the head of the peoples that favor the immigrant, which has been the primary cause of their current status as a rich and prosperous nation." The proposed Cuban legislation banned Antilleans, "with the exception of the natives of Santo Domingo and Puerto Rico," and prohibited labor immigration of "Chinese and other members of the yellow race." It also made immigrant recruitment contingent on first ensuring that local labor was not available, through a mechanism involving employers, mayors, and an intergovernmental council. This consideration at least paid lip service to the demands of Cuban workers who opposed competition from immigrants in the workforce.[94]

In March 1931, a congressional commission developed a single national-origins quota bill out of the competing bills that had been proposed in Congress the previous year. As the congressional debate made clear, the Cuban Department of State had created the quota system by following the U.S. model. The bill created annual immigration quotas for forty-five nationalities and exempted Spaniards, Dominicans, and citizens of the continental Americas. Eight western and southern European countries, Japan, and China were each given a quota of 200. Australia and seven other European countries were given quotas of 100, while the other nationalities were assigned quotas of between 10 and 50. The British Antilles and Haiti were each assigned 10. The bill roughly followed the ethnic hierarchy of the U.S. quota system at the same time as it remained consistent with longstanding Cuban policies of encouraging the immigration of Spaniards and restricting blacks. One difference with the United States derived from Cuba's commercial interests abroad. The bill put China on par with England, France, and Germany and defined

all of the quota categories by legal nationality rather than race. Supporters presented the favorable treatment of Chinese as a way of opening a new market for Cuban sugar in China. This law is "propaganda for our sugar in the Far East, because we are treating China the same as the most powerful nations of the earth," explained Delio Núñez Mesa, a delegate from Oriente. Lombard, the Afro-Cuban representative who had long led the fight against any immigration, while attacking the practice of singling out black Antilleans for exclusion, opposed the bill. He especially condemned the provisions allowing unlimited Spanish immigration at a time of national economic crisis.[95]

The quota bill never passed. Instead, Machado's government restricted the admission of non-Spanish speakers to those who carried at least $200.[96] This Cuban version of the "Natal formula" used ostensibly neutral national language and financial requirements to in practice target English and French-speaking black migrants. In 1932, Cuban immigration commissioner Pedro. J. Cartaya imposed a $200 deposit on each immigrant. The U.S. consul general's report noted, "It can be confidentially added that this measure is the result of many consultations between this office and Mr. Cartaya in an effort to control immigration to Cuba of persons that upon arrival marry U.S. citizens or apply for [US.] visas from the consulate general." However, the secretary of the treasury eliminated this regulation and reinstated the preference for Spanish speakers.[97] The failure to pass a quota bill that would have more overtly encouraged white immigration reflected growing social turmoil leading to the 1933 revolution. The state could no longer simply ignore labor's stand against immigration.

"Cuba for the Cubans"

The populist revolution of 1933 created a major shift in Cuba's immigration policy. On the horizontal plane, the leverage of the United States sharply declined, but was not eliminated, as Cuba's new government ended the quasi-colonial status of the early republic. On the vertical plane, the incorporation into mass politics of native labor, including native black workers, ended explicit anti-black immigration measures, even as it engendered a generalized xenophobia and further discrimination against Jews and Chinese. As in Mexico and Brazil, nationalist populism produced a particular, limited kind of anti-racism that expanded the internal boundaries of the nation to be more inclusive of the largest marginalized native group. At the same time, nationalist populism

sharpened boundaries with numerically small ethnic foils against which the nation was constructed.[98]

When the U.S. economy fell into depression, the Cuban economy went catatonic. The passage of the 1930 Smoott-Hawley Tariff Act in the United States, which increased tariffs on Cuban sugar, dropped Cuba's share of the U.S. market from half to a quarter in just three years. Agricultural wages dropped 75 percent and the wages of the urban unskilled fell 50 percent. Some 250,000 heads of household, representing a quarter of the island's population, were completely unemployed. In the midst of this turmoil, labor unions emerged as a significant national force. By the early 1930s, a wave of strikes and government repression generated social unrest throughout the island. Notwithstanding instances of cross-national and cross-racial labor solidarity fostered by Communists, Spanish anarchists, and Garveyites, the labor strife for the most part heightened the divisions between native Cubans and the estimated 150,000 to 200,000 Antillean migrants.[99] A coalition of radical activists, students, middle-class intellectuals, and low-ranking soldiers overthrew President Machado and formed a Provisional Revolutionary Government under Ramón Grau San Martín in September 1933.

The new regime promised social justice. It quickly extended the right to vote to women and established an eight-hour workday, minimum wages, and an agrarian reform program.[100] Under the slogan of "Cuba for the Cubans," the provisional government sought to reduce the power of the United States by unilaterally repealing the hated Platt Amendment. In a 1933 decree, Cubans-by-birth received 50 percent of industrial, commercial, and agricultural jobs, 50 percent of the payroll in each place of employment, and all new hires.[101] The labor nationalization law expressed a demand that organized labor had made since the beginning of the republic.[102] Under the populist regime, Cuba finally nationalized its labor force amid a wave of similar laws that were passed in Mexico, Brazil, Guatemala, Honduras, the Dominican Republic, Panama, and Venezuela.[103] At the same time, Grau San Martín repatriated tens of thousands of Antilleans through targeted programs and an October 1933 general decree that authorized the forced repatriation of all unemployed foreigners without the resources to maintain themselves.[104] Tens of thousands of Spaniards and Chinese left Cuba as well.[105]

A coalition of right-wing military and civilian groups supported by the United States and led by Sergeant Fulgencio Batista overthrew the Grau San Martín regime in January 1934. Yet Batista extended many populist policies that began in 1933. "For the first time in Cuban history, important segments of the *clases populares* were incorporated, willingly

or not, into the 'public domain' organised by the state," writes Robert Whitney.[106] Like many other Latin American leaders in the late 1930s, Batista encouraged the rhetoric and institutional practices of state-led nationalism to unify a population fragmented by class and race. Batista himself was descended from Spanish, black, Chinese, and indigenous ancestors, unlike the Creole and peninsular elites who had previously governed the island.

The Cuban government became more reactive to the vertical dimension of immigration politics as U.S. influence declined following a 1934 bilateral treaty abrogating the Platt Amendment. President Franklin Roosevelt's "Good Neighbor Policy" shifted from military to economic interventions in response to an anti-imperialist backlash throughout Latin America. Rather than simply responding to the demands of the U.S. government, sugar planters, and eugenicists, populist policymakers in Cuba were forced to take into consideration the demands of labor and the nationalist resentment of native Cubans. The mass repatriations of Antilleans continued under Batista and his puppet administrations. Coffee and sugar growers, especially U.S. managers, protested the repatriations, but as Whitney explains, "the labour requirements of the sugar companies had to be weighed against the political realities of mass unemployment and the rise of popular nationalism."[107] In a 1934 report on the repatriations commissioned by the president, Dr. Rogelio Pina y Estrada found that planters still thought Haitians were best for cutting sugarcane and that they were indispensable in the short run because there were not enough Cubans to do the work. Despite the planters' preferences, the military's deportation campaign targeted Haitians more than British West Indians. Even though British West Indians were racialized, colonial subjects of the British monarch, they still enjoyed a modicum of diplomatic protection from British diplomats and were less stigmatized by their language and culture than Haitians. "Jamaicans, being more civilized, defend themselves better than Haitians and as English subjects, find better assistance and defense from the powerful nation to which they belong," the report concluded.[108] Even as coercive U.S. influence faded, diplomatic leverage from Britain continued to shape the options of the Cuban government.[109]

The populist project of incorporating labor and Afro-Cubans into the nation-state had several implications for immigration policy. Economically, nationalist labor law was applied to the detriment of all major immigrant groups, including British West Indians, Spaniards, and Chinese, though Haitians bore the brunt. The government generally followed the 1934 report's recommendations for a new approach to sugarcane labor.

It established labor exchanges in 1935 that brought together employers seeking workers and native workers seeking jobs. A "Campaign against Voluntary Idleness" forced unemployed Cubans in Oriente to work in the sugar industry. In one February 1937 raid in Santiago de Cuba, police descended on brothels and bars and shipped 100 unemployed patrons to the mills.[110] The Sugar Coordination Law of 1937 then created a corporatist structure bringing together mill owners, small landholders, labor unions, and government. The law regulated the industry, restrained the power of oligarchic landholders and mill owners, and boosted employment of native workers, thus reducing the need for immigrant labor.[111]

Politically, a series of legal and discursive moves publicly promoted the ideology of "anti-racism," but only as it related to racism directed against Afro-Cubans. Even there, the eugenicist dream of whitening the population remained barely hidden under the surface. In the 1934 presidential report on sugarcane labor, Pina y Estrada argued that if the original republican immigration policy of promoting Spaniards continued, "in less than two centuries our population will be completely white, having extinguished the black race by absorption." He proposed a new immigration law that would prevent black and yellow immigration and base itself on "the principles put into practice in this area by the most advanced nations and those principles indicated in our peculiar situation." Following the U.S. model, he argued that any quota system for different countries should only be applied to select among the best white immigrants.[112] Yet various anti-black quota proposals never passed. The explicit, wholesale ban on the immigration of the "black race" was removed in 1939.[113] At the same time, the racialized exclusion of Chinese was strengthened in the 1939 decree, given that few Cubans accepted the small Chinese population as legitimate members of the Cuban nation. The anti-racist movement was motivated by a cynical attempt to incorporate Afro-Cubans into the populist state—not by a sense that people of different racial categories were actually equal. As in other countries in Latin America, such as Mexico and Brazil, the discourse of "anti-racism" was used to forge a common nationality out of its largest racial components even as the government openly continued to exclude Asians and Jews who did not fit into the nationalist vision.

"Rally against the Jews"

Several thousand Jewish refugees fleeing the Nazis arrived in Cuba in the mid-1930s. Many continued on to the United States, but by April 1939,

an estimated 5000 central European Jewish refugees remained on the island.[114] Cuban policy toward Jews illuminates how the Cuban government made strategic adjustments to U.S. policies and responded favorably to U.S. diplomatic leverage aimed at carefully controlling the entry of Jews into the United States via Cuba. These processes on the horizontal plane were reinforced within Cuba by the populist revolution that gave voice to a broad coalition demanding Jewish restriction.

In a private October 1938 memorandum, the Director of Citizenship and Migration wrote to the Secretariat of the Presidency to discuss how Cuba should react to the international Evian conference on Jewish refugees that had been held two months earlier.[115] Like every country but the Dominican Republic, Cuba's public position was that it could not admit large numbers of refugees because its first duty was to protect native unemployed workers, small industry, and commerce during a time of depression. In addition to reiterating these economic concerns, the report offered unusually candid insights into how Cuba wrestled with European cultural norms of anti-Semitism and other Latin American models when forming its policy toward Jews fleeing Europe. "Among almost all European peoples there is a traditional antipathy towards Jews, a sentiment that we Americans share without apparent reason, . . . imitating [Europeans] . . . as wiser and more spiritual than we are, simply because they are older, more powerful, and richer," the report noted. It also cited new laws in other Latin American countries dealing with refugee immigration. Colombia, Chile, Ecuador, Peru, Uruguay, Brazil, and Venezuela admitted Jewish refugees with previous agricultural experience, but not manual laborers or intellectuals. While Latin American laws provided examples for potential emulation, U.S. laws directly affected migration patterns to Cuba through the mechanism of strategic adjustment. The report noted that many of the Jews entering Cuba intended to migrate to the United States when their U.S. quota number became eligible for admission. Given the oversubscribed quotas, it was possible that Jews would become "forced residents [of Cuba] for long periods, or forever." The director suggested only admitting as many Jews as could then continue on to the United States, settling on a number that could be negotiated with U.S. authorities. Otherwise, only scientists and those carrying sufficient cash to invest in businesses that would employ more Cubans would be admitted.

Under pressure from a broad coalition of labor groups, the Colonia Cubana in New York City, Raza de Color Afro-Cuban societies, and fascist sympathizers, President Laredo Brú asked Congress on May 5, 1939, to prohibit "repeated immigrations of Hebrews who have been

inundating the Republic." Congressional decree no. 937 restricted entry of all foreigners except U.S. citizens and retroactively revoked visas issued before the decree.[116] Meanwhile, the *St. Louis* luxury liner had sailed from Hamburg with nearly 1000 German Jews holding Cuban entrance visas. Most intended to continue to the United States once their U.S. quota number became available. Daily press reports about the ship's impending arrival and a call for a "rally against the Jews" from former president and populist social reformer Grau San Martín brought 40,000 Cubans into the streets to protest Jewish immigration. When the *St. Louis* arrived on May 27, the authorities forced it to drop anchor in Havana Harbor and set up spotlights and armed patrols to prevent its passengers from swimming ashore. Four days later, the cabinet unanimously voted to exclude the passengers and require the ship's immediate departure. Other Latin American governments refused radioed requests to land, and the Cuban navy escorted the *St. Louis* out of its territorial waters. Denied landing by U.S. and Canadian authorities, the *St. Louis* sailed back to Europe, where a quarter of its passengers eventually perished in the Holocaust.[117]

Immigration's Denouement

Racial discrimination in Cuban immigration policy was ended by two separate causes. On the vertical plane, a new state oriented around populist nationalism ended explicit restrictions against black immigration. On the horizontal plane, the wartime alliance with China, rather than notions of liberalism's incompatibility with racism, ended the explicit restrictions against Chinese immigration.

Cuba's 1940 constitution enshrined principles of liberal political and civil rights, a corporatist economy, xenophobia, and anti-racism. Article 20 explicitly banned discrimination on account of color, sex, race, and class. (By contrast, the 1901 constitution had established the principle of equality without mentioning race because Creole elites claimed that a new racial democracy obviated a ban on racial discrimination and rendered discussions of race illegitimate.)[118] Records of the 1940 debates do not show any discussion of restricting the rights of particular ethnic groups. The debate about the nationalization of labor provisions dating to 1933 was at least publicly directed at foreigners "who do not love Cuba" and who controlled commerce and industry.[119] Article 76 prohibited contract labor migration and "all immigration that tends to debase working conditions." Discrimination against foreigners, together with

anti-racism, would develop a common sense of nationality and support for the state. The constitution did nothing to end the explicitly racial ban on Chinese labor migration, suggesting that liberalism and corporatism were perfectly compatible with racial discrimination in immigration law.

Cuba's entrance into World War II the following year changed its immigration policies in a pattern that was typical of the Americas. Just two days after the Japanese navy attacked Pearl Harbor in December 1941, Cuba declared war on Japan and joined the Allies. Presidential decree No. 3341 prohibited enemy aliens from residing near the coasts, and a December 19 resolution by the Department of the Interior ordered the internment of all Japanese aliens in Cuba.[120] About 150 Japanese had immigrated to Cuba under the terms of a 1929 bilateral trade and immigration treaty that allowed for each other's nationals to enter and reside in the other's territory. Wartime control of this population was so strict that unlike twelve other countries in Latin America, Cuba did not send any Japanese to the United States for internment. A December 16 decree banned the immigration of enemy aliens. The ban was eventually lifted by a series of decrees in the late 1940s and early 1950s.[121]

The end of anti-Chinese policies was driven not by the rare liberal moment of 1940, but rather by the horizontal plane of geopolitics. The wartime alliance of Cuba and China finally ended the forty-year ban on Chinese labor migration a year earlier than the United States did the same, and on more generous terms to potential Chinese immigrants. Chinese and Cuban diplomats signed a Treaty of Friendship on November 12, 1942. Article V gave each country's nationals the freedom to leave and enter the territory of the other under the same conditions as nationals of other countries. Even though the treaty defined Chinese as nationals of China, rather than as a race, the agreement had the effect of ending discrimination against all immigrants of Chinese descent when new immigration regulations were issued in 1944. With the exception of the nationality-based ban on enemy aliens, all ethnic discriminations were stripped out of the 1944 regulations.[122]

After the war, immigration hypothetically could have restarted on an ethnically neutral basis. Cuba ranked second in per capita GDP in Latin America.[123] Yet immigrants barely trickled into Cuba under the administrations of Batista (1940–1944 and 1952–1958) and Grau San Martín (1944–1952). The nationalization of labor laws, together with high unemployment given the extreme inequality of Cuba's wealth, discouraged the immigration of workers who would compete with natives. The

sugar industry in the 1950s employed a quarter of the island's labor force, but the average worker was employed fewer than 100 days a year. Deep penetration by U.S.-manufactured imports meant that unlike other parts of Latin America that experienced postwar immigration booms from southern Europe, such as the industrializing economies of Argentina, Venezuela, and Brazil, there was little postwar development in Cuba to attract immigrant workers. The 6500 U.S. residents in the 1950s tended to be temporary expatriates working for U.S. businesses rather than settlers. Finally, one of Cuba's largest potential sources of immigration dried up because of a shift in China's emigration policies. A small resurgence of Chinese migration to Cuba as nationalists fled the Communists' victory in 1949 ended quickly when the People's Republic of China banned emigration.[124] By the 1950s, more Cubans left the island than landed.[125] Populist nationalism and difficult economic conditions drove an end to almost all immigration from any source.

Race and Work in the Revolution

The triumph of Cuba's rebels in 1959 brought to power two sons of Spanish immigrants and an unauthorized immigrant from Argentina. Fidel and Raúl Castro's parents were born in Galicia. Their father had worked as a laborer for the United Fruit Company before establishing his own farm in Oriente.[126] The Argentine-born Che Guevara first set foot on the island when he jumped off the rebel yacht *Granma* sans visa in 1956. One of the revolutionary government's first acts three years later was to declare Guevara a Cuban citizen "by birth."[127] The revolutionaries definitively ended the trickle of immigration to the island and unleashed rolling waves of mass emigration to the United States.

Guevara announced in 1959 that immigration to the island was over because 700,000 Cubans were out of work.[128] The following year, the revolutionary government passed its first major migration law, which banned the admission of foreigners who might increase native unemployment. The law forced foreigners either to register on a new government list or repatriate and required those who had been living in Cuba longer than two years to acquire Cuban residency.[129] Residency implied greater obligations to the Cuban state without the full rights of citizenship, and as Spanish consul general Miguel Cordomí observed in his confidential communications with Madrid, the law was probably designed to encourage immigrants to either naturalize or leave the island.[130] The new government quickly expropriated foreign-owned plantations and eventually the entire Cuban economy. Given that immigrants disproportionately

owned businesses, Spaniards, Chinese, and Jews suffered most from expropriation. Along with Creole elites, these groups were among the first to leave. Chinese dispersed throughout the hemisphere or returned to China. Spaniards went back to Spain or migrated elsewhere in Latin America. Seventy percent of Cuba's Jewish population fled to the United States.[131] Approximately a million Cubans arrived in the United States between 1960 and the 2000s as the Cuban and U.S. governments sparred with each other and oscillated between periods of ignoring, encouraging, or restricting the flows.[132]

The 1960 migration law also intended to "avoid the entrance into the national territory of foreigners that are difficult to assimilate or which constitute minority groups in our society because of their culture and traditions." Unlike other laws in the Americas that selected immigrants who were ethnically assimilable, the language of assimilability in the 1960 law does not appear to have been ethnically motivated. The same year the law was passed, relations with the People's Republic of China were blossoming and China reopened its embassy. Further evidence that the law was not motivated by ethnic exclusion comes from a rare exception to the policy of no immigration, when the same year, Castro proposed on television a plan to bring fifty Japanese families to Cuba to teach Cubans how to grow rice. Neither does the 1960 law appear to have targeted blacks. Lipman writes that for the first time, the government allowed the 25,000 to 40,000 West Indians left on the island to naturalize.[133] The government attracted African students to study in Cuba and show the world that Cuba was a hub of third-world solidarity and racial comity.[134] Most importantly, the revolutionary authorities emphasized anti-racism and the equality of Afro-Cubans to a much greater degree than previous governments. The Marxist model purports to have ended racism by eliminating the class struggle that created it under earlier political economies of slavery and capitalism.[135] Cuba's negative discrimination against "unassimilable" foreigners aimed to forcibly integrate the polity rather than create a new racial immigration regime.

The 1959 revolutionary basic law maintained the anti-racist spirit of the 1940 constitution by declaring the equality of all Cubans and stipulating that "all discrimination on the grounds of sex, race, color, or class" is illegal and punishable.[136] Scholars disagree about the extent to which the Cuban revolution simply uses the rhetoric of racial equality or has fundamentally moved toward an anti-racist stance.[137] When Castro dismantled Afro-Cuban organizations in the 1960s, the motivation was likely part of a general effort to eliminate all aspects of civil society

standing between citizens and the party. The campaign similarly eliminated Spanish and Chinese organizations, as well as a host of non-ethnic organizations.[138] Most observers agree that despite ongoing discrimination against Afro-Cubans, and a patronizing rhetoric whereby the revolution gave Afro-Cubans equality as a gift from above, Afro-Cubans benefited from the revolution, and official racism will remain taboo at least as long as the socialist government survives.

Mark Sawyer's account of race in contemporary Cuba highlights the importance of the Cold War on Cuban racial politics. In the 1960s, Castro consistently drew a contrast between racial segregation in the U.S. South with the anti-racist guarantees of the Cuban revolution and Afro-Cubans' gains in education, health, and housing after 1959. These discursive moves increased support for the regime from Afro-Cubans and raised Cuba's prestige on the international stage. Castro became a key promoter of socialist anti-colonialism in Africa, declared Cuba to be an "African Latin" nation, and provided 20,000 troops in 1975 to defend the leftist government of Angola against rebels supported by South Africa and the United States.[139] "The regime's ideological battle against racism was about combating U.S. imperialism and capitalism more than it was about any real domestic agenda,"[140] Sawyer observes. Racial selection of immigrants, however small in number, would have been strongly contrary to the fundamental goals of the revolution to expand its horizontal influence. In any case, the 1960 migration law was repealed in 1976 by a new immigration law that made no mention of assimilability.[141]

With immigration banned, officials regulating the sugar harvest initially looked to the ranks of the unemployed as a source of labor. As Castro later explained in a series of televised speeches, immigration from other Caribbean countries during the republic was "a sort of disguised slavery" that was no longer an option.[142] "In the revolution, this work has to be performed by the people," he told a crowd in Havana.[143] The relentless drive to boost sugar production, which involves a rapid expansion of labor needs during the harvest followed by long periods of idleness, collided with the socialist goal of eliminating unemployment. Central planners met this challenge by mobilizing soldiers, students, and workers from other sectors to cut cane during the harvest. Guevara himself led "voluntary" weekend work sessions in 1961.[144] During the failed drive to produce 10 million tons of sugar in 1970, an estimated 350,000 Cubans were transported from the cities to the fields, with devastating effects on the rest of the economy.[145] The fiasco ended Castro's dreams of economic self-sufficiency and decisively drove the government to seek

massive Soviet aid and build machinery to harvest cane. Recruiting immigrant workers remained off the policy menu for political rather than economic reasons.

Conclusion

The Cuban case provides several lessons for understanding patterns of ethnic selection. Racist immigration policies were a constant under the Spanish colony, U.S. occupation, the early republic, and the populist republic. Liberalism was associated with racist immigration policies during most of the republican period. The newly minted Cuban constitutional government of 1902 followed immigration policies that excluded Chinese on racial grounds and encouraged white immigration. The even more liberal constitution of 1940 that banned racism was written just a year after the racial ban on Chinese was strengthened. The law of culling immigrants by race occurred across a wide range of political systems.

Second, the political language and law of anti-racism can coexist with explicitly racist laws and practices. Under the populist administration of Batista in the 1930s, anti-racist discourses were an instrumental means of politically incorporating Afro-Cubans. Drawing even brighter lines with groups that were excluded from the national project, mostly Chinese and Jews, strengthened that incorporation. A similar dynamic took place in Mexico, where the corporatist state of the 1930s decried racism and attempted to incorporate the indigenous by excluding Chinese, Middle Easterners, and Jews, and in Brazil, where the Estado Novo denounced racism and attempted to incorporate blacks by excluding Japanese and Jews. This Latin American version of racist anti-racism in the 1930s later morphed into a more universal notion of anti-racism that these countries pushed in the United Nations along with China and India.

Interest groups capturing state immigration policy vary over time, and the relative strength of class and cultural interests can only be determined contextually. For the first two decades of the republic, the Cuban state represented the interests of foreign capital and a new political class made up of independence war veterans, non-plantation elites, and intellectuals.[146] The political class, including eugenicists, held the upper hand in immigration policy until the 1910s, yielding strong preferences for Spaniards while restricting Chinese and most Antillean contract labor. After the World War I sugar boom, the U.S.-dominated plantation sector clearly gained the upper hand. Notwithstanding the heyday of eugenics in intellectual circles and its institutionalization in state public health

programs in the 1920s, immigration policymakers began cycles of contracting and deporting Antilleans as a function of labor demand for the sugar harvest.[147] It was not until the 1933 revolutionary government of Ramón Grau San Martín that labor unions began to shape immigration policy debates. Political elites reacted to pressure from below by deporting Antilleans and nationalizing the labor market to the detriment of Antilleans, Chinese, and even many Spaniards. While the end of World War II might have re-opened immigration along ethnically neutral lines, immigration remained a trickle due to cycles of economic crisis and a political system that could no longer ignore the interests of native labor.

Finally, Cuba is exceptional in the Americas in the high degree to which coercion and quasi-coercion were mechanisms of immigration policy diffusion. While the revolutionary historiography that blames the U.S. occupation for the introduction of racism is clearly inaccurate, given the long record of vigorous attempts to whiten the population under the Spanish colony,[148] the importance of U.S. coercion during and after the 1898–1902 occupation was strong compared to Canada and Mexico, two countries that also lie in the shadow of the hegemon but that more successfully resisted U.S. pressure. Cultural emulation of U.S. eugenics had a much weaker effect and was trumped by the sugar industry via strong U.S. diplomatic leverage backed up with the threat of Marines in the streets. The long history of subjugation at the hands of the United States led Castro's post-revolutionary government to join other Latin American countries in protesting racism in the United States and promoting an anti-racism platform in the horizontal political field that would render ethnic selection of immigrants illegitimate.

Mexico

Selecting Those Who Never Came

Despite a century of efforts to populate its vast landmass with immigrants, the Mexican government never achieved the success of countries such as the United States, Argentina, and Canada. During the heyday of transatlantic migration in the late nineteenth century, only 0.6 percent of European immigrants settled in Mexico.[1] The foreign-born share of the Mexican population rose from 0.4 percent in 1900 to a height of only 1 percent in 1930, before falling to 0.7 percent in 2010. Mexico competed for immigrants with other destinations that provided greater political stability and economic opportunity. From independence in 1821 to the onset of the dictatorship of Porfirio Díaz (1876–1911), the government changed hands some 80 times.[2] Mexico fought wars with the United States, Spain, France, and the United Kingdom, in addition to the bloody internal conflicts of the War of the Reform, the suppression of indigenous resistance, the Revolution, and the Cristero Wars. Scarce fertile land was concentrated in the hands of a small elite, and Mexico was late to develop an industrial base that might have attracted foreign workers. Mexico is more similar to other countries in Latin America discussed in the appendix in that it established an elaborate system to ethnically select desired immigrants even if few came.

Mexico's immigration policies developed under radically different political systems. How did variations in the structure of governance shape ethnic distinctions in immigration law? Technocrats and large landholders decided immigration policy during the dictatorship of Porfirio Díaz Voices from below were irrelevant. Land-holding elites initially were able to avoid the imposition of an anti-Chinese ban and resisted

U.S. diplomatic pressure to exclude Chinese. Once Asian immigrants arrived, a nativist backlash from peasants and workers in actual or potential labor market competition was tightly intertwined with racist ideology. When Chinese worked as laborers, native labor strongly opposed their presence. As Chinese moved into petty commerce, they quickly met resistance from native business owners who previously had been agnostic about the Chinese presence. Business competitors also resisted the arrival of Middle Easterners, eastern Europeans, and Jews, though with less of the racist logic of sexual threat and biological pollution ascribed to the Chinese.

The anarchy of the revolutionary period (1910–1920) was the low point for despised immigrants. Pograms against Chinese enjoyed popular support.[3] Xenophobia was ineffective at changing immigration policy until the post-revolutionary period, however, when the state took a populist turn beginning with the presidency of Alvaro Obregón (1920–1924) that accelerated under subsequent presidents who built a corporatist state. The Mexican government responded to pressure from below by promoting the immigration of certain ethnic groups while restricting others.[4] The corporatist state was based on high levels of "societal inclusiveness"—with official organizations enveloping peasants, workers, and state employees—and low levels of "political contestation" in terms of substantive political and civil rights.[5]

One of the great paradoxes of the Mexican and other Latin American cases is that at the same time as overt discrimination against particular racial and national groups reached its apogee in the early 1930s, the state loudly proclaimed the doctrine of anti-racism. The contradiction between broadcasting anti-racism while openly selecting immigrants by race emerged from a particular form of nation-state building. The corporatist state that emerged from the revolution sought greater societal inclusiveness not only through official unions, but also through official discourse and cultural institutions aimed at incorporating Mexico's large indigenous population. The ideology of *mestizaje* celebrated the mixture of Spanish and indigenous populations. *Indigenismo* celebrated the historical roots of Amerindians while in practice attempted to assimilate them into national society and the populist organs of the state. In a curious form of racist anti-racism, Mexico restricted the immigration of Asians, Jews, and Middle Easterners because these groups were unassimilable and failing to take part in the process of national mestizaje. Inassimilability was written into the law as grounds for exclusion in 1926, and assimilability remained a condition of immigrant admissions until 1974. In the twisted logic of policymakers, to protect Mexico's

project of racial mixing, Asians, Jews, and Middle Easterners would have to be excluded. Greater political incorporation of most of the population was achieved at the expense of scapegoating minority populations. Their small numbers made it easier to use these groups as foils against which the larger mestizo nation could be created.

The onset of ethnic selection, shown in Table 6.1, can thus be explained in the vertical dimension by a combination of racist ideology, conflicts between capital and labor, and the economic protectionism of merchants and professionals. The small numbers of immigrants suggests that ideological fears of cultural and genetic pollution, more than strictly economic interests, were the primary driver of exclusion. Demands for restriction of immigrants were ineffective, however, until a political structure was created that discursively included most of the population and generated mass politics.

One of the greatest surprises in the horizontal dimension of this history is that U.S. diplomatic pressure failed to shape Mexico's immigration policy despite the massive asymmetry of these neighboring countries. Policies of the United States were more influential on Mexico via the Mexican government's strategic adjustment to how U.S. policy deflected flows of Asians, Middle Easterners, Jews, and Slavs. A study by the Mexican Department of Migration found that perhaps two-thirds of the immigrants arriving in Mexico between 1910 and 1926 continued on to the United States either legally or clandestinely.[6] After the U.S. quota act was imposed in 1921, despised European groups and Middle Easterners were redirected to Mexico, which responded with a series of mostly secret restrictions.

Mexico removed its restrictions on particular ethnic groups in 1947, though it left room in its law for ethnic selection by subterfuge until 1974. The impetus for change came from an elite foreign policy project to use anti-racism as a diplomatic tool to challenge the United States and increase Mexico's cultural influence in Latin America. Although natives typically supported ethnic restriction in the 1940s, their appeals for ongoing restriction were ineffective. Corporatism provides avenues for popular demands on the state, but given low levels of political contestation in the system, the balance of pressure is from the top down.[7] When the Mexican government's foreign policy became more outwardly oriented following the consolidation of the post-revolutionary state, the state's interest in using immigration policy to advance its foreign policy interests trumped the need to appease domestic interest groups.

Mexico was an early mover in shaping the politics of anti-racism on the horizontal political field. Its motivations drew on a cynical history of

Table 6.1 Principal Mexican laws of immigration and nationality selecting by ethnicity

1823	Colonization law restricts permanent settlement and naturalization to Catholics[1]
1860	Catholic preferences end with law of religious tolerance[2]
1909	First comprehensive immigration law rejects racial discrimination[3]
1917	Preferential naturalization times for Latin Americans[4]
1921	Confidential circular, followed by Provisional Accord between China and Mexico, restricts Chinese immigration[5]
1923	Confidential circular excludes Asian Indians[6]
1924	Confidential circular excludes blacks[7]
1926	Confidential circular excludes *gitanos*[8]
1926	Exclusion of those who "constitute a danger of physical degeneration for our race"[9]
1927	Exclusion of Palestinians, Arabs, Syrians, Lebanese, Armenians and Turks[10]
1929	Confidential circular excludes Poles and Russians[11]
1931	Confidential circular excludes Hungarians[12]
1933	Confidential circular excludes or restricts blacks, Malays, Asian Indians, the yellow race, Soviets, *gitanos,* Poles, Lithuanians, Czechs, Slovaks, Syrians, Lebanese, Palestinians, Armenians, Arabs, and Turks[13]
1934	Confidential exclusions or restrictions extended to the Australian race, Latvians, Bulgarians, Romanians, Persians, Yugoslavs, Greeks, Albanians, Afghans, Abyssinians, Algerians, Egyptians, Moroccans, and Jews[14]
1937	Quotas establish unlimited immigration from the Americas and Spain; 5000 annual slots for each of thirteen European nationalities and Japan; and 100 slots for nationals of each other country in the world[15]
1939	Preferential naturalization times for Spaniards[16]
1947	Law rejects racial discrimination, but promotes selection of "assimilable" foreigners[17]
1974	Law eliminates assimilability as a criterion of admission[18]
1993	Preferential naturalization times for Portuguese[19]

1. Regulation of Feb. 13, 1823, Art. 2.
2. Ley sobre Libertad de Cultos, Dec. 4, 1860.
3. Ley de Inmigración, 1909.
4. Constitución Política de los Estados Unidos Mexicanos, Art. 30, Sec. II., C..
5. Archivo General de la Nación (AGN) O.C. 104-CH-1, (Jul. 26, 1921).
6. Gleizer 2009.
7. Confidential circular no. 33 of 13 de mayo de 1924.
8. Confidential circular no. 98. Departamento de Migración. 4/100(015)1931/758.
9. Ley de Migración, 1926.
10. Diario Oficial. July 15, 1927.
11. Gleizer 2009.
12. Gleizer 2009.
13. Confidential circular no. 250, Oct. 1933.
14. Confidential circular no. 157, April 1934.
15. "Tablas Diferenciales," Diario Oficial, Nov. 19, 1937.
16. Ley de Nacionalidad y Naturalización, 1934.
17. Ley General de Población, 1947.
18. Ley General de Población, 1974.
19. Ley de Nacionalidad, 1993.

racialized nation-state building as well as the international politics of humiliation rising from its status as a country of emigration. It was clear by the 1940s that large numbers of desirable immigrants would not come to Mexico and that emigration to the United States was of a far greater magnitude and demanded more diplomatic attention.[8] Pushing an anti-racist position was a means to shame the United States on the international stage for its poor treatment of Mexican emigrants. At the same time, the Mexican government sought to expand its cultural and political influence within Latin America by promoting indigenismo.[9] The incipient, contradictory discourse of racist anti-racism in the 1930s became more universally anti-racist as the growing identification of racism with Nazism led to a reaction away from group-level eugenics and toward a focus on individual biological fitness. The Mexican government and state-sponsored intellectuals played a leading role within Latin America of encouraging anti-racist statements in regional multilateral and scientific organizations. Cooperation with other middling and weak countries enabled the Mexican government to punch above its weight, and over time these efforts helped to diffuse anti-racist principles to much more powerful countries of immigration.

Strong Aliens in a Weak Country

The immigration dilemma for Mexican elites, themselves mostly descended from Spaniards, was that the same European and North American immigrants who were wanted because they would whiten the population and import human and financial capital, were feared because they quickly dominated business and invoked their ties to powerful foreign governments to apply degrading diplomatic, economic, and military pressure on Mexico. While this dilemma has echoes in much of Latin America, it was especially salient in Mexico, given its long history of vulnerability and territorial loss to immigrants and the foreign powers that represent them. Immigration policy was intimately wrapped up in Mexico's bilateral relationships.

As throughout colonial Spanish America, migration to Mexico was generally restricted to Spanish Catholics.[10] The most consequential deviation from this policy was the decision in 1820 to allow 300 English-speaking Catholics from the United States to settle in Texas. The government's goal was to populate the sparsely populated northern border region in the face of sporadic armed resistance from indigenous tribes. Anglo settlers began arriving a year after Mexican independence in 1821. The first colonization laws in 1823–1824 exclusively afforded guarantees

of property and civil rights to Catholic immigrants and only offered Catholic immigrants the possibility of permanent settlement and naturalization. In practice, the Mexican government renewed the invitation to Anglo settlers in 1824, even though it was obvious by then that most of the settlers were Protestant. By 1833, 30,000 Anglo settlers had arrived in Texas. They revolted in 1835 and wrested Texas from Mexico City's control.[11] Welcoming Anglo Protestants culminated in one of the greatest disasters in Mexican history.

Concurrent with the Texas saga, the Mexican government expelled Spaniards born in Spain *(peninsulares)* in three waves from 1827 to 1834. The expulsions all but eliminated peninsular dominance of the bureaucracy, military, Church, and mining industry; weakened its control over commerce; and undermined a fifth column that had supported Spain's efforts to reassert colonial control until it finally recognized Mexican independence in 1836. The expulsions came at a terrible economic price, however. The Mexican treasury relied on tariffs from foreign commerce, which had been dominated by peninsulares, and the expulsion of the peninsulares devastated government revenue.[12] Spanish dominance was replaced not by native Mexicans, but rather by largely unassimilated entrepreneurs from the United States, Britain, and France. During the "Pastry War" from 1838–1839, French gunboats bombarded Veracruz to punish the Mexican government for refusing to compensate French citizens in Mexico for the loss of their investments during a period of civil strife. The specter of unassimilated pockets of immigrants seizing control was not merely a figment of the paranoid imagination but, rather, the historical experience from which the modern Mexican state and nationalism emerged. The solution to the immigrant dilemma was to try to attract European immigrants while sharply restricting the rights of foreigners even if they naturalized.[13]

The Texas experience shaped disputes over religious tolerance of immigrants. Catholicism was the religion of state until 1857. Conservatives encouraged the immigration of Spanish, German, French, and Irish Catholics. They viewed Protestants as potential agents of the United States that, unlike Spain, remained an ongoing threat. The U.S. conquest of nearly half of Mexico's territory in the 1846–1848 war cemented their fear of allowing Protestants into Mexico. On the other hand, Liberals sought to disestablish Catholicism and draw on a deeper pool of potential European immigrants. The Prussian government's refusal to participate in Mexican colonization schemes because of the lack of guarantees for non-Catholic immigrants illustrated the costs of Mexico's Catholic immigration preference. In debates over the 1857 Constitution, Liberals

argued that opening the doors to Protestants would not only encourage more immigration, but that such tolerance was in keeping with "civilized" norms. The Liberals who won the War of the Reform (1857–1861) and disestablished Catholicism ended the preferences for Catholic immigrants in 1860.[14]

The religious opening of Mexican immigration policy created new opportunities for colonization. The Mexican government hoped to emulate the successful agricultural colonies of European immigrants in the American Midwest. The colonization laws did not specify desirable ethnicities, but in practice, blacks were not wanted and certain Europeans were preferred. Slave merchants had brought an estimated 250,000 Africans to Mexico during the colonial period. In 1839, ten years after Mexico abolished slavery, escaped black slaves from the United States established a colony in the northern border city of Matamoros.[15] However, Mexico's colonization policymaking committee rejected a proposal for large-scale African colonization in 1865, when the U.S. Civil War ended, on the grounds that Africans were "lazy" and had "ugly blood."[16] When the Ministry of Economic Development asked Mexican county governments in 1877 what kinds of workers they needed, several county governments asked for Germans, others for Italians, and others for Canary Islanders. The county of Tlacotalpan in the eastern state of Veracruz asked for Chinese, Belgians, French, and Irish, while the county of Papantla requested any nationality other than blacks or Chinese.[17] In 1895, 815 blacks from the U.S. South established a colony in the northern state of Durango that failed in the face of racial hostility from locals.[18] Between 1878 and 1910, the Ministry signed 156 colonization contracts that mostly attracted agricultural settlers organized by private companies. In addition to the "Latins" preferred by Conservatives, settlers came from all over Europe and included religious minorities such as Mennonites and Mormons. A handful of Egyptians, Polynesians, Chinese, Japanese, Canadians, Cubans, Caribbean Islanders, Asian Indians, and U.S. settlers arrived, but the numbers of colonists remained comparatively small. Only around 10,000 to 20,000 colonists settled, and most colonies failed due to lack of government support and hostility from the native population.[19]

While the rural colonies were of little lasting consequence, the arrival of capitalist investors from abroad transformed the Mexican economy. Unlike the peasant immigrants predominant in the major destinations of the Americas, foreigners who came to Mexico typically hailed from the middle and upper classes of Western Europe and the United States. They formed unassimilated communities of expatriates that created their own

schools and social clubs, married other foreigners, and maintained close ties to their countries of origin, including their homelands' diplomatic representatives in Mexico.[20]

The Asian Alternative

The failure to attract European agriculturalists led Mexican economic elites to look to Asia as an alternative source of labor. As in the United States and Canada, elite preferences for Chinese workers were met with calls for restriction by native labor. Unlike the United States and Canada, the lack of democratic channels for native Mexican workers to express their demands delayed restrictions on Chinese admissions until the 1920s. Emperor Maximilian I (1864–1867) first authorized the immigration of Chinese to work in agriculture in Veracruz.[21] Prominent leaders such as Matías Romero, a coffee grower who served as finance minister and ambassador to the United States, publicly promoted Chinese immigration to hot Mexican coastal regions where labor was scarce and Europeans could not be enticed. Romero claimed that Chinese would not degrade the racial mix of the Mexican population because Chinese did not mix with other groups. Mexican elites wanted Chinese as laborers, not citizens. The Chinese were desirable because they did *not* assimilate. Yet unlike other unassimilated groups, such as U.S. settlers in Texas or European business elites in Mexico City, Chinese did not pose a threat of secession or the ability to call on a powerful home country government. Foreign Minister Ignacio Mariscal assured Romero that allowing Chinese into Mexico would not create the political problems with native workers that he said had plagued the United States. "In America, where [Chinese] work for a lesser wage than the natives . . . the government has been forced to accede to the demands of its citizens," he wrote. "The same thing will not occur here. The Chinese arriving on the Pacific coast will be in completely undeveloped regions, whose unhealthfulness has made them heretofore uninhabitable, even to Indians. If they should penetrate the districts cultivated by the Indians, they can-not seriously compete, since [the Indians'] wages are even lower than the immigrants."[22] Implicit in Mariscal's analysis was a political comparison of the United States and Mexico. In the United States, native workers who felt undermined by Chinese migrants had democratic avenues to pressure the government for restriction. In the Mexico of Emperor Maximilian I and the Porfirian dictatorship that followed (1876–1911), the Indian population had practically no institutional channels for demanding restriction.

Unlike in Canada, U.S. diplomatic pressure on Mexico to restrict Asian immigration failed. Mexican immigration policy was strongly shaped by the indirect effects of U.S. policy rather than direct leverage. After the United States banned Chinese labor immigration in 1882, it sought to prevent Chinese from using neighboring countries as a back door. As Chinese immigrants began entering the United States clandestinely via Mexico, Washington applied diplomatic pressure on Mexico City to stop Chinese immigration altogether, allow U.S. officials to enter Mexican territory and arrest people-smugglers, and apply U.S. immigration restrictions on U.S.-bound passengers arriving at Mexican ports. By 1892, U.S. diplomats protested that Chinese were naturalizing as Mexican citizens and then entering the United States. After conducting an extensive investigation in Mexico in 1906, U.S. Immigration Inspector Marcus Braun concluded that most Chinese in Mexico came "with no intention to remain there, but because they think they can enter the United States in an easy way."[23]

Japanese movement to Mexico was indirectly shaped by U.S. policy as well. As part of the Gentlemen's Agreement with the United States, the Japanese government agreed to restrict labor emigration to Mexico and Canada to prevent Japanese from entering the United States clandestinely from its neighbors. The Mexican government was not party to these agreements, but its immigration was affected by them. Similarly, in 1906 the U.S. embassy in Mexico City expressed its alarm that 1500 Syrians had circumvented the health controls in U.S. ports with the intention of clandestinely entering the United States from Mexico. If successful, they would establish a precedent that other nationalities would soon follow. The Mexican government responded that it would direct its health inspectors "to apply [Mexican] health laws with all rigor to Syrian immigrants."[24] The following year, U.S. Superintendent of Immigration Marcus Braun met with Porfirio Díaz in Mexico City to suggest that Mexico pass new legislation with health codes and other dispositions that would reduce flows of undesirables across the U.S.-Mexican border.[25] According to Braun, Díaz replied that "anyone not good enough for the United States ought not be good enough for Mexico."[26]

Yet the Mexican government largely resisted the U.S. effort to restrict Chinese migration to Mexico and decried it as an encroachment on Mexican sovereignty. Foreign Minister Ignacio Vallarta, a Liberal jurist, proposed a new immigration law in 1890 that explicitly rejected the exclusionary U.S. model. "As the [Mexican] Republic proclaims the dogma of universal fraternity; believing that racial differences in the human family do not establish inequality before the law, all races, not only

white, but also the black and yellow races, have the doors of the country open to them, and all men, whatever their nationality, race, or color, can naturalize among us," Vallarta wrote.[27] With a government that was liberal in form but a dictatorship in practice, Vallarta could preach the virtues of racial equality without interference from the citizenry.

After fifteen years of Mexican diplomatic efforts, China and Mexico finally signed a treaty of commerce in December 1899 that allowed "free and voluntary" emigration to Mexico. The Chinese-born population of Mexico increased from 1000 in 1895 to 13,200 in 1910.[28] Opposition to increased Asian immigration erupted from below as well as from the United States. With an explicit acknowledgment of both domestic and U.S. pressures, President Díaz ordered a commission to investigate the effects of Asian immigration. The commission elevated the United States, Argentina, and Brazil as exemplars of positive selection to be emulated.[29]

While elites were united in fawning over the virtues of European civilization, they split on the question of whether Chinese should be allowed in as immigrant workers. In his 1904 report, commission chair José Covarrubias argued that the bad reputation of Chinese was unfairly deserved. The Mexican economy needed the work done by Chinese laborers. Chinese immigration's moral effects on the native population were inconsequential because assimilation was impossible. Again, the Chinese were considered desirable because they would *not* assimilate.[30] A spokesman for the same commission, José María Romero, issued a far more negative report on Chinese migration in 1911, based mostly on his 1891 study of immigration laws in the United States, Latin America, Canada, and Australia. Whereas some elites considered the supposed proclivity of Chinese not to assimilate to be a positive characteristic, José María Romero saw this as one of the grounds for their exclusion. Romero concluded that "the Chinese race does not amalgamate with the modern peoples of European origin; it is not assimilable to western civilization."[31] An understanding of Chinese deficiencies "is the unanimous opinion of the civilized peoples of the Americas and Europe," Romero argued, "and their law, which prohibits the free and massive immigration of Chinese, responds to popular sentiment."[32]

Support for ethnically neutral policies carried the day when Mexico passed its first comprehensive immigration law that went into effect in 1909. According to the law's preamble, "Another of the fundamental bases of this law is that of the most complete equality of all countries and all races, not establishing a single special precept for citizens of a particular nation, nor for individuals of a given race." This explicit

proclamation of racial universalism was drawn in contradistinction to the United States. "The construction of this law has taken into account some of the laws in this area issued in the United States of America, and some of those principles have been accepted because they are considered applicable in Mexico." Yet because the situation in the United States was "famously different" from that in Mexico, "not all of the restrictive measures established in [U.S.] laws have been accepted in this [Mexican] law."[33] Racial tolerance in the law was not motivated by any love for Chinese, but rather the demand to import a cheap source of labor. The commission that created the immigration law explicitly referred to "the inferiority of the yellow race."[34]

Deputy José Macías, president of the commission, argued that that some non-racial restrictions were needed because the United States and two other unnamed countries in the Americas had developed selective immigration policies that kept the best immigrants for themselves, while directing "elements of perturbation and contagion" to Mexico's shores. In other words, Mexican policy would have to adapt to the way that U.S. policy altered migration patterns. Even though the Mexican constitution gave the right to enter and leave the national territory as "one of the rights of man, of absolute liberty," Macías argued, the right could be qualified in cases of "true public necessity."[35] The preamble noted that prohibitions against undesirable elements such as anarchists, lepers, and prostitutes were "commonly imposed by all nations."

The 1909 immigration bill passed the rubber-stamp Chamber of Deputies unanimously. Elites could approve racially neutral immigration law clothed in the language of liberalism in part because any sense that Asian immigrants would compete with Mexican workers was largely irrelevant at a time of dictatorial control by Porfirio Díaz. The Mexican Liberal Party led by the anarchist Flores Magón brothers opposed Chinese migration in its 1906 electoral campaign, based on the argument that Chinese migration harmed the interests of native workers, but Mexican labor did not have an effective means of restricting Chinese until the revolution and the populist governments that succeeded it.[36]

Populist Xenophobia

The ostensible racial tolerance of the 1909 Immigration Law was rejected with a vengeance during the 1910–1920 revolution. Xenophobia targeted Chinese with special vehemence, though it widened to include other Asians, blacks, *gitanos,* Middle Easterners, eastern Europeans, and Jews. The

revolution overturned the stable dictatorship of Porfirio Díaz and his technocrats who were eager to admit foreigners in the interests of macroeconomic growth. By 1929, President Plutarco Elías Calles had formed the precursor to the Institutional Revolutionary Party (PRI), which remained in power until 2000. The official party brought together a confederation of peasant organizations, labor unions, government workers, military strongmen, and regional political factions.[37] Mass organizations became the vehicles not only for social control but also for expressing discontent from below. Movements directed against particular immigrant groups generally began among Mexican workers and peasants and later integrated Mexican merchants as immigrants worked their way up from low-skilled jobs to own small businesses. Where immigrants were professionals, Mexican professional societies joined the nativist crusade. Concerns about economic competition drove the timing of restrictions in conjunction with the cultural interests of eugenics and the ethnic politics of nation-state building.

Pressure from Below

When the revolutionary forces of Francisco Madero drove Porfirio Díaz's army out of the northern city of Torreón in 1911, a mob celebrated their newfound liberty by massacring hundreds of local Chinese merchants. Smaller-scale pogroms took place in the northern states of Sonora and Sinaloa throughout the revolutionary period, often with the encouragement or at least acquiescence of local officials.[38] Even local leaders who initially promoted Chinese immigration were forced into restriction by popular pressure. Baja California's Governor Esteban Cantú Jiménez (1911–1920) publicly supported Chinese agricultural labor as an engine of economic development and denounced anti-Chinese agitation.[39] In the face of anti-Asian riots, however, he closed Baja California to all Asian migration in 1919 until the federal congress took up a new immigration law. The governor took the measure "notwithstanding that our Constitution opens the doors of the country wide to every foreigner, without racial distinction." Following complaints by the Chinese legation that the Baja California prohibition violated the 1899 bilateral treaty, the Mexican federal government forced the governor to lift the ban on Asians.[40]

Organizations of native workers demanded Asian restriction. For example, the Radical Agrarian Party in the Baja California capital of Mexicali complained to the federal congress and president that Mexican workers were being displaced by Chinese, Koreans, and Asian Indians.

The National Anti-Chinese Worker League "For the People and For the Race" in the border state of Tamaulipas organized against the "Asian Invasion."[41] As Chinese moved up the economic ladder from agricultural labor to petty commerce, they increasingly encountered resistance from local merchants as well. The Nationalist Committee in Ensenada called for President Cárdenas to join a "noble and holy crusade" against Asians, who had come to dominate commerce in the cities of the Northwest. "And Mexican commerce? Little by little it passed into Chinese hands," the committee lamented. "It was not for the ineptitude or fault of national [Mexican] merchants, but rather because nationals cannot compete, nor will they ever be able to compete, with a race that lives in frightening frugality, that does not have social needs, that uses so many twisted tricks to obtain merchandise at low prices and sell at lower prices than anyone else, that lives in unhealthy dens piled up like animals, and that does not consume anything or want anything."[42] Mexican capitalists and representatives of native worker's leagues found common cause in suppressing the commercial activities of Chinese. While the economic interests of workers would presumably be served by paying less for the goods they purchased, a point made by federal officials promoting Chinese immigration,[43] worker's associations also subscribed to the notion that foreign merchants were "parasitic." Restrictionists usually complained that Chinese sold at unfairly low prices, though they sometimes complained that Chinese sold at unfairly high prices.[44]

Economic competition does not fully explain the anti-Chinese movement. First, the number of Chinese who could conceivably be in competition with Mexicans was quite small, particularly when it came to Chinese laborers. The 16,000 Chinese in Mexico at their population's peak in 1930 were a tiny fraction of the country's 16.6 million inhabitants.[45] Second, the fact that Mexican peasant and worker's leagues often protested against Chinese merchants for selling goods at low prices reveals a disconnect between most Mexicans' economic self-interest and their immigration preferences. Moreover, the anti-Asian movement often framed its arguments in racist terms unrelated to the economy. In 1921, 98.8 percent of Chinese residents in Mexico were men, and the image of a male Chinese biological menace was a regular feature of the nativist campaign.[46]

Throughout the 1920s, county and state governments in northern Mexico repeatedly asked the president and congress to ban Chinese immigration and to limit the activities of Chinese already living in Mexico. A 1923 convention of counties in Sonora established segregated Chinatowns, and the state government passed an anti-miscegenation law prohibiting the marriage of Mexican women and Chinese men of

any nationality.[47] The next year, the county governments demanded that the federal government reform its treaty with China and ban new entries. As for Chinese in Mexico, each one should be investigated to determine whether he was deportable. Blood should be tested and the sick quarantined. Mexican women should be prohibited from marrying or living with Chinese men or even entering Chinese neighborhoods. Chinese should be banned from commercial activities outside of segregated neighborhoods, renting agricultural land, or naturalizing.[48] Sonoran governor Francisco Elías ordered Chinese merchants to vacate their businesses in 1931 for failing to comply with a state law requiring 80 percent of each business's employees to be Mexican.[49] Many Chinese fled the hostile atmosphere of the north and dispersed throughout the republic, where they encountered an organized movement with a restrictive legal template already in place based on the proximate Sonora model and legitimated by broad Western sentiment against "the yellow peril." Between 1926 and 1930, state congresses in Michoacán, Nuevo León, Guanajuato, San Luis Potosí, Oaxaca, Chihuahua, Querétaro, and Tlaxcala passed bills asking the federal congress to ban Chinese immigration and restrict the rights of Chinese living in Mexico.[50]

The Chinese legation, Chinese residents, and Mexican Masonic societies with Chinese members flooded the Mexican government with complaints of expulsions, violence, and discrimination.[51] From the federal government's perspective, the principal problem was not so much Chinese immigration per se, but rather, domestic reaction to Chinese immigration. The Ministry of Foreign Affairs urged the dispersal of Asians around the country to avoid concentrated populations that would invite a nativist backlash.[52] President Calles (1924–1928) wrote to the governors of the seven states with the highest levels of Chinese immigration in 1925 and demanded a report about "the anti-Chinese problem" in their respective states. The letter cited three years of Chinese diplomatic complaints of murders, robberies, and attacks on Chinese residents, even though, as Calles noted, Chinese nationals "living in our country have the constitutional right to the same individual guarantees as Mexicans." He said the discriminatory laws and the activities of anti-Chinese groups threatened not only domestic tranquility, but also Mexico's "good name abroad, for the international consequences that these outrages can bring with them."[53] Failure to provide basic protections to foreign citizens carried a diplomatic price and international stigma to a much greater degree than discriminatory admissions policy. The government's failure to control ethnic pogroms suggested a lack of state capacity and/or an illegitimate acquiescence to violence.

As Mexico plunged into economic crisis, a 1930 federal law declared that 90 percent of workers in foreign-owned businesses had to be Mexican. All labor immigration was banned the following year.[54] Well-organized nativist groups, many affiliated with the ruling National Revolutionary Party, launched campaigns against a widening circle of despised foreigners. Their targets included Chinese, Jews, Russians, Poles, Czechoslovakians, Lithuanians, Greeks, and Syrio-Lebanese. A 1931 national campaign called for a consumer boycott of their shops, for landowners to refuse to rent to them, and for the government to expel them from Mexico. The Pro-Raza Committee of the Federal District submitted a petition to President Cárdenas with 11,000 signatures from eleven groups around the country demanding an end to Chinese and Jewish immigration. By 1934, the committee claimed to represent 105 organizations.[55] Unions of merchants, tailors, small-scale industrialists, and workers formed to agitate against Jewish merchants. Restrictionists claimed that Jews undercut the prices of native Mexican businesses by living frugally, encouraging consumers to pay for goods on installment plans, and employing their native Mexican workers on dismal salaries.[56] Native economic interest groups that had previously ignored immigration also clamored for the restraint of foreigners once the natives perceived themselves to be in competition. The Confederation of Physicians' Unions asked President Cárdenas to restrict the immigration of Jewish doctors in 1938.[57] One of the most influential organizations, the Nationalist Anti-Chinese and Anti-Jewish Campaign, made specifically eugenic claims, denouncing "several thousand Mexicans, who because of the mixing of foreign blood with our own, have become a race that is now weak, rachitic, and egoistic."[58]

Oddly enough, some Mexican nativists called on their government to follow the U.S. model of expelling an estimated 400,000 Mexicans during the Great Depression. "Let's imitate the energy of the Yankees who expelled our compatriots and move forward without any compassion whatsoever against all pernicious foreigners," read a typical flyer.[59] A health commission sent to study Chinese immigration in Chiapas recommended "mass deportations in the same form as the North American authorities apply to Mexicans."[60] Another nationalist association asked President Cárdenas to follow the example of the governor of Colorado, Edwin Carl Johnson, who had been campaigning to keep Mexicans out of Colorado in the mid-1930s. According to the association, Governor Johnson's "patriotic nationalist efforts" are "a great example for us in how to keep foreigners, especially Jews, from displacing Mexican workers."[61]

Communist organizations were among the few to oppose the nativist campaign. The Mexican branch of International Red Aid, founded by the Communist International, attacked the Pro-Raza Committee's anti-Semitism as a fascist maneuver attempting to distract workers, peasants, students, and intellectuals from the struggle against imperialism. Against the Mexican nativists who applauded the U.S. model of deporting Mexicans, International Red Aid argued that the U.S. example was proof of the capitalist intentions of those who would promote racial rivalry over internationalist labor solidarity.[62]

Diffusion from Without

On the horizontal plane, Mexican policy was shaped by strategic adjustment to shifts in regional migration flows caused by U.S. policy, as well as voluntary emulation of the principle of racial selection in other countries through commissions to study their laws, through Mexico's participation in Pan-American organizations, and through a global epistemic community of experts. Restrictive U.S. immigration policy deflected migrants to Mexico. A 1927 study by the Mexican Department of Migration found that perhaps two-thirds of the immigrants arriving in Mexico between 1910 and 1926 continued on to the United States.[63] Others, such as Middle Easterners and Jews, settled in Mexico.

After ordering two technical commissions to analyze U.S., Argentine, and Brazilian immigration laws, President Obregón introduced a bill in 1923 that would have restricted the immigration of those who "constitute a danger of physical degeneration for our race." Congress never voted on the law, probably because the outbreak of a failed revolt by former president Adolfo de la Huerta distracted its attention.[64] A 1925 report by the Secretary of Agriculture and Development's delegate to the Brazilian Centennial Exposition in Rio de Janeiro called for Mexico to emulate Brazil's improvement of its racial stock by promoting Italian, Spanish, and Portuguese immigration. In the author's view, the new U.S. quota system provided an opening for Mexican authorities to attract southern Europeans that would have otherwise migrated to the United States.[65] A similar report from the Secretary of Agriculture and Development called for the emulation of the Brazilian and Argentine immigration policies. The Mexican government agreed to adopt the best eugenic practices of other American states during the 1927 Pan American Conference on Eugenics and Homiculture in Havana, at which delegates from sixteen countries approved a resolution to promote laws impeding the admission of races considered "biologically undesirable."[66]

Mexican scientific elites and officials were deeply embedded in a global epistemic community. The most prominent architect of Mexican demographic policy in the 1920s and '30s, Gilberto Loyo, earned his economics doctorate in Rome in 1932. He sought to restrict nonwhite immigration and promote white immigration to biologically improve the indigenous population. Alfredo M. Saavedra, the director of the Mexican Eugenics Society, promoted the idea popular throughout Latin American eugenics that mixing people who were racially "close" created robust mixtures, whereas the mixing of people from racially "distant" backgrounds created degeneracy. While Saavedra did not specify which groups he had in mind and academic eugenicists rarely participated in anti-immigrant street campaigns, leading eugenicist Antonio Alonso called for avoiding the mixture of the black and yellow races with indigenous Mexicans.[67] Manuel Gamio, head of the government's Demographic Department and founding father of Mexican anthropology who had studied under Franz Boas at Columbia University, rejected many tenets of scientific racism. In practice, however, he reached similar conclusions about which immigrants were ethnically desirable based on their supposedly deep civilizational characteristics. Gamio resisted the Cárdenas administration's efforts in the late 1930s to grant land in northern Mexico to Seminoles seeking to leave Oklahoma, arguing that this particular group of Indians "would not assimilate to our customs and are very inferior in civilization."[68]

While developments on the horizontal plane shaped Mexican policy responses—primarily through strategic adjustment to changes in migration patterns caused by U.S. policy, a global epistemic community of eugenicists, and some emulation of other countries' laws—factors on the vertical level were at least as important. An inward-looking Mexican government attempting to rebuild the country after the revolution did not have core security, commercial, or prestige interests that would be enhanced by following foreign models. Mexican policy responses were primarily driven by a populist effort to appease interest groups who perceived themselves to be in economic competition with racialized immigrant groups and to build the nation-state of a Spanish-indigenous mix by using other racial groups as foils.

Racist Anti-Racism

From the perspective of policymakers, acquiescing to popular demands for restriction built the legitimacy of the state at the expense of foreign scapegoats without serious consequences on the horizontal plane. During

the post-revolutionary consolidation of the Mexican state in the 1920s, the federal government promoted mestizaje, the biological and cultural mixing of Spanish and indigenous into a new mestizo nation, and indigenismo, the celebration of Mexico's indigenous past. In the memorable words of education minister José Vasconcelos, the mestizo represented a "cosmic race" superior to its constitutive racial elements. Indigenismo departed from the dominant ideology that had portrayed all things indigenous as being irrevocably inferior. Yet mestizaje could not escape its racist roots. It was built on the notion of racial progress through interbreeding, and it is often forgotten by contemporary enthusiasts of the ideology that in addition to relegating the indigenous to the past, its apparently inclusive racial project in Mexico was framed against blacks and Asians. "The lower types of the species will be absorbed by the superior type," Vasconcelos claimed.[69] "In this manner, for example, the black could be redeemed, and step by step, by voluntary extinction, the uglier stocks will give way to the more handsome." With regard to the Chinese, "We recognize that it is not fair that people like the Chinese, who, under the saintly guidance of Confucian morality multiply like mice, should come to degrade the human condition precisely at the moment when we begin to understand that intelligence serves to refrain and regulate the lower zoological instincts."[70]

The views of Vasconcelos were not idiosyncratic. A federal health commission sent to study Chinese immigration in the southern state of Chiapas recommended against the "union of Asians with Mexicans, because it follows none of the postulates of Eugenics. Rather than constituting ethnic progress, it is a regressive evolution." The commission blamed miscegenation for passing "hereditary syphilis" to children and reported Chinese to be biologically inferior to the local Chamula Indians.[71] The Ministry of Foreign Affairs quietly supported anti-miscegenation measures in a 1929 internal memorandum, noting, "As everyone knows, the mix of our indigenous race with the mongoloid brings highly prejudicial consequences."[72] In the Pacific port of Ensenada, the Nationalist Committee argued that Chinese men were corrupting Mexican women. "The Chinese have created a family by melding to our customs and traditions," it grumbled. "WHAT PERVERSITY! [We should not] descend to the level of approving the concubinage of our wretched *'chineras'* [Mexican women who sleep with Chinese men], whom the people reject and repudiate with justified indignation. Even in the brothels, the courtesan who shares her caresses with a Chinaman is discredited. Society and the people will never tolerate the licit union of a Mexican woman

and a Chinaman, no matter what his lineage; as such a union is inconceivable for ethnic reasons."[73]

Racist arguments that had been considered controversial and even illegitimate in Liberal circles during the Porfirian dictatorship found new purchase in the post-revolutionary environment, in which populist leaders propagated new ideas about the Mexican nation that explicitly excluded racial outsiders in an effort to unify Mexicans of indigenous and Spanish origin.[74] In this "exclusionary mestizaje," only people of Latin and indigenous origins were part of the Mexican nation, and the indigenous population was a problem to be civilized and incorporated. The ethnic amalgamation of the Spanish and indigenous populations, and their incorporation into a populist regime, would proceed by banning the immigration of any groups that supposedly would not mix with the indigenous—a charge typically directed at Asians, Arabs, and Jews.

In 1927, President Calles publicly prohibited the labor immigration of Palestinians, Arabs, Syrians, Lebanese, Armenians, and Turks, groups that had been welcomed by President Obregón as late as 1922. The onset of U.S. national-origins quotas in 1921 rechanneled Middle Easterners, Slavs, and Jews to Mexico who would have otherwise migrated to the United States. The Turkish government protested the 1927 ban, and the Mexican Ministry of Foreign Affairs responded by attempting to convince the Ministry of the Interior to rescind the law. The Ministry of Foreign Affairs argued that Turks should not be confused with Arabs and Syrio-Lebanese, "which in reality are populations with very distinct customs and mentality." Moreover, banning Turks would harm diplomatic relations with Turkey that had recently been established. The Ministry of the Interior agreed with the Ministry of Foreign Affairs in principle, yet Turks remained banned.[75]

The rationale for the 1927 ban on Middle Eastern immigration was publicly framed as economic. Certainly, the measure responded to claims from below that Middle Easterners were unfairly competing with Mexican merchants and exploiting Mexican customers. Some elements in the Mexican government also objected to Middle Easterners on eugenic grounds. The Ministry of Foreign Affairs admitted in its official published memoirs that a non-economic objective of the 1927 ban was "to avoid the mixing of races that have been scientifically proven to produce degeneration in their descendants."[76] A confidential 1930 memo from the Mexican consul in Beirut called for banning Syrians, Lebanese, Palestinians, Semites, Turks, and Levantines. The consul based his suggestion on the premise that these groups were cheats, liars, egoists, and

followers of the cult of money—characteristics to be blamed on their home cultural environment. "Physically, they are beautiful races susceptible to contributing to a [racial] improvement upon being united by marriage with our own." However, given their cultural traits, "I feel that mixing Arab blood in the national crucible is to corrupt rather than refine the product," he wrote.[77]

By the early 1930s, even before racism had been delegitimized internationally by the Nazis, anti-racism became a banner of the post-revolutionary government. Mexican officials proclaimed that a nation based on two races—Spanish and the indigenous—could not be racist. At the same time, the effort to create a homogenous Mexican society by the late 1920s openly excluded groups on explicitly racial criteria. Grounds "to select immigrants and exclude individuals who, because of their morality, type, education, customs, and other personal circumstances, would be undesirable elements or constitute a danger of physical degeneration for our race" were written into the 1926 Law of Migration, with discretion given to the federal executive to make that selection.[78] A similar notion of immigrant "assimilability" was included as a criterion for admission in the 1930 Law of Migration. "The individual or collective immigration of healthy foreigners, trained to work, of good behavior, and belonging to races that, because of their conditions, are easily assimilable to our environment, with benefit for the species and the economic conditions of the country, is considered to be of public benefit," it read.[79] While the logic of racist anti-racism may appear contradictory and even nonsensical to a twenty-first century reader, such reasoning is found in both public and private arguments of policymakers and the laws they created.

At the same time as the government was inscribing racial selection of immigrants into the law, confidential government documents and external communiqués routinely renounced any racist motivations in the restrictions and preferences of particular groups. For example, in the face of Chinese government complaints against anti-Chinese laws, the Foreign Ministry argued in 1933 that "the government of Mexico is not xenophobic, nor does it nor should it have absolutely any racial or class prejudice, all the more because the great Mexican family comes from the crossing of distinct races."[80] In the Consultative Migration Council's internal discussions of new guidelines, Department of Migration official Jorge Ferretis called for a policy that would affirm "categorically in its dispositions that Mexico does not exclude as a presumptive immigrant any individual based on race or nationality, and it only takes into account the desirability or undesirability of his assimilating into our social environment."[81] In a candid memorandum to the Foreign Ministry, the

chargé d'affaires in Warsaw lamented that it would be difficult to single out Jews as ineligible for a colonization plan to bring in Poles, noting that "it would not even be possible to stipulate in the agreement or contract that they would not be Jews, given that such a thing would be completely against the principles of the equality of races and nationalities that our government sustains."[82]

The Mexican government promoted the idea that it could not be racist because its population arose from two races. According to a corollary of this argument, racist immigrants who were not going to intermarry with Mexicans deserved exclusion. For example, President Calles ended President Obregón's policy of giving land and free transport to Mennonite colonists from Canada. "Because of their race as well as their religious and social organization, they are individuals who neither assimilate nor mix with our peoples," complained the Minister of Agriculture and Development in an internal memorandum.[83] While the Mennonites had been preferred in the nineteenth century because they were European, the fact that they kept to themselves was unacceptable to the post-revolutionary state bent on nationalizing a highly heterogeneous population.[84] Drawing on widespread anti-Semitic norms in the West, a 1931 memorandum opposed a plan to colonize Baja California with Jews because their "arrogance and racial pride is universally known" and they would not assimilate.[85] Article 29 of the 1939 quota law established that colonists "must expressly manifest that they do not harbor racial prejudices, and that in their case, they are willing to form mestizo Mexican families."[86] At a time when the driving project of nation-state building was to assimilate the indigenous population and establish a system of mass politics, unassimilability and ethnic strife were to be avoided at all costs. By blaming particular small immigrant groups for failing to assimilate, the immigrants became the racists, and they had to be excluded to protect racial comity in Mexico.

While most public opinion was firmly arrayed against Jewish immigration, the populist administration of President Lázaro Cárdenas (1934–1940) was split over whether some Jewish immigration might benefit Mexico. Mexican diplomats attended the 1938 Evian Conference on Jewish refugee migration and the follow-up conference in London the same year. Like most other delegations, Mexican officials acknowledged the plight of Jewish refugees but refused to accommodate significant numbers. In their confidential communications within the Mexican government, prominent officials usually argued that Jews should not be admitted because they would not assimilate into the mestizo nation. A federal press office memorandum on Jewish immigration argued that

ethnically, linguistically, and religiously, Jews were unassimilable "cysts" in the Mexican body politic. "They have deep racial prejudices, derived from their religion . . . They believe themselves to be 'Jehovah's' chosen people, which Gentiles are not, and thus inferior for not having been blessed as the chosen of the Lord."[87] Manuel Gamio, Mexico's leading anthropologist, opposed the numerous immigration of Jews based on their putative unwillingness to assimilate.[88] Minister of the Interior Ignacio García Téllez was a firm opponent of Jewish immigration who decreed in 1938 that foreigners who had lost their nationality would only be admitted in exceptional circumstances.[89] The following year, he wrote Cárdenas to urge him to prevent Jews from entering on tourist visas. "Mexico does not embrace racial prejudice, and that is what its government has declared," he granted. "But the government has the unavoidable duty to protect its working classes, avoiding the admission of elements who would come and compete and considerably aggravate the danger of the displacement of Mexican workers or engage in parasitism . . . The government should scrupulously monitor the admission of foreigners that in general do not mix, neither spiritually, nor economically, nor by blood with our race, nor with its revolutionary movement."[90] The government announced that asylum petitions would no longer be accepted from foreigners who had entered on tourist visas. The 1938 and 1939 laws clearly targeted Jews without naming them, as Germany had stripped Jews of their German citizenship in 1935, and many Jews had entered Mexico as tourists in the hopes of adjusting their status once they had arrived safely.[91]

On the other hand, the Department of Migration supported a plan to create a Jewish agricultural colony in the southeastern state of Tabasco. Jewish colonists would be young agriculturalists who agreed to attend official schools to learn Spanish. They would be assigned parcels adjacent to parcels worked by native-born Mexicans, preferably repatriates from the United States, to encourage social mixing.[92] President Cárdenas and the governor of Tabasco reached an accord in June 1939 for 1500 stateless colonists from Germany, Poland, Austria, Czechoslovakia, and Hungary to settle in Tabasco. Minister of Foreign Affairs Ramón Beteta warned President Cárdenas that if Jews were admitted who displaced Mexicans from business, it could provoke "an anti-Semitic movement that would cause us grave harm," presumably if influential Jews abroad retaliated.[93] Yet he supported the accord, asserting that immigration under carefully controlled conditions "would take an incalculably transcendent step toward changing the physiognomy of the country and increasing its economic potential."[94] Minister of the Interior Ignacio

García Téllez opposed the Tabasco colonization project, while insisting that his observations were "not inspired by any racial prejudice."[95] In any case, the outbreak of World War II in September killed the plan before any colonists arrived.

A select group of Jewish professionals and investors were allowed to enter Mexico as refugees, but most were denied entrance. Like the passengers on the *St. Louis* rejected in Cuba, the United States, and Canada, Jewish refugees on the *Quanza* were turned away from the port of Veracruz in 1940. From 1933 to 1945, Mexico admitted an estimated 2000 Jewish refugees.[96] The government refused to allow all but a handful of Jewish refugees to enter during the war. Even after the war ended, fewer than 1000 Jewish refugees were admitted between 1947 and 1951.[97]

The difference between a restrictive policy toward Jewish refugees fleeing fascism and a welcoming policy toward Spanish refugees fleeing fascism at the same time provides a test for whether particularistic policies were motivated primarily by biological racism or by economic competition. If Spaniards had been treated like Jews and other despised minorities, it would lend support to Foreman-Peck's argument that racism was epiphenomenal to economic competition in driving selection. In fact, even though Spaniards were in economic competition with native merchants and professionals and their arrival was highly controversial in the public sphere, the government treated them favorably, thus supporting the argument that the specter of economic competition used to limit the entry of Jews was a mask for nonmaterial racism.[98] Spaniards were allowed to attain Mexican nationality with a simple declaration beginning in 1939 and annual quotas consistently gave Spaniards unlimited latitude to immigrate.[99] One of the public goals of this preference was anti-fascist solidarity, though if anti-fascism were the primary motivator, one would expect policy toward Jews fleeing fascism to have been equally accommodating.

The more than 47,000 Spaniards already living in Mexico in 1930 were overrepresented in Mexican commerce, but public debate over Spanish immigration did not become shrill until the government welcomed approximately 19,000 Spanish Republican exiles between 1937 and 1948, representing half the immigrants during that period.[100] Opposition to Spaniards mainly came from associations of Mexican workers, peasants, and professionals. Twenty thousand members of the state-sponsored Confederation of Mexican Workers quit because they were upset over the government's support for Spanish Republicans.[101] A League of Mexican Intellectuals formed in 1940 to demand new laws

defending Mexican intellectuals from displacement by foreigners, particularly Spaniards.[102] Their support pushed through a 1944 law regulating the professions that prohibited foreigners from occupying high ranks in the public academy.[103]

Support for Spanish immigration was based on eugenicist principles within the particular context of a project of mestizaje. A letter from the Department of Migration intent on shaming the Peasants' Defense League of Mexico City for its anti-Spanish campaign summed up the government's logic. The letter lamented "your oppositional attitude to the unavoidable sentiments of humanitarian protection of persecuted Spaniards, bonded in blood and spirit to our ancestors, who in union with the native races of our country contributed to forming the Mexican mestizo as the ethnic vertebrae of our nationality."[104] Gilberto Loyo, the leading architect of demographic policy between 1930 and 1950, strongly supported the immigration of Spaniards because they "easily adapted to the environment in which we live." As Loyo explained, "To increase the number of white inhabitants in Mexico is to increase the probabilities of mestizaje, . . . but on the condition that immigrants don't have racial prejudices."[105] More than being desirable for their shared language, Spaniards were preferable to other Europeans such as Mennonites because they would marry locals and give mestizo Mexico a whiter tint.

Secret Restrictions

The federal government initially attempted to control the immigration of despised groups by using confidential circulars banning their admission. The advantage of this technique was that it avoided diplomatic problems associated with public bans. In the vertical dimension of politics, interest groups similarly demanded the exclusion of Chinese, Japanese, Asian Indians, blacks, Arabs, Slavs, and others. The difference in the treatment of these groups in the law reflects their group and home government's perceived strength on the horizontal field of politics. Chinese were from a weak state and were openly excluded through bilateral agreement after experimentation with secret exclusion, while Japanese were from a strong state and thus were welcomed by the government even in the face of domestic opposition. A wide range of other groups was secretly restricted through 1937. The only ethnic groups that were publicly restricted during this period were several categories of Middle Easterners, who with the exception of Turks were not represented by their own nation-state.

The first explicit ban on the labor migration of a particular ethnic or national-origin group came in 1921. President Obregón issued a

confidential memo to his government that banned all new Chinese labor immigration, restricted the entry of Chinese merchants or intellectuals to groups of ten or fewer, and limited all Chinese immigration to certain ports. Later that year, Mexico and China negotiated a Provisional Accord, which established that Chinese immigration would be subject to "the necessary conditions that both governments will have to decide."[106] Like the Gentlemen's Agreements that Japan concluded with the United States and Canada, the 1921 China-Mexico accord offered the Chinese government a way to avoid the public humiliation of unilateral exclusion. The Mexican government could assert abroad that it did not racially discriminate, or even have a racial problem, while discriminating against Chinese immigration in practice and using racist arguments for domestic consumption.[107] Confidential government circulars were issued banning Asian Indians in 1923.[108] The ban was confidential presumably to avoid antagonizing the powerful British Empire.

In a confidential memorandum, the Ministry of the Interior affirmed that resisting domestic pressures to ban Chinese immigration altogether was an important foreign policy objective. "Absolute prohibitions cannot be established if relations with China are wished to be maintained," the memorandum read.[109] The solution lay in ordering the Mexican consul to strictly apply the "certain discretion" in the law to reject applicants based on the morality, "honest means of making a living," and health requirements of immigration regulations.[110] The health code had long been used to control Chinese immigration. In a confidential 1927 memorandum from a Ministry of Foreign Affairs official to President Calles, the official explained how the government had used Chinese immigrants' health as a false pretext to ban their entry. In 1913, Mexican officials refused to allow a large group of Chinese workers to disembark from their ship, based on the false claim that the passengers were sick. Eventually an epidemic broke out among the passengers anchored in the bay in "terrible conditions," and the ship was turned away. "In reality, it was subterfuge on the part of the Ministry of the Interior to prevent the landing of a great contingent of Chinese that would otherwise have been able to disembark under the conditions of the bilateral treaties then in effect," the memorandum concluded.[111]

Using discretion systematically to accomplish ethnic restriction created diplomatic problems when the practice came to light. A 1903 complaint from the Japanese government that Chinese and Japanese were singled out for health checks by shipping lines prompted the Mexican government to issue orders that all nationalities be treated equally.[112] Discriminatory practices were sensitive. For example, the Ministry of

the Interior transmitted a memorandum to the Ministry of Foreign Affairs in July 1930 that subjected certain persons to special examination, prohibited their immigration without prior permission from the Ministry of the Interior, and banned them from re-entering Mexico if they were previous residents. A coded paragraph stipulated that the measure only applied to Chinese citizens, 1000 of whom were expected to arrive at Mexican ports, and that they should be turned back.[113] Yet it was difficult to disguise such policies when they were having an effect on migration flows. Notwithstanding widespread corruption in the migration service that lessened the impact of anti-Chinese legislation, the Chinese population of Mexico plummeted from 24,218 in 1926 to 4856 in 1940.[114]

The authorities imposed a racialized ban on black immigration in a confidential circular issued in 1924 that prohibited the entry of *la raza negra* and *individuos de color*.[115] As with policies affecting Chinese, foreign policy considerations shaped the ban's secrecy. Many actual and potential black immigrants to Mexico were U.S. nationals. A year after the ban went into effect, the U.S. ambassador asked the Mexican Ministry of Foreign Affairs whether it was true that U.S. blacks were prohibited from entering Mexico. The ministry denied that blacks were banned and claimed that Mexico only banned the admission of individuals likely to become public charges and compete with Mexican workers. "In a great number of cases, individuals of the black race who have attempted to immigrate have been in this situation, that is to say, have constituted a real burden for Mexican society, . . . and immigration agents applied the law accordingly."[116] The ban on blacks per se remained secret to avoid provoking the ire of U.S. authorities charged with protecting their nationals. The government also made exceptions for the admission of Afro-Cuban elites because it wished to "avoid resentments" of black Cuban government officials. A memorandum sent to Mexican consulates clarified that the ban on the colored race only included its "working class" because "the government desires to protect our workers" from competition. In its internal communications, the Department of Migration explained more candidly, "The general criterion of the government in recent years has been markedly opposed to the immigration of the Ethiopian and Mongol races, which for ethnological reasons that are well known, constitute a threat to our embryonic nationality."[117] Deeply racist reasons for immigrant selection were hidden behind an economic rationale. Secret bans on black immigrants continued through the 1930s.[118]

Gitanos were secretly banned in 1926. Internal documents strongly suggest that *gitano* was understood in the ethnic sense of Roma. Exclusion was difficult to enforce because *gitanos* held passports of several nationalities, such as Hungarian, who could be of multiple ethnicities. The Department of Public Health complained about their ongoing immigration to the Secretary of Migration in 1931. "In different parts of the country, an increase has been observed in groups of individuals known commonly as *'húngaros,'* whose occupations are not well defined, as it is well known that the women earn a living by exploiting the public as fortune tellers and card readers, and no small number of complaints has been received of them kidnapping children. They constitute nomadic groups of indefinite nationality and are considered a social burden not only for their ill-defined means of subsistence, but also because of their customs and unhealthiness arising from the agglomerations in which they live," the report read.[119] Hungarians of all ethnicities were secretly banned in 1931, a ban which may have targeted Jews as well as Roma.[120] Given that Roma lacked diplomatic protection qua Roma, it is not clear why the ban was confidential. *Gitanos* were openly banned in seventeen countries in the Americas.

Approximately 8000 Jews, most of whom were petty capitalists, lived in Mexico City by 1925.[121] Confidential bans on Poles and Russians in 1929 were a thinly disguised effort to keep out Jews as well as political agitators—two groups often considered the same.[122] The ban on Polish immigration prompted the Mexican consul in Warsaw, José González Rul, to write to the Minister of Foreign Affairs lamenting the ban and the anti-Polish campaign in the Mexican press, which he blamed on a failure to understand the difference between "the true Pole" and the Polish Jew. According to the consul, most Poles in Mexico were Jews, and the campaign against them was "perfectly justified" because Jews did not bring economic benefits. However, Polish peasants would be of great utility and benefit for Mexico because they were good agricultural laborers, of positive racial constitution and customs, "strong, well-proportioned, and resistant to disease."[123] In principle, the Ministry of Culture and Economic Development supported the immigration of Polish and other Slavic peasants on the grounds that they were "races with an affinity to our own," even as it rejected any agricultural immigration during the economic crisis of the 1930s.[124]

Other Mexican diplomats were determined to avoid both Jewish and ethnic Polish immigration from Poland. The *chargé d'affaires* in Warsaw, General Eduardo Hay, warned of the consequences of allowing in Jews.

"One has to come to Poland to be convinced that the human race can fall into such abysmal degeneration," he wrote. "These individuals, who in no other part of the world are farmers, will quickly become that many more social parasites, exploiting our people as intermediaries and loan sharks, which are their typical occupations, or as insolent owners of small businesses that will degrade the work and health of the Mexican worker, as they have done here to the Polish worker." Hay insisted that even if Poland sent "true Polish peasants," presumably meaning ethnic Slavs, the results would be prejudicial to Mexico. "In effect, the Pole as a human type is one of the least desirable that currently exist in the world: dirty, lazy, thieving, reactionary, lying, greedy, insolent, and despotic with those below him, while cowering with those above him."[125]

High-ranking officials in the Ministry of Foreign Relations argued that Poles should not be banned because Mexico had recently established diplomatic ties with Poland. Moreover, there were large concentrations of Poles "in countries as demanding of their immigrants as the United States."[126] Notwithstanding the Ministry of the Interior's initially favorable response to these arguments, Poles were banned again in 1930, and Polish immigration fell from 358 in 1930 to fifty-six in 1931.[127]

Confidential circular no. 250 in 1933 prohibited the immigration of blacks, Malays, Asian Indians, and the yellow race "for ethnic reasons." Japanese were exempted from the ban on the "yellow race" because Japan had signed a 1904 treaty with Mexico guaranteeing freedom of migration. The Mexican government was much more favorably inclined toward Japanese than other Asians, given Japan's rising geopolitical strength and the sense that Japanese had a "modern" culture. A 1917–1928 bilateral pact between Mexico and Japan had promoted the immigration of Japanese doctors, pharmacists, dentists, midwives, and veterinarians.[128] Organizations of Mexican workers periodically protested Japanese immigrants, followed by organizations of merchants as Japanese rose up the economic ladder, but the federal government ignored such demands and continued to favor Japanese over all other Asian migration.[129] Koreans were exempt from the provisions of confidential circular no. 250 for being subjects of Japan, and Hawaiians and Filipinos were exempt for being subjects of the United States.[130] Even colonial relationships between potential immigrants and powerful metropoles could be reason for Mexico to avoid subjecting the colonized subjects to discrimination. Circular no. 250 banned nationals of the Soviet Union for "political reasons," *gitanos* for their "bad customs and activities," and declared Poles, Lithuanians, Czechs, Slovaks, Syrians,

Lebanese, Palestinians, Armenians, Arabs, and Turks to be "undesirables" unless they were pre-approved for immigration by the Ministry of the Interior.

Confidential circular no. 157 in April 1934 expanded restrictions on grounds of skin color, legal nationality, and ethnic proclivity toward particular occupations. Based on the grounds of "ethnic, economic, political, and demographic conditions," the order banned "the African, Australian, yellow, Hindu, and Malay races." Groups associated with informal commerce that had been previously labeled undesirable by Circular no. 250 were banned outright, and the list expanded to include Latvians, Bulgarians, Romanians, Persians, Yugoslavs, and Greeks. To avoid the immigration of individuals whose "mixture of blood, cultural level, habits, customs, etc. . . . make them exotic to our psychology," Albanians, Afghans, Abyssinians, Algerians, Egyptians, and Moroccans were banned as well. The order further prohibited the immigration of Jews of any nationality because Jews, "more than any others, because of their psychological and moral characteristics, and for the type of activities to which they dedicate themselves, are undesirable."[131]

Given that Jews did not have diplomatic representation, why was their exclusion secret? Citizens of weaker countries, or countries with which Mexico did not have vital interests, were more likely to be subject to blatant social discrimination on the vertical plane. A petition signed by 225 Mexico City merchants called for the expulsion of Chinese, Middle Eastern, Slavic, and Jewish immigrants and the annulment of their naturalizations. The merchants rejected the diplomatic argument against discrimination that targeted particular nationalities, claiming that "Neither Turkey, nor Russia, nor Syria, nor any of the other nations we have cited are important in the world. Geographically, they are far from Mexico. Morally and psychologically, they are in the dirt. Militarily, they cannot be feared. Therefore, THEY ARE WORTH NOTHING."[132] Jewish organizations in Mexico protested against their treatment with little success. A coalition of organizations led by the Sourasky family could not convince the Minister of the Interior to restrict the publication of hostile nativist propaganda or investigate why Jewish merchants were the exclusive object of labor law crackdowns in the markets.[133]

While ethnic organizations within Mexico were ineffectual, the horizontal political field included more effective non-state actors organized in transnational ethnic networks. Jews in Mexico did not have a homeland government to protest discrimination against them, but they were able to successfully mobilize Jewish organizations around the world to apply pressure on the Mexican government. During the 1931 boycott,

the same Sourasky family spurned in Mexico City in March called on the Mexican consul in Antwerp in June to protest treatment of Jews in Mexico and threaten a public protest in Antwerp. In his report to the Mexican Ministry of Foreign Affairs, the consul explained that he tried to convince the Souraskys to call off the protest so that Mexico's reputation would not be damaged among the Jews of Antwerp, who he said were socially and economically powerful and had influence on Jewish "colonies" in other countries. The consul assured the Souraskys that the Mexican government was applying its laws of commerce with severity, but also "with equality and justice, without distinction of either race or nationality." The Ministry of Foreign Affairs applauded the consul's efforts in the face of similar reports from diplomatic posts in New York and Paris. "It would be extremely dangerous to face a coalition of rich Jews living in New York, Paris, London, Amsterdam, and other centers of global economic importance, and it could seriously aggravate the state of the Mexican economic crisis, given that the Jews of any social class are very united among themselves and help each other powerfully in economic questions," the report concluded.[134] The Ministry of Foreign Affairs then asked the Ministry of the Interior "to refrain or avoid this type of demonstration against foreigners that is causing great damage to our country abroad." Unlike its treatment of other groups without an independent state to represent their "nation," such as Roma and Lebanese, which could be the objects of open discrimination, the Mexican government avoided publicly singling out Jews for discrimination to avoid the possibility of wealthy Jews abroad applying external pressure.

The system of secret orders eventually collapsed under its own contradictions. The more effectively the circulars were implemented, the greater the suspicion of foreign governments that their nationals were being targeted. It was hard to keep secret instructions that were disseminated throughout Mexico and its consular system abroad. In 1934, the Czechoslovakian legation in Mexico City somehow obtained a copy of confidential circular no. 250 that banned Czechoslovakian immigration, and it protested to the Mexican authorities.[135] The Ministry of Foreign Affairs could not invoke secret circulars when explaining to other governments why their nationals were being excluded. Bilateral treaties of free migration conflicted with some of the circulars, and there was confusion within the government about whether to follow the secret circulars, the published law of migration, or the public pronouncements of the president.[136]

Quotas a la Mexicana

The 1936 General Law of Population replaced the system of secret circulars with provisions for nationality quotas, which were first announced in the 1937 "differential tables." Immigration from the Americas and Spain was unlimited; 5000 slots were reserved for each of thirteen European nationalities and Japan; and 100 slots were reserved for nationals of each other country in the world. The tables nominally reflected a goal of granting an annual quota of 2 percent of each nationality's population in Mexico, following the logic of the U.S. quota model. Yet according to the 1936 law, the quotas were allotted "taking into account the national interest, the degree of [foreigners'] racial and cultural assimilability, and the appropriateness of their admission, with the goal that they do not constitute factors of disequilibrium." Preference would be given to "assimilable foreigners whose fusion would be most appropriate for the races of the country." A 1937 internal study that was probably authored by Andrés Landa y Piña, director of the Department of Migration, argued that the racial and cultural assimilability standards in the quotas were "capricious." The General Director of Population, Francisco Trejo, admitted in 1938 that statistics on foreigners were unreliable, so the national quotas were simply based on his sense of what constituted an "undesirable race."[137] Lucio Mendieta y Núñez of the Department of Indigenous Affairs pointed out that even this logic was flawed because the differential tables selected by legal nationality when the real goal was to select by race.[138]

The Chinese legation in Mexico City reacted bitterly to the first annual quota that permitted only 100 annual admissions for Chinese. Letters to the Ministry of Foreign Affairs argued that China should receive 5000 slots, the same as the most favored nations. The fact that Japan, another Asian nation, was given the same number of slots as most European countries was particularly galling. Against the racist argument that Chinese were inassimilable, the Chinese diplomat contended that Chinese and Mexicans were racially related. "Moreover, although the theories of prehistoric North America are not yet definite, permit me to signal the fact that there are very respectable ethnologists who think that the origin of the indigenous civilization of Mexico can be found in the millenarian civilization of China," the diplomat wrote. "This would establish that there is no incompatibility whatsoever between the autochthonous Mexican and the Chinese races. Therefore, the entrance of Chinese into Mexico should not be seen as objectionable for its racial character

either."[139] The argument that Chinese were racial kin to indigenous Mexicans and thus could fit within the project of mestizaje did not persuade Mexican authorities. The annual tables from 1939 to 1940 maintained the cap of 100 on Chinese and most other nationalities, reduced immigrants from the medium tier from 5000 to 1000, and included Portugal among the list of unrestricted countries.[140]

World War II saw the height of national-origin restriction for both geopolitical and ethnic reasons. Immigration and naturalization from Axis countries was prohibited after Mexico joined the Allies in 1942. These wartime measures were lifted in the late 1940s.[141] Beyond the restrictions on enemy aliens, the differential tables from 1941 to 1944 banned all European immigration, except for unlimited immigration of Spaniards. The tables in 1945 to 1946 reinstated quotas for 1000 immigrants each from ten European countries and added the same privilege for the Soviet Union. The final tables in 1947 added the Philippines to the list of unrestricted countries, based on notions of shared *hispanidad* that became activated when the Philippines gained independence from the United States.[142]

From the 1920s to 1940s, the Mexican government transformed its laws from ethnic neutrality and the encouragement of labor and agricultural migration to laws that selected potential immigrants by supposed ethnic assimilability and practically ended labor migration. The shift away from all overt restrictions on particular groups would come even faster in the 1940s as the Mexican government, having consolidated its power at home, took a lead role in pushing the anti-racist movement in the hemisphere.

Promoting Racial Equality

The timing of the Mexican government's public rejection of racism in the early 1930s, a decade before Mexico joined the Allies in May 1942 and the horrors of the Holocaust came to light, suggests that horizontal factors were not solely responsible for the anti-racist turn in Mexican politics. During World War II, however, the discourse of anti-racism gained greater political purchase and became more universally inclusive, unlike the project of mestizaje, which included Spaniards and the indigenous while racially excluding others. Mexico played a significant role in the International Labour Organization; United Nations; and Pan-American demographic, indigenist, and labor associations.

The Mexican government was taking a firmer anti-racist public stance by the mid-1940s. At the 1943 Inter-American Demographic Congress

held in Mexico City, Mexico's Secretary of Labor and Social Welfare lamented that the plan to bring Jewish colonists to the state of Tabasco had been interrupted by the war. He claimed that Jewish immigration would have benefited Mexico. Indeed, the Americas needed immigration, he said, which should be allowed without any prejudice of race, color, or creed. In contrast to the overwhelmingly xenophobic positions of official unions during the early 1930s, by the mid-1940s, official confederations of railroad workers, sugarcane cutters, and youth leagues publicly praised President Ávila Camacho for sheltering Jewish refugees.[143] In turn, Jewish organizations praised the anti-racist pronouncements of the president and publicly drew parallels between anti-Semitism and the racism directed against Indians and mestizos that was decried by ideologies of indigenismo and mestizaje.[144]

In 1944, a group of prominent politicians and state-sponsored cultural figures formed the Mexican Committee Against Racism (CMCR). Its leadership included the directors of two pillars of the ruling party—Vicente Lombardo Toledano, the founder of the Confederation of Mexican Workers (CMT), and Gabriel Leyva Velázquez, the general secretary of the National Peasant Confederation (CNC). The director general of the Bank of Mexico, the Secretary of the Navy, the governors of the states of Guanajuato and Nuevo León, muralist José Clemente Orozco, and actress Dolores del Río served on the committee as well. Each week the CMCR broadcast a half-hour radio program called "Against Racism" on a government station. Its magazine, *Fraternidad,* attacked the exterminationist racism of Nazi Germany and linked it to U.S. discrimination against Latin American workers. In a typical article about discrimination against Mexicans in the United States, *Fraternidad* editorialized about a case in which two Mexicans in Kansas were not allowed to drink in a bar. "The CMCR makes this public denunciation of acts that are shameful for the great fatherland of Lincoln, and hopes that the relevant authorities of the United States would once and for all end the odious racial differences there, where its inhabitants, whatever their racial origin or religion, are engaged in the common fight to win the war against Nazi Fascism, whose banner is the false prejudice of 'racial superiority,' " it wrote.[145]

Fraternidad similarly linked the war against the Axis and U.S. racism in a 1945 article calling on President Roosevelt to end discriminatory wages paid to Latin Americans and blacks working in the Panama Canal Zone, a practice that violated the ideal of anti-racism. "If it is for this grand ideal that all of the free countries and those who desire their liberty have united against German Nazism and Japanese militarism's

attempts at subjugation," it wrote. "It is not conceivable that there be discrimination against any group allied with the effort to fight for the fraternal liberty of all races."[146]

The Mexican government showed that it was taking discrimination against Mexican workers in the United States seriously when in 1942 it prevented bracero workers from participating in the bilateral temporary worker program if their destination was Texas. Discrimination against Mexicans in Texas was even harsher than in other parts of the U.S. Southwest. Minutes of a 1942 meeting of the federal Fair Employment Practices Committee to discuss discrimination against Mexicans in Texas reported that Undersecretary of State Sumner Welles was extremely concerned that "a large publicizing of the fact of discrimination against people of Latin American origin . . . would interfere with the good neighbor policy and the negotiations of the State Department."[147] The CMNR and Mexican diplomats then successfully lobbied the state of Texas to pass unanimously the 1943 "Caucasian Race—Equal Privileges" act that implied that Mexicans and Anglos were on the same legal footing. Invoking the unity of North and South America "banded together in an effort to stamp out Nazism and preserve democracy," the 1943 Texas resolution declared "all persons of the Caucasian Race within the jurisdiction of this State are entitled to the full and equal accommodations, advantages, facilities, and privileges of all public places of business or amusement." Mexicans had been categorized as their own race in the 1930 U.S. census, but under pressure from Mexican ethnic organizations in the United States and the Mexican government, the U.S. census abolished the Mexican category and placed Mexicans in the Caucasian category of the 1940 census.[148] At least on paper, the 1943 Texas bill implied that Mexicans were no longer subject to segregation directed against blacks in the state. In his definitive account of the 1943 Texas bill, Thomas Guglielmo argues that the Good Neighbor Policy's imperative to placate Latin America, particularly to ensure supplies of Mexican labor to the southwestern United States during the bracero temporary worker's program beginning in 1942, was critical to allowing the bill's passage.[149] The U.S. need for Latin American support in its existential struggle with the Axis provided the Mexican government with an opportunity to reduce the humiliating treatment of Mexicans in the United States.

At the International Labour Organization's May 1944 Philadelphia meeting, the Mexican delegation complained about discrimination against Latin Americans in the United States and in the Canal Zone and proposed that racial discrimination in postwar migration be studied by the

ILO. The motion passed unanimously. That same spring, the Confederation of Latin American Workers under Vicente Lombardo Toledano met in Montevideo and resolved to campaign against racial discrimination.[150] Following the war, the Mexican congress declared in December 1945 that Mexico "has always combated racial discrimination . . . True worldwide democracy, the aspiration of all peoples and the best guarantee against another war, does not recognize, nor can it recognize, differences among Europeans, Amerindians, Asians, blacks, or Jews."[151] At subsequent international conferences, such as the 1952 UNESCO conference in Paris, the Mexican government instructed its delegation to support campaigns against racism and to promote by all means the end of discrimination against Mexicans in the United States.[152]

Mexican policy was shaped by the anti-racist pronouncements of other countries, but the Mexican government did not simply copy foreign models in a straightforward process of cultural emulation. The Mexican government itself helped shape the anti-racist discourse and its institutional expression through a process of reciprocal modeling. The Allied response to World War II created a discursive and epistemic shift against overt racism, particularly in the diplomatic arena. This shift opened up the possibility for countries whose nationals suffered discrimination by the United States to highlight the contradictions between the language of liberalism, with its emphasis on freedom and equality, and the racist practices of liberal democracies. Efforts in Mexico to better the conditions of Mexicans abroad fed back into ending Mexico's own overtly discriminatory immigration laws, even as the notion of assimilability evolved to provide a means of quietly limiting the entrance of ethnic undesirables in practice.

The 1947 General Law of Population ended the quota system as well as explicit discriminations against particular racial, ethnic, or national origin groups. The preamble to the 1947 law began by proclaiming that the law "is not in any way discriminatory in the racial sense, as Mexico defends the equality of all races in law and liberty; rather, the law is fundamentally directed at the most efficient selection of immigrants." On the other hand, the law insisted on assimilable immigrants. "It is evident that attempts to assimilate a high percentage of the immigrants already admitted have failed. Only in exceptional cases have foreigners become authentic nationals through their close contact with the environment of our country, their identification with the way of being Mexican, and their adoption of vital habits and customs," it read.[153] Article 7 of the 1947 law promoted "the collective immigration of healthy foreigners, of good behavior that are easily assimilable to our environment, with

benefit for the species and the economic conditions of the country." This removed the 1930 clause that such foreigners be of assimilable *races*. In 1947, assimilability combined cultural assimilation with the ambiguous eugenics of "benefit of the species," which could be defended as referring to nonracial forms of biological fitness. Similarly, the Ministry of the Interior was authorized to select individual immigrants as it saw fit, according to the applicant's "greater or lesser ease of assimilation to our environment."

The 1947 law clearly reflected the influence of an epistemic community of experts on the horizontal plane. A fundamental change in 1947 was to replace outright biological racism with the eugenicist notion of "biotyping" that emphasized individual traits rather than group hereditary differences. Biotyping emerged out of the delegitimization of biological racism as a response to Nazi persecutions of Jews, Roma, and the disabled.[154] The preamble of the 1947 law explicitly claimed to have taken into consideration the conclusions and "promises made by Mexico" in the First Inter-American Demographic Congress held in Mexico City in 1943, when the twenty-two independent countries in the Americas met to decide how they would select from the massive supply of European immigrants that were expected when the war ended. Mexico and all of the other countries involved, with the exception of Canada, explicitly rejected racial discrimination, declared the notion of racial superiority to be unscientific, and called for a new kind of eugenicist policy in each country based on biological and social improvement regardless of race. At the same time, they agreed that each country would attempt to assimilate immigrants and thus avoid "exotic nuclei" of unassimilated and "socially maladaptive" foreigners, a position reaffirmed by the Conference on Inter-American Problems of War and Peace held in Mexico City in February 1945.[155]

Notwithstanding the global normative shift against overt racism, there is some evidence that the Mexican government in practice continued to discriminate against would-be immigrants on ethnic grounds. As the group most consistently subject to discrimination in Mexican immigration law, Asians represent the most useful test case of ongoing de facto discrimination. Between 1950 and 1990, the percent of the foreign population born in Asia fell steadily from 8.6 to 2.4 percent.[156] The number of people born in China registered in the census fell from 15,976 in 1930 to fifty-four in 1980. Syrians and Lebanese fell from 6161 in 1930 to 2024 in 1980. Among Asians, only a Japanese migration closely tied to large Japan-based transnational firms remained steady during the postwar years.[157]

It is possible that the decline in the Asian-born was a function of falling demand from Asians to immigrate to Mexico. The Communist government that gained control of China in 1949 all but banned emigration during most of this period.[158] However, the Mexican government's response to Chinese Mexicans and their descendants suggest that its ostensibly race-neutral admissions policy in practice sought to discourage Chinese immigration even from British-held Hong Kong and Portuguese-held Macau. Hundreds of Chinese men had been expelled from northwestern Mexico during the 1930s. Many took their Mexican wives and Mexico-born children with them. The plight of the *mexicanas de Oriente* became a cause célèbre during the 1940s and '60s. Eventually the Mexican government paid for the repatriation of at least 700 Mexicans who had been living in East Asia, mostly in Hong Kong. Internal government communications recurrently complained of a massive fraud in which Chinese entered Mexico to work by using false documents claiming that they were sons of Chinese/Mexican marriages.[159] The close attention to ferreting out "genuine" Mexicans and prohibiting the entrance of any other Chinese suggests that the de facto policy during the post-war period was to restrict Chinese, notwithstanding the end of formal Chinese restriction in 1947.[160]

In 1968, Senator Manuel Tello presented an initiative to reform Article 7 of the 1947 Law of Population to encourage the repatriation of Mexicans in the United States to work in areas of Mexico where their skills would be most useful. Tello's public commentary on the general assimilability provision suggests that it was interpreted as a thinly disguised preference for whites. "Even when the law does not establish what should be understood as collective immigration of foreigners that benefit the species, if we abide by the criterion that prevailed in the second half of the nineteenth century and which in great part persisted until a relatively recent date, we can venture that it refers to the immigration of individuals of the Caucasian race who intend to colonize," Tello told the Senate.

Notions of racial improvement persisted in prominent quarters, but there was a sense that mestizaje rather than immigration could provide the solution. Tello went on to argue that "foreign colonies have been a failure in Mexico. Even the Mennonites and Mormons, whose members are distinguished by their industriousness, good behavior, and respect for the law, constitute islands that are closed to the integration of the great Mexican family." For Tello, the immigration of whites was not the answer to Mexico's problems. "The physical conditions of our race have become improved and will continue to do so without us relying on

the collective immigration of foreigners," he said. "We are a country of mestizos and we should be proud of that. If there are still population nuclei, such as the Lacandones, the Chamulas, the Huicholes, the Tarahumaras, etc. . . . that live, in some ways, at the margin of our civilization, experience has shown that the remedy is not to bring in colonists of the white race, which would be Utopian, but rather to incorporate them into this civilization, as Mexico has been doing through the Indigenist Institute."[161]

The 1974 General Law of Population finally eliminated immigrant assimilability as a criterion for admission. The congressional discussions around the subject did not attend to questions of ethnicity. The new law gave great discretion to the Minister of the Interior to control the levels and types of migrants according to their "possibilities of contributing to national progress." Since the law was passed, immigration to Mexico has continued in relatively small numbers, mostly from the Americas. By 2010, a quarter of a million foreign-born lived in Mexico, representing 0.7 percent of the population. People born in the United States represented 69.7 percent of the foreign-born—a category that conflates U.S. retirees, other U.S. expatriates, ethnic Mexicans born in the United States to migrant parents who then brought them back to Mexico, and residents of the border region born on the U.S. side of the fence. Of the top ten foreign-born nationalities, the only nationality from outside of the Americas and Western Europe was Japan, representing 1.2 percent of the foreign-born.[162]

The 1974 population law eliminated the positive preferences for Latin Americans in refugee policy. The extension of eligibility to any nationality was described in the preamble as "more modern" and "humanist." Approximately 12,000 refugees fleeing the Dirty Wars arrived from Argentina, Chile, and Uruguay in the 1970s, and an estimated 100,000 Guatemalans and smaller numbers of other Central Americans fled their civil wars in the 1980s.[163] Mexico finally signed the 1951 UN refugee convention and its 1967 Protocol in 2000.[164] By 2009, fewer than 500 people lived in Mexico on refugee visas—70 percent of whom were from other Latin American countries.[165]

Mexico is primarily a country of emigration to the United States. Almost twelve million people born in Mexico lived in the United States in 2011.[166] Since the 1980s, it has also been a country of transit for Central and South Americans seeking to clandestinely enter the United States. The federal government registered more than 1000 irregular migrants from Africa in 2010, most believed to be in transit to the United States.[167]

There are no overt ethnic preferences or discriminations in contemporary Mexican immigrant admissions law, though since the 1940s, there has been an effort to attract U.S. and Canadian retirees of independent means by waiving import tariffs on their household goods.[168] The Mexican government maintains a high degree of discretion to exclude any individual. In practice, the Mexican government apparently maintains an administrative list of "restricted nationalities." Most are from countries in Asia and the Middle East, though the list also includes Colombia. The rationale for quietly restricting the entry of nationals from these countries through bureaucratic regulations is opaque, but it may be framed as applying pressure on potential terrorists and drug smugglers. Ethnic preferences may be implicated as well.[169] The remaining preferences in nationality law are the preferential naturalization requirements of only two, rather than five, years of residence that began for Latin Americans in 1917 based on "our fraternal aspirations that unite us with countries of the same raza."[170] Spaniards were given the same preference in 1939. Portuguese were added in 1993 as part of Mexico's attempts to play a prominent role in the Organization of Ibero-American States. Making naturalization easier for select groups who rarely immigrate is a cheap, symbolic way of promoting broader diplomatic goals.[171]

Conclusion

In two centuries of Mexican immigration policy, broad patterns emerge of different treatment according to group, but the relevant ascriptive categories have changed, and the trajectory of greater or lesser ethnic selection was not linear. From Independence in 1821 to the War of the Reform (1857–1861), Mexico's immigration law shifted from a preference for Catholics to religious neutrality. Throughout the nineteenth century, national immigration policies were national- and race-neutral in formal terms, yet in practice, the government and economic elites tended to prefer whites, except when they were expelling Spaniards in the 1830s for economic and security reasons. An elite-driven effort to attract Chinese workers at the turn of the twentieth century and the rechanneling to Mexico of Asians, Middle Easterners, Jews, and Slavs who would otherwise have gone to the United States was met with popular resistance. Protests from below led to a system in the 1920s through 1940s of negative discrimination against a long list of groups and positive preferences for Spaniards. The end of de jure discrimination in 1947 in some ways returned Mexican law to the late nineteenth century pattern of de jure ethnic neutrality and at least some de facto discrimination.

Why did a country with so little immigration develop such elaborate policies of ethnic selection? The efforts of Mexican elites in the nineteenth and early twentieth centuries to modernize the country created a xenophilic trend toward favoring Europeans. However, small numbers of European and U.S. immigrants gained disproportionate economic power and acted as Trojan horses for the intervention of foreign governments. The ability of these immigrants to call on the power of their home countries created an intimate nexus between the vertical and horizontal dimensions of policymaking. Consequently, in Mexico's 1917 constitution and its laws of population and nationality, foreigners are prohibited from owning property along the border and coasts, are sharply restricted in their ability to exploit Mexico's natural resources, must renounce foreign diplomatic protection in property disputes, may not become involved in the political affairs of Mexico, and can be summarily expelled from the country at the will of the executive.[172]

Most of the foreigners seen as either racially inferior or unwilling to mix with natives—Chinese, Middle Easterners, and Jews—came in small numbers but concentrated in highly visible commercial positions. Fears of labor market, professional, and business competition drove restrictive efforts against these groups. Economic competition provides a necessary but incomplete account of restriction because Europeans were subject to far fewer successful restrictions than Asians, even though they dominated the economy to a much greater degree. Racist ideologies also drove restrictionist efforts. The intensity of racism was most extreme against Chinese, with Middle Easterners and Jews as lesser targets. In practice, the economic and racist arguments were often so intertwined as to be empirically indistinguishable.

Foreign policy considerations and the diffusion of outside models played a strong role in both the restrictive and universalistic policy phases. Efforts by the U.S. government to use diplomatic leverage on Mexico to adopt Chinese restriction, as the U.S. had successfully done in Cuba and Canada, failed in Mexico. Mexico did not restrict Chinese immigration until 1921, nearly four decades after Chinese exclusion began in the United States. Mexico was strongly influenced by U.S. immigration policy through more indirect mechanisms. Ethnically restrictive policies in the United States that culminated in the 1921 quota act rechanneled Chinese, Asian Indians, Japanese, Middle Easterners, eastern Europeans, and Jews into Mexico who would have otherwise migrated to the United States. Policies in the United States thus changed the Mexican government's strategic calculation about how to respond to

the influx. Mexican policymakers reacting to domestic resistance to Chinese immigration eventually drew on U.S. exclusion of Chinese to legitimate their own exclusions in an explicit policy of cultural emulation, but there was a long lag. To a much lesser degree, Mexican policymakers drew on the Argentine and Brazilian models of proactively attracting Europeans. None of these cultural emulations were automatic, however, and Mexico's first immigration law in 1909 explicitly rejected the U.S. model of ethnic selection. Emulation only occurred when it was supported by strong coalitions within Mexico that combined economic and ideological demands for restriction.

Bilateral relationships shaped the forms of Mexico's ethnically restrictionist policies. Diplomatic sensibilities drove the early restrictions underground. Bans targeting blacks (mostly from the United States) were kept secret to avoid antagonizing the U.S. State Department. Discrimination against the Chinese was kept as secret as possible through confidential circulars banning their entry and the disproportionately intensive use of health controls. When open bans on immigration were announced several years later, they tended to target groups such as Roma, Middle Easterners, and eastern Europeans who were represented by weak states or who did not have a nation-state at all. The Mexican government's post-WWII policy of extreme bureaucratic discretion in picking "assimilable" immigrants, without specifying just who was more assimilable, reveals a process of policy learning in how to achieve ethnic selection without incurring a diplomatic penalty.

The epistemic community of Mexico's policymakers extended to the entire West, though foreign ideas were adopted selectively. Eugenicist ideas that, along with economic competition, drove restrictions in the 1920s and 1930s were embodied in Mexican law as well as regional agreements to which Mexico was party. Eugenics turned out to be surprisingly fragile, however, as the realization that strong factions in the U.S. Congress were trying to apply eugenicist policies against Mexico, and the later reaction against Nazism, rendered biological racism illegitimate. The anti-racist movement that quickly became dominant even before the war was over became strongly institutionalized in a way that eugenics never was, primarily through the institutions of what became the United Nations, but also through Latin American indigenist and labor organizations in which Mexico played a leading role.

One of the originating puzzles of this book is to explain why Mexico was a leader in eliminating its explicit discriminations against particular groups, a generation before Canada and the United States did the same.

In the first instance, the United States was the clear target of Mexico's international support for ending racial discrimination against immigrants. The U.S. Good Neighbor policy toward Latin America, accentuated by the wartime alliance that created the Bracero Program for temporary Mexican workers, provided a strategic opening for the Mexican government. It successfully lobbied the U.S. federal government to treat Mexicans as whites in the 1940 census and to declare Latin Americans in Texas eligible for the full rights of Caucasians in 1943. Holding back bracero migrants from working in Texas at a time of massive U.S. demand to fill the hole in the labor force created by wartime mobilization gave the Mexican government leverage. Mexico eliminated its own racial restrictions to more effectively apply pressure on the U.S. government as the question of mass emigration from Mexico grew far more important than the question of immigration to Mexico.

Second, Mexican elites sought political leadership within Latin America on the indigenous question. The First Interamerican Indigenist Congress at Pátzcuaro in 1940 attracted 200 delegates from nineteen countries and was instrumental in spreading the ideology of indigenismo throughout Latin America—particularly in the Andes, with its large indigenous population. Although there is an underlying racist logic in the notion of biological progress through the mixing of indigenous and Spanish blood, the logic of integration that grew more dominant over time carried a particular kind of anti-racist message that open discrimination against Indians was illegitimate and that they should be integrated into nations of mestizos.[173] Thus, ending racist laws served Mexico's foreign policy interests as well as the project of mestizaje that aimed to unify a fragmented population.

Brazil

Selling the Myth of Racial Democracy

Ethnic selectivity in Brazil emerged from the collision between elite disputes over the economic and racial benefits of different immigrant groups and a state-led effort to portray Brazil at home and abroad as a "racial democracy." When Brazil became a republic in 1889, just a year after the full abolition of slavery, it had the largest African-origin population in the Americas. Elites agreed that they did not want more blacks, but they argued over whether Asian workers might fill labor needs until the desired agents of whiteness and modernity—European immigrants—could be attracted in sufficient numbers. The "Chinese question," as contemporaries referred to this debate, was settled at the turn of the twentieth century when the ideological project of whitening the population trumped landowners' efforts to recruit Asian workers.

Around the same time, the foundations were built for the myth of racial democracy—the notion that Brazilians were a fusion of European, African, and indigenous peoples who lived in harmony and equality.[1] As early as 1911, Jean Lacerda, Director of the National Museum of Rio de Janeiro, told the Universal Races Congress that "[p]rejudices of race and colour, which were never so firmly rooted in Brazil as one finds them in the population of North America, have lost much more of their strength since the Republic was proclaimed." He described Brazil as a place where "there is room enough for all the races of the world to live in harmony and prosperity."[2]

The myth served both the domestic and international goals of state-building. At home, propagating the notion of racial democracy allowed

elites of European origin to maintain their privilege by making it politically illegitimate for people of African and indigenous origin to organize along ethnic lines. Just as political liberalism historically proclaimed equality for all, but understood "all" to be white propertied males, racial democracy espoused harmonious relations among all Brazilians while in practice protecting the privilege of the light-skinned. On the international side, the government used its immigration and nationality law on the books to brand Brazil as an exemplar of harmonious interracial relations, often in contrast to the segregated United States. Brazil supported the Japanese proposal for a racial equality clause as part of the Paris Peace Conference in 1919.[3] Even during the height of scientific racism in the 1920s, the Brazilian government invoked racial democracy as a rationale for not discriminating against black immigrants in the law. In practice, however, Brazil resorted to secret directives to dissuade prospective black immigration from the United States. Governing elites strove toward their aspiration of whitening the nation by preserving administrative discretion.

Elites dominated all of these policy debates. Labor did not have an effective way to channel its concerns upward until Getúlio Vargas's populist regime in the 1930s gave some voice to corporatist unions, although the worker's movement had been active for two decades. Vargas limited the influence of regional elites by centralizing immigration policymaking and giving voice to the concerns of labor, though incorporation of labor followed a corporatist strategy of quashing real contention. As in Mexico and Cuba, the populist turn expressed itself in a curious "racist anti-racism" that simultaneously sought to integrate indigenous and African-origin Brazilians while restricting the entry of foreign groups that supposedly threatened the national mix that had been achieved with such great effort. A U.S.-inspired national-origin quotas decree tried to freeze in time the country's racial mix, with the practical effect of discriminating against Japanese, Middle Easterners, and Roma (see Table 7.1). Vargas presented the nationality quotas as a "fair" way to safeguard Brazilians from all foreign threats. As in Cuba and Mexico, the government also insisted that citizens be given priority over foreigners in hiring.

The horizontal political field shaped Brazilian policy through the mechanisms of strategic adjustment (to U.S. and Argentine policy) and emulation (of the same countries). Leverage for greater ethnic restriction was not an important mechanism, given the lack of a dramatically more powerful neighbor, but as in most of the Americas, leverage from Japan limited the extent and method of anti-Japanese restriction. Brazil was exceptional in its ability to shape the politics of anti-racism in the

Table 7.1 Principal Brazilian laws of immigration selecting by ethnicity

1890	Federal decree prohibits the entry of "blacks and yellows"[1]
1892	Federal law revokes the 1890 decree[2]
1921	Federal law prohibits the entry of "undesirables."[3] Secret consular policy excludes U.S. blacks wanting to come to Brazil[4]
1934	Constitutional nationalities quota system and exclusion of "Gypsies and nomads."[5] Includes a general assimilability clause[6]
1937	General assimilability criterion dropped.[7] The first of several secret anti-Semitic circulars bans visas for persons of "Semitic origin"[8]
1938	Decree-law implements nationality quotas with administrative discretion to limit or suspend the entry of individuals "from certain races or origins"[9]
1939	Portuguese immigrants exempted from the immigration nationality quota[10]
1945	Decree promotes nationality quotas with preference for Europeans[11]
1969	Foreigner's Statute gives preferential treatment to Portuguese immigrants[12]
1970	Regulation of the 1969 statute includes as an objective the preservation of "the ethnic composition of Brazil"[13]
1980	Foreigner's Statute ends the nationality quotas[14]
1988	Constitutional preference for naturalization of nationals from Portuguese-speaking countries[15]
2005	Preferential entry and settlement conditions for citizens of MERCOSUR countries[16]

1. Decree no. 528 of June 28, 1890.
2. Law no. 97 of October 5, 1892.
3. Decree no. 4247 of January 6, 1921.
4. See discussion below of the Brazilian American Colonization Syndicate.
5. Decree no. 24.215 of May 9, 1934.
6. Federal Constitution of 1934, Art 121, Section 6.
7. Political Constitution of 1937, Art 151.
8. Secret Circular no. 1127, "Entrada de estrangeiros no território nacional," of June 7, 1937.
9. Decree-Law no. 406 of May 4, 1938.
10. Resolution no. 34 of April 22, 1939 (Conselho de Imigração e Colonização).
11. Decree no. 7967 of September 18, 1945.
12. Decree-Law no. 941 of October 13, 1969.
13. Decree-Law no. 66.689 of June 11, 1970.
14. Law no. 6.815 of August 19, 1980.
15. Constitution of 1988 with reforms up to July 12, 2010.
16. Legislative Decrees nos. 923 and 928, and Decree no. 5.471.

horizontal field, not just through its diplomacy with other states, but also through its scientists' deep involvement in an epistemic community of experts working for UNESCO.

After World War II, Brazilian intellectual elites capitalized on its "international brand" as a racial democracy to play a leading role in the

global turn against racism.[4] Prominent social scientists took for granted that Brazilians had something authoritative to say about racial equality and put substantial resources at the disposal of UNESCO. The scrutiny of social scientists from Brazil and elsewhere showed a more complicated system of social classification in Brazil than suggested by the fiction of racial democracy. Still, the myth persisted and shaped debates of immigration policy as Brazil became a world economic power. Ideological threats to national security became the overriding concern of immigration policy during the military regimes that lasted through the early 1980s. In the early 2000s, when immigration from neighboring countries, Africa, Asia, and Haiti again raised the prospect of Brazil becoming a country of immigration, the government responded with diplomatic tools and bureaucratic regulation rather than restrictive legislation.

Colony and Empire

From the arrival of Portuguese explorers in 1500 to the end of the Brazilian empire in 1889, elites struggled to turn a profit under changing imperial and market conditions. Commercial concerns with large holdings controlled most production and export of sugarcane, coffee, rubber, gold, and other minerals. One of their main problems was gaining access to enough workers for an economy dominated by labor-intensive extraction. Religious and racial categories dominated thinking about who should provide labor in a way that did not threaten the security of the Portuguese crown or the profits of its commercial elites.

Security, Population, and Migration

In the first decades after Portugal claimed Brazil, colonization consisted of trade at a handful of established posts and monitoring Brazilian waters to combat piracy and commercial enterprise by other powers. Control over the new lands yielded only 2 percent of the crown's income.[5] However, encroachments from French, Dutch, and Spanish rivals raised Portuguese concerns about the security and thin population of their vast Brazilian territories.

The selection of colonists in different parts of Brazil depended on which colonial power ruled at the time. The Dutch and the West Indies Company occupied most of northern Brazil in 1630 and allowed "crypto-Jews" to practice their faith freely, until Portuguese forces drove out the Dutch in 1654 and Jews received free passage out of Brazil.[6] During the Iberian union (1580–1640), Spain controlled Portuguese Brazil as a

result of royal inheritance and applied more restrictive policies that explicitly banned the emigration of Jews to the Americas. "New Christians"—Jews forced to convert to Catholicism—benefited from the Portuguese separation from Spain in 1640 when they became protected by King João IV, presumably in exchange for investments in the Brazil Company, though they were viewed with suspicion and subjected to extortion and despoilment by the Inquisition after João's death in 1656.

The threats of foreign rivals drove Portuguese authorities to consolidate control by bringing in large numbers of Catholic colonists, almost all of whom came from Portugal and its imperial holdings.[7] In the early colonial years, Portuguese authorities did little to restrict migration from the metropole to the New World, unlike Spain, which developed extensive restrictions. After wars with the Dutch and Spanish worsened economic conditions in Portugal, however, Portuguese left for Brazil in such large numbers that the crown issued multiple laws to hinder depopulation.[8] While a few came through state-sponsored programs for whole families, such as the Azoreans who settled in southern Brazil, the vast majority were men who emigrated alone and entered into unions with native or African-origin women.

The dearth of European workers to support the labor-intensive economy in Brazil and low indigenous participation in the labor force created the conditions for the introduction of slavery. Colonists and religious orders had tried different ways of subjugating indigenous groups, but the Amerindians resisted by fleeing or refusing to work, all of which they could do successfully given their intimate knowledge of the terrain. Amerindians also fell victim to epidemics spread by pathogens of European origin to which the indigenous population did not have any resistance. By the 1570s, the Portuguese crown took measures to stop the killing and enslavement of Amerindians and to encourage the importation of African slaves, who had already been brought to the Recife region when it was under Dutch control.

An estimated 4 million slaves entered Brazilian ports between 1550 and 1855. African-origin slaves were especially vulnerable to exploitation because, unlike Amerindians, they had no protection from either church or state. Legally they had no personhood and hence no rights.[9] The Portuguese and their colonists considered African slaves to be racially inferior, a view that would find "scientific" validation in the nineteenth century. In the interim, a vague sense of Africans' inferiority and inability to manage their affairs legitimated extreme exploitation of slave labor by their Portuguese masters. Work conditions were brutal. The mortality rate of slaves was even higher in Brazil than in the United

States, but the number of slaves remained high because of constant importation from Africa.[10] The introduction of slave labor supported the economic success of the Brazilian colony, and the slave trade itself became a very profitable enterprise. A range of economic sectors depended on slave labor, including sugar cultivation and a short-lived rubber boom in the Northern provinces; coffee production in São Paulo; and gold and mineral prospecting that later turned to agricultural production in Minas Gerais.

The importation of African slaves transformed the demographic landscape of Brazil. Civil and religious codes distinguished individuals by their "purity of blood" and status as free or unfree, but ethnic intermarriage was relatively common and, in some cases, officially encouraged. An entire nomenclature emerged to refer to the offspring of cross-racial unions: *branco, pardo, preto, caboclo, mulatos, mamelucos,* and *cafusos*.[11] These distinctions mattered to employers and local political leaders, but from the perspective of the Portuguese crown, the essential point was that the territory was occupied and that labor was available. Thus, colonial security concerns were addressed and profits continued to flow.

The dawn of the nineteenth century brought a grave security threat to the metropole as Napoleon's army marched on Lisbon. The Portuguese court took the unprecedented step of moving its entire base of government to Brazil in 1807. Until then, no European monarch had visited a New World colony, much less settled there.[12] Dom João, prince regent from 1799, immediately ended the mercantilist policy in place since the founding of the colony and opened Brazil's ports to trade with friendly nations. After the defeat of Napoleon in 1814, the liberal revolutionaries who had taken power in Portugal called for a liberal constitution, a more limited monarchy, and Dom João's return to the homeland. He returned to Lisbon with fewer than half of those who had gone with him to Brazil and left his son, Pedro, in Rio de Janeiro as the new prince regent. Dom João left instructions for Pedro to side with Brazil should it face a break with Portugal. The break with the metropole finally took place in 1822. Dom João's son was crowned Emperor Pedro I, thus inaugurating Brazil's imperial period.

Economic Shifts and Ambivalence toward Foreigners

Economic transformations during the imperial period laid the groundwork for a comprehensive shift in immigration policy. The center of economic activity moved away from the Northeast, with its emphasis on

sugarcane, to the "coffee and milk" *(café com leite)* axis of dairy and temperate agriculture in Minas Gerais and coffee and light industry in São Paulo.[13] The new economy relied less on slave labor and more on free workers. Advances in transportation technologies made it easier to sell Brazilian goods abroad and to bring in more immigrants to replace slaves. The end of the cross-Atlantic slave trade (1850), a ban on indentured work (1872), full abolition (1888), the end of the Brazilian Empire (1889), and the project of political and intellectual elites to establish Brazil in its rightful place in the community of nations characterized this period.

The central Brazilian state had little control over immigration during this period as a consequence of its weak administrative reach over a vast territory. Immigration policy emanated primarily from provincial governments, which mostly acted at the behest of large landowners known as *fazendeiros* who established a network of recruiters in Europe to recruit labor.[14] The central government also supported European and U.S. immigration. After the collapse of the U.S. Confederacy in 1865, Dom Pedro II offered white immigrants from the American South transportation subsidies, cheap land, and tax breaks to encourage the cultivation of cotton. The recruitment was relatively successful and resulted in the establishment of a U.S. colony in São Paulo that remains to this day.[15]

Security concerns drove the few restrictions in nationality and immigration law during this period. Citizenship in the empire was addressed on a case-by-case basis.[16] Like other countries in the Americas, Brazil was concerned that foreigners from countries with strong states or with the backing of powerful businesses would despoil Brazilians of their resources and create a foothold for foreign interests. The government was keen to avoid situations like the ones faced by other Latin American countries that had been blockaded by European powers demanding payment of debts owed to their citizens. Immigration legislation focused on the conditions under which foreigners could enter Brazilian territory and the extent to which they could conduct business, own and bequeath property, and act on behalf of foreign powers. There were no formal ethnic, racial, or national-origin exclusions of immigrants during the imperial period.

ABOLITION AND WHITENING

Although the Brazilian slave trade ended in 1850 and a "free womb" law ended generational transmission of slave status in 1871, Brazil did not abolish slavery until 1888, when Princess Isabel freed slaves with the Golden Law.[17] Abolition came later than in any other country of the

Western Hemisphere.[18] Former slaves were then "free" to work for pay Wherever they decided. Pressure for abolition arose from both the vertical and horizontal fields. At home, abolitionists Joaquim Nabuco, José do Patrocínio, André Rebouças, and Luís da Gama agitated for the liberation of slaves in their writings and activism. One argument made by abolitionists was that slavery would stem the flow of desirable European immigrants. Slave owners had come to fear the possibility of widespread slave revolts such as the one in Haiti. On the horizontal plane, slavery had become an international embarrassment for Brazil after its abolition everywhere else in the hemisphere. British, French, and North American governments and intellectuals equated abolition with modernity and progress—goals to which Brazilian intellectual elites aspired.[19] Abolitionist Joachim Nabuco wrote that "Brazil does not want to be a nation morally isolated, a leper, expelled from the world community. The esteem and respect of foreign nations are as valuable to us as they are to other people."[20] Elites used abolition to project onto the world stage the image of an orderly and progressive nation.

The liberation of slaves accelerated employers' attempts to fill their labor needs with immigrants from Europe, particularly in the central and southern regions. Planters could have recruited from surplus labor elsewhere in Brazil, but Skidmore offers a four-fold explanation for why employers preferred European immigrants to available native workers concentrated in the northeast. Planter and military elites thought of Afro-Brazilians and those of mixed ancestry as physically inferior and incapable of serious work. The very term "northeasterner" *(nordestino)* connoted backwardness. In contrast, European immigrants were thought to have the work ethic and skills lacking among Brazilian natives in part because immigrants had already been disciplined to the "rhythms of urban work" before they arrived. Employers thought that immigrants would also be more tractable as urban and agricultural workers than any of the natives. Finally, immigrants would improve the quality of the country's racial stock and contribute to the whitening process so important to selling Brazil abroad.[21]

The state's early attempts to enumerate its population and perceptions of the demographic requirements for modernity informed worries about Brazil's whiteness. The 1872 census counted approximately 3.7 million Europeans, 4.25 million former slaves of African and mixed ancestry, 1.5 million slaves of African ancestry, and 400,000 indigenous people. While the population categorized as "white" increased modestly by the 1890 census, Brazilians felt at a disadvantage relative to the European-dominant population of their main rival, Argentina.[22] The perceived

racial superiority of whites, their role as putative modernizing agents, and the sheer proportion of whites to nonwhites compelled Brazilian elites to fashion an ideology of whitening Brazil primarily by increasing the numbers of whites and then promoting intermarriage with the existing population. The theory was that intermarriage between lighter and darker people, and high mortality among Afro-Brazilians, would result in a lighter population.[23] North American whites soundly rejected the ideology of improvement through miscegenation, but the idea made perfect sense in Brazil and Cuba, with their proportionally larger black populations. The whitening ideology found a practical expression in immigration policy. Brazil would become a modern nation by attracting white immigrants.

"THE CHINESE QUESTION"

Resistance to Chinese immigration initiatives reveals the power of a whitening ideology that emerged during the imperial period but became even more virulent during the early republic. Brazilian interest in Chinese labor dated to 1807, when influential high court officials proposed the importation of Chinese and East Indian workers. In 1868, Quintino Bocayuva, a Republican politician, advocated bringing in Chinese workers because they had an aptitude for agricultural work and would remain impervious to assimilatory efforts as they remained steadfastly oriented to their homeland.[24] João Cardoso Menezes e Sousa, author of a pro-European immigration report prepared for the Ministry of Agriculture, countered that Brazil needed 'new blood,' not 'old juice' from 'degenerate bodies.'[25] In the face of the impending "free womb" law, in 1870, a group of planters and politicians proposed to the semiofficial Society to Aid National Industry that Chinese workers be imported to replace black slaves. Encountering Sinophobic opposition, the colonization section of the Society published an opinion that while immigrants willing to do servile labor would not improve Brazilian society, they could help Brazil as a stop-gap measure until it could achieve the "perfect state of free labor" with European workers.

The crown issued a decree in 1870 that gave a private company the exclusive right to import "Asiatic workers" for ten years, though the decree's implementation was postponed until 1000 Chinese were brought to Brazil in 1874.[26] In the late 1870s, the Society for the Importation of Asiatic Workers of Chinese Ancestry again proposed Chinese immigration, and Liberal leader Viscount Sinimbú ordered an official study of Chinese immigration into the United States. Salvador de Mendonça, the Brazilian Consul General in New York, enthusiastically supported

temporary migration of Chinese based on the argument that they came from a tropical climate and had already adapted to work in Cuba and the United States. In 1879, however, abolitionist Joaquim Nabuco objected to employers' proposal for Chinese immigration on the grounds that Brazil already had "enough trouble dealing with its African blood" without importing Asians.[27] In 1883, planters again proposed the importation of Chinese workers over the objections of abolitionists. This time, the British threatened to intervene if the proposal prospered. After evaluating the slave-like conditions of the coolie trade in Cuba and Peru, Britain and China strongly opposed any further migration of Chinese indentured servants.[28] The lobby to import Chinese workers collapsed.

The resolution of "the Chinese question" showed the strength of political elites who wanted not just workers of any kind, but rather permanent settlers who would supposedly improve the nation's racial quality. At this juncture, the ideology of whitening trumped powerful planters' demands for labor. Unlike the United States and Canada, Brazil did not enact negative discrimination against Chinese during this period, but the experiment with positive recruitment of Chinese ended. Ideological interests of the country's leadership included adopting the attitude of "modern" countries toward banning indentured servitude and abolishing slavery. The liberation of slaves, employers' conceptions of who made good workers and citizens, and concerns about Brazil's image abroad continued to set the parameters for immigration policy when the imperial period ended.

The Republic's Experiments in Ethnic Selection

The Brazilian Empire expired in 1889 when a relatively bloodless coup deposed Dom Pedro II. Political leaders were able to contain social conflict through a process of conciliation and formal institutional change that gave the impression of making concessions without altering the structural status quo.[29] Thus, the monarchy was dissolved and republican institutions founded, but without changes in landholding patterns or the redistribution of resources. Liberal elites created a federal republic modeled on the United States with considerable autonomy for its states.[30] The conciliatory process meant that interests of key groups that would affect immigration policy remained largely untouched by the new regime.

The Republican period lasted until the Revolution of 1930 and encompassed the era of mass European immigration and the beginning of more

substantial Asian and Middle Eastern immigration. In 1886, a nonprofit agency funded by the Brazilian state founded the Society for the Promotion of Immigration.[31] Early Brazilian recruitment efforts faced an international credibility gap. State-making elites wanted immigrants to whiten the overall population and to act as modernizing agents, but some sending countries had already banned migration to Brazil because of conditions encountered by previous emigrants.[32] Agents who recruited immigrants for travel to Brazil worked on commission and perpetrated abuses that even Brazilian officials recognized. Already by the 1890s, returning Italians had complained to their officials of the hardships endured in São Paulo, and the Italian government had issued a circular that warned of the inhospitable conditions to be encountered there. Italian Prime Minister Francesco Crispi ordered a stop to recruitment and subsidized transportation between 1889 and 1891. Subsidized Italian migration to Brazil was completely halted in 1902 with the Prinetti Decree. In addition, Brazil had angered sending countries, especially Italy and Spain, by implementing "automatic naturalization" that declared foreigners living in Brazil at the time of independence to be Brazilian, unless they made an explicit affirmation of original nationality within the first six months after the new Constitution came into effect. These types of situations had marred Brazil's reputation as an immigrant destination, and government officials labored to polish its image.[33]

Italians accounted for just over a third of all immigrants, Portuguese for under a third, and Spaniards for about 15 percent of the total in the period between 1887 and 1930. In 1920, more than 70 percent of Italians in Brazil lived in the state of São Paulo and made up almost 10 percent of its population. Many Italians settled on coffee plantations. Portuguese immigrants settled primarily in urban areas and worked in business and industry. They accounted for 15 percent of the population of Rio de Janeiro in 1920 and 10 percent of the city of São Paulo. The greatest number of Spaniards arrived in Brazil before the First World War and opted for agricultural work. They settled disproportionately in the smaller cities of the state of São Paulo, where almost 80 percent of Spaniards lived in 1920. By the time of the Great Depression, Brazil had received the fourth-largest number of European immigrants in the Americas after the United States, Argentina, and Canada.[34]

Japanese, Syrian, Lebanese, and Jewish migrants comprised a small part of flows to Brazil but attracted disproportionate attention.[35] Japanese immigration began relatively late. The first wave arrived in

Santos, Brazil's main immigrant gateway, in 1908 following the 1907 U.S. and Japanese Gentlemen's Agreement whereby the United States would not impose restrictions on Japanese immigration if Japan would curb emigration to the United States.[36] Japanese immigrants settled overwhelmingly in the state of São Paulo. The government of the state subsidized Japanese migration until 1925, when the Japanese government began to finance the flow. Japanese immigrants remained in rural areas where they became small landowners and diversified the agricultural sector. Syrians, Lebanese, and Jews settled primarily in the cities without the subsidies that Spaniards, Italians, and Japanese received for working in agriculture.

Social Origins of Immigration Policy

The first formal, legal efforts to select permanent immigrants by ethnic origin began during the early republican period. These selective policies resulted from the interplay of factors on the vertical and horizontal planes. On the vertical plane, Brazilian economic elites, the military, and politicians representing various ruling factions were the main political players. The decentralized structure of governance generally favored the interests of landowners, although policies did not always work out as they anticipated. Racial interests were paramount and often trumped strictly economic interests. Vague nineteenth-century elite ideas about whitening the nation found resonance in the scientifically legitimated perspective of eugenics and influenced discussions of who made a desirable immigrant. On the horizontal plane, diplomatic concerns put a brake on overt ethnic exclusions. By the end of this period, it was becoming clear that whitening was not working as expected. Elites decided to make the large population of mixed descent a selling point for its international image. Brazil was now portrayed as an exemplary racial democracy rather than a racial failure. This ideological twist would have consequences in the interwar period of nationalist populism as well as in the postwar era of concern for ethnic relations.

During the early republican period, bosses from Rio Grande do Sul, Minas Gerais, and especially São Paulo held firm political control of the country. They exercised influence nationwide through a system of clientelism and patronage headed by regional colonels *(coroneis)*. The colonels in turn depended on the bosses to deliver goods promised to voters in the mostly rural population.[37] Political and landed elites thus had overlapping interests with the military. Ideologically, elites identified as classical liberals in São Paulo and Minas Gerais. Elites were more

rigorous positivists—in the vein of Auguste Comte's political philosophy of judicious governance informed by science and tempered by "the heart"—in Rio Grande do Sul. For the classical liberals, economic interests were paramount in any consideration of who should come to Brazil, but they were also concerned that newcomers be carriers of modernity. Liberalism in Brazil had a relatively easy coexistence with racialized thinking. The military, which ruled through a provisional government early in the republic, was divided by the degree to which members had been exposed to Comtian ideas of governance. Those who had attended the military school maintained that they were participating in the polity as soldiers and that the republic should be orderly and bring progress, by which they meant an expansion of technological knowledge, industrialization, and communications. *Ordem e Progresso*—a motto inspired directly by Comte—reflected the military, positivist viewpoint but was broad enough to include liberals' emphasis on modernity. Positivists were ostensibly more agnostic about who should come or thought about migration in terms of how it would contribute to order and progress, but their emphasis on the role of science opened the door for mainstream scientific views such as eugenics. Thus, the dominant political cleavages in the country did not yield substantially different views on ethnic selection.

In the early twentieth century, few institutional mechanisms existed to channel popular concerns to policymakers. Brazil was still an overwhelmingly agricultural country with small urban centers. The Constitution of 1891 established the vote for adult males, provided they were not illiterate, beggars, or enlisted in the military. In 1900, only a quarter of the population was literate. Voter participation rates hovered between 1 percent and 6 percent of the total population between 1906 and 1930. Moreover, the franchise was not secret and hence subject to pressure from local political bosses through the clientelistic system of colonels. Electoral fraud was commonplace.[38]

Neither were labor movements and unions effective conduits for popular inclusion or contestation, even during the height of activism between 1917 and 1920 when a number of strikes took place in Rio de Janeiro and São Paulo. Brazilian industry was relatively unimportant and hence gave workers little clout unless they focused on sectors like ports and railways through which agricultural products reached world markets. Spanish and Italian workers started unions in those sectors in the 1880s, but their efforts were limited by conflicts between anarcho-syndicalists and socialists as well as by strong repression by the government on behalf of employers. Political leaders paid some attention to labor legislation

and debated various initiatives, but with the exception of work-related accident compensation, industrialists successfully opposed these changes. There is no indication that native Brazilian workers mobilized to exclude immigrants. It would not be until the corporatist regime of Getúlio Vargas that political leaders considered workers' interests, and then only in a way that was formally inclusive but that did not allow for real political contestation. Ethnically selective immigration policy with support from below would not develop until the 1930s.

In brief, Brazil was a liberal democratic regime in name, but as in other Latin American countries, this did not translate into avenues that would direct grievances or concerns upward, except through patronage systems that linked them to state elites. Revolt was one means for expressing dissent used by people in the hinterland to some effect and by conscripted lower ranks of the military to little effect. Political and religious elites, on the other hand, could directly express their discontent to fellow members of their caste.[39]

Landowners and planters became even more influential in immigration policy after the decentralizing Constitution of 1891. Decentralized governance allowed states to pursue their own fiscal policies, debt negotiations (which were substantial at the turn of the twentieth century), and immigration recruitment policies ranging from subsidized fares to small land grants. The constitution did not contain ethnoracial distinctions among potential immigrants or citizens, but it indirectly allowed states to shape the queue of newcomers by recruiting immigrants in Europe and by regulating their flows and settlement patterns. Wealthier, more proactive states like São Paulo received more immigrants and federal subventions but also carried more of the costs of recruitment. In a letter to the consul in Vigo, Spain, for example, a representative from the Ministry of Industry instructed that the federal government and the governors of São Paulo and Minas Gerais should be billed according to the number of immigrants entering each state.[40] Settlement and integration patterns varied significantly by state, and as demonstrated in the 1930s debates of the Constituent Assembly, these generated resentments about who and how many were coming and their impact on Brazilian nationhood.

The Rapid Rise and Fall of Asian Exclusions

The first republican era immigration initiatives reflected the Brazilian oligarchy's efforts to define the nation as white and modern. When employers considered the prospect of Asian and African immigration,

Brazilian leaders were concerned about the impact that such migrants would have on the imagined political community. Legislators wrote a law to control flows from Asia and Africa primarily because they viewed immigrants from these regions as deleterious to the nation, not because they were forced to react to labor pressures from below, as happened in the United States. Decree no. 528 of June 28, 1890 declared freedom of entry for any individual suited for work who had a clean criminal record, with the exception of Asians and Africans, who would only enter with authorization from the Brazilian National Congress. The decree also ordered diplomatic personnel to use all means at their disposal to avoid the arrival of immigrants from those continents and to contact the federal government immediately if their attempts were unsuccessful.[41]

Geopolitics and economics quickly trumped ideologies of racial selection when the Chamber of Deputies approved treaties of commerce and friendship that Brazilian diplomats had signed with Japan and China.[42] Asian exclusion ended after just two years because only oligarchs sat at the policymaking table. The preferences of Brazilian workers were irrelevant to the political process at this point. In 1892, Law 97 allowed for the free entry of immigrants of "Chinese and Japanese nationality" in furtherance of treaties with China and Japan. The last article of the law revoked "all dispositions to the contrary," and it appears this referred to Decree no. 528 in its entirety, including the African exclusion.[43] Law 97 charged diplomatic and consular agents in China and Japan to "monitor, in order to prevent abuses, the immigration from those countries towards Brazil." Thus, the "Chinese question" was settled pragmatically with an eye toward maintaining Brazil's international reputation and foreign trade.

Brazilian legislators passed a comprehensive immigration law in 1907. Federal Decree no. 6455 excluded "undesirables," the disabled, the infirm, the poor, and potential wards of the state. It did not make any explicit reference to ethnic exclusion. The law also provided the regulatory basis for the Service for the Population of the National Territory. The focus on those deemed unproductive or drains on public resources was common to most immigration legislation of the period and was later the basis for additional restrictions. For this period of high immigration, however, the 1907 decree did little to impede inflows. In practice, the government primarily tried to attract Europeans. The Brazilian government did not implement more restrictive measures until after the First World War, although there was at least one unsuccessful effort to limit subsidies to Chinese and Japanese immigration. A failed proposal for the 1910 federal budget included a clause to prohibit subsidies for Asian immigrants

and lumped Chinese and Japanese immigrants into a single category to which negative stereotypes were attributed. The successful mobilization by diplomats who convinced the Brazilian government to exclude Japanese from the category of "Asiatics" reflected Japan's higher standing on the world stage.[44]

Secret Exclusions

The Law of Undesirables passed in 1921 was Brazil's first immigration law to be framed primarily in negative terms. It emphasized who could not enter.[45] Decree no. 4247 putting the law into effect prohibited the entry of immigrants who had contagious diseases, limited abilities, and/or a criminal or politically suspect background. On its face, the decree did not make ethnic distinctions, but its implementation by consular personnel effectively discriminated against individuals of unwanted origins, particularly in the case of blacks. Political undesirability was a category vague enough to exclude by race in practice.

The saga of the failed Brazilian American Colonization Syndicate highlights the gap between the neutral law on the books and the racist law in action. In 1921, the state of Mato Grosso conceded a large tract of land to developers. As part of their effort to find colonists to settle the land, the developers established ties with a syndicate based in Chicago that promoted the migration of U.S. blacks to the supposed racial democracy of Brazil. When the president of Mato Grosso learned that the developers wanted to recruit African Americans, he canceled the concession. By then, however, the press had spread word of the proposal and general alarm ensued. Two congressional deputies—Cincinato Braga and Andrade Bezerra—introduced an immigration bill to ban "human beings of the black race." Bezerra's reading of the bill sparked a heated debate in which opponents of a black ban claimed that it was easier for blacks to enter the kingdom of heaven than Brazil and that they had all been raised by black women. Bezerra exhorted his colleagues to set aside such sentimentalisms and reminded them of recent immigration legislation passed in the United States, Australia, and Canada that banned certain groups, "especially those of Asian descent." The chamber voted to send the bill to committee, where it apparently died.[46]

In practice, however, Brazilian policy excluded blacks despite the bill's failure. On the secret orders of the Foreign Ministry, Brazilian consuls in the United States used the political categories of Decree no. 4247 to deny immigrant visas to U.S. black applicants. The orders were implemented with the help of the FBI and the U.S. State Department. The U.S. and

Brazilian governments ostensibly feared the spread of the black nationalist movement associated with Marcus Garvey, but Brazilian concerns were also steeped in eugenicist ideas about whitening the nation.[47] When sociologist and black activist W. E. B. Du Bois pressed the Brazilian diplomatic corps via the State Department to explain the grounds on which Brazilian consuls were denying U.S. blacks travel visas, Brazilian officials explained that visas were denied due to the political undesirability of black nationalists rather than to their race.[48] However, confidential memos within the Brazilian government made it clear that the measure was intended to safeguard the Brazilian race, which already had "a large Negro population." The Brazilian consul pleaded with his superiors to publicly announce that the denial of visas to African Americans was based on the syndicate's "promotion of black emigration to Brazil at a moment when we are careful of the selection of our immigrants." "Brazil has slowly incorporated the black race," he cabled, but their "entry in large numbers is a matter of great concern."[49]

The colonization syndicate's attorneys challenged the Brazilian government's exclusion of U.S. blacks based on an 1828 bilateral treaty that gave U.S. citizens the right to set up colonies in Brazil.[50] Foreign Minister Azevedo Marques replied by asserting the internationally recognized principle of sovereignty over matters of immigration. Secret correspondence from the Brazilian consul in New York maintained that it was this principle that allowed the United States to "halt the invasion of Chinese coolies into the territory of the Union" even though it had signed a treaty with China allowing for unhindered entry of its nationals into the United States. The correspondence went on to cite more recent U.S. policies that banned the entry of Japanese and limited European immigration.[51] Syndicate attorneys also argued that Article 72 of Brazil's 1891 Constitution guaranteed the right of entry regardless of nationality. Brazilian officials countered that a country's constitution applies to its nationals and foreign residents, not prospective immigrants—reflecting the liberal notion that it is more difficult to sustain racial policy distinctions among citizens than to prevent a racial group from joining the polity in the first place.

The Foreign Ministry wanted to preserve the image of racial harmony and argued that the syndicate's proposal was radical, would bring subversive ideas into Brazil, and hence was "undesirable," presumably in the sense outlined in Decree no. 4247. Publicly, it was the fear of the applicants' potential subversion rather than their status as black that determined the visa denials, as Brazil had no racial prejudice.[52] The Colonization Syndicate visa incident reveals the cunning of Brazilian immigration

policy. Brazilian officials astutely projected an image of racial harmony on the world stage even as they secretly excluded African-origin immigrants on the grounds that it was necessary to preserve racial harmony. Blacks from the United States would be excluded to protect Brazilian racial democracy.

Ironically, Robert Abbott, editor of the influential African American daily the *Chicago Defender,* absolved Brazilian officials of blame for de facto black exclusions. The editor argued in a series of travelogues that "in Brazil there never existed any ill feeling with regard to color or race: there never has been any race antagonism."[53] Abbott extolled Brazil's integration of sports, schools, the army, and the navy. The viewpoint of the *Defender* reflected the success of the myth of racial democracy espoused by Brazilian liberal elites on the world stage and its affinity with African-American efforts to make sense of racism and its structures in the United States compared to Brazil. In 1923, the *Defender* reproduced an article by Maurício de Lacerda, a prominent Brazilian newspaper owner, in which he denounced the use of Decree no. 4247 to exclude potential immigrants on the basis of race.[54] In making his case for the unconstitutionality of this use of Brazilian immigration law, Lacerda noted that the decision to deny visas to African Americans was taken by the highest levels of government to "safeguard our race because of our already having a great Negro population." The *Defender*'s introduction to Lacerda's article noted that "Brazilians have found out that they were the victims of the American white man's propaganda of race hate and prejudice when they attempted to restrict immigration on a basis of race." Rather than attacking the racism of the Brazilian government, the article bought into the fiction of Brazil as a racial democracy and used the contrast with the United States to highlight U.S. racism instead.

The Myth of Racial Democracy and Its Critics

Attempts to formally reduce the immigration of blacks and Japanese continued unsuccessfully through the 1920s. The 1924 proposals of Fidelis Reis and João de Faria, deputies for Minas Gerais, reveal political elites' prejudice against black and Asian immigration as well as the adjustment of Brazilian policy to U.S. immigration restrictions. Fidelis Reis cited the failed Cincinato-Bezerra bill of 1921 as precedent. Reis recovered the earlier bill's intention to ban "races of black color" and augmented it with an annual quota restricting Japanese immigration to 5 percent of the existing Japanese population of Brazil. His justification

for the proposal included several threads of positive emulation, avoiding negative models, and strategic adjustment to the Anglophone setter countries. One argument was that European immigration would benefit Brazil as it had the United States and Argentina. He cited the need not only to populate, but to do so with an eye toward the ethnic contribution of newcomers to the emerging national racial composition. Reis cited the problem of the U.S. and Brazilian experiences with African-origin populations and the global eugenic consensus that African-origin migrants would pose more of a challenge than the whitening nation-building project of Brazil could stand. Japanese immigrants would complicate this project by constituting inassimilable subpopulations. Because the United States had essentially cut off flows from Japan (as had Australia, Canada, and South Africa), Brazil could expect that Japanese would be redirected to its territory unless action was taken immediately.

Another important thread in Reis's justification of a restrictive policy was that short-term economic interests should be subordinate to the long-term racial interests of nation-building. He excoriated São Paulo politicians who put the short-term economic gain of coffee plantations first. "We should under no circumstance, adducing immediate interests, sacrifice the type of race we are forging by the introduction of a mass of unassimilable ethnic elements [Japanese] or elements that would be prejudicially assimilated [blacks]," he argued.[55] Reis's discussion and proposals to ban specific ethnic groups demonstrated that political elites viewed blackness and unassimilability as a national problem and had a keen awareness of the selective criteria used by other immigration countries, particularly the United States, Argentina, Canada, and Australia.

Reis's discussion and selection of supporting materials also demonstrated the panic started by the proposal of the Brazilian American Colonization Syndicate to buy lands in Mato Grosso. The prominent medical doctor, professor, and later federal deputy for Bahia, Afrânio Peixoto, wrote to Reis to express his concern that the United States expected to rid itself of 15 million blacks by sending them to Brazil.[56] As an active eugenicist, Peixoto warned that such a flow would "downgrade" the quality of Brazil's racial stock. An internal memo of the Foreign Ministry quoted the Brazilian consul in St. Louis, Missouri, to make a similar point: "as your Excellency knows, there are 14 million blacks in this country [the United States] who are not satisfied with the treatment they receive. If those people begin to emigrate to our country attracted by the opportunities there available to those of their race, our Government would face a problem difficult to solve."[57]

The protection of Brazil's international brand as a racial democracy and its government's reluctance to openly exclude citizens of major powers like the United States and Japan resulted in a continuation of the nondiscriminatory legal status quo, however. The only immediate substantive change in immigration policy after these debates was Decree no. 16761 (1924), which prohibited the entry of second- and third-class passengers who were disabled, elderly, or infirm or who were beggars, prostitutes, or criminals.[58] Brazilian officials had the discretion to invoke these criteria as a way to effect de facto ethnic discrimination. Still, at the level of elite struggles over immigration policy, geopolitical concerns overrode strictly domestic ideologies of whitening. This approach allowed the Brazilian government to comply with diplomatic treaties and to hawk the racial democracy brand, while continuing a long-standing practice of ethnic selection through the consular corps.

Immigration policy during the Republican period was the domain of political, cultural, and economic elites. The political system at this stage was open only to elites who could, if needed, quickly adjust policy to meet perceived economic and ideological interests. Both types of interests linked the elites to the politics of international markets and a system of states in ways that precluded open ethnic discrimination in immigration law for all but two of the period's forty years. There were actors on the vertical plane who clamored for racial selectivity in immigration law, but their proposals were blocked by elites concerned with repercussions on the horizontal field. These tensions were resolved through de facto discrimination using administrative discretion. This strategy would endure into the Getúlio Vargas years, but a greater opening of politics to voices from below would soon result in de jure ethnic selection as well.

Defending the People by Excluding the Foreigner

President Washington Luís's (1926–1930) nomination of the governor of São Paulo as his successor upset the delicate balance of state powers in Brazil's decentralized system and triggered the end of Brazil's oligarchic republic. In the ensuing Revolution of 1930, Getúlio Vargas emerged victorious with the help of the army and a coalition of leaders from Minas Gerais, Rio Grande do Sul, and opposition forces in São Paulo. Vargas acted decisively to dissolve Congress, institute a provisional emergency government, and take over policymaking. He deposed all but one of the state governors and replaced them with "auditors" *(interventores)* beholden to the central government. The Vargas regime had two distinct periods: the Provisional Government before 1937, when the

prospect of elections remained a possibility, and the New State *(Estado Novo)* established after Vargas's self-coup in 1937 that continued until 1945. The New State was a corporatist regime combining political repression with openness to a broader range of interests, including labor, than the state had embraced in the past.

Ethnically selective immigration laws first appeared during the Provisional Government and were extended during the New State. The emergence of the most sustained, explicit ethnic selection in Brazilian history is best understood as the result of four interacting factors: a centralizing government; a populist regime that sought to integrate workers of all origins who worked within Vargas's syndical system, while excluding supposedly unassimilable foreigners; security concerns about foreigners; and worries about how exclusions would look to the outside world. A peculiar "anti-racist racism" emerged out of the effort to reconcile internal ideological agendas with keeping up Brazil's brand abroad.

The centralizing thrust of Vargas's regime affected all aspects of governance, including population and immigration policy. During the republic, immigration policy had been fractured across highly decentralized jurisdictions in ways that typically benefited the economic interests of local elites. Leaders of the new regime now tried to impose a coordinated policy at all levels of government. The new population policy reflected preoccupations about how to settle an expansive national territory with individuals who would assimilate and not threaten the state's authority or the nation's ethnic composition. Although racialized views of immigration and its whitening potential persisted in elite and official discourse during the Vargas era, the greater concern became how to build *brasilidade* (brazilianness). Fostering and protecting the sense of nationhood that would support the central state required making distinctions among outsiders. The First Brazilian Eugenics Conference (1929) had aligned the state with the eugenics of Lamarckism, which promised the possibility of improving the genetic pool through environmental changes.[59] Selectivity was central to Brazilian immigration policy of the period and would be expressed by an emphasis on attracting "desirable" immigrants and excluding undesirables in public law and through administrative discretion.

The global economic crisis and its local impact raised the possibility of labor unrest, which the regime tried to circumvent by giving unions an unprecedented level of recognition and at least formal access to the political process. Fearing that left-leaning unions would interfere with his plans to foster greater industrialization, Vargas and his generals

systematically co-opted labor opponents. They chose a corporatist approach of building syndicates in each economic sector that would include employers and employees. The state became the ultimate adjudicator of conflicting interests.[60] The corporatist strategy of giving voice to workers through accepted channels called for the disciplining of foreign labor that might cause unrest among Brazilian workers and carry radical ideologies that would threaten the regime.

On taking power in 1930 at a time of deep economic crisis, Getúlio Vargas's government immediately set out to limit "disorderly" immigration through Decree-Law no. 19482. The decree imposed a year-long ban on third-class passengers, who constituted the legal category of "immigrants." It imposed a minimum capital requirement of about 300 dollars for each immigrant; listed the conditions under which current immigrants could receive visas; and established a *bilhete de chamada* or call letter system through which immigrants in Brazil could bring relatives from other countries to fill guaranteed jobs.[61] The call system improved the likelihood of bringing "known quantities" and offered an administrative avenue of regulation that could be used by the police, a significant actor in the repression of immigrants during the Vargas years.[62] The law further established that native Brazilians had to fill at least two-thirds of jobs available at any given business. On its face, the law did not discriminate by ethnicity, but regulation through enabling decrees and consular circulars was always a flexible alternative to select or exclude by origin. Decree no. 24215 (May 16, 1934) listed fourteen conditions that were sufficient to exclude an immigrant, including that of being *cigano ou nômade* (gypsy or nomad). The nationalist turn and the populist consideration of "workers' rights" during the early Vargas years became the first steps toward wholesale ethnic selectivity.

Democracy, Nationalism, and the Japanese Question

Vargas's Provisional Government opened the political process through a new constitution embedding principles of democratization as well as a national-origins quota system for selecting immigrants. A Constituent Assembly began its work in late 1933 with elected representatives who drafted and passed the Constitution on July 16, 1934, a day before Vargas was elected as President. The constitution was liberal in many ways. It extended political rights to all adults regardless of sex and established the rights to speech, religion, movement, and assembly, as well as a range of labor rights. It also had corporatist elements, such as the introduction of proportional representation specifically reserved for organized labor.

Finally, it was a nationalist document that highlighted the defense of Brazilian workers.[63]

Immigration was the topic of multiple amendments proposed during the drafting process. Debates in the Constituent Assembly offer a glimpse into how ethnically selective laws emerged at the intersection of vertical and horizontal interests. Domestically, the amendments proposed by the delegates demonstrated profound nationalist concerns for the very integrity of Brazil's demography and territory.[64] A vocal contingent of deputies advocated the explicit exclusion of Asian and African-origin immigrants and/or a "whites only" immigration policy. Miguel Couto, a prominent academic and deputy for Rio de Janeiro, authored an amendment banning "African or African-origin immigration" and only allowing Asian immigration "in the proportion of five percent annually of the total of immigrants of that origin already in the national territory."[65] Xavier de Oliveira, deputy from Ceará and a professor of medicine at the University of Brazil, wanted to ban "yellow" immigration altogether and implement a physical and mental exam for all would-be immigrants.[66] Deputy Arthur Neiva, supported by a coalition of social democrats from Bahia, proposed that only "elements of the white race" be allowed to immigrate.[67] Deputy Monteiro de Barros of São Paulo proposed a more moderate amendment that left it to the legislature to promote and stimulate activities that would help establish "the Brazilian ethnic type."[68]

Rationales for ethnic selection ranged from other countries' cautionary tales to a defense of native workers to eugenic considerations. Deputy Miguel Couto cited the "acute indigestion" that the United States suffered as a result of indiscriminate early immigration policy, a declaration adopted by the Sixth International Conference of American States (Havana 1928) that affirmed a country's sovereign right to control and select immigrants, and the recommendation of the First Brazilian Eugenics Conference (1929) to select ethnically. Xavier de Oliveira argued against "yellow" immigration based on his experience with providing assistance to foreign "psychopaths" in Rio de Janeiro and on his eugenicist conviction that a strong and healthy people cannot be made from feeble-minded men. He said Brazil had enough of a challenge with its northeasterners, highlanders from Minas Gerais, and Amazonians who remained indifferent to four centuries of civilization. Deputy Neiva supported his proposal for "white only" immigration by pointing to the negative impact that the arrival of unassimilable blacks and "yellows" would have on the national worker. Other deputies countered his arguments by noting that Japanese colonies were concentrated in rural areas where they did not compete with native workers.

The opponents of Japanese immigration may have differed on the details, but most agreed that the new constitution should prohibit large concentrations of co-ethnics to address concerns about the nation's territorial integrity in the face of foreign threats.[69] The tenor of discussions attested to what Foreign Minister Cavalcanti de Lacerda later described to Japanese officials as "an excitable nationalist current."[70] From the perspective of these excitable nationalists, the Brazilian imperial government had established a harmful precedent of fostering colonization of remote regions by importing national or ethnic groups in the nineteenth century. This practice had continued under the decentralized immigration system of the Republic and had contributed to the formation of ethnic enclaves or "cysts" with the potential to threaten the nation's territorial integrity, especially when these communities had links to foreign powers. Japanese communities became a lightning rod for discussions of national defense. Japanese were culturally and perhaps even neurologically incapable of assimilating, according to Neivas. Moreover, they were agents of the Empire of the Rising Sun. Miguel de Couto gave the example of a military friend who, in need of making an emergency landing in remote Mato Grosso, contacted a local Japanese colony for permission to land. The head of the colony refused because he did not have authorization from the Japanese government. The following day, according to Couto, Japanese in the Mato Grosso colony heard a communique from the Emperor through powerful radios.[71] The thrust of multiple arguments against Japanese immigrants was that they threatened national sovereignty by their loyalty to the homeland and that, moreover, they were incapable or unwilling to assimilate.

As in Mexico, nationalists in Brazil argued that certain racial groups needed to be excluded to save Brazil from racial prejudice. Key participants in the debate like Couto, de Oliveira, and Neiva insisted that they had no prejudices concerning "nationality, color, or race," but were simply defending the country from immigrants who would not mix with Brazilian society.[72] Xavier de Oliveira maintained that he was an authentic Brazilian nationalist and convinced nativist who did not have racial prejudice—only "the prejudice of my nationality."[73] At the same time, the deputies favorably quoted famous eugenicists such as the Brazilian sociologist Francisco José de Oliveira Viana, who described Japanese immigrants as insoluble sulphur, and the French count Joseph Arthur de Gobineau so loved by the Nazis, which suggests that the deputies viewed eugenics not as a form of unacceptable racism, but rather as a self-evident technique for improving the quality of the nation.[74] Neiva went so far as to say that Brazil could not have racial prejudice because

its origin was in Portugal, the greatest field of racial fusion in the world, that included Germans, Arabs, Jews, and Africans, and that mixing had continued in Brazil. The United States, by contrast, had developed a deep racism that led that country to export its black population to Liberia. That experiment had failed, but the United States had instigated at least two other attempts to export its blacks to Brazil: one in 1912 and the other during the Brazilian American Colonization Syndicate scheme of the 1920s. The U.S. problem had emerged from its marginalization of blacks, he argued. The deputies' racist statements and supporting evidence for the lack of Brazilian prejudice were consistent, in their view, because of their nationalism and concern for the integrity of the Brazilian nation.

When amendments proposing to ban or limit Japanese immigration became publicly known—and they were amply ventilated in the Brazilian press—the vertical and horizontal planes collided. The political field included players with primarily domestic interests (deputies) and those with interests that spanned the domestic and the international (Vargas, the Brazilian Foreign Ministry, and Japanese diplomats). In a memorandum to the Brazilian Minister of Foreign Relations, the Japanese ambassador in Brazil cited Brazilian press reports that some members of the Constituent Assembly had proposed limiting Asian immigration and authorizing "unequal treatment of the Japanese people relative to others." The Ambassador cautioned that despite longstanding and harmonious relations with Brazil and his certainty that it would not adopt legislative measures that would "injure the dignity of a traditionally friendly nation," these reports inspired deep fears in Japan. He finished by expressing his confidence that the Brazilian government would do everything to avoid "the unfortunate event that threatens the relations among the two countries."[75] The Foreign Ministry conferred with Vargas, who had become provisional head of government and an aspiring presidential candidate, and expressed concerns about the proposed quota system. Foreign Minister Cavalcanti de Lacerda tried to reassure the Japanese Ambassador, counseling discretion in the public discussion of the matter, and facilitated a meeting with the Brazilian president. Vargas himself seems to have opposed the quotas precisely because of their economic and geopolitical implications. In 1933, he had assured the Japanese Ambassador that Brazil would not introduce restrictions on Japanese immigration and that he hoped Japan could participate in a future program to build Brazilian naval vessels in exchange for coffee and cotton.[76]

Deputy Xavier de Oliveira met with Vargas on behalf of Deputy Miguel Couto and the restrictionist camp to show him an amended

proposal that would address the Foreign Ministry's concerns about how the constitution would affect bilateral relations. In the new language, annual immigration from any given country was restricted to 2 percent of the total number of that country's nationals that had established themselves in Brazil in the last fifty years.[77] The proposed constitutional text did not formally single out specific nationalities or groups. The Brazilian players viewed the proposed amendment as a compromise, more pleasing to the restrictionists than to the diplomats, but better than an outright ban targeting Japanese.

In practice, the quotas would not affect European immigration, an outcome that Miguel Couto had ensured by checking Population Service statistics before amending his original proposal. However, the quotas would immediately reduce Japanese immigration from about 25,000 men per year to about 3,500.[78] Brazilian deputies knew full well that Japanese immigrants would be disproportionately affected. With the assistance of Brazil's Foreign Ministry, Japanese diplomats made aggressive efforts to prevent the approval of Couto's proposed text in a constitutional subcommittee. Opponents of quotas spoke out in the final debates, but the public stance of Japanese diplomats may have backfired in view of a generalized nationalist sense that immigrant selection was Brazil's sovereign right.

The Constitution of 1934 was passed on July 16 and included the nationality quotas, although these would not be implemented until 1938. Article 121 read, "The entry of immigrants to the national territory shall suffer the restrictions necessary to guarantee the *ethnic integration* and physical and civil ability of the immigrant. For this reason, immigration flows from each country cannot exceed annually the limit of two percent of the total number of the respective nationals settled in Brazil during the last fifty years."[79] The language of the new Constitution showed the strong influence of the national-origins quotas in the 1924 U.S. immigration act.[80] In the debates, Deputy Xavier de Oliveira credited U.S. legislation with having "revolutionized international migration policies of all nations." Deputies also referred to the laws and experiences of other countries, including Mexico, Argentina, Australia, and Canada, the last of which was described as "the best organized on the matter at that moment."[81] The epistemic community of policymakers extended across Latin America and the major Anglophone settler countries, but Brazil was most influenced by U.S. policy.

Once the constitutional provision was approved, the Japanese press reacted strongly and blamed a number of actors and circumstances: the

intervention of the U.S. and British ambassadors (charges for which writers gave no evidence), the inactivity of the Japanese Ambassador and his betrayal by a Brazilian minister, and Vargas's need to curry the support of Brazilian nationalists.[82] The Japanese Ambassador and Foreign Minister spoke to their Brazilian counterparts of resigning due to their failure to prevent the quota provision, but Tokyo prevailed on them to remain. In the end, Japanese officials expressed their deep regret at Brazil's new constitution but also hoped that Brazilian officials would find ways to implement the quotas in ways that minimized the impact on Japanese immigrants.[83]

In a 1935 address, President Vargas criticized the legislative decision to make quotas part of the constitution, thus making the regulation of migration needlessly rigid. His objections did not imply that he disagreed with the discriminatory goals of the constitutional provision. The government immigration committee that Vargas named was a "who's who" of Brazilian eugenicists. However, he would have preferred greater discretion in the regulation of flows. Vargas also thought that the provisions would be very difficult to implement. The statistical reconstruction of entries over the preceding fifty years was problematic, as was the determination of the quotas that would apply to new nationalities that emerged after World War I. In addition, the constitutional mandate made it difficult to adapt to changes in the supply of immigrants and the demand for their labor. The Italian quota would not be filled because the Italian fascist government discouraged emigration. On the other hand, officials in São Paulo wanted 40,000 Japanese farmers, which far exceeded the Japanese quota.

If Vargas disliked the quotas for their difficult implementation and the geopolitical problems they had generated, why did he not eliminate them after he became dictator in 1937 and passed a new constitution?[84] Public opinion had strongly supported the nationalists in the quota debates, and Vargas's acquiescence won him supporters in the nationalist camp with whom he had ideological affinities. Vargas had the option of using executive discretion to maintain a public nationalist stance while pursuing the state's broader economic, eugenicist, and diplomatic goals. Nationality quotas did not go into effect until 1938. The decree law that regulated Article 121 of the Constitution included a provision that broadened the Brazilian government's discretion to exclude "individuals from certain races or origins for economic or social reasons," thus closing the loophole that eugenicists feared had been left open.[85] Decree no. 3010 of 1938, which contained the quota numbers for each nationality, also

made it clear that Brazilian political elites wanted to preserve the country's ethnic makeup.[86] "This regulatory decree adjudicates matters concerning the entry and permanence of foreigners in the national territory, their distribution and assimilation, and the development of agricultural work. In its application, the preservation of Brazil's ethnic constitution, its political forms and its economic and cultural interests must be kept in mind," it read.[87] However, regulation of the actual quotas law gave the government broad latitude to select by ethnicity. The Council of Immigration and Colonization created in 1938 by Decree no. 3010 gave Vargas the ability to fine-tune quotas. Many of the Council's resolutions were upward adjustments for particular nationalities, including Spanish and Japanese immigrants. A series of circulars also regulated the migration of specific ethnic groups not captured by the nationality quotas.

Consular Circulars and the Jewish Question

Regulation of Jewish immigrants and refugees, who had various nationalities, posed a different challenge to the Brazilian government. Deputies at the Constituent Assembly accepted longstanding Jewish communities, such as the agricultural colonies in southern Brazil, as an example of successful colonization by an assimilating community that did not have links to a homeland state. Even some of the most racist deputies noted that Brazilians and Portuguese had intermingled with Jews since colonial times. Deputies mentioned Jews during the Assembly primarily when discussing religious freedom and how different constitutions approached the issue. However, political elites became more concerned about new Jewish arrivals after 1935. Domestically, they feared Jews might be more isolationist and form enclaves like those in Austria. The international rhetoric increasingly cast Jews as poor and persecuted—characteristics that were not appealing to an elite effort to modernize Brazil.[88]

Foreign Ministry diplomats contended with Vargas's orders, geopolitical relations, and lobbying by groups such as the American Jewish Committee who tried to convince Brazilian authorities of the benefits of admitting Jews. On the instruction of the president's office, consular circulars allowed Foreign Ministry officials to regulate ethnic groups that fell outside the categories of the nationality quotas system, especially Jewish refugees fleeing Nazi repression. The most striking of these was Secret Circular no. 1127 of 1937, which prohibited issuing visas to any person "of Semitic ethnic origin" or about whom "there is information to suggest that he is a Semite."[89] If there were any doubts about

someone claiming to be something other than a Semite, officials could require a baptismal certificate when the person identified with a sect that required baptism. Visas that had already been issued remained in effect for Semites who had settled in Brazil, had Brazilian spouses or children, or who owned property in Brazil. Officials justified the circular on grounds that a growing number of immigrants entered the country claiming to be farmers, but then settled in urban centers, where they became parasitic middlemen who absorbed a substantial portion of Brazilian wealth and spread subversive ideas. The circular described this behavior as "abhorrent," a threat to national workers and businesses, and contrary to the Constitution of 1934. Subsequent circulars explicitly racialized the Semitic category when they clarified that an immigrant who had converted to another religion remained "Semitic" and subject to the visa restrictions. "The Ministry of Foreign Relations has verified that many of the beneficiaries of visas conferred to foreigners have names suggestive of persons of Semitic origins," the circular announced. "In addition, there are many consultations about the concession of visas to interested parties who claim to be Catholic, Protestant, . . . but whose names reveal that [Semitic] origin . . . [T]he only criteria to be followed under the spirit of circulars no. 1127 and 1249 is that of ethnic origin and not of the religion of the parties interested in immigrating to Brazil."[90] In Foreign Ministry circulars, "foreigners of Semitic origin" was used interchangeably with "Israelites" or "Jews." A 1938 circular named the Council on Immigration and Colonization as the source of new instructions regarding this prospective immigrant group, showing that the executive exercised control over migration through the Foreign Ministry and the Council.[91]

A requirement that visa applicants furnish an official declaration stating that they could return to their country of origin without any obstacle within a year virtually disqualified Jews who had been banished from their European homelands, unless they had a call letter allowing another avenue for immigration. A series of circulars followed that reclassified Secret Circulars nos. 1127 and 1249 as "reserved" (slightly less secret but still not public); preemptively denied visas to "Israelite foreigners" suspected of not being real tourists (especially "political refugees" from Italy and Germany); suspended until further notice the concession of visas to "foreigners of Semitic origin" (with the exception of American, Canadian, French, and English citizens); prescribed special notations in the documentation of "Semites" who were given authorization; stressed that distinctions among prospective immigrants were to be made by "Semitic" ethnicity and not by religion; denied visas to Polish

refugees (largely Jews); and suspended the concession of temporary or permanent visas to Jews.[92]

Brazilian officials excluded Jews surreptitiously even as high-ranking diplomats pledged before an international audience their willingness to solve the problem of European refugees. Helio Lobo, Brazil's representative at the Evian Conference called by Franklin Roosevelt in July 1938, stressed that while the 1938 nationality quotas decree allowed the redistribution of quotas among nationalities, "80 percent of each quota has to be earmarked for agricultural immigrants or technical experts in agriculture and that no member of these latter categories may change his occupation until four years after his arrival in the country."[93] He expressed Brazil's awareness of the urgency of German and Austrian refugee flows and its willingness to contribute to a solution "within the limits of her immigration policy." As an American Jewish Community report later argued, however, these were empty words. Brazil was by this time excluding Jews without saying as much. The seemingly innocuous category of "agricultural worker" used by South American republics and by Canada effectively targeted Eastern European Jews who had historically been barred from farming and hence had made a livelihood in urban areas.[94] The statements of the Brazilian delegate and other Evian participants suggest that they saw agricultural workers as safe and likely to assimilate, while Jews were a threat to national political stability and solidarity.

Jews still immigrated to Brazil despite the secret circulars and categorical exclusions, mostly because of administrative incompetence, bribery, and Vargas's preference for highly skilled immigrants from Germany and Austria.[95] Family reunification through the mechanism of call letters remained viable for much of the war period. Prospective Jewish immigrants often had passports for nationalities that were allowed entry, which explains the concern shown by circulars to identify ethnicity and not just religion. Brazilian diplomats managed the regulatory system on the ground to let in more Jews than their superiors would have wanted.[96] After Argentina, Brazil received the highest number of Jewish refugees in Latin America. Of the estimated 100,000 Jewish refugees in Latin America from 1933 to 1945, a quarter went to Brazil.[97]

The chief concern of nationalists during the Vargas years was to protect national sovereignty and interests from outsiders. In a logic infused with eugenic assumptions, they feared that genetic additions to an established community would change not only its phenotype, but also its capacities, morality, and loyalties. Japanese enclaves posed an internal and geopolitical threat. Other Asians and blacks were primarily a threat

to the perceived achievement of a Brazilian "type." Roma represented a threat because they moved outside the state's control and were unmoored from particular national communities. Nationalists viewed historic Jewish communities in Brazil favorably until an international change in the perception of Jews raised questions about their desirability.

Rather than publicly banning particular groups, nationalists took the expedient route of adopting nationality quotas based on a numeric formula reflecting previous flows. The quotas were popular domestically and could be defended internationally as being free of racial prejudice. Brazil could claim, for instance, not to discriminate against immigrants from China, which by the early 1940s was an ally in World War II. Nationalists knew that on the ground, the constitutional provisions would disproportionately affect the very groups they had an interest in restricting, mainly Japanese. State agents had additional means in their regulatory toolbox as well. The consular corps had been an effective deterrent to U.S. black colonization projects and raised barriers to Jewish refugees, who still came but who would likely have come in much larger numbers in the absence of regulation. Unhappy with the fetters that constitutional provisions placed on regulatory discretion, Vargas simply created the administrative rules that would allow a tweaking of quotas and control over ethnic groups not covered by the quotas. In the end, Vargas' nationalist regime was able to reconcile the demands of internal constituencies and external powers while reserving for itself the means to restrict by nationality and ethnicity. The inclusion of a broader range of elite voices from the professions, such as the doctors and lawyers represented at the Constituent Assembly who were not strictly beholden to landholding elites and their interests and the at least rhetorical inclusion of labor, substantially changed the national conversation about immigration regulation and led to the most sustained ethnic discrimination in Brazilian migration history.

Selection through Administrative Regulation

The nationality quotas in the Constitution of 1934 that were implemented in 1938 remained on the books until 1980, when the military government that took control in 1964 repealed them (see Table 7.1). The persistence of ethnic selectivity in the law is surprising at first glance given Brazil's prominent role as a proponent of racial equality in the postwar period. The late date at which the Brazilian legislature repealed quotas is also surprising and out of sync with the general trend set by other major countries of immigration in Latin America. The arrival of

substantial numbers of immigrants from Asia—primarily Japan and Korea—suggests that the formal quota policy was often ignored during the postwar period. The military government then replaced the quotas in 1980 with provisions that stressed control over immigrants, especially if they posed an ideological threat to institutional stability. The primacy of security concerns was shared by military governments at the time in Argentina, Uruguay, Paraguay, and Chile. It is also surprising that military-era immigration policies remained in force in 2012 despite the democratic transition in 1985 and the subsequent transformation of Brazil's economy into the sixth largest in the world.

What explains the late repeal of ethnically selective policies and the absence of new policies better suited to Brazil's raised standing in the twenty-first century? Brazilian officials have historically preferred to manage migration with administrative regulations, regardless of the law on the public record. Moreover, there were no constituencies pursuing a modification of the law at the domestic level, and Brazil got a pass on the global stage, where there seemed to be no awareness that the quotas were still in place on the books. Brazil's reputation as a racial democracy seemed to trump competing perceptions. In the 1960s, the military showed no inclination to tackle a provision that had been in place for a quarter century, and even reaffirmed the quotas in 1970. It was only in 1980, when a new foreigner's statute went into effect at a time of concern about reciprocity with other countries, that the military did away with Decree no. Law 406 (1938), which had survived the end of the 1934 constitution that motivated it. Brazilian administrations after the return of democratic rule in 1985 simply continued to follow the route of administrative regulation. Only in the wake of renewed flows from neighboring countries, Asia, Africa, and Europe, has there been a serious call for an updated immigration law.

Postwar Migration and International Prominence, 1945–1964

In the decade following the end of World War II, migration registered as a political issue only to the extent that policymakers anticipated new European flows and Brazil changed its foreign policy goals to play a more active role in the international community. Domestically, Brazil practiced a "preferential open door policy."[98] In anticipation of the war's end, members of the Council on Immigration and Colonization had weighed various options to attract the kind of workers necessary to fuel Brazil's transformation into an industrialized country. These options ranged from an indiscriminate open door immigration policy to the

implementation of restrictions by regional origins. Influential members of the council believed that only European immigrants had the skills and culture necessary for Brazil's modernization. The Council settled on a policy that would allow for the selection of skilled European workers to fuel the expected postwar boom. Before being deposed by General Gaspar Dutra in October 1945, Vargas's administration issued a new decree to promote "migration that was a cause of progress for the country," which was explicitly identified with European immigration.[99] The decree affirmed nationality quotas but also gave the administration the option to increase the quota of any nationality to 3,000 and to fill previously unused nationality quotas. The decree stayed on the books until the 1980 Foreigner's Statute formally repealed it, but in practice it seems to have been largely ignored. The Constitution of 1946 made a significant change by removing constitutional cover for nationality quotas. The new constitution established that the selection, entry, distribution, and settlement of immigrants would be subject to the law and the national interest, but it made no mention of quotas.[100] At the administrative level, the restrictive practices of the 1930s and early 1940s persisted, making it difficult to enter the country in the early years after the war. Fewer than 4,000 immigrants arrived in 1945.[101] In addition, the Council continued to tweak entries and select immigrants through its resolutions.[102] Positive selection became the operative principle in the two decades following World War II. Nationality quotas were quietly overlooked.

Until 1963, immigration increased significantly from Portugal, Italy, Spain, and Japan. Brazil stands out in the Americas for the large number of Portuguese and Japanese immigrants it received during this period, but total immigration was low compared to the national population and immigration to Argentina, Canada, and the United States. Beginning in the 1950s, Japanese migration to Brazil resumed. An estimated 55,000 Okinawans came to Brazil between 1954 and 1964. Japanese immigrant entries between 1954 and 1962 exceeded the 1938 benchmark quotas, which demonstrates that these were at best guidelines that the Council could tweak as desired.[103] In the mid-1950s, the South Korean government viewed emigration as a demographic and economic management strategy. Brazilian postwar policies made entry difficult at the time, but Korean immigrants circumvented barriers by migrating through Paraguay and Bolivia, where border visas were available for a fee. Administrative discretion and corruption undermined laws of selection.[104]

Internationally, Brazil's involvement in the resolution of postwar migration and in UN discussions of racial equality marked a departure

from the inward-looking nationalism of the New State. Throughout the postwar period, Brazil aimed to support the policies of the Western Bloc. According to Fischel, one way of meeting that goal was to show a willingness to accept European refugees and displaced persons as an expression of Brazil's commitment to humanitarian principles. Like Argentina, Brazil also saw international organizations as vehicles for recruiting highly skilled European immigrants to fuel economic growth.[105] Selectivity and assimilability became the watchwords in diplomatic correspondence about European refugees, which was in keeping with the shift away from overly racist terms in the hemisphere.[106] During Eurico Dutra's term as a democratically elected president (1946–1950), the government executed an administrative agreement with the International Refugee Organization and approved its constitution. The government also contributed funds to the Intergovernmental Committee on Refugees and agreed to issue visas to refugees under its jurisdiction.[107] These activities further signaled Brazil's alignment with the Western Bloc, as Eastern Bloc countries were not participants in the Committee.[108] Brazil's practical attention to migration issues may have drawn attention away from its formal quota policy. Moreover, unlike other leading Western countries, Brazil had not had a law that overtly excluded immigrants from major World War II allies like China.

Brazil's reputation as a racial democracy may also have diverted international attention away from its quota system. The country's participation in global debates and research concerning racial discrimination had given it considerable status. Brazilian diplomats played a supportive but secondary role in discussions of human rights at the UN founding in San Francisco in 1945 and in subsequent discussions of human rights leading up to the Universal Declaration of Human Rights in 1948. Brazilian intellectuals and scientists played a much more fundamental role in founding UNESCO and orienting its work on race and racism. Paulo Estevão de Berredo Carneiro, a Brazilian chemist and racial integrationist, helped create and implement the programs of UNESCO.[109] Carneiro served on UNESCO's Executive Board between 1946 and 1965 and, in keeping with his reputation as a follower of Auguste Comte, is credited with adding the scientific emphasis to the organization's name.[110] The Constitution of UNESCO was suffused with a positivist belief in the power of science and knowledge to solve some of the world's most serious problems, including those that led to World War II. Education informed by scientific inquiry was the means to build "defenses of peace" in the "minds of men."[111] Social scientists of the 1940s perceived Brazilians to be in an advantaged position to address matters of racial

strife. They thought of Brazil as a country that had achieved a greater degree of racial harmony than others and hence a worthy object of study because it might contain clues to realizing a lasting global peace.[112]

A transnational network of prominent social scientists assembled in the late 1940s to study Brazil and draw lessons about race relations and discrimination. Otto Klineberg, acting director of the UNESCO Department of Social Sciences, had maintained conversations with Carneiro about organizing a research project in several countries, including Brazil. Klinenberg had been a visiting scholar at the Universidad de São Paulo and was well connected with Brazilian academics. With their support, UNESCO's General Director, Mexican intellectual Jaime Torres Bodet, supported the nomination of Brazilian anthropologist Arthur Ramos to head the Department of Social Sciences and its race relations studies. The final research design included field sites in Bahia, Rio de Janeiro, São Paulo, and Pernambuco and drew on a network of premier social scientists including Roger Bastide, Luiz de Aguiar Costa Pinto, Charles Wagley, and Gilberto Freyre. The participation of Freyre was particularly important because he was one of the primary intellects behind the myth of racial democracy. Findings of the studies were compiled in 1951–1952. Although the details of the studies challenged easy interpretations of Brazil as an example of racial harmony, the UNESCO projects nonetheless brought international prominence to the Brazilian racial experience and made it seem much more benign when juxtaposed with the segregated U.S. South and apartheid in South Africa.[113] Brazil's greatest influence on the anti-racist movement was not so much in the government's position in intergovernmental fora such as the General Assembly, but in the epistemic community of race experts in which Brazilians played a disproportionately influential role. Through UNESCO, Brazilians shaped the horizontal field of scientific understandings of race and the boundaries of what were considered internationally acceptable policies.

Military Rule, 1964–1980

Brazil's rapid urbanization and industrialization in the 1950s and 1960s captured the attention of civilian and military governments. The small size of its population for such a vast territory remained a concern, but increasingly, it was the distribution of the population that drew official attention more than the hope of using immigration as a way to improve the population's quality. Issues of national security were paramount. Were enough Brazilians living in regions bordering Argentina? Were

enough Brazilians in the underexploited central and Amazonian regions? The constitution and its ban on media ownership by those born abroad was an example of military concerns about a foreign presence in strategic sectors.[114]

The Foreigner's Statute issued by the military in 1969 made no mention of quotas, but it gave Portuguese immigrants favorable conditions for entry, for departure as permanent residents, and in the acquisition of Brazilian nationality.[115] The regulation of this decree added to security concerns the preservation of "the ethnic composition of Brazil."[116] In listing various conditions that made "irregular" immigrants eligible for an amnesty, the regulatory decree mentioned the case of foreigners who entered Brazil before the passage of Decree no. 3010 (1938), which regulated quotas. The 1969 decree did not, however, specify if these quotas were still in effect. Thus, while attention to Brazil's ethnic composition was formally part of Brazilian policy in the postwar period, there is no evidence that the quotas were used in practice. Military rulers, like their democratically elected predecessors, preferred to maximize discretion in matters of immigration.

The military passed a new Foreigner's Statute in 1980 followed by a regulatory decree the following year. With some modifications, these measures were still in force in 2012. The statute carefully regulated the identification and tracking of foreigners.[117] Its main concern was "national security, institutional organization, political, socioeconomic and cultural interests of Brazil, as well as the defense of the national worker"—a throwback to the nationalist populism of the Vargas era. The statute repealed previous immigration provisions, including those that contained nationality quotas. It also created the National Immigration Council, which, like its predecessor, regulates migration matters administratively.

Democracy, 1985–2012

Brazil has been shaped by epic transformations since the 1980s, including the advent of democracy, rapid economic growth, and increased international migration, but the military-era Foreigner's Statute remains in effect with only minor modifications. Since the election of President Tancredo Neves in 1985, the world's fourth-largest democracy has enjoyed an unbroken chain of successful democratic transitions. Brazil's congress has developed a full and active legislative agenda. Yet immigration reform has not been part of the major national political discussion. Small amnesties for foreigners in "irregular situations" took place in

1981, 1988, 1998, and 2009.[118] At least two bills were proposed to overhaul Brazil's immigration policy, but neither passed.[119]

Brazil's economic fortunes improved dramatically in the 2000s, especially during the administration of Luiz Inácio "Lula" da Silva (2003–2010). Its GDP surpassed the UK to become the sixth largest in the world, and it became a global creditor rather than debtor.[120] With a GDP growth rate of 7.5 percent in 2010, Brazil became an attractive prospect for overseas immigrants, including high-skilled workers whom local universities were not able to produce at the rate employers demanded.

Brazil had already been attracting immigration from neighboring countries for half a century. Bolivians entered beginning in the 1980s due to poor conditions at home and new modes of production in Brazil. As small industries competed with imports from Asia, there was a rise in demand for undocumented labor to work in sweatshops. These workers were overwhelmingly young males concentrated in the garment industry. Brazil approved a series of agreements with the countries of the Southern Common Market (MERCOSUR), Bolivia, and Chile to liberalize migration flows within these countries. With multilateral and bilateral agreements in place, reform of immigration law became less likely because workers from neighboring countries could freely come and go to Brazil.[121]

Almost a quarter million Japanese-Brazilians emigrated to Japan in the 1990s thanks to Japanese ethnic return migration policies.[122] During the economic crisis in 2009, Japanese-descended Brazilians began returning to Brazil with a subvention from the Japanese government.[123] Brazilians also emigrated to the United States in substantial numbers. The Brazilian government has shown concern for reciprocity in treatment of immigrants with the United States and Japan, as well as for the loss of highly skilled emigrants. These concerns have been mostly handled through diplomacy and internal programs rather than through new immigration law.

The administrative and diplomatic tools available to Brazilian governments have thus far been sufficient to meet challenges posed by international migration. The government's response to two scenarios in the early 2010s illustrates these dynamics. When Haitian refugees arrived in Brazil, the government responded by sending resources to local authorities, offering the refugees temporary work documents, asserting that immigration laws would be rigorously observed in the future, and signing an agreement with the Haitian government to prevent new, unregulated migration.[124] This approach quieted complaints in the Brazilian press

about a large influx of Haitian refugees, while maintaining Brazil's international reputation as a country receptive to people of all origins and a bastion against racial discrimination.[125]

When the Brazilian government became aware that highly skilled Spanish migrants were coming to benefit from Brazil's growing economy and to escape Spain's severe downturn, President Dilma Rousseff named a special team to consider policies and initiatives to attract such workers. In the meantime, the number of visas issued for Spaniards between January and September 2011 increased by a third over the number offered the previous year, to just over 50,000.[126] Ricardo Paes de Barros, Brazil's Secretary of Strategic Affairs, has recently noted that the country needs as many as 6 million immigrants of high human capital, primarily engineers.[127] Brazilian officials noted that they were considering selection of immigrants using a system similar to Australia or Canada. Because all laws in Brazil must be in compliance with the Federal Constitution of 1988—which states that "all are equal before the law, without distinctions of any kind" (Article 5)—it is unlikely that any new immigration provision would revert to open ethnic selectivity. In addition, Brazil's economic might and its geopolitical interests in African regions with colonial ties to Portugal make it highly unlikely that Brazil would revert to formal ethnic exclusions even if ill treatment of some African immigrants indicates that the promise of racial equality remains unfulfilled.[128]

Conclusion

Ethnic selectivity in Brazilian immigration policy resulted from conflicts among economic and political elites on the vertical plane within the state that intersected with the horizontal plane where political elites touted Brazil's "international brand" as a racial democracy. Domestically, political elites intent on whitening the country fought with a planter class looking for cheap labor. Supporters of whitening carried the day in nineteenth-century debates of the "Chinese Question." When geopolitical and national market interests came up against domestic ideologies, elites turned immigration policy on a dime and removed the racial restrictions. There was no popular constituency to express its preferences one way or another. By the 1920s, Brazil enjoyed a reputation as a country of racial harmony—an image that elites were happy to peddle abroad while discriminating at home. The Brazilian American Colonization Syndicate affair and reactions to it demonstrated the strength of Brazil's international "brand" as a racial democracy, efforts to maintain

the brand through subterfuge, and the concurrent existence of racist proposals and claims of racial democracy.

It was only after Vargas integrated the professions and labor—even if in a highly controlled way—that other interests entered the policy debate and pushed through explicit ethnic discriminations. By the early 1930s, elites felt that the balance of whitening efforts had been negative or fallen short of the goal. Internationally, the view of what immigrant groups were white and desirable had also narrowed. The nationalist inward turn, including the defense of the Brazilian worker and a national-origins quota for immigrants, resulted in "brasilidade," a way of reconciling the presumed failure of whitening efforts with aspirations of national greatness. The glorification of hybridity, however, brought with it the exclusion of new foreign "elements" that could conceivably alter the fragile balance achieved through intermixing. As in Mexico and Cuba, groups such as Jews, Asians, Middle Easterners, and Roma who were perceived as self-segregating or likely to alter the national mix were excluded either through quotas or through administrative discretion.

Brazil contributed to the international turn away from racial discrimination in the postwar era through UNESCO, but nationality quotas remained on the books until the 1980s even if they do not appear to have been operative. Military and civilian governments in the decades following the end of World War II at least rhetorically affirmed attention to Brazil's ethnic composition. Security concerns became the driving interest in immigration policy during military regimes that ended in the 1980s but were survived by immigration laws and a web of regulations still in effect. While Brazil has also been a country of emigration, the country's economic growth in the 2000s attracted migration from neighboring countries, Asia, Africa, and Haiti. It has also become a competitor for highly skilled workers. The diplomatic and administrative response to the arrival of Haitian refugees and Spaniards fleeing the economic crisis show that Brazil still relies on its historical strategies, but that it remains committed to its formal immigration policy of nondiscrimination.

The Brazilian case yields several general lessons for understanding patterns of ethnic selection. First, broadening the range of voices at the policymaking table has fostered ethnic discrimination in immigration law. Whether the channeling of interests from below was direct, as in the U.S. case, or managed by populists like Cárdenas in Mexico, Perón in Argentina, or Vargas in Brazil, the result was selection by origins. This runs counter to the conventional notion that democracy has bred egalitarian immigration policies and supports the larger argument that ethnic

selection has been fully compatible with democracy and populism. Greater political inclusiveness reinforced ethnic selection before the anti-racist turn in Latin America of the late 1930s that accelerated following World War II.

Cultural emulation—the process by which policymakers in one country voluntarily model their laws on those of another country—is a mechanism that allows for considerable adaptation to local contexts. By means of proportional national origins quotas, U.S. and Brazilian lawmakers favored the influence of ethnically desirable, earlier immigrants. They differed primarily in that Brazilians did not single out groups like Asians for positive or negative exemptions from quotas, which eased relations with powerful countries like Japan when legislators passed the quotas law. Brazil emulated U.S. quotas but adapted to its own national circumstances as a weaker country in international politics. Similarly, Brazil wanted to emulate the perceived success of the United States and, to an even greater degree, Argentina in attracting European immigration. Again, Brazilians examined other models of colonization but thought about how to apply them with attention to the features of their political context.

A third lesson to be gleaned from the Brazilian case is that there is no clear clustering of immigration law patterns by presumed culture or traditions of law, as some institutionalist scholars would predict. Brazil emulated U.S. *and* Argentine models, adapting them as deemed appropriate to its context. Civil-law Brazil and Argentina shared with common-law Canada a penchant for informal ethnic selection that was accomplished in consulates and at the port of entry. Political elites in the three countries would have preferred no formal exclusions because they could always select administratively.

Finally, epistemic communities that span regions and countries can elevate nationally anchored ideologies to the international domain in surprising ways. During the interwar period, inward-looking Brazil was characterized by eugenic racism and the imposition of the country's first sustained national selection of immigrants. Brazil administratively excluded Jews, blacks, and Roma. Yet in a stunning display of the power of international branding, when the UN was looking for models of racially harmonious societies just a few years later, Brazil successfully sold its myth of racial democracy as an example worthy of emulation.

Argentina

Crucible of European Nations?

Argentina wanted European immigration just as badly as other countries in the Americas. It was among the first to formally express a European preference after Gran Colombia led the way in 1823, and Argentina was the only country in the hemisphere to still have one on the books in the twenty-first century. Since 1853, Article 25 of the Argentine Constitution has mandated, "The Federal Government shall foster European immigration and shall not restrict, limit or tax in any way the entry of foreigners who come to the Argentine territory with the purpose of working the land, improving industry, and introducing and teaching the sciences and the arts." Most of the Americas did away with European preferences after 1964 (see Figure 7 in the Introduction), although many Latin American countries maintain bilateral immigration and citizenship treaties with Spain.

Yet Argentina went about attracting and culling the masses quite differently than other countries in the Americas. It did not legally sanction exclusions or quotas against any racial, ethnic, or national-origin group, with the possible and brief exception of ambiguous bans on *gitanos,* which could mean "gypsies," beggars, or Roma (see Table 8.1). The lack of legal ethnic proscriptions seems surprising given that laws of nineteen countries in the Americas, including all of the major countries of immigration, contained some form of Chinese exclusion by 1925 and some lasted well after World War II. In addition, Argentine political elites and bureaucrats shared the racist consensus in countries of immigration about the inferiority of Chinese immigrants. Current explanations of how policies diffuse from powerful models would have predicted the

adoption of Chinese exclusions by Argentina following the lead of other immigration countries, in particular, the United States. The pattern of Argentina's immigration and citizenship laws thus throws a different light on the historical relationship between liberalism, democracy, and ethnic preferences and exclusions and on how patterns of law have spread from country to country.

Why did Argentina not follow the early hemispheric trend toward negative ethnic discrimination in its immigration laws? First, policymakers in Argentina did not sense the same urgency as other Latin American leaders to change the composition of the population by whitening it. The nonwhite proportion of the population was small during the colonial period and became much smaller over time. At independence in 1816, Argentina had a population of only 600,000, of which 60 percent were creoles and mestizos, 30 percent indigenous, and 10 percent blacks and mulattoes.[1] Over the next century, Argentina received more European immigrants than any other country in Latin America. Argentine elites increasingly conceived of the population as a white, European outpost. While policymakers did not want Asian or African-origin immigrants, these groups were not perceived as a threat of the same magnitude as in countries less dominated by European-origin populations.

Second, the imperative to populate Argentina's vast territory—eighth largest in the world—overrode other considerations. The government wanted to foster an international reputation for openness to immigration that would keep the passenger ships coming. Third, labor did not mobilize for ethnic restriction as it did in other countries because workers generally shared the view that there was room for newcomers in the immense country's rapidly expanding economy. Many workers were themselves immigrants or the children of immigrants who participated in cyclical migration. In 1900, a third of the population was foreign-born, and the figure was even higher among workers.[2] While workers competed among themselves, ethnicity and immigrant status was not a salient factor around which to organize against competitors. Finally, officials used administrative discretion and a constitutional European preference to discriminate in practice against those they deemed undesirable. Jews and *gitanos* were periodically targeted by such exclusionary practices.

The persistence of the 1853 constitutional preference for Europeans, despite a hemispheric turn away from such policies, is attributable to a highly malleable interpretation of "European" to include anyone perceived to exhibit the desirable traits of "modernity" associated with that

Table 8.1 Principal Argentine laws of immigration selecting by ethnicity

1853	Constitution fosters European immigration[1]
1916	Administrative regulation bans the entry of those with an "organic flaw" that made them unable to work, including *gitanos*[2]
1923	Special instructions to consuls in a regulatory decree prohibit the entry of "beggars, that is, *gitanos*"[3]
1939	Secret circular targets Jewish refugees[4]
1949	A new constitution affirms the European preference and proscribes race or "prerogatives of blood or birth" as criteria of selection in any public policy[5]
1956	A de facto military government abrogates the 1949 Constitution and reinstates the 1853 Constitution[6]
1978–81	Agreements signed with South Korea for the immigration of families to settle remote areas in northeast Argentina and Patagonia[7]

1. Constitution of Argentina [1853], Art. 25.
2. *Boletín Oficial de la República Argentina,* Buenos Aires, May 3, 1916, no. 6686.
3. Regulatory Decree of December 31, 1923.
4. Secret Circular no. 11 (7/12/1938), on file with authors.
5. República Argentina, Reformed National Constitution, 1949.
6. Proclamation of the Provisional Government, 1956.
7. República Argentina, Ministerio de Relaciones Exteriores y Culto, Memorias, 1978, 108, 130; 1981, 253.

category. For example, the military government in the 1970s encouraged the immigration of South Koreans because the military viewed them as ideologically safe, respectful of state authority, hardworking, and willing to colonize Argentina's interior. While other countries did away with ethnically selective policies, in Argentina it was still politically acceptable to use cultural assimilability as a benchmark. After the 1960s, Argentina became a country of emigration to the United States, Europe, and other Latin American countries and of immigration from neighboring countries and Asia. Positive preferences are less noxious to international relations than negative discrimination, and because the European preference was not even followed in practice, it endured in the law on the books.

The horizontal field of intergovernmental politics and transnational politics played different roles over time. For most of the nineteenth century, Argentina sought to emulate or strategically adjust to U.S. policy and alteration of migrant flows. Given that it was not a contiguous neighbor of the United States, it did not face U.S. leverage to exclude despised ethnic groups that might remigrate north. As a growing economic power

that looked to Europe for investment and credit and competed with the United States in commodities markets, Argentina acted with significant independence from U.S. influence when compared to other major immigration countries like Canada and Cuba.

However, during and after World War II, Argentina sought to play a regional leadership role and hence became more sensitive to the politics of the horizontal field surrounding immigration policies. At the 1938 Evian Conference convened by the United States to discuss the plight of European refugees, Argentina's chief negotiator politely demurred to President Roosevelt's initiative using a facially neutral argument—the need for agricultural immigrants—to express concerns about the prospect of Jewish refugees that he knew were shared by his Latin American peers. When Santiago Peralta, a faithful supporter of President Perón, proposed to ban the immigration of "blacks from Africa and Asiatics of the yellow race" after World War II, he was summarily dismissed in the wake of negative international as well as domestic reactions. The horizontal plane was especially important in preventing the adoption of explicit ethnic discrimination at a time when the country's international reputation was in question and overt ethnic discrimination was becoming illegitimate abroad.

A Nation of Europeans

The question of who would come and who would become a citizen has been central to Argentina's nation-making projects. A "poor and forgotten" backwater of the Spanish Empire that was rife with internal conflicts from independence until the early 1860s, Argentina subsequently experienced phenomenal economic, demographic, and social transformations.[3] By 1913, Argentina was the envy of Latin America and enjoyed one of the ten highest per capita incomes in the world, surpassing France and Germany.[4] Its growth through immigration was particularly striking after 1860. Relative to an initial population of about 1.8 million at the time of the first census in 1869, Argentina received more European migrants by 1932 than any other country. It was second only to the United States in the absolute number of European arrivals. Twelve percent of the approximately 60 million Europeans who migrated to the Americas from the early 1800s to 1930 came to Argentina. In fact, the 1.1 million migrants who disembarked in the port of Buenos Aires in the three years before the outbreak of World War I represented more Europeans "than had arrived in all of Spanish America during more than *three centuries* of colonial rule."[5]

Massive European immigration resulted from a confluence of political and economic factors. Political stability after the 1860s and the military expropriation of land formerly controlled by Amerindians made large-scale agricultural exploitation possible. Improved transportation and refrigeration technologies as well as modern port infrastructures increased efficiency and productivity, resulting in low costs. These lowered costs allowed Argentine beef, grain, and manufactured goods to compete in the Atlantic economy and penetrate British markets. Great Britain's capital played no small part in these processes. The same vessels that carried products to Europe with greater ease and reliability than in the past returned with workers required to fuel increased production. In Europe, industrialization and changes in agricultural production, together with rising life expectancy, had generated a large pool of surplus labor, especially in countries like Italy, Spain, Ireland, Greece, and Portugal. The spread of the political ideal that people should have the freedom to migrate, what Aristide Zolberg calls the "exit revolution," also increased mobility. The two main sources of migration to Argentina, Italy and Spain, had liberal departure policies beginning in the mid-nineteenth century. The coming together of these economic, technological, demographic, and political factors fostered Argentina's insertion into the Atlantic market economy and European sources of labor.

Immigrants came primarily from Italy and Spain, but they also arrived from Germany, Poland, France, Russia, the Middle East, and Japan. Migration from Europe continued between the world wars and included a substantial number of eastern Europeans, many of them Jews who contributed to the largest Jewish population in Latin America. Flows from Europe, especially Italy and Spain, resumed after World War II but subsided by the mid-1960s as the relative economic fortunes of Argentina and Southern Europe flipped. In the late 1970s and early 1980s, the Argentine military regime revived plans to colonize the interior, this time with Korean immigrants. While immigration from neighboring countries has not shown prominently in the national self-image, large numbers of Bolivians have long worked in the sugar mills of northwest Argentina and Paraguayans and Brazilians have migrated to the northeast.[6] At the turn of the twenty-first century, Argentina increasingly became a country of immigration from neighboring countries as well as new immigration from Europe and less traditional sources in China and Africa. At the same time, it became a country of significant emigration to Europe and the United States.

During five critical junctures in Argentine history, policymakers could have avoided preferences or adopted ethnic exclusions in immigration

law. The first juncture was the definitional post-independence period, during which the 1853 Constitution, the 1869 Citizenship Law, and the 1876 Law of Immigration and Colonization were written. Constitutional framers chose to foster the immigration of European immigrants and legislators did not adopt racialized exclusions. At a second juncture—during a generally restrictive period in immigration law beginning in 1916—European preferences persisted in the Constitution and legislators adopted no legal ethnic exclusions, except obliquely against the ambiguous category of *gitanos*. However, administrative means of ethnic selection targeted Jewish refugees. Immigration policy could have changed again around the end of World War II when debates raged about race and immigration. And yet, at this point, framers of a new constitution preserved European preferences even as they banned race as a criterion for immigration selection. Policymakers left immigration policy intact, and bureaucrats perfected administrative mechanisms of selectivity. The military regime of the 1970s and 1980s could have abandoned explicit constitutional European preferences when they courted South Korean immigration, but instead opted for a dynamic interpretation of the qualities inherent to being European. Finally, policymakers could have eschewed European preferences in the aftermath of military rule after 1984. Instead, the 1853 Constitution was reinstated with modifications that did not include dropping European preferences, which remain on the books to this day.

The Definitional Moment

Post-independence liberal elites, including South American independence hero José de San Martín, strongly opposed the ethnic categorizations on which the Spanish Crown had built its extractive policy toward the colonies. Membership in the new nations of Peru and Argentina, on his view, precluded all other distinctions.[7] Even after the isolationism that characterized the dictatorship of Juan Manuel de Rosas (1835–1852), Argentina's liberal elites eschewed negative ethnic discrimination as counter to their political and economic principles and the immediate project of making Argentina. While they may have harbored racial prejudices, they thought it natural to encourage the immigration of workers and prospective citizens who would make Argentina the modern nation to which they aspired. The United States served as a model of nation-making as well as a cautionary tale about factors that had complicated this process. A lesson drawn from the U.S. case by Argentines was that the arrival of non-European workers had significantly complicated nation-building.

Thus, while constitutional framers were not willing to exclude prospective immigrants and/or citizens by race, they had no compunction about fostering European immigration.

Two competing impulses characterized Argentina's immigration policy since its inception. As noted earlier, Article 25 of the 1853 Constitution created a preference for European immigration and simultaneously precluded the government from limiting or taxing *any* immigrant's entry into the national territory. Liberal scholar Juan Bautista Alberdi wrote a collection of foundational essays for the drafting of a constitution that organizers of the constitutional assembly distributed to participants. His overarching point about immigration to South America, and in particular to 1850s Argentina, was that beggars can't be choosers. "Nations in formation" that are vastly underpopulated have no choice but to be accommodating and open, he wrote. The country's tiny population did not supply enough workers to meet demand in the export economy. Alberdi contrasted the restrictive emigration policy of the Spanish Crown and of the newly independent South American republics to the open policies of England and the United States. The United States was doubling its population every twenty years while the *Ley de Indias* had made it a crime for its Spanish American subjects to have contact with foreigners. Alberdi recommended that South American republics be outwardly oriented to compensate for the effects of a closed colonial migration policy and that this openness be institutionalized in a constitutionally mandated population policy that considered their isolationist history. He praised the California Constitution of 1849 for its liberal stance on attracting immigrants and urged its emulation with attention to the context of its application. "I am fortunate to cite in support of the system proposed the example of [. . .] the Constitution of California," Alberdi wrote. "I have not sought to analyze the Constitution of California in all of its dispositions to protect liberty and order but only those related to the progress of the population, industry, and culture. I cite these to show that what I propose are not inapplicable novelties but simple and rational bases for organizing any nascent country that knows how to provide, above all, the means to develop its population, industry, and civilization by means of rapidly acquiring masses of men from abroad, and through institutions to attract and to settle them in a solitary and inhospitable territory."[8]

Alberdi advanced a cultural essentialist argument in favor of European migration by attributing political and economic behavioral traits to national and regional origin. He preferred Northern Europeans from liberal countries because of their political traditions. "Saxon" migration

to North America both reflected and made possible a political system where the rights of the individual limit government intrusion. The character of these immigrants provided the warrant for "artificially" attracting Northern Europeans because the origins of the first immigrants would determine who would come later. "The Europe that comes will reflect the Europe that calls," he wrote. Argentine legislators' decision to use official immigration agents in Europe beginning in the 1870s suggests that they agreed with Alberdi on this matter. The larger point was that promoting liberalism required the selection of European immigrants who were presumed to be capable of being governed and governing.

Constitutional debates showed great preoccupation with religion and, in particular, the extent to which a preference for Roman Catholics would impede migration or tarnish the liberal credentials of the fledgling republic.[9] Since Alberdi had proposed a preference for northwest European immigrants, a way to mark this preference further would have been to specifically foster Protestant immigration.[10] Representatives at the constitutional assembly, however, considered this proposal impractical and warned that it would encounter strong objections in the provinces, which were more religiously conservative than Buenos Aires. Deputies feared that the fragile political coalition that stabilized the country after 1852 could be threatened by advancing such a proposal.[11] The compromise was to sanction Roman Catholicism as the religion of state but to admit immigrants of any religion and allow them freedom of religious practice. All inhabitants of the world were welcome. All could become citizens, although only Catholics could hold the office of president, a distinction that would have been immaterial to most immigrants from Southern Europe and of little concern to Jews and Protestants who had more existential concerns in Argentina. The compromise reached by Argentine delegates to the constitutional assembly was a departure from Spanish colonial policies that had excluded non-Spaniards, non-Catholics, free blacks, Jews, and Roma. The compromise also departed from the rhetoric of early independence movement leaders like Simón Bolívar and San Martín, who disavowed colonial racial distinctions and any special treatment for Europeans.[12]

Alberdi implicitly attributed this disavowal to post-independence struggles and the extent to which newly independent countries rejected Spain. Latin Americans were divided in their attitudes toward European immigration depending on their position toward Spain. "The ideas of Bolívar concerning Europe," he wrote, "corresponded to those of a man whose mission was to annihilate the political power of Spain and of any

other monarchical power linked to Spain by interests or blood." By contrast, Bernardino Rivadavia—Argentina's first president—opposed Bolívar's position because "he understood that by taking such a stance he would have destroyed from the outset the aim of European immigration and of linking this continent with the old one, which had been and should be the font of our civilization and progress."[13] According to Alberdi, other Latin American leaders supported Rivadavia' stance supporting European immigration and therefore opposed Bolívar's positions expressed at the Congress of Panama in 1826 when he urged a unified Latin American position toward Spain. Thus, it is not clear that Latin American leaders were of a single mind on European preferences, although they clearly renounced racial distinctions and the privileges of nobility.

In the 1980s, constitutional scholars like Bidart Campos stressed that the framers' European preference should be interpreted dynamically as a reference to the skills and usefulness of prospective immigrants to state-building objectives rather than to strictly regional origins. According to this interpretation, in 1853, Europe was the place to find immigrants with the skills and abilities conducive to the "moral and material progress of our community, and therefore, non-European immigration that is similarly suited to the European flows of 1853 cannot be ruled out."[14] As the discussion of elite attitudes in the next section shows, this interpretation overlooks the conflation of place and ethnic characteristics taken for granted by the Argentine elite, but it offers a window into how contemporary Argentines have justified the continued presence of a European preference in a country that today receives migrants primarily from neighboring countries and, in recent decades, from South Korea and China.[15]

Adapting to and Reacting against Foreign Models

Policymakers could have legally inscribed ethnic exclusions when they created their first immigration and citizenship laws in the 1860s through 1880s, yet they chose not to despite the ready availability of such models in the United States. Argentine legislators carefully pondered U.S. nationality and immigration policy and emulated some of its elements, but they also made significant changes and strategically adjusted Argentina's own policies in response to the way U.S. policies were shaping migration to the Americas. The United States and its laws were mentioned at least seven times in the initial debates of a new citizenship law by the Senate in 1863, generally in a positive way. During parliamentary debates of the Citizenship Law, which finally passed in 1869, legislators referred to the

United States as a philosophical and practical touchstone. However, the admiration with which Argentine liberals held the U.S. model did not result in the wholesale adoption of that country's policies.[16] United States nationality law at the time allowed immigrants to naturalize if they were "white" and had been living in the country for at least five years.[17] Racial criteria were not mentioned in the Argentine 1869 Citizenship Law or the parliamentary debates. The law offered full citizenship to any immigrant after a two-year period, which could be shortened via an administrative request.[18] The goal of the law was to be as welcoming to as many immigrants as possible. Children born on Argentine soil would automatically be citizens. More unusually, immigrants would be free to naturalize without losing their birth nationalities. Membership terms were relatively generous as naturalized citizens were exempt from military service during the first ten years after nationalizing. Immigrant residents could own property, move about the territory freely, do business, and be hired by the government without performing any military service. Citizens and noncitizens had such similar rights that legislators worried immigrants would have little incentive to naturalize.

Debates around the 1876 Law of Immigration and Colonization similarly demonstrated an awareness of U.S. immigration policy, but also the conviction that Argentine policies should reflect the country's own colonial and postcolonial migration history. Alberdi's influential analysis stressed the need to contextualize U.S. models. Immigration from Northern Europe to North America had been "spontaneous," but in Argentina's case would need to be fostered by means of recruitment agents. Against Alberdi's position, legislators consistently underscored that Argentines would balk at secular laws like the ones ostensibly found in the United States. And yet, the 1876 law contained no ethnic preferences or exclusions and did not identify preferred immigrant religions. A critical concern at the time of discussing the law was the cost and effectiveness of immigration incentives as well as the "word of mouth" perceptions that would result if the Argentine government was unable to keep promises made to immigrants. Political and commercial elites in the 1860s shared an interest in attracting prospective citizens and workers from Europe, but unlike in Brazil, they did not develop a list of undesirable immigrant origins.

The concern driving nationality and immigration laws was to make nationals of newcomers. The presumption of elite policymakers was that Europeans would be more amenable to the state's nationalizing overtures. The boundary that mattered at this stage of state formation—as evidenced in nationality and immigration law—was the one separating

those subject to the government and those who were not. In the formulation of President Faustino Sarmiento (1868–1874), this was the boundary between the "civilized" (those who are of the state) and the "barbarians" (those who are not of it). The default category of comparison was "Indians," as Hernán Otero has shown in a seminal book on Argentine census ideology.[19] Indeed, as the "Indians" came under the purview of the nationalizing central state in Buenos Aires, they ceased to be counted as such and simply became *argentinos*. The preference for Europeans demonstrated a positive discrimination for those presumed to be amenable to state control, despite evidence that Italian and Spanish immigrants actually shunned state intrusions into their lives and may have emigrated because of practices like taxation, enumeration, and conscription in their home countries.[20]

Ethnicity may not have served as a negative selection criterion in nationality and immigration law, but it clearly guided the distinctions operative at the administrative gate to the nation. In this sense, Argentina was like Brazil, Mexico, and Canada. From the perspective of Argentine officials, a failure to administratively regulate the entry of racially and morally inferior immigrants could adversely affect Argentina's international relations and force the adoption of negative ethnic exclusions. These ideas were developed on a horizontal political field stretching across South America, Cuba, and the United States whereby the experiences of Chinese migrants in other countries were interpreted as examples to avoid.

Samuel Navarro, Director of Immigration in the 1880s, actively discouraged Argentine businessmen and neighboring countries from recruiting Chinese immigrants and used the United States as a cautionary tale. In his annual report to the Minister of the Interior (1882), he told of an encounter with an Argentine businessman who wanted to import Chinese workers after a year of struggling to find enough labor locally. Navarro strongly opposed such an alternative and supported his position with a pamphlet about the behavior of Chinese workers during the War of the Pacific between Chile and Peru (1879–1883). The conventional Peruvian account was that Chinese workers rioted and killed many Peruvians as well as wealthy Chinese merchants. Navarro also presented the businessman with "evidence" about Chinese migration collected during his time in California. "It is enough to remember," Navarro cautioned, "that California—the classic country of cosmopolitism [sic]—has not been able to manage the inconveniences of the Chinese race."[21] As a result, in his view, California had to ban Chinese immigration, which in turn led to breaking diplomatic treaties with China and to the

adoption of exclusionary laws at the federal level. For these reasons, the proposal to import Chinese workers was a "crime against patriotism." In the end, the businessman "patriotically desisted" from recruiting Chinese. The account showed the extent to which immigration and racialist thinking were bound up with geopolitical considerations. It also demonstrated a hidden dampening mechanism by which state officials could dissuade private firms from recruiting workers of particular origins. These firms would have themselves signaled transportation companies about the lack of interest in Chinese labor. State officials thus preempted the very possibility of Chinese migration without resorting to formal legal exclusion.

Navarro's correspondence with Brazilian officials demonstrated the use of soft power to influence a neighboring country's policy, the way in which exclusions coexisted with ostensibly neutral liberal ideas, and how countries learned from each other's experiences. After squashing the effort to recruit Chinese to Argentina, Navarro received word that Brazilians proposed to import Chinese workers in anticipation of post-abolition labor shortages in their country.[22] He sent a frantic letter to his friend, Brazilian Foreign Minister Luis Domínguez, warning of the perils of such a project and asking his opinion on the matter. Navarro worried that Chinese migration to Brazil would inevitably filter down to Argentina, with its better soil, climate, and institutions. "There could be no more fatal event in immigration matters than the arrival of the Celestial Empire in Argentina," he wrote.[23] According to Navarro, news of how Chinese coolies had behaved against the Peruvians in the War of the Pacific had reached Argentines through the press and heightened their dislike of the Chinese. He also cryptically noted that Argentina could not accept a race of men whose national institutions recognized the killing of unwanted infants as part of a father's rights. This racist misperception of Chinese behavior was common in Latin America and violated the sensitivities of Argentine elites who wanted to attract fertile immigrants to populate the enormous country.

Minister Domínguez's response revealed a keen awareness of the impacts of Chinese immigration in other countries and the ease with which liberal, abolitionist thinking could exist alongside racial exclusion. He reassured Navarro that while he was fully aware of the problems associated with Chinese immigration, Navarro's concerns were unfounded because the proposal to import workers from China was unlikely to prosper. Domínguez maintained that the negative consequences of Chinese migration to California and Cuba were well known. He reviewed the Peruvian case in greater detail because it was a country

similar to Brazil in social and economic conditions and hence a good indicator of what Brazilians could expect were they to import Chinese contract workers. The 70,000 male contract workers imported to Peru from China experienced, in his estimation, "a dissembled and more cruel slavery than the real [slavery] because the master of the Chinese has no interest in preserving them beyond their contract."[24] The terms of labor exploitation made Chinese immigration abhorrent, and these conditions compounded cultural deficits that also made Chinese immigrants undesirable. Chinese workers were overwhelmingly male, did not have access to co-ethnic women, and did not mix with local women. If the Chinese could mix and reproduce with Peruvian locals, Domínguez speculated, the story might have been otherwise. They did not mix because of presumably irreconcilable cultural differences. In the minds of Domínguez and Navarro, a cultural preference for "people like us" was no less consistent with liberalism than was the emphasis on equal and fare treatment of workers.

Argentina was the only major country of immigration to receive few or no Chinese immigrants during or immediately following the transpacific coolie period from the 1840s to late 1870s. Argentina's economic expansion was just beginning when the coolie trade was cut off by the geopolitical factors discussed in Chapter 5 on Cuba. Until then, the country did not have the types of agricultural and infrastructural sectors that would have contracted Asian labor from British and other shipping concerns. Railroad construction started later and then drew on native and European immigrant labor. Argentina had established flows of workers from Europe and strong relations with the Italian, British, and German shipping lines that brought them and returned to Europe with Argentine commodities. Native workers and those from neighboring countries supplied much of the agricultural and infrastructural labor in which Chinese immigrants might have been employed. Further, by the time that the coolie trade ended and Chinese exclusions had been implemented in the United States, other national groups had already moved into the merchant niche in Argentina that Chinese occupied in countries like Mexico. Syrian-Lebanese immigrants monopolized the traveling wares sector. Galicians ran small shops in urban centers. While officials like Navarro may have preemptively put out the word to both prospective immigrants and shipping lines that Chinese immigrants would not be welcome, the Argentine immigration control infrastructure would likely not have been able to stop Chinese immigrants had they wanted to arrive in Argentina. Migration control was heavily concentrated in the ports of Buenos Aires, and Argentina had extensive and permeable

borders with neighboring countries. Moreover, even powerful countries like the United States had not been able to fully control clandestine Chinese migration flows. In sum, the timing of Argentina's economic development, international pressures to end the coolie trade, and the existence of competing migrant networks explain why Chinese immigrants did not come to Argentina. The perceived threat of large-scale Chinese migration had been a contributing factor to the adoption of exclusionary laws in other countries of the Americas. Argentine officials, however, had seen no evidence of a serious imminent threat and had been content to address it through diplomatic channels and by administrative discretion.

Argentina did receive flows of Japanese immigrants after World War I that intermittently continued into the 1960s. By 1952, about 10,000 Japanese and Japanese-Argentines lived primarily in Buenos Aires, where they concentrated in commerce and services, particularly dry-cleaning businesses.[25] Historian James Tigner has written that Japanese immigrants intermarried and assimilated rapidly, which he attributed to the self-selection of Japanese who were more likely to fit with the cultural orientations of Buenos Aires, a "model minority" reputation of Japanese immigrants as honest and hard working, a cosmopolitan urban setting, and the ease with which families could be united through the *carta de llamada,* a family reunification mechanism that remained intact in Argentina even during periods of restriction.[26] Argentine political leaders recognized the international standing of Japan as a world power and did not impose restrictions even after other countries did so.

Sifting Immigrants

Argentina had received an enormous number of immigrants by the eve of the First World War. Its elites were deeply concerned about the quality of arriving European immigration. One cartoon from the early 1900s shows an Argentine official, sieve in hand, telling a matronly shopkeeper what he wants from her shop of European migrants: "I need immigrants, but from now on they must be sifted, because I don't want agitators, revolutionaries, strikers, communists, or socialists." The shopkeeper responds, "Enough, I know what you want: an immigration made up purely of bankers and archbishops."[27] The cartoonist was mocking a longstanding belief among Argentine elites that immigration policy would select the right kind of European, a notion that dated to Alberdi's preference for northwestern Europeans. What was never discussed and was taken for granted was that Argentina had become a white/European

nation. The debates were about the political characteristics of its immigrants.

For most of the period before the First World War, the oligarchy was the only group represented at the immigration policy table. After 1914, however, more people had access to the political process than ever before. The Sáenz Peña Law (1912) established universal and compulsory suffrage for native men over eighteen years of age, an electoral roll based on military conscription lists, and a provision to ensure the representation of minority parties.[28] Still, the political party system was not open to serious feedback from below. Immigrants, many of whom came seasonally and did not naturalize, followed the more expedient strategy of protest, which resulted in events like those of the *Semana Trágica* in 1919 when, in response to a coordinated strike in support of persecuted workers, police fired on a coalition of unionists, socialists, and anarchists.[29]

While pleased to have increased the national population, the establishment feared that the immigrant multitudes had brought with them dangerous political ideas from a turbulent Old World. This raised the "social question" of what to do with the disenfranchised and otherwise excluded masses. In such a context, it became critical to track the whereabouts of radicals and other rabble-rousers. A regulation issued by President Victorino de la Plaza on April 26, 1916, aimed to accomplish greater documentary control over immigrants.[30] The overall justification of the regulation stressed that the purpose of Article 25 of the 1853 Constitution was to foster the formation of a morally and physically healthy nation that was well suited to work. In addition to requiring passports with photographs and a higher standard for certification, the decree called for proof that the immigrant had not been involved in crimes against the social order in the previous ten years. It also banned the entry of those who "have an organic flaw that makes them unable to work": beggars, single women with children under age ten, *gitanos,* and other "persons who may be presumed to rely on public beneficence." The ambiguous category of *gitanos* mixed ascriptive categories pertaining to Roma ("Gypsies") and non-ethnic, behavioral categories related to panhandling and itinerancy ("gypsies"). Apparently this law alluded to the latter meaning, as one of a set of categories of people presumed to be unable or unwilling to work.

Immigration reforms of the 1920s showed the importance of reciprocal adjustment as a mechanism of policy diffusion and also revealed the cross-class consensus in favor of the "principle of free immigration." In 1923, at a time of relative social calm, President Marcelo T. de Alvear and his minister of Agriculture, Tomás Le Breton, submitted to the

legislature the most ambitious immigration law bill since 1876.[31] The motivation was not to respond to employer or labor demands for such reform, but rather to follow the example of the United States and to anticipate the consequences of that country's nationality quotas legislation and restrictive measures in Brazil that went into effect in 1921. The Alvear administration worried that flows deflected by new U.S. policies and Brazilian restrictions would land poor, unassimilable, and of greatest concern, politically subversive immigrants on Argentina's doorstep. Immigration reached the highest levels since before the First World War, and the numbers of Central and Eastern European arrivals increased, dramatically in the case of some nationalities.[32] Officials worried in particular about these European immigrants because they were presumed to be politically radical. Alvear's bill proposed to maintain the principle of free immigration while increasing administrative means to control immigration by health, age, family composition, and prospects for poverty, but did not select by ethnic origins. The very proposal to regulate immigration, however, generated such political and media backlash that Alvear's administration decided to drop the bill.

Failing to receive support for a legislative overhaul of the 1876 law, President Alvear decided to implement a series of administrative restrictions in 1923.[33] These measures broadened the range of medical and social reasons for which migrants could be denied entry and the administrative discretion of immigration personnel, including physicians, to make these determinations. The existence of administrative restrictions created a gap between the law on the books and practice on the ground, which bureaucrats filled with their discretion. Everyday control over regulation became an object of politics. The Ministry of Agriculture that oversaw immigration and the Ministry of Foreign Relations had distinct organizational cultures and interests that did not necessarily match those of other political or economic elites. The Ministry of Foreign Relations was more motivated by efforts to keep immigration policy from creating problems on the horizontal plane.[34] An organizational audit of the National Immigration Service in the 1940s exposed a long-running conflict with the Ministry of Foreign Relations. High-ranking officials were also in competition with low-level officials, who trafficked in immigration paperwork.[35] By moving immigration politics from the realm of legislative debate to the administrative domain, the range of interests represented in immigration policy was taken out of the public sphere and reduced primarily to different groups of officials and bureaucrats.

Alvear's 1923 Regulation of Law 817 represented further tightening of culling tactics and reiterated the only instance of an ethnic exclusion

in Argentine law. The exclusion was oblique and buried in an allusion to a set of administrative instructions that banned *gitanos*. The regulation listed the circumstances of entry and documentation as well as twelve conditions that disqualified would-be immigrants from entry. These had to do with passengers' physical and mental health, age, legal and marital status, and moral characteristics. No condition listed had an ethnic dimension. Article 13, however, gave the force of law to a set of special instructions authored by Juan P. Ramos, Director of the General Immigration Services, for use by Argentine consuls. These instructions detailed documentary requirements and gave concrete examples of who could not enter and therefore not receive visas from consuls. This included a ban on "beggars, that is, *gitanos,* who have practiced begging and persons who can be presumed may come to rely on public welfare," thereby falling into the category of "useless or defective immigration" specified in the main text of the decree.[36] It is arguable if this was indeed an ethnic exclusion. The ban mentions *gitanos* only as an apposite term to "beggars," and thus it is possible that the category referred to practices, lifestyles, and prospects for welfare dependency rather than to ascriptive origins. The behavioral description of this category, however, does not preclude an emphasis on presumed origins. A review of attitudes toward Roma in the policies of other Latin American countries suggests that policymakers assumed that people thus categorized shared recognizable lifestyles and behaviors by virtue of their ethnic origins.

The turn toward restriction coincided with the height of eugenics in Argentina and elsewhere. The immediate motivation for Alvear's immigration reform bill and the regulations that were ultimately implemented, however, was an adjustment to other countries' policies and, domestically, concern for the ideological allegiances of post-World War I immigrants. The eugenicist emphasis on selectivity was shared among conservative elites and an increasingly xenophobic and outright anti-Semitic military. Whatever the beliefs among these sectors about the impact of central European immigrants on the racial quality of the Argentine nation, they were primarily concerned with origins as a proxy for ideological commitments. Political elites were worried about social and anarchist activists who had led various social uprisings. They identified anarchists in particular as being disproportionately Jewish and Catalan.[37]

A series of immigration measures that cracked down on fraudulent identity papers and that stressed a clean political record were formally universalistic, but were in practice aimed at Jews, Russians, and Poles (three terms often used interchangeably) as well as Catalans. The

Executive Decrees of December 16, 1930, and November 26, 1932, issued by a military regime that ended a seventy-year period of formal democratic rule aimed to dissuade transient and "defective" migrants not only because they might come to rely on the state for support, but because they could destabilize the country. The weak democratic regimes that followed, issued decrees against migrants "deemed dangerous to the population or who conspired against the stability of institutions created by the national constitution."[38] Selectivity became increasingly pointed at prospective immigrants of particular ideologies who in practice were identified by their ethnicity or national origins. One decree required that aspiring migrants receive a special permit from Argentine consuls at the point of origin.[39] Another required additional vetting by a special tribunal at the European borders where potential refugees might cross. The objective was to avoid the entry of unwanted political immigrants, likely Spanish Republicans fleeing the Spanish Civil War and European refugees from fascism, including Jews.[40]

The Jewish Question

Although many Latin American intellectuals and diplomats maintained that "the Jewish question" was a European ideological import, governments in the region, including that of Argentina, were concerned about what to do with Jewish refugees. As in Brazil, discourse shifted from a consideration of how Jewish communities had successfully settled parts of the interior to fears about an urban, politically mobilized, and stateless population of refugees. These newcomers would not only compete with national workers but had the potential to be politically destabilizing. At the 1938 Evian Conference, Argentina rhetorically affirmed its commitment to helping the Jewish refugee problem. At the same time, Argentina passed a series of measures aimed against Jews.

President Alvear sent his chief diplomat to Evian. Tomás Le Breton, the former Minister of Agriculture who later served as ambassador to France, Great Britain, and the United States, told the delegates that his country had the industrial workers it needed and that economic opportunities were in its vast agricultural sector. Like many of his peers, he stressed the importance of this sector to national interests. The implication, clear to his Latin American peers and probably to the United States, was that Jewish refugees from Europe were less likely to settle in the countryside as had previous cohorts of Jewish immigrants. Le Breton ended his address on a positive tone by promising that "we are fully determined to cooperate within the limits of what is possible. Those

limits provide an ample field for the noble work of the present Conference. It is with this determination that we shall collaborate in studying and solving this problem."[41] Le Breton also referred to the reasons for Argentina's restrictive immigration policy. Ostensibly these were economic, but he also referred to some prospective immigrants' inassimilability, a barely veiled reference to why Jews were unlikely to be welcomed in Argentina.[42] Argentina was not alone in promising an international audience that it would help with the Jewish refugee crisis while fashioning restrictive policies for a domestic audience.

The turn to restriction and the targeting of Jews happened not only in the public decrees mentioned earlier, but also in secret circulars. Like European fascists and governments throughout the Americas and Western Europe, Argentine officials knew well that records and the letter of the law can accomplish a great deal through euphemism.

One such circular ordered that "Consuls must deny visas . . . to any person who can be proven to have left . . . their country of origin as an undesirable or expellee, regardless of the reason for being expelled."[43] While there is no explicit mention of excluding Jewish refugees, the answers given by the Minister of Foreign Relations José María Cantilo to questions posed by a nonpartisan committee of congressmen support the conclusion that the secret circular was aimed at Jewish refugees. In response to queries about how the government treated refugees referred by the Intergovernmental Committee for the Problem of Refugees, Cantilo maintained in 1939 that "if the quality of people served by the Intergovernmental Committee is not known with precision, the presumption is that they do not meet the conditions required for their incorporation to our [country]. The lack of documentation, the idiosyncrasy of these persons assumed to belong primarily to the Hebrew race, their characteristics as persons without a nation, in addition to the psychological disabilities they may have acquired during the war, constitute a class, the majority of [whose members] find themselves in the situation described, even if some might be apt for entry into the country."[44] The "strict reserve" demanded of consular officials in the Circular, the secrecy in which it remained for almost seventy years, and the attempts of President Carlos Menem's government (1989–1999) to cover up its existence when it was discovered constitute further evidence of the circular's intent to exclude Jews.[45]

Ironically, corrupt immigration bureaucrats in Argentina, helpful diplomats in Europe from Argentina, Bolivia, and Chile, and the government's limited capacity to control Argentina's borders with neighboring countries resulted in the arrival of approximately 43,000 to 45,000

Jewish refugees between 1933 and the end of World War II. Argentina was the largest per capita destination of Jewish refugees in the world after Palestine during this period.[46] The Jewish population in Argentina numbered more than 150,000 in the interwar period and became the third largest in the Americas after the United States and Canada.[47] Jews have occupied key political and academic posts and had a cultural and economic influence disproportionate to their numbers. The Jewish presence in the academy and the political positions taken by Jews may have been why the military in particular developed a virulently anti-Semitic ideology that had some of its most nefarious effects during the military dictatorship between 1976 and 1983.[48]

World War II and Its Aftermath

Argentina had a third opportunity to change the tenor of immigration policy at the end of World War II, but it did not, primarily because of the way the domestic eugenicist position evolved to support selection along the less deterministic lines recommended by the international community of eugenicist experts and the lack of overt negative discrimination that would attract diplomatic problems from countries of migrant origin. The Argentine government's efforts to establish greater influence in the hemisphere led the executive to beat back a powerful domestic movement to explicitly select immigrants by race.

President Juan Domingo Perón (1946–1955) expected that Argentina's economy would soar in the postwar period and that this would allow the country to remain independent of U.S. influence. His administration hoped to attract four million immigrants between 1947 and 1951—a plausible goal in view of Argentina's past record of immigration and its relatively privileged status after the war. The preference was for a "selective immigration, culturally assimilable and physically sound, rationally distributed, and economically useful."[49] Perón wanted skilled and healthy immigrants from Spain and Italy who would be employed in developing industries, preferably in the interior, rather than the existing concentration in Buenos Aires. A number of these and other European immigrants would be allowed to go to rural areas as well.

Immigrants that met these criteria mostly came though the reactivation of dormant migration networks and call letters. The workers who arrived were relatives or friends of past immigrants or had lived in Argentina before the war. Almost a million European migrants entered Argentina in the fifteen years following the end of World War II. Most were Italians and Spaniards, but other European nationalities came as

well.[50] This wave represented the largest immigration since the implementation of restrictive policies and the economic downturn of the early 1930s.[51] European immigrants encountered an extensive network of conationals and settled primarily in major metropolitan centers such as Buenos Aires, Córdoba, Rosario, Santa Fe, and Mendoza. Immigration reached its postwar height during the boom years of the late 1940s.[52] Italian migration peaked in 1949 and then fell steadily. Spanish migration, proportionally smaller, peaked in 1950, fell until 1953, and then rose consistently until 1961, likely because of family reunification. Gino Germani shows that about 981,000 of the migrants between 1930 and 1965, including 640,000 of arrivals between 1945 and 1959, stayed in Argentina.[53] After 1955, European migration to Argentina declined as Italian and Spanish migrants increasingly chose destinations in northwest Europe, though smaller numbers continued to migrate to Argentina in the 1960s.[54]

The Battle over Eugenics

Intra-elite disputes and the efforts of Argentine diplomats, and ultimately the president, to avoid selection policies that would damage Argentina's reputation abroad shaped the politics of eugenics and immigration in Argentina. Congressional debates show that by the late 1930s, there was no longer a consensus around eugenicist positions, even if central and eastern European immigration raised the anti-Semitic hackles of the military and other conservative quarters. Argentina's First Population Congress in 1940 showcased anti-eugenicist perspectives and its Committee on the Selection of Immigrants urged racially universalist criteria.[55] Participants in the congress included engineers, doctors, scholars, and lawyers, including many public officials whose participation resulted in recommendations to government agencies. Delegates challenged even soft eugenicist positions that were relatively open to the influences of environment and social policies.[56] "'Race' is an expression that may be interesting to use in literature or to have a conversation," diplomat Marcelo Aberastury told the conference, "but from a scientific viewpoint one can categorically affirm that there are no races; there are species: the human species and animal species."[57] When eugenicists at the congress continued to invoke race as a criterion for selecting immigrants, Aberastury retorted, "science, save when it is falsified by circumstantial political factors [applause], rejects the notion of race." In his support for selecting immigrants without regard to their racial origins, he pointed to the universalist recommendations of the Eighth International

Conference of American States (1938) celebrated in Lima.[58] Experts and officials oriented to developments abroad clearly opposed the use of ethnic selectivity in immigration law even if they were not able to make a clean break with racialist thinking and clung to the notion of cultural assimilability.

Despite the diplomatic corp's eloquent defense of racial universalism in the international sphere, at home, Perón explicitly preferred certain kinds of immigrants. His preference for attracting southern European, Mediterranean "types" originated in military and conservative political elites' concerns about who would come after the end of World War II. The president and some of his military peers were worried about the quality of prospective immigrants and set out to determine the "real ethnic state of the state."[59] To this end, he founded the National Ethnic Institution (IEN) in early 1947 under the direction of Santiago Peralta, director of the National Immigration Service. The overarching goal of the IEN was to understand the "human type" that had emerged from eighty years of large-scale European immigration. The executive charged the IEN with the "holistic study of the Republic's population, and of the foundations on which it rests."[60] The studies reported in the annals of the IEN recommended that immigration recruitment efforts should target the "Mediterranean racial type" prevalent in earlier migrations. This was a direct reference to Italians and Spaniards who showed the greatest potential for assimilation.[61] Perón had no doubt that new waves of immigrants would be fused into the new "Argentine race" through the crucible of races *(crisol de razas)* that the country had become.[62]

The very framing of the IEN's mission and many of its reports between 1948 and 1955 reflect a deeply eugenicist conception of the social world. The regulatory motivation for the Institute suggested that the Argentine human "type" was to be inferred from the aggregate study of traits associated with individuals from particular regions. Of the thirty-six studies reported in the *Annals of the IEN* between 1948 and 1955, eleven studies were anthropometric and ten were demographic. The anthropometric studies focused on the physical features—height or geometric distribution of facial features—and intellectual capacity of Argentines of European descent, aboriginals, and migrants. A series of studies by José Severino López, for instance, examined the contribution of European-origin Argentines to the average national height by analyzing military service records. Bergna assessed the height and potential contribution of the Araucanes, an indigenous group in Southern Argentina. Her studies fit neatly within contemporary notions of the indigenous contribution to the Creole or "true" Argentine. The focus of general anthropological

essays exclusively on aboriginal populations also reflects an interest in the indigenous contribution to the "national type." Anthropologist Salvador Canals Frau studied what "social" type would emerge out of a mixture of indigenous inhabitants and European colonists. Another anthropologist carried out a series of studies examining the intellectual quotients of native and immigrant children in public schools. A third anthropologist studied the physical reaction time of army conscripts. All of these studies shared a common interest in the physiological characteristics of an emerging Argentine human type.

An influential constituency of scientific experts, military officers, and nationalist leaders advanced a new immigration policy that would be ethnically selective. They drafted a bill that they believed the Argentine Congress and Perón's corporatist regime would pass. Debates of policy proposals revolved around defining the acceptable criteria for selecting immigrants. Conservative nationalists who were oriented primarily toward domestic politics stood at one end of the spectrum with proposals to ban outright the entry of certain races. At this racist end of the spectrum, Study Committee No. 6, which met in 1946 to discuss proposed changes to immigration policy, advised that "the entry of immigrants of color should be prohibited, in particular blacks from Africa and Asiatics of the yellow race."[63] The Committee also maintained that Argentina should restrict the entry of nationals and "collectivities" that had demonstrated poor adaptability, such as the English and, even more so, the Jews.

Santiago Peralta strongly endorsed the hardline position. Peralta was a conservative nationalist who had studied anthropology in Germany and was tapped by Perón to lead the National Immigration Service as well as the National Institute of Ethnicity, in part based on Peralta's strong ties to the military. Peralta had written extensively about his racist views and had published tomes on what he perceived as the problem of the Jewish "nation" in Argentina (1943) and his preference for "Semitic Mediterraneans" or Arabs. Indeed, he had already instructed agency personnel to select immigrants by the "laws of blood" rather than by nationality and suggested that the "white race"—including "Celts" and Arabs or "Semites of Mediterranean origin"—was preferable to other races.[64] The Study Committee sought Europeans, particularly Spaniards and Italians, who had demonstrated their ability to assimilate in great numbers. Ideally, immigrants would also be Roman Catholic, literate, and endowed with the skills needed in the Argentine labor market. The Committee proposed quotas to capture its preferences and dislikes. However, its recommendations came to naught with the departure of

Peralta in 1947 and a new constitutional environment that cleared the way for a more universalist tone in policy discussions.

On the horizontal plane, the fate of Santiago Peralta and of the racist position he advocated is illustrative of Argentina's reputational concerns after the Allied victory in World War II. Argentina's image had been tainted by its military government's fascist sympathies and unwillingness to declare war on the Axis until March 1945, when the war was practically over. Peralta's extreme views became known in the United States when the *Chicago Defender* reported that Peralta hoped to select the "best racial types" from "technically superior people of the world" to shape the "superior Argentine of tomorrow."[65] Argentine public opinion also disapproved of Peralta's racist views. His participation in a scheme to bring Nazis to Argentina would have been highly embarrassing had it become known then.[66] A confluence of inter-agency politics that left Peralta without allies and Perón's postwar efforts to improve Argentina's international image made Peralta vulnerable to widespread criticisms that led to his dismissal in 1947.[67] It was no coincidence that his dismissal happened just as Foreign Minister Juan Atilio Bramuglia negotiated Argentina's agreement to the Chapultepec Acts, which called for a clear position against former Nazi Germany. Perón aspired to regional leadership in Latin America and had questioned U.S. hegemony. Argentina had to have a seat at the table to avoid being served on the menu.

From a geopolitical perspective, a strong stand against racism was paramount to the recovery of Argentina's image. The 1949 Peronist constitution proscribed race as a category for immigrant selection even as it simultaneously preserved the longstanding preference for Europeans. Article 17 repeated verbatim the 1853 mandate to foster European immigration, but Article 28 provided that Argentina would give no consideration to racial differences or titles of nobility, the latter being a vestige from earlier constitutions that fit in nicely with anti-elite Peronist rhetoric. Newcomers of any origin could gain nationality after two years of continuous residence, and nationality would be automatically conferred after five years if an immigrant did not express a desire to the contrary (Article 31). Constitutional scholars in the 1950s argued that the disavowal of making racial distinctions among inhabitants of the nation applied to potential immigrants as well.[68] Legal authors later maintained that making racial distinctions would run counter to the Preamble of the 1853 Constitution. The preamble was considered the foundation of the document and referred to all inhabitants of the world.[69]

The longstanding constitutional preference for European immigrants was not challenged in the immediate postwar period for three reasons.

First, the Inter-American Demographic Congress held in Mexico City in 1943 had reaffirmed the idea of cultural assimilability as an acceptable criterion of immigrant selection.[70] Second, the positive preferences in Argentine law were less noxious to diplomatic relations than negative discrimination. Finally, the existence of the Intergovernmental Committee on European Migration (ICEM)—which later became the International Organization for Migration—normalized a preference for Europeans, presumably not because of their national origins, but because of their status as war survivors or refugees. Thus, Argentines could participate in the ICEM program and attract European immigrants while appearing to be a charitable participant in the world community.

Immigration policy took a turn from biology to culture in legislative debates as well. Technocrats aligned with the executive, particularly those in the Foreign Service, proposed to select immigrants by cultural assimilationist and skills-based criteria. Records of the 1950 Drafting Committee and the text of the 1951 immigration reform bill showed a shift away from particularistic criteria like those proposed by Santiago Peralta, albeit with a continued emphasis on cultural affinity and assimilability. Reformers on this end of the spectrum stressed suitability to perform particular work and assimilability but did not specify the preferred origins of prospective immigrants.[71] Inés Valeiras, representing the executive, cited Section 2 of the Peronist Basic Law and its reference to the desired characteristics of immigration: spontaneous (rather than state driven), selected, and directed to meet national needs. She pointed out that some of these criteria could potentially come into conflict with each other and that a new immigration law should not list them, thus leaving their application to the executive's discretion. The reforms proposed by Study Committee No. 6 were abandoned by 1950, and Valeiras got her wish for expansive executive discretion.

Indeed, when efforts to reform the 1876 Law of Immigration and Colonization failed, immigration policy reverted to the bureaucratic discretionary mode that had been the practice since 1916. The archives of the National Technical Secretariat attest to how the Peronist administrations continued a long-standing practice of policy by decree and administrative resolution that continued until the military government reformed immigration law in the early 1980s. Immigration officials in the second postwar era, however, took great pains to show they did not select immigrants by ethnicity, but rather by profession, health, education, and customs. "It is true that in principle there is no limit on the number of immigrants that can enter our country, and much less so in consideration of their race, religion or nationality," one report read. "In this respect,

Argentina has preferred a system of selection premised on the characteristics of each immigrant which are always determined by the greater or lesser aptitude for assimilation into our context and customs."[72]

In view of the official disavowal of ethnicity as a criterion for deciding entry, the administrative exclusion of *gitanos* and Jews even after the war required explanation. One such instance happened in 1952, when the legal counsel to the National Technical Secretariat denied the appeal for reconsideration of a Romani family that had been barred from entry. In his resolution, the Secretariat's attorney cited the 1916 Regulatory Decree to justify the exclusion, but stressed a lifestyle of panhandling and the likelihood that the applicants would become wards of the state. The appellants are nevertheless identified as *"gitano"* and "the kind of immigration not in the best interests of the Nation."[73] Other administrative decisions excluded Jews. In one case, nationals from Soviet bloc countries were excluded along with *israelitas* not covered by existing agreements with the Argentine Jewish Society. In another instance, an appeal for entry was denied when the appellant revealed that he was of the "Israelite" religion rather than a Protestant as initially claimed.[74] The National Technical Secretariat denied the appeal of one Jewish couple because they "repeatedly violated legal dispositions" and reported "imprecisions concerning their nationality and religion."[75] A number of individual files in the national archive show that while officials ostensibly excluded immigrants at the port of entry because of their ideological affiliations or residence in a country "behind the iron curtain," many of them were Jews.[76] On the ground, the policy during the Perón years was to exclude many Jews who came to official attention for other reasons, typically their ideological affiliations.

By the 1950s, Argentina had the ability to select immigrants through its immigration bureaucracy, a network of consulates, and postwar national and international organizations such as the Argentine Delegation of Immigration Abroad and the Intergovernmental Committee for European Migration. It also had a racially egalitarian constitution to project an image of a modern nation. This dual strategy allowed it to continue selection of immigrants as deemed appropriate by officials while polishing Argentina's tarnished international credentials.

Koreans as Europeans

The military regimes that seized power after Juan Perón's demise abrogated the Constitution of 1949 and reinstated the 1853 Constitution. The administrative regulation of immigration gave military governments

the ability to track and watch people, particularly Communists, whom they deemed a threat to the nation's political institutions. Immigrants from neighboring countries, which consistently hovered between 2 percent and 3 percent of the Argentine population, became a source of concern.[77] Military regimes in Latin America began to worry that those responsible for the social upheavals and political movements that began in the 1950s would move among their territories freely. Governments increasingly collaborated with each other to tighten controls on international mobility.

A combination of strident anti-Communist nationalism and geopolitical interests drove ethnic selection in Argentina's policy during the military regime (1976–1983) and led to a historically incongruous preference for South Korean immigration. Domestically, the military expressed its nationalism—supported overtly or tacitly by the broader population—in an "ideological war" against radical citizens and outsiders, an effort to "recover" supposedly usurped territories, and the colonization of Argentina's underpopulated interior. The military's ideological war raged against putative Communist and socialist extremists, some who had taken up arms beginning in 1973. Officers and the rank-and-file held virulently anti-Semitic views that manifested themselves in targeting activists and students with "Russian" last names, a strategy that rested on the conflation of eastern European origins and Jewishness. Military schools and the Catholic Church contributed greatly to these prejudices.[78] Territorially, nationalists shared two related concerns. First, they wanted to reaffirm claims on contested territories. Chile and Argentina had a long-standing dispute over three Beagle Channel islands, which had been submitted to UN arbitration. Before the UN's decision to recognize Chilean sovereignty over the islands, Argentine diplomats needed support for their position from other countries at the UN. Argentina's military later decided to reject the UN's decision and began preparations to occupy the islands, a decision that the international community viewed with concern. Recovery of the Malvinas/Falkland Islands was always on the nationalist agenda and the military decided to pursue it aggressively after the "loss" of the Beagle Channel islands, which contributed even further to Argentina's bellicose image during this period. Second, the military worried that Argentina's vast territory was still underpopulated and hence vulnerable to encroachment, especially along the disputed southern border with Chile. This, along with ideological concerns, caused the military to worry about rising migration from neighboring countries and to reformulate older policies aimed at encouraging settlement from overseas.

Internationally, Argentina became more isolated as the military pursued aggressive policies regionally and internationally and as word spread of its draconian strategies for suppressing dissent. The military regime made small gestures that it hoped would rehabilitate its reputation abroad. In 1976, the country accepted 100 refugees from Southeast Asia and proposed a plan to "readapt" the people who came. According to diplomatic records, the migration plan "was given a warm reception by the concert of civilized nations that hoped to offer the refugees some kind of assistance" and "stimulated general approval of our country and substantially improved the prestigious image that it has always had, but which has recently been somewhat affected by the maneuvers of those interested in worsening the view of Argentine Republic that is held abroad."[79] Yet even these small gestures and their interpretation confirmed that Argentina had become isolated and had a negative international reputation.

South Korea's own domestic and international concerns complemented those of Argentina and made for a mutually beneficial relationship. South Korea was an emerging economic powerhouse whereas Argentina's fortunes had declined significantly. Both countries shared a hatred and fear of Communism and were willing to compromise human rights in the war on Marxists. The Argentine military's credentials would have seemed impeccably anti-Marxist not only because of their ongoing domestic war on "subversives," but because they had severed ties with North Korea in 1977 after a diplomatic row over the burning of the North Korean embassy in Buenos Aires.[80] South Korea wanted Argentina's support vis-à-vis North Korea, and Argentina coveted diplomatic support in the United Nations for its claims on the Beagle Channel islands and on the Malvinas/Falklands matter. The South Koreans were also looking for destinations where a surplus population of South Koreans would develop economically under state guidance. The convenient relationship between South Korea and Argentina intensified after 1976, although the countries had maintained diplomatic relationships since 1962.[81] The countries maintained a close relationship in various domains including immigration. South Korean immigration was encouraged from above by the Argentine military for geopolitical and economic development reasons. The military were thus able to maintain that they led an ethnically egalitarian regime, despite a virulent anti-Semitism outdone only by their hatred of Marxists.

The military regime preferred South Korean immigration to other potential flows and took diplomatic steps to facilitate it. South Koreans

were ethnically distinct from previous flows of migration but ideologically safe and, because of presumed behavioral traits, not unlike Europeans of the past. Moreover, while Europe may have been a familiar source of immigrants, those flows had been ideologically suspect in the view of the military; after all, newcomers from that continent had brought anarchism, socialism, and all manner of ideological evils that challenged the institutional foundations of the Argentine nation. Immigration from neighboring countries had also been long-standing, but it represented either a challenge to territorial sovereignty or an ideological threat because many of these immigrants were fleeing right-wing regimes and hence presumed to be leftists. On its face, the preference for South Korean immigrants may have seemed a rupture with a historical preference for Europeans, but it was entirely consistent with an ideological selectivity that had been a feature of Argentine immigration policy since the 1930s. The Law of Migrations and Immigration Promotion (No. 22439/1981) or Videla Law, after the head of the junta, expressed a preference for easily assimilable immigrants. South Korean immigrants would have easily met the criteria established in the law. The law promised a bundle of special concessions and breaks for immigrants who settled in interior areas that the military deemed a priority. The expressed preference was for the immigration of "foreigners whose cultural characteristics would allow for their adequate integration to Argentine society" (Article 2).

An unexpected consequence of the preference for South Korean immigrants has been at the very least a symbolically significant level of ethnic diversification. Argentina became a destination for South Korean migration beginning in the 1960s, but flows grew in the late 1970s and throughout the 1980s. These immigrants began to arrive in 1965 under the auspices of their home state, which funded the purchase of large tracts of land for agricultural exploitation.[82] Authorities issued 4,200 permits for South Korean immigrants between 1971 and 1983. This included twenty families that colonized lands provided by the province of Santiago del Estero through a bilateral agreement.[83] A South Korean delegation visited Punta Quilla in the province of Santa Cruz to explore the establishment of a fishing community. Korean Minister for Health and Social Affairs Chun Myung-Kee visited Argentina and signed agreements with Argentina, Chile, and Paraguay to renew colonization projects in those countries.[84] After the advent of democracy, authorities issued another 11,000 permits (1984–1989). South Korean immigrants settled primarily in Buenos Aires and in urban areas despite the stated

preference of policymakers.[85] Carolina Mera estimated that there were about 27,000 Koreans in Argentina by 1992, without counting the second generation.[86] The 2001 Argentine Census listed 16,000 residents of Korean, Chinese, and Taiwanese nationality, with Koreans accounting for just over half of that number. However, estimates by immigrant communities put the numbers closer to 20,000 Koreans and 40,000 Chinese.[87] Chinese immigration was not supported by bilateral agreements, but began in earnest after the military era. Many Chinese arrived in Argentina without authorization to settle. Just as the Korean community has become visible in the discount clothing and wares sector of urban Argentina, so has the Chinese community gained visibility in similar ethnic niches and through a newly established Chinatown in Buenos Aires.

Argentine officials continued to emphasize colonization of the interior through migration even after the departure of the military. In his role as National Director of Migrations, Evaristo Iglesias articulated in the mid-1980s a population policy to address Argentina's low population, high urban concentration, declining birthrate, aging population, and emigration. Like the military and many previous Argentine leaders, this policy aimed to redistribute more of the population to frontier zones and to the mainland across from the Malvinas/Falklands with an eye toward long-term recovery of the islands via the establishment of commercial ties. These policies constitute the basis for the initiatives concerning Koreans and their settlement in less-populated areas and have likely contributed to openness to Chinese and, more recently, African migrations.[88]

The shift toward a policy that privileges the arrival of Asian migration may appear difficult to square with the constitutional preference for Europeans. As noted earlier, constitutional scholar Bidart Campos makes his argument about the dynamic interpretation of the constitution's European preference precisely in the context of Korean migration. He maintains that "European" simply refers to qualified immigration and that non-European immigrants could presumably meet this criterion. The preferences of military- and democratic-era policymakers with respect to South Koreans suggest that Bidart Campos's argument of a dynamic interpretation of the "European" category may be correct. The Argentine-born children of non-European immigrants have not challenged the constitutional provision in the political arena. Any potential concern may have been attenuated by a new migration law that essentially put immigrants on par with citizens in their substantive rights, regardless of origins.

New Laws and Persistent Preferences

The most significant migration policy development in over a century was the New Law of Migrations that took effect in 2004 and superseded the military-era Videla Law.[89] The New Law marked a shift toward the political conception of Argentina as a nation of migrations rather than strictly of immigration. This shift recognizes actual flows to and from Argentina, in stark contrast with past laws that focused almost exclusively on transatlantic immigration. The New Law even contains a section on Argentine emigrants and has prompted the "Province 25" program to serve a fictive twenty-fifth province of citizens abroad. The New Law also adopts the language of universal and equal rights. Article 4 guarantees the right to migrate, which is "essential and inalienable . . . on the basis of the principles of equality and universalism." This is a significant departure from Law no. 817 (1876), which took as its starting point an 1853 constitutional mandate to foster European immigration, and the Videla Law, which put a premium on control of new immigrants.

The New Law is consistent with past immigration policy in its strategic decision to be widely inclusive in furtherance of national demographic policies (Article 3). Inclusion in the past meant avoiding the hemispheric pattern of adopting formal ethnic exclusions in admissions policy. Since the law's passage, it has meant extending a full complement of rights of membership, including access to social services, education, justice, work, and social security under the same conditions as natives (Article 6). Most of these rights are guaranteed regardless of legal status (Articles 7 and 8). Article 11 even opens the possibility of local level voting by foreigners or other mechanisms of consultation with them about community affairs. Article 13 proscribes discrimination against immigrants on the basis of ethnicity, religion, nationality, ideology, political opinions, sex, gender, class, or abilities.

A gap remains between the law on the books and practice concerning the rights of immigrants, but the strategy of legally welcoming immigrants and maintaining links to Argentines abroad is a significant departure from military era surveillance of immigrants and from previous laws that focused exclusively on immigration.[90] The New Law of Migrations is also an indication of the importance of the universal human rights discourse and treaties to a country that has experienced a substantial reversal of fortunes in the postwar era and has been relegated to the status of developing country. In the wake of economic collapse after the implementation of harsh neoliberal adjustments in the 1990s

and following a process of prosecuting military atrocities of the 1970s, Argentina found a venue for international status in the human rights courts. And yet, despite these examples of progressivism, the preference for European immigrants remains in the current version of the national constitution (1994).

Conclusion

Argentina was among the first countries to have a constitutional preference for European immigration, which is still on the books, yet it did not formally pass ethnic discrimination or quotas, as did all other countries in the hemisphere. There was a brief exclusion of the ambiguous category of *gitanos,* and secret circulars targeted Jews. However, it is surprising that Argentine policy contained no legal exclusion against prospective Chinese or African immigrants like all other countries in the Americas did with the exception of Haiti. An early formal preference for European immigration resulted from constitutional framers' belief that immigrants from Europe were likely to be "liberally minded" hard workers who would not threaten the state's authority. Argentine Liberals emulated the U.S. constitution, but adapted it to suit their context by making Catholicism the state religion. Argentina adjusted to U.S. immigration policies by proactively recruiting European immigration. The persistence of the European preference has resulted primarily from a malleable interpretation of "European" to include immigrants such as Koreans thought to exhibit the desirable traits associated with the European category.

Chinese and Africans were not legally excluded primarily because of the early success of massive European immigration combined with a lack of political pressure from below. Political, economic, and cultural elites debated the qualities and usefulness of immigrants from diverse origins, but did not experience pressure from workers to exclude ethnic groups. During the relatively democratic period of the early twentieth century, voices from below were strongly in support of maintaining Argentina's open immigration law. Labor did not mobilize around ethnic interests to affect the legislative process, and during the populist turn, labor had its concerns channeled through corporatist mechanisms that left little room for contestation.

Immigration policy shifted to the administrative arena after World War I, and governments of different ideological stripes found they could manage flows without outside interference in this way. Indeed, the lack of ethnic discrimination in public law did not preclude administrative

means of selecting by origin. Argentine officials were adept at exerting pressure on neighboring countries like Brazil to avoid a Chinese immigration that they thought would be pernicious to their shared interests. Officials also restricted the entrance of Jews using bureaucratic techniques, even as Argentina became a major Jewish destination. Only when bureaucrats acted egregiously in a manner that threated the principle of free flows did legislators become involved, as when a group of legislators questioned the Foreign Ministry for imposing barriers to European immigration in the 1930s.

In 1949, lawmakers passed a constitution specifically banning racist policies in an attempt to model a non-aligned position in the region and to rehabilitate Argentina's loss of credibility due to its late wartime entry on the side of the Allies. After the 1960s, Argentina became a country of emigration and of migration from neighboring countries. It continued to have a preference for European immigration on the books but also passed one of the most progressive immigration laws in the world. Informal discrimination against immigrants from neighboring countries, however, remained an unresolved problem. Unfair workplace treatment and unequal pay for Bolivian, Paraguayan, and Peruvian immigrants were widespread.[91] Argentina's special relationship with MERCOSUR member countries makes it an important destination for immigrants from other South American countries, and its relations with European countries made it a destination for highly educated workers from Spain during the financial crisis of the early twenty-first century.

Argentina's history of immigration and nationality policy offers several lessons about patterns of ethnic selection. On the vertical plane, racist beliefs of nation-making elites, in the absence of pressure from other interests, do not necessarily lead to ethnic restrictions. Argentines' unflinching belief in their whiteness yielded a constitutional preference for Europeans, but not overt ethnic discrimination. While it is true that most Canadians also took for granted their national whiteness and had all sorts of selective policies, Canada received immigrants that most Canadians considered a threat because of their ethnic origins. Argentina received more European immigrants by 1930 than any other country in the Americas relative to its initial population, so there was little perceived "threat" of Asian or African migration. Second, on the horizontal plane, unlike negative discrimination, positive preferences can be maintained indefinitely without provoking censure from countries of emigration or transnational communities of experts.

A third lesson at the intersection of the two planes is that administrative selection of immigrants at the point of entry as well as abroad has

been an effective tool of ethnic selection in practice whatever the law on the books may be. Bureaucratic selection took the form of implementing facially neutral criteria (physical ability, possession of documents, and a lack of criminal history) and of positive inducements (travel subventions offered in certain European cities). Administrative criteria and assisted passage programs could be used in practice to select or exclude immigrants by origin while maintaining a domestic semblance of abiding by legislative decisions and Argentina's external brand as a crucible of nations open to all. Argentina did not formally select by ethnicity, but state agents had other means to achieve the same goal. Finally, the Argentine case shows how a country's geopolitical position affects diffusion. On the horizontal plane, Argentina persisted against the hemispheric trends of early ethnicization because it was less susceptible to U.S. influence than other countries like Canada and Cuba that neighbored the hegemon. Argentina has not been an international target to deethnicize its policies of European preferences since World War II because unlike the United States and Canada, Argentina lost its former prominence and is not a major object of international diplomacy.

Conclusion

Conventional wisdom in the tradition of Alexis de Tocqueville's *Democracy in America* maintains that racism and liberal democracy are fundamentally incompatible. Any historical instances of racism are aberrations that must have originated elsewhere.[1] Drawing on this tradition, prominent scholars such as John Higham, Christian Joppke, and Gary Freeman conclude that liberal democracy is inherently at odds with the selection of immigrants by race or national origin. They share the assumption that leading liberal democracies—the Anglophone settler societies—led the move away from racially discriminatory policies.[2] According to this perspective, racism is a foreign object that eventually works its way out of the skin of the democratic body politic.

While this hypothesis appeals to our own political sensibilities about the way the world *should* be, it fails to explain either the onset or the decline in racist immigration laws. The United States, a liberal democracy, took the lead in excluding blacks and Asians beginning with its nationality laws in 1790 and its immigration laws in 1803. Naturalization was the preserve of whites *because* the United States was a democracy, not despite it. Liberal theorists argued that certain groups, such as Asians, had to be excluded from national membership because they were inherently incapable of self-government.[3] Democratic institutions created effective channels for material and ideological interest groups to demand restriction. A similar process unfolded in Canada, where as Canadians gained more power to govern themselves free from British

imperial influences, they adopted the more ethnically restrictive policies demanded by voters.

The liberal democracy argument does not explain the decline of ethnic restrictions either. While all countries in the Americas eventually adopted ethnic selection policies, undemocratic regimes in Cuba, Argentina, Chile, Uruguay, Paraguay, and Mexico reversed their discriminatory laws and pioneered the explicit deracialization of immigration policy in the late 1930s and '40s, a generation or more before liberal-democratic Canada, the United States, Australia, and New Zealand. Ten Latin American countries removed Chinese exclusions from their immigration policies before Canada and the United States. In the Canadian case, the cabinet deliberately imposed the end of ethnic restrictions from above to avoid debates with a public that still supported discriminatory laws. The lesson here is that racial egalitarianism is not inherently sustained by liberalism. To the contrary, racial egalitarianism is especially fragile in democratic and populist political structures.

Critical race theorists reject the very premise of the conventional story and have characterized racism and liberalism as mutually constitutive, fully compatible, and inextricably linked in practice. For example, political philosopher Charles Mills claims that liberalism has historically expressed European/White Enlightenment ideals and has been built on the exclusion of nonwhites.[4] Scholars working in this vein emphasize continuities in racist practices. Yet this position cannot explain the extraordinary changes that have taken place, both in formal policy and in practice. Democratic countries such as the United States and Canada eventually abandoned their laws of ethnic selection, and whatever the ongoing subtle efforts to maintain some kind of ethnic selection, policymakers in both countries have allowed massive ethnic transformations of their populations since the 1960s. The law in practice has been radically transformed along with the law on the books.

In response to the shortcomings of both the liberal and critical race views, we argue that while liberalism is not inherently racist, neither is it inherently anti-racist. For most of the post-colonial period, liberalism in its actual, historical instantiations had a color: white. Liberalism and racism were not simply two different traditions existing side by side, as Rogers Smith posits, but rather they were entwined. The demise of ethnic selection of immigrants resulted from forces exogenous to liberalism, in particular, the rising aspirations and decolonization of peripheral countries that eventually forced powerful, predominantly white countries to fall into line. During the existential struggle of World War II, the most powerful Allied powers promised their partners a more equal and just

world order in return for help defeating the Axis. Asian, Latin American, and African governments and independence movement leaders then used the promises made in the heat of battle to wrest concessions of human rights and racial equality in the charters of the postwar United Nations, Commonwealth, and Organization of American States. It is clear that many of the policymakers in the Global South and North did not actually believe that all human beings are created equal. Systemic discrimination at home and ethnic conflicts with neighbors were endemic. However, the discourse of anti-racism served their interests in scrubbing away the stain of centuries of colonial and imperial humiliation by European powers and the settler societies they spawned.

Neither did policymakers in the United States, Canada, Australia, New Zealand, and the United Kingdom concede the principle of racial equality after World War II out of a sense that the time had finally come to be consistent with liberal-democratic principles. They continued to presume they had been endowed with superior moral capacities that justified dominance over the rest of the world. Yet they feared that the old language of white supremacy would arouse an "equally intense racial consciousness" from nonwhites. Policymakers anticipated decolonization in places such as India and the rise of nonwhite powers in Asia and Africa representing more than half of the world's population. Thus, predominantly white powers resisted declarations of racial equality when their representatives worked behind closed doors, but they made the pragmatic decision not to defend openly the principle of racial superiority.[5]

The policymakers who originally pushed or acquiesced to the anti-racist norm did not fully subscribe to it themselves. Anti-racism was a tool of foreign policy wielded for different ends by different actors. Yet by the 1970s, racial equality had become a moral tenet of the postwar world order. Almost all countries renounced racial exclusions. The institutionalization of the anti-racist norm in international conventions and national laws means that the norm continues to hold influence even though the particular originating events have passed. A system of sovereign nation-states has become the fundamental condition that delinked the elective affinity between liberalism and racism.

Could Overt Ethnic Discrimination Return?

Institutionalist research has made great advances in documenting the effects of a globally diffused world culture, but where do norms come from, how are they established, and why do some change while others

stick? Answering these questions has been made needlessly difficult in sociology and political science by a tendency to conflate organizations and norms under the umbrella of "institutions."[6] To resolve this problem, we have traced how and why particular organizations created norms in the first place. Eugenicist norms of immigration selection spread through overlapping intergovernmental and expertise networks that pushed their expansion in the 1920s and '30s on the horizontal field. These norms were not reinforced in strong organizational structures, however. Pan-American agreements on eugenics principles of immigrant selection were endorsed by the Pan American Union but not embedded in formal treaties or larger global organizations. The lack of organizational support for the norm meant that it quickly collapsed in the 1930s, when populist nation-state builders in Latin America cynically proclaimed the principle of anti-racism in an attempt to politically incorporate their black and Amerindian populations.

The governments of populist countries such as Mexico and Brazil and countries such as India and China that were throwing off various forms of colonialism were then instrumental in the creation of anti-racist statements of principle in Pan-American organizations, the Commonwealth, and the UN. Incipient anti-racist norms spread through diplomatic policing of norm violators during the Cold War's existential struggle over global hearts and minds. Over time, the institutionalization of the norms in organizational charters and networks made them resistant to change, even though the original wartime conditions that produced them ended and there is not strictly speaking an anti-racist "regime" regarding immigrant selection.[7] By distinguishing between norms and organizations, it is much easier to predict which norms will be reinforced and survive and which might change if the originating conditions change.

Scholars debate whether liberal democracy inherently ensures policies that reject ethnic selection and that are generally more open to immigrant rights than public opinion would prefer (Gary Freedman and Christian Joppke) or whether such policies are fragile and contingent on historical circumstances that might change (Rogers Brubaker and Rogers Smith). Joppke rightly points out that policies selecting immigrants on overtly ethnic grounds are fading throughout major liberal-democratic countries of immigration. Positive preferences are more common than negative discrimination, but even the former are the exceptions that prove the rule of a tendency toward "racial universalism." He describes a ratchet effect that makes reversion to an earlier condition unlikely once an anti-racist policy is in place. Joppke defines the inherent qualities of liberal democracy as the main gears of the ratchet.[8] The history of why

formal ethnic selection of immigrants all but ended in the Americas lends further evidence to the idea that there is a ratchet effect, but we differ in our assessment of the relative strength of the different teeth of the ratchet gears. We maintain that the horizontal teeth are stronger than the vertical teeth, and liberal democracy *per se* does not necessarily restrict ethnic selection.

Throughout the Americas, the legal equality of citizens in the territory has become widely accepted. Disputes over race tend to be about whether there should be differential treatment that provides positive preferences for minorities either in recompense for past wrongs or in the interest of achieving more diverse representation.[9] While it is certainly possible to imagine affirmative action, multiculturalism, or legal pluralism being dismantled, it is much harder to imagine a return to segregation or other formal discrimination against historically marginalized groups. Serious immigration policy debates in Canada and the United States, the two major immigrant destinations in the Western Hemisphere, are mostly about the differential impact of facially neutral policies on different ethnic groups. In the United States and Latin America, the question of positive preferences for particular nationalities is also still an option on the table, though it is less important now than it has been historically.

In the United States, the Senate passed a resolution in 2011 symbolically repudiating anti-Chinese laws such as the Chinese Exclusion Act, which was rescinded in 1943, as being "incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal" and "incompatible with the spirit of the United States Constitution."[10] At the same time, a handful of political entrepreneurs promoted laws that would favor particular groups. Sen. Charles Schumer (D-NY) introduced a bill in 2011 that would provide 10,000 annual E-3 visas for Irish citizens. The E-3 visas are not immigrant visas in the strict terms of the law, but they are indefinitely renewable. Such bills are only likely to pass to the extent that they slide past gatekeepers in comprehensive immigration reform bills. Most stakeholders are concerned with more fundamental issues regarding legalization, border enforcement, the criteria for admitting most permanent immigrants, and temporary worker programs. Past experience has shown that even the successful efforts to help particular nationalities are temporary and small-scale.

In Canada, most researchers agree that policies have become fundamentally deracialized and will stay that way, with the exception of some of the temporary worker programs in which preferences for Mexican and Caribbean workers continue.[11] All Canadian political parties

espouse pro-immigration stances, and Canadian political culture has taken a strong turn against ethnic selection. Multiculturalist policies, which celebrate not only the English and French origins of Canada but increasingly its immigrants from around the world as well as First Nations, Inuit, and Métis populations, are an obstacle to ethnic selection of immigrants. Multiculturalism is more than an idea. It is an institutionalized principle of Canadian politics backed up by its own law, government programs, think tanks, and university departments.[12] Multiculturalist policies conceivably could be rolled back, but overt ethnic discrimination in the selection of permanent immigrants remains off the table.

Latin America has become primarily a source of intra-regional migration and emigration to the United States and Spain. Preferences in many countries' nationality laws for other Latin Americans, and regional immigration preferences for fellow members of the Andean Community of Nations and MERCOSUR, are not politically controversial. Even if overseas immigration resurges to Brazil and Argentina, a return to formal ethnic discrimination is unlikely given the high foreign policy costs. Pressure from immigrants' home countries; an institutionalized anti-racism movement; and the political, economic, and cultural influence of formerly excluded ethnics work against such policies. The possibility of renewed ethnic discrimination is mostly at the margins of immigration policy, such as in debates over restricting tourist visas of particular transoceanic nationalities from geopolitically weak countries, mostly in Africa and South Asia.[13]

Vertical Politics

In North America, domestic politics have become an impediment to a return to ethnic selection. Much evidence suggests that ethnic prejudice in general has declined in the United States. "Social distance" studies of the degree of prejudice against various ethnic groups in the domains of residential segregation and intermarriage have found a sixty-five-year trend of "decreasing prejudice among ethnic groups," even as "considerable ethnic prejudice still exists."[14] In the area of immigration policy, Burns and Gimpel find that anti-immigrant attitudes tend to be based on a combination of a sense of economic threat and pre-existing ethnic prejudice.[15] Similarly, Citrin et al. find that "personal economic circumstances play little role in opinion formation, but beliefs about the state of the national economy, anxiety over taxes, and generalized feelings about

Hispanics and Asians, the major immigrant groups, are significant determinants of restrictionist sentiment."[16] Only a small minority of people in the United States is willing to tell pollsters that they would favor limiting immigration to people of European descent. In a nationally representative 1994 *New York Times* poll, 11 percent of respondents agreed with such a proposal, 86 percent disagreed, and 3 percent said it depended on immigrants' country of origin.[17] Yet some regions are clearly disliked as sources of immigration more than others. In a 2002 national Gallup poll, 54 percent of respondents said there were "too many" immigrants from Arab countries, compared with 46 percent who said the same of Latin American countries, 29 percent of Asian countries, and only 25 percent of European countries.[18]

"Racism" did not enter the English language as a pejorative term until the early 1930s, as it was previously the received wisdom that some races were superior to others.[19] The boundaries of acceptable political discourse have changed dramatically since then. As David Reimers describes the shift, "Regardless of what politicians personally believe, it is no longer respectable to insist that some groups are inherently inferior or can never assimilate into American society."[20]

Nevertheless, several prominent political entrepreneurs and pundits have pushed the boundaries of the norm that restricts attacks on particular immigrant groups. Harvard sociologist Nathan Glazer defended the national-origins policy against the charge that it was racist in the pages of the *New Republic* in 1993.[21] Bestselling author Peter Brimelow's *Alien Nation* (1996) lamented the shift in immigration toward sources in Latin America, Asia, and Africa and called for an immigration policy that would shift the "racial balance" of the United States back to its European-origin heyday.[22] While campaigning for the Republican presidential nomination in 1992, Patrick Buchanan argued for the immigration of assimilable people, such as Englishmen over Zulus, in keeping with the United States' status as "a European country."[23] His *State of Emergency: The Third World Invasion and Conquest of America* (2006) suggests that in the face of massive immigration from the Third World, most particularly a *"reconquista"* by Mexican irredentists seeking to take over the Southwest, U.S. immigration policy should give preferences to educated, English-speaking Christians who "come from countries with a history of assimilation in America."[24] Harvard political scientist Samuel Huntington took up the reconquista theme as well in his 2004 warning that Mexican immigration threatened the "Anglo-Protestant mainstream culture."[25] Along with other talk-radio and television hosts, CNN's Lou Dobbs

made a career of attacking what he called an invasion of illegal alien Mexicans in the mid-2000s.[26] Mainstream U.S. mass media routinely create what anthropologist Leo Chavez calls the "Latino Threat Narrative."[27] In this narrative, Latinos are portrayed as a reproductive threat to native whites, an irredentist minority bent on reconquering the Southwest, and a balkanizing ethnic group that refuses to integrate into American society. Experimental studies have found that when media reports show images of Latinos while discussing the costs of immigration, they elicit anxiety and negative emotions from viewers.[28]

In Canada, notwithstanding the elite consensus on the desirability of multiculturalism, many Canadians maintain a hypothetical hierarchy of ethnic selection, even if there is very little support for a strict White Canada policy. A Focus Canada survey in 2010 found that only 6.5 percent of Canadians said they would exclude nonwhites.[29] Yet a 2002 national survey found that while 61 percent of Canadians supported immigration from Western Europe, only 50 percent supported immigration from Asia, 50 percent from "Black Africa," and 34 percent from Arab countries.[30] Islamophobia and security concerns in the wake of the September 11, 2001, attacks are probably responsible for the lower rankings of Arabs than Africans or Asians, who historically have been on the bottom of the Canadian selection hierarchy. While there is some evidence of ethnic preferences, overall support for immigration in Canada is consistently high by international standards.[31]

A few Canadian political entrepreneurs have at times sought to bring back ethnic selection. At its foundation in 1987, the Reform Party criticized immigration policy for changing "the ethnic makeup of the country," but by 1991 it had abandoned that language.[32] The odd tract such as pundit Doug Collins's 1984 "Immigration: Parliament vs. the People" decries the increase in Third World immigration for raising costs to the welfare state, creating racial animosity, and increasing crime. These sentiments are outside the norm of elite political discourse.[33] Peter Li contends, however, that ethnic bias in discussions of immigration is now simply disguised with terms such as "visible minorities" that replaced racially charged categories such as "coloured." Discussions of immigration policy that include questions of integrating "diversity" remain a way of talking about nonwhite immigration in a manner that is similar to discussions of assimilability in the early twentieth century, he argues.[34]

Whatever the hidden ethnic preferences of some in North America, the growth of minority ethnic lobbies restricts the enactment of policies targeting particular groups. As pressures on the horizontal plane forced open immigration from a more diverse set of counties in the first stage,

lobbies formed on the vertical plane to advocate for keeping the door open to their co-ethnics in the second stage. In the United States, Latino, Asian, and Irish lobbies have been particularly active. The Irish stand out for seeking positive preferences. Latino and Asian lobbies are usually more defensive and try to avoid changes in facially neutral selection policies that would have a disproportionate, negative impact on their constituents.[35] In Canada, large numbers of Canadian ethnic minorities now have the right to vote, in contrast to the disenfranchisement of most Asian Canadians until the 1940s. Their lobbying militates against a resurgence of ethnic discrimination in immigration law. Sixteen percent of the Canadian population is a "visible minority"—primarily Asians (11 percent) and blacks (2.5 percent).[36] The Chinese Canadian National Council began a campaign in 1984 for compensation and apology for the Chinese immigrant head taxes and sued the government in 1999. While the legal suit was unsuccessful, the campaign succeeded politically when it sought support from the United Nations. A UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance urged government redress, and Conservative Prime Minister Stephen Harper apologized to Chinese Canadians in the House of Commons in 2006. The few survivors or their spouses each received $20,000 in compensation.[37] The strength of the ethnic lobby in this case derived from its ability to shift the debate to the horizontal level and thereby link the question of reparations to the Canadian government's efforts to brand itself as a humanitarian leader in the UN.

There is little reason to believe that the U.S. courts would prevent ethnic selection of immigrants. Supreme Court decisions in *Henderson v. Mayor of New York* (1875), *Chy Lung v. Freeman* (1876), and the 1889 Chinese Exclusion Case *(Chae Chan Ping v. United States)*[38] established the federal government's plenary power in the area of immigration policy. Congress can pass practically any admission policy without the possibility of judicial review.[39] In *Bertrand v. Sava,* a 1982 case over whether excluding Haitians from parole as refugees constituted racial or national discrimination, a federal circuit court ruled that the plenary power doctrine is so strong that no one disputes "Congress may employ race or national origin as criteria in determining which aliens to exclude."[40] Even if the United States has bilateral treaty obligations guaranteeing admission to a particular national origin group, the Supreme Court ruled in the Chinese Exclusion Case that Congress has the power to override treaty commitments. Fitzpatrick and Bennett mournfully note that "immigration policymakers have become increasingly indifferent to international law as a factor in the policy mix."[41] They cite congressional

restriction on travelers with HIV/AIDS, executive violation of the rights of asylum-seekers to hearings by interdicting them at sea, and violations of customary international norms relating to detention policy. In other areas of race-related and rights-related policy, the United States routinely acts as an international outlier.[42]

The domestic norm against overt racial selection is much stronger in naturalization law and family reunification law than in other aspects of immigration law. Contemporary efforts by immigration restrictionists in the United States to prohibit birthright citizenship based on the Fourteenth Amendment target children born to unauthorized immigrants.[43] While many restrictionists are probably targeting Mexicans in practice, even the most strident restrictionists are not advocating stripping Mexicans of the right to naturalize. It would be harder to turn back the clock on racial egalitarianism in naturalization requirements because while potential immigrants can be excluded from ever entering the state's territory, potential new citizens are already legal residents. There are particular individuals living in the state's jurisdiction who can show that they have been harmed. Those individuals could then appeal for equal treatment using domestic legal and political avenues as well as through the international mechanisms that delegitimize racial discrimination. Similarly, laws that would give citizens of the polity differential rights by ethnicity to sponsor the immigration of their family members are more obnoxious to contemporary understandings of liberalism than policies that would apply only to foreigners without family connections. Citizens who cannot sponsor family members on ethnic grounds can claim that they themselves are objects of discrimination. In both the United States and Canada, the gradual extension of family reunification rights to Asian Americans and Asian Canadians preceded by a generation the general opening of immigration to Asians.

Domestic laws are quite weak constraints on a return to ethnic selection in Canadian immigration policy. While legal scholars such as Galloway argue that Canadian human rights laws *should be* interpreted to prohibit ethnic discrimination in the selection of immigrants, Tie notes that in practice, "the judiciary appears to have granted the [immigration] Department the ability to discriminate with impunity.[44] The Canadian Human Rights Act of 1976,[45] which in Section 2 prohibits discrimination along the lines of "race, national or ethnic origin, colour" and other categories, in Section 40 restricts the Canadian Human Rights Commission's jurisdiction to investigate such discrimination to government decisions that take place in Canada, or decisions taken outside Canada related to a Canadian citizen or legal resident.[46] A federal court ruled in

the 1989 *Re Singh* case[47] that victims of illegal discrimination could conceivably include Canadian residents whose family members abroad were denied visas, but *Ruparel v. M.E.I.* in 1990[48] established that most applicants for immigrant visas do not enjoy the equality guarantees of Canadian human rights legislation because the applications take place outside of Canada.[49] While the "Immigration Objectives" section of the 1985 Immigration Act[50] recognizes the need "to ensure that any person who seeks admission to Canada on either a permanent or temporary basis is subject to standards of admission that do not discriminate in a manner inconsistent with the Canadian Charter of Rights and Freedoms," the objectives section is not typically referenced in most court decisions, and the Charter has been held to only apply to individuals physically present in Canada.[51] The careful effort by Canadian parliamentarians and jurists to avoid restricting the government's prerogatives to select immigrants is the domestic equivalent of the battles of Canada and other Anglophone settler states to prevent the League of Nations and United Nations from doing the same in international law.

In Latin America, human rights conventions and norms have influenced policy in ways that make a return to formal ethnic selectivity unlikely. Argentina's New Law of Migrations (2004) identifies the "fulfillment of the Republic's international commitments in matters of human rights, integration, and mobility of migrants" as one of its main objectives.[52] By the letter of the law, immigrants have rights comparable to those of citizens. The country has forged a reputation as an advocate of human rights and an innovator in the prosecution of human rights violations. Brazilian law consists of a military-era decree with administrative modifications, although a few bills have been introduced to overhaul the country's immigration policy. A more important constraint on the possibility of a return to formally selective policies is Brazil's reputation as a leader in compliance with human rights conventions, domestically and internationally. The management of Haitian refugees who made their way to Brazil in the early 2010s suggests that the government viewed these newcomers as victims of trafficking and a natural disaster and therefore in need of assistance. A bill proposed in 2009 contained language about protecting migrant workers' rights. Nongovernmental organizations with strong links to the human rights movement supported the bill.[53] Similarly, Mexico's 2011 Law of Migration emphasizes the promotion of human rights of migrants regardless of their origin, nationality, or ethnicity and celebrates multiculturalism rather than assimilation.[54] It is unlikely that Argentina, Brazil, or Mexico would adopt formal ethnic distinctions.

Horizontal Politics

A vigorous debate between "post-national" and national perspectives on the sources of individual rights disputes the extent to which international norms and laws constrain state action. Scholars debate the meaning of the law—what it really "says," whether the sources of norms and laws are internal or external to the state, and whether they can be enforced.[55] Questions of interpretation and enforceability are clearly important, but they can overstate the importance of formal institutions and coercive mechanisms in spreading norms. Maintaining friendly relationships is part of self-interested diplomacy. Immigration policy can become linked to other issues, including symbolic issues of international prestige and humiliation, as well as harder issues such as trade and military relationships. The constraints on ethnic selection are not so much legal as they are political, and the relative shifting of geopolitical power away from the North Atlantic is likely to further institutionalize the anti-racist norm.

International law is a weak constraint on governments practicing ethnic selection of immigrants. Most observers believe that the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which entered into force in 1969, excludes immigration policy from its scope through the provision that the convention does not apply to distinctions between citizens and noncitizens. The convention even specifies that racial discrimination in nationality policy may be justified if it fulfills a "legitimate aim."[56] The Inter-American Court of Human Rights ruled in a 1984 advisory opinion that Costa Rica's less stringent naturalization residency requirements for Central Americans, Ibero-Americans, and Spaniards compared to other nationals were justified given their "much closer historical, cultural and spiritual bonds with the people of Costa Rica."[57] All twenty-two countries in our sample are party to the ICERD. Most joined by the early 1970s, though the U.S. Senate did not ratify it until 1994. The final two laggards were Honduras in 2002 and Paraguay in 2003.[58] Like all other major destinations of immigrants, the United States and Canada have refused to sign the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, primarily based on the argument that immigration policy is a matter of national sovereignty.[59]

Although the international legal constraints against ethnic selection are weak, the anti-racist norm is not merely floating in the ether. Andrew Hurrell's claim that there is "no external constraint on a race-based

migration policy" misses the importance of external political constraints.[60] The major obstacle to a return to ethnic selection is the establishment of independent nation-states throughout the world. In a system of nation-states, each state claims to represent a particular national people. To ban people of a particular nationality or ethnic group is to slap them on the face on the world stage. Countries of origin have not complained about the restriction of their nationals so much because they have a positive interest in their nationals emigrating to a particular host, but because they have a negative interest in avoiding international humiliation.

In an increasingly interconnected world, the diplomatic price of explicit negative discrimination has become much higher. With decolonization and the formation of world institutions such as the UN, the opinions of countries of emigration matter more than in the late nineteenth and early twentieth centuries, when a handful of European countries held sway over almost all of Africa and much of Asia. Asians become even less likely to be the target of overt discrimination as Asia's share of world trade increases. Conversely, weaker countries in sub-Saharan Africa, for example, are relatively more vulnerable to exclusions of their nationals. It is not simply that international trade is an important inhibitor of ethnic selection, as economic forms of globalization were extremely high during an era of widespread ethnic selection before World War I. Rather, it is trade among independent nation-states that helps deter ethnic selection.

The weight of foreign policy in defining immigration policy is not equal in all contexts. At times when countries are seeking to raise their international profile and expand their commercial and diplomatic power abroad, they are less likely to explicitly exclude particular nationalities. When the United States took an isolationist turn in its transatlantic foreign policy in the 1920s, it began openly restricting many European nationalities. Yet it maintained an open door for nationals of Latin American states, given the ongoing high levels of intervention and engagement in the region. The reengagement with world politics beginning with World War II that continued through the Cold War created the rationale to dissolve ethnic selection. Countries such as Brazil and Mexico embraced the notion of racial democracy on the international stage in the 1940s as they turned away from their inward focus and sought to increase their soft power abroad. The deeper foreign policy goals affecting immigration policy may vary, from the dominance of military interests in the United States to a greater emphasis on building international prestige in aspirational powers such as Canada, Brazil, Argentina, and Mexico. Trading interests are common to all of these

countries. Of all the countries in the Americas, Canada is probably the least likely to reinstate open ethnic selection. Since the end of World War II, Canada's aspirations to playing a global role have increased the influence of the UN and Commonwealth on Canadian immigration policy. More than the United States, Canada relies on its participation in multilateral institutions for its international prestige and influence.

Public opinion in most major countries of immigration in the Americas rejects overt racism, though clearly there are negative sentiments toward particular groups that could be activated by political entrepreneurs in times of turmoil. A developed network of civil rights and ethnic interest groups in the United States and Canada is a moderate deterrent, but at least in the United States, those groups can be countered by other interest groups that aggressively seek to limit immigration and often have an anti-Latino bias. The international *legal* system is only a modest deterrent, as UN conventions and customary law have made overt racism illegitimate even if the fine print of the treaties gives wiggle room in the area of immigrant admissions and there are fundamental problems of enforceability. The national legal system is only a minor deterrent, and even here, foreign policy considerations feed back into the vertical level. For example, as discussed in Chapter 3 on the United States, when the Supreme Court overturned most of Arizona's SB 1070 law in 2012, it favorably cited the *amici* brief of the Mexican government and sixteen other Latin American countries.[61] It is the international *political* system that is the strongest deterrent to a return to overt ethnic selection, as negative discrimination would be perceived as spitting on the prestige of the ethnic group that a nation-state claims to represent, which would incur diplomatic costs.

Several corollaries of the geopolitical hypothesis are applicable to immigration policies around the globe. To the extent that ethnic selection continues or returns, it will most likely be through facially neutral policies that have a deliberately differential impact on specific groups. Such policies are less noxious to international relations, particularly if the targeting is subtle or secret. For the same reasons, any return to explicit ethnic selection is more likely to be in the form of positive preferences rather than negative discrimination.[62] The more direct the discrimination, the more humiliating, and the more likely it is to have international repercussions. Subnational governments are less responsive to international concerns than the central government. Like the early Sinophobic movement along the Pacific coast from British Columbia to California to Sinaloa, contemporary state and local governments are more likely to push measures that target particular ethnic groups in

practice. Subnational governments will push against the boundaries of ethnic egalitarianism as far as the central government lets them.

A renewed round of inter-state conflict or sustained large-scale terrorist attacks blamed on a particular ethnic group could also renew nationality-based exclusions. The scale of conflict necessary to prompt such exclusions is apparently much higher than the international tensions surrounding terrorism in the 2000s. Pandemics breaking out in particular countries might also prompt temporary national-origin exclusion. Many of the first immigration laws throughout the hemisphere were directed at excluding immigrants on grounds of their threat to public health.[63] Finally, groups who do not enjoy the protections of a nation-state are particularly vulnerable to discrimination. Roma are especially vulnerable and have been singled out for state-sponsored discrimination in practice in countries such as France and Italy, though these governments' room to maneuver is restricted by the EU Community Code, which restricts consular staff issuing visas and border guards from discrimination based on grounds of "racial or ethnic origin."[64] Asylum policy in the United Kingdom and Canada seeks to keep Roma asylum-seekers at arm's length through various mechanisms of remote control.[65] The costs of states restricting the entry of Palestinians, Kurds, and other stateless people would be lower as well. The system of nation-states is a barrier to discriminatory immigration policies, but aspiring nations without a state continue to be exposed.

We are not living in a post-ethnic world. Immigration policies in their subtle details, and sometimes more overtly, continue to reflect policymakers' notions about what kind of person makes a good worker or citizen. Those categorizations in practice tend to involve judgments about ascriptive as well as achieved statuses. The politics of immigration is often so intense because it involves either open or hidden fears about ethnic change. Ethnic politics then informs policies. If one's reference point for an assessment of whether immigration policies are ethnicized is an ideal type of the complete absence of ethnic criteria, then one would conclude that policy is still ethnicized. If the point of reference is historical experience, there is no question that the trajectory of immigration policy has moved away from ethnic selection for many decades. Both of these claims are true.

It would be comforting for our own political belief, which is that liberal democracy is a preferable system of governance, if the secular decline of ethnic selection was the natural result of democracies purifying

themselves of racism over time. While the historical evidence in these pages cannot give us such comfort, the fact that eventually democracies and autocracies, republics and constitutional monarchies, socialists and capitalists, and the weak and the powerful all turned away from hard ethnic selection suggests a more durable achievement.

Appendix

Ethnic Selection in Sixteen Countries

ANGELA S. GARCÍA

Table A.1 shows the year of independence and first and last years of explicit positive ethnic preferences and negative ethnic discrimination in the immigration and nationality laws of twenty-two countries in the Americas. Summaries follow of ethnic selection in the laws of each of the sixteen countries that are not the subject of a chapter case study.

Bolivia

Bolivian leaders pursued ethnic selection beginning with preferential colonization policies for Europeans. In 1843, the government signed an accord with a colonization company to bring in Belgians.[1] Similar policies through 1927 attracted U.S. and other European families.[2] Their motivation, as stated in a January 1937 regulatory decree, was the "ethnic betterment" of the country.[3] A 1953 decree and 1962 law favored Mennonite colonization.[4] Finally, in 1977–1978, Bolivia approved plans to recruit white South Africans, Rhodesians, and targeted migrants from El Salvador.[5] The Bolivian government also encouraged European migration outside of the colonization framework. Laws in 1907, 1915, and 1926 promoted European migration through consular recruitment, though a 1937 decree did not include this measure.[6]

Bolivia first sought to limit Asian immigrants in 1899, when two laws excluded them from eligibility for colonization funds and land grants.[7] In March 1938, an official communiqué declared Bolivia open to all immigrants with the exception of Chinese, blacks, Jews, and *gitanos*.[8]

Table A.1 First and last year of ethnic selectivity in immigration and nationality laws of the Americas, 1790–2011

		First year				Last year			
		Immigration		Nationality		Immigration		Nationality	
Country	Independence	Pref.	Disc.	Pref.	Disc.	Pref.	Disc.	Pref.	Disc.
Argentina	1816	1853	1916	1864	NA	2011	1949	2011	NA
Bolivia	1825	1843	1899	1826	NA	1978	1996	2011	NA
Brazil	1822	1892	1890	1967	NA	1999	1980[a]	2011	NA
Canada	1867	1867	1885	1867	1931	1970	1976[b]	1946	1947
Chile	1810	1850	1915	1856	NA	1967	1936	2011	NA
Colombia	1810	1823	1847	1821	NA	2011	1948	2011	NA
Costa Rica	1821	1825	1862	1824	1926	1980	1973[c]	2011	1940
Cuba	1902	1902	1902	1902	NA	1939[d]	1976[e]	1976	NA
DR	1844	1860	1905	1844	NA	1912	1953	2011	NA
Ecuador	1822	1823	1889	1821	NA	2011	1971	2011	NA
El Salvador	1821	1886	1886	1824	NA	2011	1958	2011	NA
Guatemala	1821	1826	1896	1824	NA	1904	1986[f]	2011	NA
Haiti	1804	1804	1805	1816	1816	1887	1926	1987	1941
Honduras	1821	1867	1902	1824	NA	1936	1970	2011	NA

		First year				Last year			
		Immigration		Nationality		Immigration		Nationality	
Country	Independence	Pref.	Disc.	Pref.	Disc.	Pref.	Disc.	Pref.	Disc.
Mexico	1821	1824	1921	1824	NA	1974[g]	1947	2011	NA
Nicaragua	1821	1853	1897	1824	NA	1951	1982[h]	2011	NA
Panama	1903	1904	1904	1904	1909	1944[i]	2008	2011	1945
Paraguay	1811	1854	1903	1959	NA	1990	1937	2011	NA
Peru	1821	1849	1856	1821	NA	1968	1992	2011	NA
USA	1776	1921	1803	1790	1857	1994	1965[j]	1952	1952
Uruguay	1825	1852	1890	NA	NA	1952	1938	NA	NA
Venezuela	1825	1823	1891	1821	NA	2004	1966	2011	NA

Note: Dates are based on the Race, Immigration, and Citizenship in the Americas database, on file with authors. See introduction for definitions of terms.

a. Brazil: 1980 is both the last year of assimilability discrimination and discrimination against a specific group.

b. Canada: 1976 is the last year of assimilability discrimination in the statute; 1962 is the last year of discrimination against a specific group in the administrative regulations.

c. Costa Rica: 1973 is both the last year of assimilability discrimination and discrimination against a specific group.

d. Cuba: 1939 is the last year of assimilability preference; 1925 is the last year of preference for a specific group.

e. Cuba: 1976 is the last year of assimilability discrimination; 1942 is the last year of discrimination against a specific group.

f. Guatemala: 1986 is both the last year of assimilability discrimination and of discrimination against a specific group.

g. Mexico: 1974 is the last year of assimilability preference; 1947 is the last year of preference for a specific group.

h. Nicaragua: 1982 is the last year of assimilability discrimination; 1973 is the last year of discrimination against a specific group.

i. Panama: 1944 is the last year of assimilability preference; 1936 is the last year of preference for a specific group.

j. United States: See note in Figure 4.

For Chinese as well as black immigrants, this discrimination remained in place through 1951, when a decree established that immigration policy should be made without racial, political, or religious discrimination.[9] Japanese immigrants, while subject to the 1899 restrictions, at times benefited from preferences for particular types of Japanese workers. A 1900 resolution declared that Japanese could be brought to work in the rubber industry.[10] A 1953 resolution to facilitate the entry of 10,000 Ryukyuans was followed by a 1956 immigration agreement to assist the migration of 6000 more Japanese.[11]

Bolivian legislation targeted Jewish immigrants with entry prohibitions and restrictions beginning with a communiqué and resolution in 1938 permitting the entry only of those Jews "valuable to national activities."[12] In 1939, several decrees again barred Jews, though another policy admitted Jewish capitalists and those qualified to work in agriculture.[13] A March 1940 circular prohibited Jewish immigration until Congress determined how to proceed,[14] followed by a supreme decree prohibiting Jewish entry without exception.[15] Notwithstanding these restrictions, an estimated 20,000 Jews entered Bolivia between 1938 and 1941, making it the largest per capita destination of Jewish refugees in the Americas.[16] A 1950 decree blocked Jews from obtaining tourist visas.[17] The March 1938 restriction of Jews, as well as a January 1937 prohibition of *gitanos,* remained on the books until they were repealed in 1996.[18]

Europeans and Latin Americans enjoyed positive citizenship provisions in Bolivia, beginning with the 1843 Belgian colonization treaty.[19] The constitutions of 1826 and 1839 extended preferential citizenship to Latin Americans, as did those of 1961 and 1967, which also included favorable terms for Spaniards.[20] The Constitution of 2009 only gave preference to the naturalization of Latin Americans.[21] Bolivia and Spain also signed a dual nationality agreement in October 1961.[22] Both parties signed an additional protocol to modify the agreement in 2002, though it was still in effect as of 2011.[23]

Chile

Ethnic selection in Chile began in 1850. Immigration policy offered far more positive preferences than negative discriminations. It fomented European, particularly German, migration, primarily through small colonization schemes beginning with two decrees in 1850.[24] An 1873 decree established that the government would accept proposals to further

only European or U.S. migration to its colonies.[25] After more than thirty years of small-scale projects, the government passed a decree in 1882 to create the General Agency of Colonization and Immigration for Europe that offered inducements to European migrants through offices in Western Europe and Italy.[26] In 1896, the government accepted a colonization proposal to establish 5000 European families over eight years, with a preference for Scandinavians, Dutch, Swiss, French, Basques, Belgians, Germans (especially from the North), English, and Scots.[27] Two years later, it attempted to recruit European and American immigrants to work in industry,[28] and in 1907, the General Director of Mail Services and the Pacific Steam Navigation Company negotiated reduced rates for European colonists.[29] A 1923 contract allowed for the establishment of twenty-five North American families.[30] Finally, Chile signed a migration agreement with the Netherlands in 1962.[31]

Interestingly, Chile only targeted Chinese for restriction, and the measures were not formally racialized as they were in most countries. Though Jewish immigration was suspended unofficially from 1941–1944, the restriction was ostensibly due to a scandal in which officials were accused of extorting money from Jews seeking to escape the Holocaust.[32] In 1915, holders of Chinese passports who sought Chilean visas were subject to a special charge not applicable to other migrant groups.[33] Later that year, Chile passed restrictive quotas for Chinese that remained in effect through 1930, at which point Chinese nationals were required to pay a special deposit of U.S. $185 to immigrate.[34] Ostensibly, this requirement was devised to induce Chinese immigrants to return home after working in Chile. By 1936, the last year of the deposit system, the amount Chinese immigrants were required to pay to enter Chile reached U.S. $300.[35]

Like immigration policy, citizenship measures in Chile centered on preferences rather than discriminations. In 1856, Chilean citizenship was extended to German colonists.[36] Spaniards enjoyed positive citizenship preferences beginning with Decree 569 of October 29, 1958, that approved a dual nationality treaty with Spain. This agreement was still in effect as of 2011.[37]

Colombia

Along with what became Venezuela and Ecuador, Colombia formed part of Gran Colombia between 1819 and 1831. During that time, it was bound by the union's decree of June 7, 1823, which promoted the immigration

of Europeans and North Americans.[38] After Gran Colombia fell apart, the rump state of Colombia passed the Law of June 2, 1847, which remained in effect at least until 1884, providing a budget to foment the immigration of Asians, Europeans, and North Americans.[39] Information and Propaganda Offices were created in New York, London, Paris, and Barcelona to attract potential immigrants in 1922.[40] Four years later, Law no. 74 mandated that public funds cover payment for every male European immigrant over eighteen years old brought to the country.[41] Decree no. 596 of 1939 then established the Committee of Immigration and Colonization and charged it with attracting Europeans.[42] Beginning in 1941, all immigrants over the age of twenty-one were required to pay a deposit on a sliding scale, with immigrants from bordering nations charged the least, those from other countries in the Americas charged a middle rate, and all other immigrants charged the most.[43] Law no. 161 of 1948 regulated selective immigration from Spain, Italy, Germany, Austria, Hungry, and Switzerland,[44] and Decree no. 1453 of June 1956 ordered the creation of the Immigration Commission of Colombia in Europe that was charged with selecting and assisting European immigrants.[45] Finally, the Permanent Migration Statute between Colombia and Ecuador that went into effect when Colombia passed Law no. 1203 of 2008 gave resident visa priorities to Ecuadorians.[46]

Colombian law discriminated consistently against blacks and *gitanos,* while alternating between preferences and discriminations for other groups. Law no. 11 of 1847 formed a six-year contract with the Company of Panama to build a train track through the Panamanian isthmus, which was part of Colombia until 1903. Additional language added to the contract on May 10, 1847, stated that immigrants brought by the company to work could not be of the African race.[47] Asians were objects of both preferences and discrimination. Law no. 62 of 1887 reversed the 1847 preferences for Chinese—a ban that remained in effect through 1892.[48] The Colombian government altered its position on Asian migration again in 1917 by declaring the country open to all foreign immigration, regardless of race or nationality, and creating recruitment agencies in China, Japan, Syria, Armenia, and Spain.[49] Preferential recruitment remained in place through Law no. 48 of 1920.[50] Positive preferences for Japanese immigrants reemerged in 1929, when the Colombian Office of Immigration and Colonization and Japan signed a colonization contract.[51] Immigrants from China, however, faced new restrictions between 1931 and 1948, when a series of decrees established a quota system and difficult entry requirements for Chinese, as well as for Indians, Lebanese, Palestinians, Syrians, Turks, Armenians, Estonians, Latvians, Persians,

Libyans, Egyptians, Moroccans, Bulgarians, Lithuanians, Poles, Romanians, Yugoslavs, Russians, and Greeks.[52]

Decree no. 148 of 1935 restricted the entry of *gitanos* regardless of their nationality.[53] In 1936, Decree no. 1194 prohibited *gitano* migration altogether, a policy that was continued at least until 1943.[54] Finally, Colombia discriminated against groups who were considered inassimilable. In Article 11 of Law no. 114 of 1922, Colombia disallowed the entrance of immigrants who, because of their ethnicity, would be "inconvenient" for the nation and the "better development of the race." Article 1 offered preferential immigration for families who, due to their personal and racial conditions, would contribute to the "economic and intellectual development of the country and the betterment of its ethnic condition." The provisions of Article 11 remained intact at least through Decree no. 1723 of 1938.[55]

Colombia also encouraged particular groups to naturalize. The Gran Colombia union favored the naturalization of Latin Americans with the Law of September 3, 1821 and the Law of July 4, 1823.[56] The Gran Colombia Law of June 11, 1823 extended citizenship rights to Europeans and North Americans. The rump state of Colombia's Law of June 2, 1847 gave naturalization preferences to Asians, Europeans, and North Americans, and the Constitution of 1863 gave those born in any Hispano-American republic eligibility to become Colombians by declaring their wish to naturalize before the authorities, provisions that were continued in subsequent constitutions and still in effect in 2011.[57] Colombia and Spain signed a Dual Nationality Agreement in 1979 that allowed Spaniards to nationalize after two years' residence in the country, a provision still in effect in 2011.[58]

Costa Rica

Costa Rica practiced extensive ethnic selection. A long series of colonization agreements offered preferences, usually for particular groups of Europeans. In 1825, the government signed contracts for English, North American, and French colonization.[59] Contracts to bring in French, German, Swiss, and Irish colonizers followed.[60] The 1862 Colonization Law established a fund for European immigrants and authorized the government to give them land,[61] while policy in the 1880s favored white colonists in general. The migration of Germans in 1891 and 1894, white Europeans in 1894 and 1913,[62] migrants from Honolulu and Hong Kong in 1917,[63] and Italians in 1951[64] was also promoted. In 1893, the Costa Rican government signed a contract to bring 5000 Spaniards to the

country. This agreement was unique in that it required a majority of the colonists to be from the Northern provinces of Spain so as to avoid "Moorish contamination."[65] No such requirement was included in Decree no. 19 of November 3, 1908, which approved a contract to bring 100 Spanish families to establish a colony on free land.[66]

Latin Americans received preferential treatment through a combination of colonization agreements and reduced entrance fees and residency taxes. In 1891, Decree no. 74 approved a contract to bring in 100 Cuban families.[67] Decree no. 61 in 1933 exempted Central American migrants from paying an entrance fee that was assessed to other immigrant groups.[68] Law no. 37 of June 7, 1940, established a residency tax for all immigrants, but required Central Americans to pay the least, while other Latin Americans and Spaniards paid reduced fees and all other groups were charged the highest amount. When the tax was raised in 1950 and 1961, the preferential payment structure remained in place.[69] Finally, Decree no. 11951 of October 10, 1980, established a preference for Cubans.[70]

Immigration restrictions began with the Colonization Law of 1862 that prohibited the entry of Chinese and blacks. The ban on blacks was a preemptive strategic adjustment to a U.S. plan to ship U.S. blacks to Central America.[71] Costa Rica allowed limited exceptions to the ban on Chinese, such as permitting a failed plan to attract 500 Chinese colonists in 1866, successfully allowing 1000 Chinese laborers in 1872, and permitting 2000 Chinese migrants to work on the railroads in 1887. Decree no. 6 of May 22, 1897 outlawed Chinese migration again, though a special concession in 1917 permitted the arrival of 225 Chinese men and 25 Chinese women to work in the rice industry.[72] By the early twentieth century, immigration policy also excluded Middle Easterners and *gitanos*. Decree no. 1 of June 10, 1904, prohibited the entrance of Arabs, Turks, Syrians, Armenians, and *gitanos*.[73] Decree no. 1 of July 21, 1906, clarified the 1904 Decree, stating that those of the "yellow races" already established in Costa Rica could continue to exit and enter the country as they wished. The 1904 exclusion law and other restrictions on Middle Easterners did not apply to Lebanese who traveled with a French passport. The 1904 restrictions were additionally loosened in 1910, when a law allowed previously barred groups to immigrate if they paid a 1000 colón entry fee.[74] Decree no. 1 of January 15, 1912, barred the immigration of coolies. The law affected Indians, though to a lesser extent than Chinese, because Indian coolies were allowed entry with a payment of 1000 colones. The ban was in effect through at least October 26, 1925, when Decree no. 2 reformed the 1912 decree.[75] Restriction of black migration returned with Law no. 31 of December 10, 1934, which

prohibited the migration and employment of "people of color" in the country's Pacific region.[76] This exclusion continued until 1949.[77]

During the 1940s, Costa Rica passed two major discriminatory immigration laws. A 1941 law stated that Jews would only be granted residency permits if they worked in new industries yet to be established in the country, rather than in business or agriculture, and that all Jews would be expelled the year after the war ended.[78] Executive Decree no. 4 of April 26, 1942, prohibited the entrance of blacks, Chinese, Arabs, Syrians, Turks, Armenians, *gitanos,* and coolies. The law also barred the migration of those who were "inconvenient, harmful, or dangerous to the order or progress of the Republic or racial conservation."[79] The exclusion of Chinese immigrants ended on December 28, 1943, with Decree no. 51.[80] For all other banned groups, however, this bar was in effect over thirty years, until Law no. 5360 of 1973 prohibited all immigration restrictions based on race and specifically repealed the discriminations written into the 1942 decree.

Ethnic selection was also practiced in citizenship law. Decree no. 76 of June 24, 1926, discriminated against the Chinese, for instance, by terminating the naturalization of those who entered Costa Rica illegally.[81] Law no. 6 of April 7, 1937 declared that Turks, Arabs, Syrians, Armenians, and *gitanos* could become naturalized in Costa Rica only after twenty-five years' residence, while Central Americans could naturalize within just one year.[82] By contrast, Costa Rica fomented the citizenship of desirable immigrant groups. As part of the Federal Republic of Central America from 1823 through 1838, it was bound by the citizenship preferences for immigrants from American Republics and Spaniards established in the union's 1824 constitution.[83] Independent Costa Rica's April 9, 1844, constitution facilitated the citizenship of Latin Americans,[84] and that of 1871 and Law no. 29 of July 6, 1888, offered preferences to those from Guatemala, Honduras, El Salvador, and Nicaragua.[85] The 1949 constitution continued to favor Central Americas, who could become Costa Rican nationals after one year of residency, and extended preferences to Spaniards and "Iberoamericans," who could naturalize after two years of residency. This positive discrimination continued through May 27, 1999, when Law no. 7879 raised the residency requirement to five years for all Central Americans, Iberoamericans, and Spaniards, a measure that was also included in the 2002 constitutional reform, which remained in place as of 2011. Costa Rica and Spain have also maintained a dual nationality agreement since 1964,[86] and preferential citizenship was offered to Italian colonists through Law no. 4066 of January 18, 1986.[87]

Dominican Republic

European migration was favored in the Dominican Republic, as were immigrants from North America and the Spanish Antilles. The first preference of this sort was for Canary Islanders, to whom Resolution no. 660 of July 4, 1860, and an 1884 law gave favored access to land and transportation.[88] Both Europeans and migrants from the United States received preferential terms under a 1905 law that gave them twice as much time as West Indians to comply with entry requirements. A 1912 immigration law established immigration agencies in Europe, the United States, and the Spanish Antilles and exempted whites from the requirement to obtain a permit before immigrating.[89]

By contrast, the 1912 law required a permit for nonwhite *braceros* (temporary laborers) and intending immigrants from Asia, Oceania, Africa, and European colonies in America.[90] Executive Order no. 372 of December 16, 1919, then prohibited the immigration of nonwhite braceros altogether.[91] Law no. 279 of January 29, 1932, established higher entry and residence fees for Asians and Africans than those charged to other immigrant groups. These elevated charges were reiterated in Law no. 95 of April 14, 1939, which charged $500 for a residency permit for immigrants not of "Caucasian origin or races native to America," a provision that lasted until the passage of Law no. 3669 of November 6, 1953.[92]

Haitians were singled out for particularly virulent discrimination. In 1937, President Rafael Trujillo ordered a massacre of some 20,000 Haitians living in the Dominican Republic. While the Dominican Republic never explicitly restricted access to citizenship for Haitians, a 2007 resolution of the Junta Central Electoral prohibited the extension of birth certificates for the descendants of foreigners who had not proved the residence or legal status of their parents, which disproportionately affected those born in the Dominican Republic to Haitian parents.[93]

Dominican immigration policy oscillated in its treatment of Jews. Article 9 of Law no. 95 of April 14, 1939, which established expensive residency permits for non-Caucasian immigrants and those not native to the Americas, included restrictions on Jews. The measure stated that the permit applied to those who, being "predominantly of Caucasian origin, pertain to the Semitic race, who have not been continuously established during the three years previous to the publication of this law in the countries or territories of the American continent."[94] This restriction continued until the passage of Law no. 3669 of November 6, 1953. However,

a June 30, 1940, contract between the government and the Dominican Republic Settlement Association provided for free entry and citizenship for up to 100,000 "Jewish and non-Jewish settlers." The American Jewish Joint Agricultural Corporation was asked to supply the initial capital for passage to the Dominican Republic, and the first settlers arrived in May 1940. A primary motivation behind the Jewish settlement effort was the "Dominicanization," or whitening, of the racial border with black Haiti. In practice, only about 750 Jews came to the Dominican Republic during this period.[95]

Preferential citizenship policies fomented the naturalization of both Spaniards and Latin Americans. The constitutions of 1844, 1854, and 1858 named as Dominicans "all those descendents of Spaniards born in foreign countries that come to reside in the Republic." The Constitution of 1880 declared that "all the children of the Hispanic-American republics and those of the neighboring Spanish Antilles" were Dominicans.[96] The Constitution of 1881 offered the same citizenship preference with the added requirement of one year of residency. This positive preference was repeated, with slight variations, in the constitutions of 1887 and 1896, and continued up until the Constitution of 1907, which did not include such favorable citizenship terms for Hispano-Americans.[97] With Resolution no. 372 of October 22, 1968, the Dominican Republic approved a dual nationality agreement with Spain,[98] a version of which remained in force in 2011.[99]

Ecuador

As part of Gran Colombia from 1822 to 1830, Ecuador was bound by the union's immigration preferences for Europeans and North Americans that began in 1823.[100] An 1861 law further facilitated migration from Europe and the United States by granting these immigrants land and paying for their passage to Ecuador, a stimulus that extended through at least 1909, when it was advertised in a government guide to the republic.[101] A 1935 law empowered the Minister of Social Security, Agriculture, and Colonization to enter into agreements to facilitate the immigration of white European and *americano* families.[102] Positive preferences for Latin American immigrants were initiated much later. Ecuador signed a Permanent Migration Statute with Colombia in 2000 that offered nationals of these countries priority in obtaining resident visas.[103]

Negative discrimination in Ecuadorian immigration policy began in 1889 and lasted through 1971. The Decree of September 14, 1889 and

an 1899 law prohibited the entry of Chinese immigrants, although those already in Ecuador were allowed to stay. Chinese residents already present in Ecuador were singled out for special municipal registries and taxes. A 1921 decree, the 1938 Law of Foreigners, Extradition, and Naturalization and a 1941 regulation continued to prohibit Chinese migration. The Chinese bar was lifted in August 1944 during World War II when Ecuador was a member of the Allies.[104] For *gitanos,* negative discrimination began with a 1938 law that prohibited their entrance regardless of nationality.[105] Although the 1945 constitution banned racial discrimination,[106] the Law of Foreigners of 1947 barred *gitanos* from obtaining visas to enter Ecuador.[107] This restriction remained on the books through 1971, when the revised Law of Foreigners no. 1897 repealed the 1947 decree.[108]

Gran Colombia's laws passed in 1821 and 1823 favored the naturalization of Latin Americans, Europeans, and North Americans.[109] Once Ecuador became its own republic, favorable citizenship terms for Latin Americans were extended through a law passed on April 7, 1831, and the Decree of April 11, 1851.[110] These preferences were reiterated in an 1867 decree that declared that Peruvian, Chilean, Venezuelan, and Colombian immigrants would be considered citizens.[111] A series of constitutions then intermittently included citizenship preferences. The 1878 constitution facilitated the citizenship of Hispano-Americans, though the constitution passed in 1884 did not.[112] The 1929 constitution fomented the citizenship of Latin Americans, a preference that lasted through 1945, when the constitution of that year encouraged the citizenship of Spaniards as well.[113] While the 1946 constitution ended this positive selection, by 1967, the constitution again fomented the citizenship of Spaniards and Latin Americans, as did that of 1978 (codified both in 1984 and 1993).[114] The constitutions of 1998 and 2000 did not include those naturalization preferences. Finally, Ecuador and Spain signed a dual nationality agreement in 1964, which remained in effect in 2011.[115]

El Salvador

Unlike most other Latin American countries that developed extensive immigration preferences, positive preferences in Salvadoran law were limited to attracting Hispano-Americans. The 1886 immigration law declared that "hispanoamericanos" were considered non-foreigners, though they were still under the authority of immigration law. Central Americans were not even subject to immigration law.[116] The June 12,

1933, Migration Law created two kinds of immigrant taxes and exempted Central Americans from both.[117] New provisions passed in Decree no. 2772 in 1958 established a 1500 colón payment for long-term migrants, from which Central Americans and Panamanians were exempt.[118] This positive preference continued through reforms to the 1958 measure. As of 2011, the modified 1958 Decree no. 2772 remained in force.[119]

Chinese migrants first felt the brunt of restrictive immigration policies in El Salvador with a September 27, 1886, law that declared them to be "pernicious foreigners" who would not be allowed to establish themselves in the nation.[120] The bar against Chinese immigrants remained in place in later reforms of the law.[121] By 1932, the Director General of Police issued an order to deny even transit visas to Chinese, along with Russians, Poles, Syrians, and Palestinians.[122] In 1933, the Migration Law of June 12 excluded Chinese, Mongolian, black, Malaysian, *gitano,* and Hungarian immigrants. New immigrants from Arabia, Lebanon, Syria, Palestine, and Turkey were also barred, and intending immigrants from Russia, Lithuania, Poland, Romania, and Bulgaria were required to obtain special authorization.[123] After El Salvador joined the Allies in World War II, it repealed restrictions on Chinese in Decree no. 16 of July 23, 1944.[124] For all other groups affected by the 1933 law, negative discrimination remained in place until Legislative Decree no. 2772 of December 19, 1958.[125]

El Salvador offered privileged citizenship terms to Spaniards and certain immigrants in the Americas. As part of the Federal Republic of Central America from 1823 through 1841, El Salvador was first bound by the citizenship preferences for immigrants from American Republics and Spaniards established in the union's 1824 constitution.[126] After El Salvador became its own state, its 1841 constitution included immigrants from neighboring Central American states as *naturales* (natural-born citizens) of El Salvador.[127] By the Constitution of 1864, favorable citizenship terms were extended to all those from Central America and Hispanoamerica.[128] Later constitutions offered the most positive citizenship provisions for Central Americans, with Spaniards and Hispanic Americans still privileged above all other immigrants. For example, the 1939 constitution stated that Central Americans could immediately naturalize, Spaniards and Hispanic Americans could naturalize with three years of residency, but six years of residency was required of all other immigrants.[129] From the Constitution of 1841 through the 1983 constitution still in effect in 2011, variations in positive preferences for these immigrant groups were included in virtually every constitution.[130]

Guatemala

Positive preferences in Guatemalan immigration policy favored Europeans, North Americans, and Latin Americans. For example, the Legislative Decree of August 7, 1826, approved the establishment of a colony of 1000 European families, and the Decree of February 29, 1868, offered immigrants from Europe and the New World information, counsel, and material assistance toward their establishment in Guatemala. Article 7 of the same decree promised that immigrants who married native women would enjoy an extended period of these privileges.[131] In 1877, Guatemala founded the Immigration Society, which aimed to facilitate large-scale European and North American immigration.[132] Though the Society ceased to function in 1879, the Immigration Law of January 1896 declared that all consular offices throughout Europe and the Americas would be converted into immigration agencies to foment the immigration of these desirable groups.[133] Specific European groups were also given preferences. In 1842, the Guatemalan government contracted with the Belgian Colonization Company to foment the migration of European Catholics of various nationalities, and a law passed on January 16, 1850, continued these preferences through 1853.[134] Germans benefited from a September 3, 1851, treaty that, in addition to commercial and navigation advantages, promoted their migration. This favorable treatment endured until 1887, when a new treaty was signed that did not include specific migration preferences.[135] Between 1900 and at least 1904, the Guatemalan government contracted with investors in Turin to encourage Italian colonization.[136]

Exclusionary immigration policy targeting Asians began in 1896, when Decree no. 520 of January 26 stated that those from the "Celestial Empire" would not be contracted nor accepted as immigrants.[137] In 1898, the government approved the importation of workers with the provision that they would not be Chinese nationals,[138] and a November 1907 law reiterated the prohibition on Chinese migration.[139] Decree no. 792 issued on April 30, 1909, barred all individuals of the "Mongolian race."[140] In the 1920s and 1930s, Asian immigrants already in Guatemala were subject to a series of residency restrictions.[141]

Restrictions on blacks began in 1914, when an October 23 law required "immigrants of color" to deposit a bond of 50 pesos of American gold before disembarking.[142] The bond was quadrupled by Decree no. 875 of October 13, 1921,[143] and reentry of blacks who had been living in Guatemala was restricted in 1922.[144] Decree no. 950 of August 31, 1927,

prohibited the entry of Hindus and *gitanos,* along with individuals from Armenia, Egypt, Persia, Afghanistan, Greece, Poland, Bulgaria, Romania, Yugoslavia, and Russia.[145] The apogee of restriction was the Foreigners Law of January 25, 1936, which banned the immigration of blacks, *gitanos,* and those of the "yellow or Mongolian race." It restricted the entry of Hindus, Armenians, Egyptians, Afghans, Turks, Syrians, Lebanese, Arabs, Palestinians, the native races of North Africa, Greeks, Bulgarians, and Russians. An additional clause restricted anyone else deemed unassimilable. Article 9 stated that the executive power could deny the entrance of migrants whose race makes them undesirable as "demoralizing elements or inconveniences for the maintenance of public order."[146] After Guatemala joined the Allies in World War II, Decree no. 3132 of August 11, 1944, repealed earlier restrictions on the commercial activities of Chinese nationals, but left untouched laws barring Chinese and other Asian immigration.[147] Decree no. 421 of September 30, 1955, reformed the 1937 Foreigners Law without modifying the provision that prohibited visas for Asians, blacks, Indians, *gitanos,* Middle Easterners, and select European groups.[148] Discrimination against these groups continued, at least on the books, until Decree no. 22-86 of January 10, 1986, repealed the exclusions of 1909, 1936, and 1955.[149]

Guatemala also facilitated the citizenship of particular groups. As part of the Federal Republic of Central America from 1823 through 1839, Guatemala promoted the naturalization of immigrants from the Americas and Spain.[150] The contract that Guatemala established with the Belgian Colonization Company in 1842 offered Catholic Europeans citizenship,[151] and the Constitution of 1851 extended citizenship to those from Central America, Latin America, and Spain.[152] The naturalization of Latin Americans was promoted in Decree no. 491 of February 21, 1894,[153] and a 1936 decree gave citizenship preference to Central Americans, Iberoamericans, and Spaniards.[154] Constitutions in force from 1879 through 1926 favored Central and Latin Americans.[155] Citizenship preferences continued in the Constitution of 1927, though they only favored Central Americans and required reciprocity from their sending countries.[156] These provisions remained in place until the Constitution of 1945, which again included Spaniards and "Iberoamericanos" as well as Central Americans.[157] The Constitution of 1985, which remained in place in 2011, retained preferences only for Central Americans.[158] In 1961, Decree no. 1488 of October 16 approved a dual nationality agreement between Guatemala and Spain, which remained in effect in 2011.[159]

Haiti

The Haitian case is unique in the Americas for its positive immigration and nationality preferences for people of African origin and negative discriminations against whites. The origins of the policy lie in the successful revolt of black slaves who gained independence from France in 1804. The government of independent Haiti sought to achieve security from the threat of France and other white powers and to establish economic independence from foreign control.[160] Under the 1805 constitution, whites of any nationality with the title of master or owner were not allowed to set foot in the territory, though the 1806 constitution recognized as Haitians those whites who had fought in the army or served in civil functions.[161] In 1816, whites who were not already Haitian citizens were banned from naturalizing or owning property. At the same time, a positive preference for "Africans, Indians, and those of their blood" was established. All such persons coming to live in Haiti were recognized as Haitians and were given rights of citizenship after a year of residence.[162]

Beginning in 1804, the Haitian government began promoting the immigration of free blacks from the United States by offering U.S. ship captains a bonus for transporting blacks and giving black immigrants assisted passage and land grants. The government hoped to replenish the black male population devastated in the war and attract human capital without incurring the risks of foreign intervention that white immigration posed.[163] A formal Law on the Emigration into the Country, of Persons of African and Indian Race was published in 1860. The immigration policy attracted few settlers, and the preferences do not appear in legal codes after 1887.[164]

The specific bans on whites naturalizing or owning property were removed in the 1867 constitution, though only Africans and Indians and their descendants were mentioned as eligible to naturalize.[165] Naturalization was not actually opened to whites until 1889. Diplomat J. N. Léger was eager to attract foreign settlers to conduct business and described Haiti as "a veritable Eden for the foreigner, whether white or colored."[166] All preferences for Amerindians were dropped in the 1889 Constitution as well, and the African preference was applied only to persons born in Haiti who were "descended from the African race."[167]

Early twentieth-century policy toward Levantines—Syrio-Lebanese subjects of the Ottoman Empire and several other nationalities—was much more typical of other countries in Latin America. Alarmed by the near monopoly that Levantines held on the retail commerce of foreign goods, the government passed a racialized 1903 Loi sur les Syriens

banning the admission of "any individual called Syrian or thus named in the popular language" and sharply restricting the commercial activities of Levantines already in Haiti.[168] In June 1904, a ten-year residency requirement was imposed on Levantine applicants for naturalization, rather than the two-year norm for other groups.[169] The U.S. government opposed the restrictions because Levantines were the principal commercial intermediaries between the United States and Haiti, leading the Haitian government to remind the U.S. State Department that the United States had established the precedent of racial discrimination by excluding Chinese.[170] Brenda Plummer notes that the lack of relations between the Ottoman Empire and Haiti and the diversity of their nationalities made Levantines especially vulnerable to be singled out by Haitians disgruntled with foreign control of the economy. Levantines who had not naturalized were expelled in March 1905.[171]

The naturalization discrimination against Levantines was not included in the 1941 naturalization law.[172] The preference for people of African descent born in Haiti was the last element of formal ethnic selection, reaffirmed in a 1984 decree, but dropped in the 1987 Constitution.[173]

Honduras

Honduras began positive selection of immigrants with the government's approval in 1867 of a petition from a group of U.S. southerners seeking to settle in Honduras following the U.S. Civil War. The government offered them land, exemption from military service and taxes, and other incentives.[174] Permission to establish a colony of 250 Irish immigrants in the coastal zone of Trujillo was granted in 1879.[175] The Immigration Law of February 8, 1906, permitted consulates throughout the Americas and Europe to enter into immigration and colonization contracts to facilitate migration to Honduras.[176] These favorable conditions lasted through at least 1936.[177]

Ethnic discrimination in immigration policy began with Decree no. 84 of March 4, 1902, which required government approval for the introduction of Chinese, coolies, and blacks via a colonization contract.[178] Similarly, Decree no. 26 of February 4, 1909, approved the entry of workers for railroad construction but required Chinese to secure special permission from the government.[179] In 1912, Honduras stipulated in a contract with a subsidiary of the United Fruit Company that Asian, coolie, and black immigrants were not to be used.[180] Additional exclusions came with Decree no. 101 of 1929, which required coolies, blacks, Arabs, Turks, Syrians, and Armenians to pay 5000 pesos of silver upon entry. The

bond would be returned only to those who departed within two months.[181] Decree no. 101 remained in force until 1934, when it was replaced by the immigration law of March 20 that banned the immigration of Chinese, coolies, blacks, and *gitanos* and restricted the immigration of Arabs, Turks, Syrians, Armenians, Palestinians, Lebanese, Poles, and Czechs. The restricted groups could only work in agriculture or new industries and would be deported if not employed in these areas within six months of admission.[182] After Honduras joined the Allies, it issued Decree no. 61 of March 3, 1944, forbidding all racially motivated discrimination against the Chinese and removing them from the groups whose entry was prohibited by the law of March 20, 1934.[183] Discrimination persisted against blacks, *gitanos,* Middle Easterners, and select European groups until Decree no. 34 of September 25, 1970, repealed the 1934 decree.[184]

The Federal Republic of Central America, to which Honduras belonged from 1823 to 1838, offered preferential citizenship for immigrants from the Americas and Spain beginning in 1824.[185] Honduras's Constitution of 1848 extended favorable conditions for all immigrants from American Republics.[186] By the 1865 Constitution, this privilege was granted only to Central Americans, with all other migrants needing two years' residency in order to naturalize.[187] The residency provision was modified by the 1873 Constitution, which still gave preference to Central Americans.[188] The 1880 Constitution included Hispano-Americans along with Central Americans in its preferences,[189] as did the constitutions of 1894 and 1904.[190] Favorable citizenship policy in the 1924 and 1936 constitutions focused on Central Americans, though Spaniards and Latin Americans received benefits above those afforded other immigrant groups.[191] The constitutions of 1957 and 1965 offered Central Americans, Spaniards, and all those from American states naturalization after one year of residency—half the time required for other immigrants.[192] The 1982 Constitution in effect in 2011 offered the most preferences to Central Americans, though Spaniards and Ibero-Americans were also favored over other groups.[193] Finally, Honduras entered into a dual nationality treaty with Spain through Decree no. 60 of September 13, 1966, which remained in force in 2011.[194]

Nicaragua

Immigration law favored Catholics and Europeans. The decree of March 6, 1853, dealt with colonization contracts and stated that the

government should, if possible, recruit Catholic colonists.[195] In 1926, the decree of June 10 created an immigration bureau and charged it with providing its European offices with the information necessary to facilitate migration. This law was in force until 1951.[196]

Restrictive immigration policy initially focused on Chinese. The Decree of October 8, 1897 declared that "the immigration of Chinese naturals is absolutely prohibited in Nicaragua."[197] The bar on Chinese migration continued through Decree no. 6 of April 16, 1918, which stated that earlier immigration exclusions remained in force.[198] With the immigration law of April 25, 1930, the ban on the Chinese was extended to Turks, Arabs, Syrians, Armenians, blacks, *gitanos,* and coolies. Highly qualified immigrants from these groups could enter Nicaragua, though they had to receive special permission, could only remain up to six months, and were required to deposit 1000 pesos of American gold as a bond to be returned upon exit. The law also excluded immigrants who, due to their ethnicity, were "dangerous for the existing social order."[199] The December 29, 1930, regulation of the April 25 law specified that "an individual belongs to the prohibited races when he has at least fifty percent of this blood" and explained that these groups were to be excluded regardless of nationality.[200] For Chinese, the 1930 immigration ban ended during World War II with Decree no. 318 of September 4, 1944, which removed Chinese from the list of prohibited groups.[201] The exclusion continued for all others until Law no. 256 of October 2, 1973, repealed the articles of the 1930 law that selected immigrants by race.[202] The general assimilability provision in the 1930 law remained in force until it was repealed by Decree no. 1031 of April 29, 1982.[203]

As in other Central American countries, Nicaraguan law favored the naturalization of Spaniards and immigrants from the Americas. Nicaragua was a member of the Federal Republic of Central America from 1823 to 1838, and it was bound by the union's 1824 constitution, which facilitated the naturalization of these groups.[204] Within its own Constitution of 1838, Nicaragua fomented the citizenship of Central Americans, Spaniards, and those from American republics.[205] Although the Constitution of 1854 did not include such preferences, a law passed on February 18, 1861, declared that Central Americans could naturalize with one year of residency and Spanish Americans with two, while all other foreigners needed four years. This statute remained in force through at least 1898.[206] The Constitution of 1893 gave citizenship preference to Central Americans and Hispanic Americans, as did those of 1905 and 1911.[207] The constitutions of 1939 and 1948 only specifically

fomented the naturalization of Central Americans.[208] Spaniards and those from other countries in the Americas were favored in the citizenship provisions of the Constitution of 1950,[209] preferences that remained on the books until 1987. The constitution of that year, as well as its 2000 reforms, only facilitated the citizenship of Central Americans.[210] Finally, Nicaragua entered into a dual nationality agreement with Spain on July 15, 1961.[211] It was modified on November 12, 1997, and remained in effect in 2011.[212]

Panama

The Panamanian government practiced extensive ethnic selection beginning just a year after its succession from Colombia in 1903. Panamanian policy was strongly shaped by U.S. control over the Canal Zone that bifurcated the country from 1903 to 1979, as well as the agricultural dominance of the U.S.-based United Fruit Company, which recruited foreign workers. An estimated 200,000 black migrants from the Antilles were recruited to work on the Panama Canal and surrounding plantations. Theodore P. Shonts, the chairman of the Canal Commission, explained that "a labor force composed of different races and nationalities would minimize, if not prevent" labor trouble.[213] The economic boom attracted migrants from all over the world.

For more than a decade, Law no. 6 of March 11, 1904, authorized the Executive to bring Europeans to Panama via agreements with European states or private associations.[214] In 1908, Law no. 20 of November 2 supported the creation of an agricultural colony of Spaniards.[215] Law no. 44 of 1910 allowed for the promotion of European immigration, preferably Spanish laborers,[216] and Decree no. 34 of June 8, 1911, created a Special Delegate of Immigration and Colonization to be established in Europe. By 1919, Law no. 32 of March 7 budgeted funds toward creating and maintaining agricultural colonies with Canary Islanders and Europeans.[217] The 1941 constitution did not enact immigration preferences for particular groups, though it declared that the state sought out assimilable migrants, "those who are healthy, hardworking, adaptable to the conditions of national life and capable of contributing to the ethnic, economic, and democratic betterment of the country."[218]

Legal discrimination began with Law no. 6 of March 11, 1904, which forbade the immigration of Chinese, Turks, and Syrians—groups that had a reputation for commerce.[219] Law no. 28 of 1909 only allowed for the limited entry of Chinese who came to replace others in trading houses with branches in China.[220] Decree no. 29 of April 3 and Decree no. 21

of November 12 required the Chinese to pay large entry deposits.[221] Decree no. 60 of August 21, 1912, again suspended entrance permits for Chinese, Turks, and Syrians,[222] and Law no. 50 of 1913 declared these immigrants prohibited and added "North Africans of the Turkish race" to the barred groups regardless of their nationality.[223] These same immigrants were excluded through the Administrative Code of 1916, which also forbid the entry of *gitanos*. The 1916 restrictions remained in place through Law no. 13 of 1926, which reiterated the ban for all groups except *gitanos,* who were left off the list.[224]

By the 1920s, Panama began loosening its immigration exclusions, sometimes allowing limited entry of previously barred groups. Law no. 1 of January 6, 1923, permitted Chinese migration through a quota and merit system that required the payment of certain taxes.[225] In 1925, Law no. 55 of March 20 declared that Syrians and Lebanese must fill all requirements of the law and have a "certificate of good reputation and behavior" from the High French Commissioner of Syria. Just five months later, Decree no. 45 of August 19 ruled that Syrians and Lebanese needed French passports and Chinese needed special permission from the Secretary of Foreign Relations.[226] Although Law no. 13 of October 23, 1926, reinstated the prohibition on Chinese, Syrian, and Turkish immigration and also excluded Japanese, black Antilleans, Dravidians, Asian Indians, and "Syrian Indians" *(indo-asirios),*[227] less than a year later, Decree no. 23 of September 18, 1927, admitted limited numbers of Chinese provided that they pay high entrance taxes.[228] Chinese, Syrian, Turkish, and Caribbean black immigration was limited to ten entries a year per group by Law no. 6 of March 29.[229] By July 11, 1928, Decree no. 24 lowered the annual Chinese quota to five.[230]

Discriminatory immigration policy took an even tougher turn in the 1930s. Initially, Indian migration was prohibited by Decree no. 43 of May 27, 1931.[231] The following year, Law no. 26 revoked the quotas introduced in the 1920s and completely forbid Chinese immigration.[232] On December 24, 1934, Law no. 46 barred Hindustani migration. Decree no. 3 of January 17, 1937, declared that Chinese, Syrians, Turks, Lebanese, Palestinians, and non-Spanish blacks were banned, a list to which Law no. 54 of 1938 added *gitanos,* Armenians, Arabs, Hindustanis, North Africans of the Turkish race, and blacks "whose language is not Spanish."[233] Decree no. 32 of May 22, 1939, established special requirements, including monetary deposits, for prohibited races to migrate to Panama, a restriction that remained in place through 1946, when Decree no. 827 of July 31 eliminated these discriminatory conditions.[234]

Law no. 6 of March 11, 1941, forbade the immigration of blacks whose

native language was not Spanish, Asians, and the "original races of India, Asia Minor and North Africa."[235] These discriminations were included in the Constitution of 1941.[236] Though Decree no. 202 of August 3, 1943, established free immigration, the discriminatory provisions of the 1941 constitution remained in effect until Decree no. 4 on December 12, 1944, suspended the 1941 constitution.[237] The Constitution of 1946 continued to limit Chinese immigration based on common law,[238] and Decree no. 153 of May 24, 1960, applied special entry requirements to Chinese, though they were not subject to these restrictions in Decree no. 16 of June 30, 1960.[239] However, Article 37 of the 1960 decree prohibited the immigration of *gitanos*.[240] Subsequent modifications of the 1960 decree left the original anti-*gitano* article in place until Decree no. 3 of February 22, 2008, which completely repealed the 1960 law.[241] Thus, in 2008, Panama ended the last explicit ethnic restrictions on immigrant admissions of any country in the Americas.

Preferential citizenship provisions began with the Constitution of 1904, which made Panamanian nationals of Colombians who took part in the Panamanian independence movement.[242] The Constitution of 1946 declared that Spaniards and all those from independent American states were naturalized Panamanians.[243] The Constitution of 1972 continued to foment the citizenship of Spaniards and Latin Americans, a preference that remained in force in 2011 after reforms in 1994 and 2004.

Along with Costa Rica, Panama was the only Latin American country with explicit negative ethnic discrimination in its nationality laws. Decree no. 42 of June 24, 1909, suspended the citizenship of Chinese, Syrian, and Turkish migrants, and Decree no. 4 of March 1, 1916, prohibited the naturalization of Chinese, Syrians, Turks, and "North Africans of the Turkish race." The 1941 constitution awarded citizenship to the children of prohibited migrant races only if one of the parents was a Panamanian by birth. This small exception was not extended to non-Spanish-speaking blacks. Citizenship discrimination continued until Decree no. 5 of January 2, 1945, when the National Convention restored Panamanian nationality to these children.[244]

Paraguay

For over a century, Paraguay focused on fomenting migration from Europe and the Americas, followed by Japan and China. On November 15, 1854, Paraguayan officials signed a colonization contract to recruit 800 to 900 Catholic Basques.[245] The government went on to dedicate

land, and later money, for European colonization in the Chaco region for forty years beginning with a law dated August 5, 1879.[246] Decree no. 11682 of May 8, 1920, authorized the establishment of Austrian and German colonies,[247] and Law no. 514 of July 26, 1921, extended special rights and privileges to Mennonite immigrants.[248] Decree no. 1026 of 1936 facilitated the migration of 100 Japanese families as agricultural colonists, but prohibited them from living in urban areas.[249]

Paraguay continued to seek immigrants after World War II. Decree no. 10499 of April 7, 1952, established a commission to facilitate European investment in its agriculture and industry and to encourage immigration.[250] In particular, the commission was charged with fomenting the migration of Italians and ethnic Bessarabia Germans.[251] On July 29, 1966, Paraguay passed Law no. 1161 approving a migration agreement with Spain.[252] Decree no. 11000 of March 24, 1955, approved a proposal from the Argentine-German Agrarian Institute to bring 250 Chinese immigrant families to work in industry, technology, or agriculture.[253] Beginning in 1959, Japanese migration was facilitated through Decree-Law no. 219 of November 19, as part of a bilateral agreement to bring 80,000 Japanese to Paraguay over a 30-year period.[254] This target number was increased to 85,000 Japanese immigrants in Law no. 20 of July 2, 1990.[255]

Constitutional law contained ethnic preferences, as well, beginning with the 1870 constitution's affirmation that it would foment American and European immigration and the Declaration of May 10, 1870 that further promoted the migration of Europeans.[256] These preferences extended through the 1940 constitution, which reiterated a desire for immigrants from the Americas and Europe, and ended in 1967, when the new constitution did not include such provisions.[257]

The period of exclusionary immigration policy in Paraguay was relatively brief. The entry of the "yellow race," blacks, and *gitanos* was barred with article 14 of the Law of September 30, 1903.[258] With this law in force, Paraguay signed a Treaty of Commerce with Japan on November 17, 1919, that established rights of entry for the citizens of both countries. Japanese diplomats questioned whether the "yellow race" exclusion of the 1903 law applied to immigrants from Japan, and Paraguayan officials assured the Japanese that it did not.[259] Four years later, Law no. 691 of October 30, 1924, substituted the restrictive 1903 article with provisions that banned immigrants based on characteristics such as health, age, and political beliefs rather than race or ethnicity.[260] Despite the 1924 reform, Law no. 832 of June 30, 1926, listed *gitanos,*

along with others who may become public charges, as immigrants that would not receive passage preferences.[261] The immigration law of March 29, 1937, however, did not include this discrimination.[262]

Paraguay made limited use of citizenship preferences. It entered into a dual nationality agreement with Spain on June 25, 1959, which was approved and ratified in 1962.[263] This agreement remained in effect as of 2011.[264]

Peru

Peruvian policy consistently fomented the immigration of Europeans and whites and oscillated between promotion and restriction of Asian migration. For example, a law passed in 1849 solicited immigrants from England and Belgium and offered them exemptions from military service and free land.[265] Decades of subsequent decrees and laws welcomed more Germans, Roman Catholics, Irish, Spaniards, Spanish Basques, Italians, and Portuguese. Other policies dedicated funds to the recruitment of Europeans generally.[266] The law of August 21, 1891, authorized the government to form colonies made up "exclusively of the white European race."[267] The law of September 25 the same year defined immigrants as "foreigners of the white race" and provided that such individuals would be given room and board upon arrival, land, tax exemptions, and tools, among other incentives.[268] This definition of immigrants was reiterated in an 1893 law that offered free passage and assistance upon arrival to desirable newcomers.[269] Law no. 1794 of January 4, 1913, provided loans for colonization and irrigation projects, but stipulated that colonists be white,[270] a requirement repeated in Law no. 9944 of April 25, 1944, and the Supreme Decree of May 4, 1949.[271] Finally, the Supreme Decree of July 11, 1959 exempted Spanish immigrants from the mandatory immigration fees established in 1956, and the decree of November 3, 1960, did the same for Italians.[272] The preferences continued in the Supreme Decree no. 296-68-HC of August 14, 1968.

Peruvian legislation initially fomented Asian immigration, although subsequent policy fluctuated between preferences and restrictions. The Chinese Law of November 17, 1849, encouraged migration from China, paying those who introduced at least fifty immigrants to Peru 30 pesos per person.[273] Though this policy facilitated the entry of Chinese indentured servants, their passage and contracted work conditions in the Peruvian guano and agriculture industries were often akin to bondage. The Law of March 3, 1853, prohibited the entry of Chinese colonists who traveled to Peru in boats with illness, rebellion, or killings. By

November 19, 1853, the government ended its policy of payment for Chinese.[274] Acknowledging that "the Republic has been accused overseas of reducing the colonists to slavery," Law no. 1443 of July 9, 1854, gave authorities guidelines to protect the Chinese, but still declared them responsible for fulfilling the contracts into which they freely entered.[275] By 1856, the Law of May 5 prohibited the introduction of Asians with contracts into Peru, declaring that only those who were completely free could disembark.[276] This restriction was repealed in 1861, when a law passed on January 15 allowed Chinese immigrants entry if they arrived with contracts to work near the coast or in domestic service.[277] On July 26, 1874, Peru and China entered into a Treaty of Friendship, Commerce, and Navigation that established the right of free migration between both countries "for the purposes of curiosity, trade, labor or as permanent residents."[278]

Peru also facilitated Polynesian migration through the Supreme Decree of April 1, 1862 and the Supreme Resolution of February 20, 1863. However, in April 1863, Polynesian immigration was suspended.[279] Peru then turned to Japan as a source of labor. An 1898 presidential decree permitted Japanese immigration with four-year contracts.[280] On October 8, 1899, the Peruvian government approved a plan to bring almost 800 Japanese manual laborers to the country through a system that continued until 1923.[281]

In the twentieth century, however, policy toward Asians turned restrictive—this time beyond the coolie-specific regulations of the nineteenth century.[282] Despite the Peru–China treaty of 1874, a 1905 law allowed the executive to regulate the number of Chinese immigrants entering per year and to limit their employment to agriculture.[283] A 1908 decree additionally limited the migration of Chinese, prompting the Chinese government to protest that the restriction violated the terms of the 1874 treaty.[284] Nevertheless, with the Supreme Decree of May 14, 1909, Peru suspended Chinese migration. Exceptions allowed the reentry of those who were absent when legislation passed, those who showed they had at least 500 libras, and former residents of Peru. The May 14 law was repealed the same year it was passed due to the Protocol Porras-Wu Ting Fang of August 28, 1909, in which China voluntarily restricted its citizens' emigration to Peru along the lines of the U.S.-Japanese "Gentlemen's Agreement" model. Three bilateral treaties between 1932 and 1936 allowed the entry of former Chinese residents and the spouses of Chinese residents.[285] Because of continued Chinese entry with falsified documents, the 1909 Protocol was dissolved by the Peruvians in 1939. It was replaced with another accord, the Agreement with China on

the Control Regimen of Chinese Immigrants, on June 10, 1941, which was in force through at least 1954.[286] The Supreme Decree of June 26, 1936 created a quota system that most affected Japanese, given that they were the largest immigrant group in Peru. The legislation did not specify race or national origins, but rather capped entry equally for each nationality. It also declared that the state would safeguard the ethnic patrimony of the nation. According to a 1952 report from the U.S. embassy in Lima, however, the quota was only enforced against Asian immigrants.[287]

Restrictions in Peruvian immigration policy extended to *gitanos* as well. A law passed on October 10, 1919, for example, declared that Peru would pay for the passage of immigrants of the white race who were not *gitanos*.[288] Article 8 of the May 15, 1937, Supreme Decree no. 417 prohibited the entry of *gitanos*.[289] This exclusion was reiterated in Article 8 of Supreme Decree no. 506-RE of September 22, 1956,[290] which was in effect until 1992.[291]

Ethnically "undesirable" immigrants also faced a series of health-related laws that sought to limit their entry. A November 21, 1907, law established that if Chinese or Japanese arrived without a *pasaporte sanitario,* or health passport, they could only disembark if cleared by the head of the health inspection station in Callao. Per a November 25, 1910, law, *gitanos* or *zíngaros* were restricted from entering Peru based on sanitary conditions. On December 9, 1920, another law specified that Chinese and Japanese migrants must have health certificates in order to enter the country. Finally, on November 27, 1929, legislation declared that all Chinese and Japanese must pass through the health inspection station in Callao, as Peru's other ports were not equipped to examine these immigrants.[292]

Latin Americans and Spaniards were the beneficiaries of preferential citizenship policy. The Law of October 4, 1821, extended citizenship to those from independent Latin American states, for example.[293] The constitutions of 1823, 1826, and 1828 continued citizenship advantages for Latin Americans.[294] By 1839, the constitution included Spaniards along with "those birth citizens of Hispanic-American Republics" in its preferential citizenship provisions. The Constitution of 1856 did not reiterate these conditions, though they were included in the Constitution of 1860 before being eliminated again in the Constitution of 1867.[295] The recognition of dual nationality emerged in the Constitution of 1933, which allowed only Spaniards the right to maintain their birth nationality if naturalizing in Peru.[296] Law no. 9148 of June 14, 1940, reiterated this preference for Spaniards,[297] and the Constitution of 1979 extended dual

nationality rights to Latin Americans as well.[298] Legislative Resolution no. 13283 of December 15, 1959, approved an agreement with Spain on dual nationality.[299] While the agreement has been modified, it remained in effect in 2011.[300]

Uruguay

Immigration policy in Uruguay promoted the migration of Europeans beginning in the mid-nineteenth century. In 1852, the Immigrant Protective Society was formed to advertise in Europe that Uruguay was a desirable destination.[301] A law passed on January 12, 1855, declared that the country was oriented to European immigration. Subsequent laws in 1884, 1890, 1902, and 1910 reiterated the focus on European immigration.[302] On May 14, 1952, the country signed an immigration treaty with Italy that advanced the cost of passage for Italians committed to spending at least thirty months working in Uruguay.[303]

Discriminatory Uruguayan immigration policy began on June 18, 1890, when article 26 of Law no. 2096 "absolutely prohibited" Asian, African, Bohemian, and *gitano* entry.[304] The decree of October 3, 1902, declared the importance of prohibiting "elements harmful to the mass of our population" and defending the country against "all damaging influences such as inferior races."[305] Several modifications were made to the law of June 18, 1890. First, on June 5, 1905, successful Syrian Lebanese immigrants protested against having been categorized as Asians. The petition they presented to the Senate resulted in Law no. 3051 of June 23, 1906, which declared that the intent of the 1890 Asian prohibition was not to include Syrians from the Asia Minor region.[306] Next, a law passed on February 18, 1915, slightly modified the exclusions present in the 1890 policy: it made no mention of Bohemians, prohibited *gitanos,* and restricted Asians and blacks by allowing immigration authorities to use their judgment in deciding whether to reject them at ports of entry.[307] By 1932, the decrees of September 15 and 16 added Bohemians and *gitanos* to the list of permitted immigrants that authorities could refuse at their discretion.[308] Discrimination in Uruguayan immigration policy continued until Law no. 9604 of October 13, 1936, when Article 11 substituted the existing ethnic and racial criteria with new health and work-related entry requirements.[309] In addition to these limitations on particular immigrant groups, a series of laws passed between 1932 and 1937 required newcomers to have particular sums of money in their possession in order to enter Uruguay.[310] These measures did not directly mention Jewish immigrants or other potential undesirables. However, a December 17, 1938,

circular from the Minister of Exterior Relations ordered consulates not to give visas to Jews from Axis countries.[311]

Uruguay is unique in Latin America in that it did not create advantages for the naturalization of particular ethnic groups. Neither did it develop restrictive citizenship provisions for undesirable immigrants, though such a measure was considered during discussions of the 1934 constitution. Article 36 stated that "immigration should be regulated by law, but in no case will immigrants have physical, mental, or moral defects that could be harmful to society." Participants in the National Convention had argued that the article should exclude based on racial defects as well because "our race runs the risk of degenerating due to bad immigration," but ultimately, the racial provision was not incorporated.[312]

Venezuela

In the first half of the nineteenth century, Venezuela promoted European immigration. As part of Gran Colombia through 1830, Venezuela was bound by the union's 1823, 1826, and 1830 policy preferences for Europeans and *americanos*.[313] As an independent state, it passed a series of decrees to promote the migration of Europeans and Canary Islanders beginning in 1831.[314] The Law of May 10, 1854, repealed the 1845 legislation and did not reiterate any preferences for these groups,[315] but a series of colonization decrees through the end of the century favored agriculturalists and farm workers from Western Europe. The government set up information agencies in Europe to facilitate these flows, and the Immigration Board used Circular no. 7 of 1874 to direct consuls to promote the migration of hard-working, moral Europeans.[316] On June 8, 1912, a law permitted private companies to bring European immigrants to Venezuela, and a similar law was approved in 1918.[317] Venezuela's 1936 and 1945 constitutions stated that the nation would foment European immigration.[318] Finally, the Law of Immigration and Colonization of 1966 included a preference for Europeans. Article 13 declared that the "National Executive will assign immigration agents in Europe, the Canary Islands, and other areas that are considered advantageous."[319] This provision remained in place until April 17, 2004, when it was repealed by the Law of Foreigners and Migration.[320]

During a brief period in the latter half of the nineteenth century, Venezuela facilitated the migration of Asians and blacks, two groups against which it later discriminated. A year after Venezuela abolished slavery, the law of May 18, 1855, promoted Asian immigration for labor

in agriculture and domestic service. These immigrants were given four-year contracts as well as government land.[321] Regulations issued on July 2, 1855, further specified the protection and privileges that the government would extend to Asians in Venezuela.[322] In 1865, Henry Price formed a colonization company with the intent of bringing Southern plantation owners and their former slaves from the United States to Venezuela to form a "confederate colony." The Venezuelan government passed a resolution to allow the project to proceed on September 13, 1866, with the Venezuelan ministry in Washington, D.C., responsible for contracting colonists.[323]

Discrimination in Venezuelan immigration law began on June 20, 1891, with the prohibition of the entry of Asians and those from the English and Dutch Antilles. The prohibition on Antilleans in practice sought to limit the entry of blacks.[324] Later restrictions were much broader. On July 8, 1912, the Law of Immigration and Colonization declared that "individuals not of the European race" would not be accepted as immigrants.[325] This exclusion was reiterated in the June 26, 1918, Law of Immigration and Colonization, with the exception that the immigration of individuals of the "yellow race of the Northern hemisphere"—likely a reference to Japanese—was permitted.[326] The June 22, 1936, version of this law banned all migrants who were not of the "white race."[327] Immigration discriminations continued with the August 3, 1937, Law of Foreigners, which maintained previous race-based prohibitions.[328] The bar on nonwhite migration endured until June 21, 1966, when that year's Law of Immigration and Colonization no longer included this provision.[329]

In the realm of citizenship law, in addition to the Gran Colombia legislation of 1821 and 1823 that facilitated naturalization for Latin Americans, Europeans, and North Americans,[330] a series of decrees between 1831 and 1845 offered preferences for Canary Islanders and other Europeans.[331] The executive decree of July 2, 1855, articulated preferable naturalization terms for Europeans as well as Asians.[332] During a period when all nonwhite immigration was prohibited, Venezuela's Law of Naturalization of July 18, 1955, declared that those who were legally able to enter and reside in the country could naturalize—the mirror opposite of the U.S. law from 1924 to 1952 that aliens ineligible to citizenship could not immigrate, but which achieved the same purpose in practice.[333] The Venezuelan measure remained in force until 1966.[334] Constitutions also extended more generous naturalization provisions to particular groups, beginning with the 1830 preference for those from the former Gran Colombia.[335] The Constitution of 1858

favored Latin Americans,[336] and those of 1864, 1893, 1904, 1947, and 1953 fomented the naturalization of Latin Americans and natives of the Spanish Antilles.[337] In the 1961 constitution, preferences were offered to Latin Americans and Spaniards.[338] The Constitution of 1999—as well as its 2009 reforms—included these groups along with Portuguese, Italians, and Caribbeans. This reformed constitution remained in place in 2011 and required that preferred groups reside in Venezuela for only five years before naturalizing rather than the ten years required of other immigrant groups.[339]

Abbreviations

AFL	American Federation of Labor
BC	British Columbia
CIO	Congress of Industrial Organizations
CMCR	Mexican Committee Against Racism
CPR	Canadian Pacific Railway
ICEM	Intergovernmental Committee on European Immigration
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IDI	Institut de Droit International
IEN	National Ethnic Institution
ILAL	Index to Latin American Legislation
ILO	International Labour Organization
MERCOSUR	Southern Common Market
MP	Member of Parliament
NSEERS	National Security Entry-Exit Registration System
PC	Privy Council
PIC	Independent Party of Color
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

Notes

1. Introduction

Epigraph: Roosevelt 1920 [1897], 280–81.

1. Alberdi 1899, 266. All translations in this volume are by the authors.
2. García González et al. 1999, 478.
3. Uniform Rule of Naturalization, 1 Stat. 103, sec. 1; Act of Feb. 28, 1803, ch. 10, 2 Stat. 205.
4. Gerstle 2001.
5. Freeman 1995, 884.
6. See Joppke 2005 on liberal-democratic countries of immigration.
7. Hall and Ikenberry 1989, 3; Hunt 2007, 20.
8. Lambert 1967, 267–8; Blaustein 1987; Rosenthal and Henkin 1990, 411–15; Peloso and Tenenbaum 1996.
9. Fukuyama 1989.
10. Freeman 1995, 112; Joppke 2005, 91.
11. Mills 1997, 2000; Stokes and Meléndez 2003.
12. Mill 1861, 75; Smith 1997, 84.
13. Cited in Scott 2008, 60.
14. Lake 2008.
15. Fredrickson 2002, 68.
16. Hartz 1955; Lauren 1996, 25.
17. King 2000.
18. Marx 1998, 2003; Mann 1999, 2005.
19. Ringer 1983; Smith 1997; Horton 2005.
20. Ringer 1983, 8.
21. Smith 1997, 15–16; see also Stokes and Meléndez 2003, 34.
22. Horton 2005, 4.

23. Peloso and Tenenbaum 1996; Centeno 2007.
24. Giddens 1971, 211.
25. Joppke 2005, 28.
26. See Joppke 2005 on Australia and Britain and Ongley and Pearson 1995 on New Zealand.
27. The Polity IV database (http://www.systemicpeace.org/polity/polity4.htm) is an index of political regime type by country and year that is widely used by comparativists. The democracy score (where 10 is the maximum and 0 is the minimum) in the year that explicit negative ethnic discrimination in immigration law ended was as follows: Chile (3), Uruguay (3), Paraguay (4), Cuba (4), Argentina (0). These countries were clearly less democratic then than the United States (scored as 10 during the entire twentieth century) and Canada (9 from 1888 to 1920 and 10 since 1921).
28. Orren and Skowronek 2004.
29. Arendt 1973, 278.
30. See Brubaker 1992 on the idea that states are membership as well as territorial organizations.
31. Brubaker 1992; Smith 1997; Hollifield 2014.
32. Joppke 2005, 28. See also Joppke 1999 for a critique of externalist accounts of immigration policy.
33. For a methodological critique of this approach, see Wimmer and Glick Schiller 2003 on "methodological nationalism" and the discussions in FitzGerald 2012 and Cook-Martín 2013, 9–13.
34. See Zolberg 1997 and McKeown 2008 on the spread of anti-Chinese laws; Timmer and Williamson 1998 on policies in major countries of settlement from 1860 to 1930; Huttenback 1976 and Lake and Reynolds 2008 on policies in the British Empire and its dominions; Aleinikoff 2002 on international law related to migration; Boswell 2008 on the EU; Betts 2011 on inter-state cooperation and the refugee regime; Karatani 2005 on the emergence of "refugee" as a legal category; Limoncelli 2010 on the sex trafficking regime; and Hansen and Weil 2001, Cook-Martín 2013, and FitzGerald 2005 on nationality law.
35. Finnemore 1996; Immergut 1998; Orren and Skowronek 2004.
36. Powell and DiMaggio 1991. For an empirical example, see the work of Thomas Janoski (2010), who argues that histories of colonization and settlement shape naturalization policy centuries later.
37. Pierson 2004.
38. See Finnemore 1996, 339–41.
39. See Abbott 2001 and Aminzade 1992 on sequencing.
40. See Peters 2005, 78 and Burawoy's 1989 critique of the comparative approach in Skocpol and Somers 1980.
41. See Dahl 1971 on pluralism, Fitzgerald 1996 on theories of the state in the study of international migration, and FitzGerald 2006 on pluralism in the study of migration.
42. Miles 1982; Calavita 1984; Calliste 1994.
43. Briggs 2001.

44. Foreman-Peck 1992.
45. Timmer and Williamson 1996, 30.
46. Feys 2010.
47. See Chapter 4 on Mexico and appendix, this volume.
48. U.S. Senate Immigration Commission 1911, 690–91.
49. See Chapters 3, 4, 5, and 7, this volume.
50. Milkman 2006.
51. See Chapter 3 on the United States, this volume.
52. Poulantzas 1975; Cashmore 1978.
53. See Chapter 6 on Mexico, this volume.
54. Omi and Winant 1994; Fan 1997; Quijano 2000; Delgado and Stefancic 2001.
55. Cf. Stoler 1995 and Fields 1990.
56. Bashford and Levine 2010, 158.
57. Ross 1901.
58. Stepan 1991; Barkan 1993.
59. Omi and Winant 1994; Stolcke 1995; Fan 1997; Delgado and Stefancic 2001.
60. For examples of this vast literature, see Telles 2004 on Brazil; Wade 2010 on Latin America; Massey and Denton 1993 and Katznelson 2005 on the United States.
61. Hing 2004.
62. Kohli, Markowitz, and Chavez 2011, 5–6.
63. Willsher, Kim. "France's deportation of Roma shown to be illegal in leaked memo, say critics," *The Guardian,* Sep. 13, 2010.
64. Zick et al. 2008.
65. Vala et al. 2006, 128–9.
66. See Chapter 3 on the United States, this volume.
67. Dahl 1971.
68. Knight 1998; Jansen 2011.
69. See Chapters 5, 6, and 7, this volume.
70. Helg 1990.
71. See, respectively, Vasconcelos 1925, Freyre 1943, Mariátegui 1928, Perón 1952.
72. See Schmitter 1974 on corporatism.
73. See Chapters 5, 6, and 7, this volume.
74. Gourevitch 1978, 911. See Manning 1977 on "intermestic" policy, Moravcsik 1997 on how domestic interests influence foreign policy in both democratic and non-democratic states, Putnam 1988 on "two-level games" involving the simultaneous reconciliation of both levels of policy, and Rosenblum 2004 on intermestic migration politics.
75. See Risse et al. 1999 and Haddad 2008 for constructivist approaches to refugee policy and Dobbin et al. 2007 on constructivist approaches to policy diffusion.
76. Bourdieu 1991, 2005. See also Cook-Martín 2013 and FitzGerald 2012. The concept of field could also be applied to the vertical dimension of

policymaking within a state, in which other governments or transnational actors affect policy.

77. See Weiner 1985, 1992; Mitchell 1992; Skrentny 2002; Rudolph 2006; Totten 2008; Givens, Freeman, and Leal 2009; Betts 2011; and Gabaccia 2012.
78. E.g. Rudolph 2006, 204.
79. Moya 2006, 21.
80. Betts 2009.
81. See the analysis of U.S. border enforcement policy in Andreas 2001, which draws on Goffman's (1959) notion of dramaturgical action.
82. Nye 2004; van Ham 2008.
83. Hansen and Weil 2001, 19; Halliday and Osinsky 2006.
84. Nye 2004.
85. Arguing that "diffusion" is by definition voluntary, Dobbin et al. 2007 (p. 454) exclude military coercion as a mechanism of diffusion. For a different classificatory scheme of "policy transfer" recognizing that levels of coercion lie on a continuum, see Dolowitz and Marsh 2000, 13.
86. See Chapters 3, 4, 5, and 6, this volume.
87. Weil 2008.
88. Dolowitz and Marsh 2000.
89. See Chapter 4 on Canada, this volume.
90. Meyer 1997.
91. Cf. Weyland 2005.
92. Powell and DiMaggio 1991.
93. Simmons and Elkins 2004.
94. See Weyland 2005, 275 on the puzzle of commonality in policy amid diversity.
95. See Chapter 2 on International Organizations, this volume.
96. See Haas 1992 on epistemic communities of experts.
97. Zolberg 2006, 206.
98. Timmer and Williamson 1998, 754.
99. Kanstroom 2007, 88–9 and the appendix, this volume.
100. Timmer and Williamson 1998, 754.
101. Horowitz 1985.
102. Joppke 2005.
103. Scott 2008.
104. See Chapters 3 and 7 on the United States and Brazil, this volume.
105. Von Eschen 1997, 125.
106. See Chapters 2 and 6 on international organizations and on Mexico, this volume.
107. Lauren 1996.
108. See Chapter 4 on Canada, this volume.
109. Füredi 1998; Skrentny 2002.
110. Lauren 1996, 140.
111. Cf. Twining 1995; Halliday and Osinsky 2006, 455.
112. Haas 1980.

113. See Guatemala entry in the appendix.
114. For each country, we begin coding in the year that it became independent. Excluded from the sample are the fourteen microstates of the Caribbean Basin that gained independence after World War II, because they have not held sovereignty for most of the study's period. For an analysis of the Caribbean cases, see Look Lai 2004 and Putnam 2013. While recognizing that in practice, temporary visas can function as the front line of immigration control given the prevalence of visa overstaying, in the interests of better isolating the type of permanent immigrant that governments attempt to select, we code immigrant admissions policies rather than admissions for temporary work, tourism, or business. By nationality laws, we mean laws passed at independence regulating who is a national and subsequent laws of naturalization. Our primary goal is to explain the development of these laws and policies, not to assess systematically how much they affected migration streams compared to other factors.
115. See Chapter 7 on Brazil and summary of Paraguayan law in the appendix, this volume.
116. Angus 1946, 382.
117. Joppke 2005.
118. All ascriptive categorical terms such as white, black, indigenous, Spanish, mestizo, coolie, etc . . . are contested and vary in their historical meanings and usage. We use such categories as a practical way to understand patterns of immigrant selection, not because the categories represent any biological reality.
119. See, for example, the contrast between Syrio-Lebanese seeking to be classified as whites in the United States through the courts, and in Uruguay seeking to avoid classification as Asians through the legislature (Chapter 3 on the United States and Uruguayan case in the appendix, this volume).
120. Pound 1910.
121. Skidmore 1999.
122. See Chapters 3, 4, 6, and 7, this volume.
123. 88 Stat. 1387.
124. Gilboy 1991; Heyman 1995; Goldsmith et al. 2009.
125. Baseler 1998, 14.
126. Moya 1998, 46; United Nations 2006; McKeown 2008, 47–8; Endoh 2009, 18; McKeown 2010, 98.
127. See Chapters 3, 4, 5, 6, and 7, this volume.
128. Santos de Quirós 1831, 21 (our translation). See also Loveman, 2014.
129. Andrews (2004, 57) summarizes the dates for the end of the slave trade, free womb laws, and final abolition in the Americas.
130. See Chapter 3 on the United States, this volume.
131. McKeown 2008, 13.
132. See Chapters 3 and 5 on the United States and Cuba, this volume.
133. Zolberg 1997.
134. The term "coolie" was first applied to indentured servant migration on the Indian subcontinent and later to Indian, Chinese, and other Asian bonded

labor migrations throughout the Pacific. While the term has often been used pejoratively, it captures a historically specific form of racialized labor that more generic terminology does not fully convey (Irick 1982, 3; Yun 2008, xix–xx).
135. Irick 1982; Kuhn 2008. See Chapter 5 on Cuba, this volume, for a discussion.
136. Kanstroom 2007, 105–6.
137. Irick 1982; Zolberg 1997; Kuhn 2008; McKeown 2008; Meagher 2008.
138. See the discussion of Panama in the appendix, this volume.
139. See Chapters 3, 4, 5, 6 and 8, this volume.
140. See Colombia case in the appendix, this volume.

2. The Organizational Landscape

1. Haas 1992, 2–3.
2. Finnemore 1996, 339–41.
3. Joppke 2005, 28.
4. Rygiel 2011, 194–6.
5. IDI, Projet de Déclaration internationale relative au droit d'expulsion des étrangers, 1888; IDI, Règles internationales sur l'admission et l'expulsion des étrangers, 1892.
6. Fletcher 2005.
7. Spiller 1911.
8. U.S. diplomats still exercised influence through allies like Brazil (Kelchner 1930, 6).
9. Limoncelli 2010.
10. Shimazu 1998.
11. Shimazu 1998, 28.
12. Lauren 2003, 99.
13. Lauren 1996, 120–23.
14. The League of Nations Commission that voted on the Japanese proposal included nineteen members. Japan, France, Italy, Brazil, China, Greece, Serbia, and Czechoslovakia had voted in favor of the amendment. The first three countries had two votes each. The British Empire, the United States, Portugal, and Romania did not vote and Belgium was absent.
15. Lauren 2003, 100. See Chapter 4, this volume, on the Canadian and Australian resistance to the racial equality clause.
16. Füredi 1998, 44.
17. Füredi 1998, 50.
18. Lauren 2003, 107.
19. ILO, Geneva, May 30–June 21, 1929, "Resolution concerning equality of treatment between national workers and coloured foreign workers," submitted by Mr. Ma Cheu Chun, Chinese Workers' Delegate.
20. Cited in Füredi 1998, 83.
21. Thomas and Thomas, 1963, 19.
22. Kelchner 1930.

23. Noel 1902, 195; Walters 1969; Pope Atkins 1999; Kinsbruner and Langer 2008, 859.
24. Thomas and Thomas 1963, 143.
25. Noel 1902, 195; Thomas and Thomas 1963.
26. Article 2. See Lawrence 1914, 1477.
27. On the Pan Americanist movement also see Castañeda 1956, Kunz 1945, and Whitaker 1945.
28. 8th International Conference of American States, Resolution XXXVI, 1939, 260.
29. 8th Pan American Conference, Resolution XLV, 1939, 268.
30. Lauren 2003, 121.
31. Oficina Internacional del Trabajo 1928.
32. Kelchner 1930, 179.
33. ILO Constitution 1921 and 1934, Art. 403.
34. On the right of member countries to bring complaints against other countries, see ILO Constitution 1921 and 1934, Art. 411. On the history of the ILO regime see Rodríguez-Piñero 2005.
35. ILO Constitution 1921, Art 396.
36. League of Nations, International Labour Office, Migration Series (1922, 1925, 1928a, 1928b, 1929). International Labour Organization, and Oficina Internacional del Trabajo, *Legislación social de América Latina* (1928). On the history of the Permanent Migration Committee see Böhning 2008.
37. Editorial in *Fraternidad* 7, No. 2 (México, DF, 1944), 3.
38. See Rodgers 1998.
39. On the development of statistical organizations in Europe and Latin America see Loveman 2014.
40. See Meyer et al. 1997.
41. Galton 1904.
42. Dikötter 1998, 467.
43. Bashford 2010, 158.
44. Lukens 2012, 55.
45. *Actas de la Primer Conferencia Panamericana de Eugenesia y Homicultura* (1927), henceforth Actas, I:59.
46. The debate and draft of the proposed Pan American Code appear in *Actas* (1927). The text of the Conference's recommendations appears in *Actas* 1927, 162–3.
47. Bashford and Levine 2010, 27.
48. Laughlin 1920.
49. The Harry H. Laughlin Papers (HHL Papers), Pickler Memorial Library, Truman State University, Box C-4-1:7.
50. Hochman, Lima, and Chor Maio 2010.
51. HHL Papers, Box C-2-4:20 (c. 1928).
52. Haas 1992, 27.
53. See HHL Papers, Box C-2-5:11.
54. Museo Social Argentino 1941, 248.
55. Lauren 2003, 101.
56. Editorial in *Fraternidad* 7, No. 2 (México, DF, 1944), 3.

57. See Chapter 7 on Brazil, this volume.
58. See appendix, Dominican Republic, this volume.
59. The American Jewish Committee 1945, 64.
60. Cited in Metz 1992, 135.
61. American Jewish Committee 1945, 64.
62. Metz 1992, 135.
63. Actas Primer Congreso Demográfico Interamericano (PCDI).
64. Gritter 2012.
65. For example, Jones 1947.
66. Actas PCDI, Resolution XII, Racial Prejudices. The persistence of a softer eugenics is in line with more recent scholarship on this topic (e.g., see Bashford 2010) and qualifies previous views that after the Second World War eugenics was so discredited that the movement faltered (e.g., Stepan Leys 1991, 191).
67. Allen 1986.
68. Roberts 1946; Jones 1947.
69. See Chapter 6 on Mexico, this volume.
70. Barkan 1993.
71. Emergency Advisory Committee for Political Defense. Third Annual Report First Section, "A Study of Conditions Necessary to Assure Political Defense." Montevideo, Impresora Uruguaya, S. A., 1947, 20–21.
72. The title of this section is taken from Frazier's (1957, 229) citation of Coral Bell: "The UN is, indeed, one of the principal mechanisms by which race relations are transformed into international relations."
73. Lauren 2003.
74. Cited by Lauren 2003, 144.
75. When World War II started, of the nineteen independent countries in Latin America, only Brazil, Chile, Argentina, and Uruguay did not explicitly restrict Chinese immigration.
76. Füredi 1998, 10.
77. Lauren 2003, 158.
78. Füredi 1998, 14.
79. Lauren 2003, 161.
80. Lauren 2003, 163.
81. Lauren 2011, 169, 349.
82. Lauren 2003, 171.
83. United Nations Conference on International Organization 1945, *Documents of the United Nations Conference on International Organization*.
84. Morsink 1999; Glendon 2003; Wright-Carozza 2003.
85. John Humphrey was a Canadian legal scholar appointed as the first Director of the United Nations Division of Human Rights. He was not appointed by the Canadian government. (http://www.humphreyhampton.org/biography.html).
86. Füredi 1998, 191; Borstelmann 2001, 41; Anderson 2003, 49.
87. See UN Charter and Articles 1, 13, 55, 62, 68, 76 of the initial draft.
88. Lauren 1996.

89. Lauren 1996, 161–9; Lauren 2003, 204; Anderson 2003, 48, 86–8.
90. Montagu 1951.
91. Morsink 1999, 6.
92. Humphrey 1984, 32.
93. Morsink 1999, 131.
94. Humphrey 1984, 37.
95. Wright-Carroza 2003.
96. Morsink 1999, 92.
97. See the Declaration of Philadelphia (Section II) and International Labour Conference, Twenty-Sixth Session (Philadelphia 1944), Record of Proceedings (especially intervention by Mr. de la Rosa the Panamanian government delegate, pp. 126ff.). The intervention by the Chinese delegate decrying continued wage discrimination against African, Chinese, and Indian workers is also noteworthy (p. 128).
98. Editorial in *Fraternidad* 7, No. 2 (México, DF, 1944), p. 3.
99. International Labour Office, *Resolutions adopted by the Third Conference of the American States Members of the International Labour Organisation* (Mexico City, April 1946).
100. Article II, American Declaration of the Rights and Duties of Man, Adopted by the Ninth International Conference of American States, Bogotá, Colombia, 1948.
101. Anderson 2003, 131.
102. Ampiah 2007, ix.
103. Final Communiqué of the Asian-African Conference.
104. Lauren 1998, 213.
105. Indonesian Premier Ali Sastroamidjojo cited in Romulo 1956, 21.
106. Cited in Füredi 1998, 207.
107. Kahin 1955, 39.
108. Frazier 1957, 337.
109. "Sukarno invites Latin Association: Would put South American lands in Bandung Group", Robert Trumbull, *New York Times,* August 16, 1961.
110. Burke 2010.
111. Burke 2010, 69.
112. Burke 2010, 70–75.
113. Cited in Burke 2010, 70.
114. Burke 2010, 70–75.
115. See Table 2.1.
116. G. A. Res. 1904 (VIII), Article 4.
117. Meron 1985, 311–13.
118. Frazier 1957, 231.
119. Finnemore 1996, 339–41.

3. The United States

1. Tyrrell 1991, 1035; see also Lowenthal 1991.
2. Ringer 1983; de Tocqueville 1994 [1840]; Smith 1997.

3. Myrdal 1944, 25.
4. Higham 1994, 137.
5. Smith 1997, 470; Tichenor 2002, 27; Smith 1997, 470.
6. Texas Declaration of Independence (March 2, 1836).
7. Higham 1994, 6; Zolberg 2006, 133.
8. Jacobson 1998, 70.
9. Higham 1994, 143.
10. Smith 1997, 15–16.
11. Horton 2005, 4.
12. Fitzgerald 1996, 236; Ting 1995; Hing 2004; Ngai 2004.
13. Joppke 2005, 28.
14. Foreman-Peck 1992; Timmer and Williamson 1996.
15. Goldin 1994; Briggs 2001.
16. Shughart et al. 1986.
17. Tichenor 2002, 21–22.
18. Timmer and Williamson 1996, 24; Shugart et al. 1986; Shanks 2001, 236.
19. Fitzgerald 1996.
20. Zolberg 2006.
21. Tichenor 2002, 8.
22. Gimpel and Edwards 1999; Tichenor 2002; Skrentny 2002.
23. Loescher and Scanlan 1986.
24. Anno 13 Geo. II [1740], Cap. VII. See Kettner 1978.
25. The major exception was Charles I's concession of a Catholic colony in Maryland in 1632 (Baseler 1998, 56).
26. Klebaner 1958, 291–2; Baseler 1998; Kanstroom 2007, 45.
27. Baseler 1998, 80.
28. See Baseler 1998, 124–6.
29. Zolberg 2006, 79.
30. Baseler 1998, 227.
31. 1 Stat. 103, sec. 1.
32. Szajkowski 1970; Zolberg 2006, 83–7.
33. Zolberg 2006, 53–4.
34. Jacobson 1998.
35. Haney-López 1996, 61.
36. Ngai 2004, 41.
37. *Ozawa v. United States,* 260 U.S. 178 (1922).
38. Gordon 1945, 244.
39. *U.S. v. Bhagat Singh Thind,* 261 U.S. 204 (1923); Haney-López 1996, 67, 90–91.
40. *In re Rodriguez,* 81 Fed. (W.D. Tex. 1897); Hoffman 1974; Ngai 2004, 53–4.
41. Neuman 1993, 1870.
42. Act of Feb. 28, 1803, ch. 10, 2 Stat. 205.
43. 14 Stat. 27, sec. 1; U.S. Const. amend. XIV, §2; Dred Scott v. Sandford, 60 U.S. 393 (1857).

44. Hutchinson 1981, 57–8.
45. 16 Stat. 254, Sec. 7.
46. Miller 1975.
47. Saxton 1971; Hing 1993, 20–21; Briggs 2001, 35; Calavita 2001, 206; Tichenor 2002, 89; Zolberg 2006, 166.
48. Price 1974; Gyory 1998, 15; Briggs 2001.
49. *Congressional Record* 1882, 1482.
50. 1855 Cal. Stat. 194.
51. 1858 Cal. Stat. 295; 1862 Cal Stat. 462.
52. California Constitution [1879] Art. XIX.
53. 1891 Cal Stat. 185.
54. City and County of San Francisco. "Queue Ordinance." Order No. 1294 (1876).
55. City of San Francisco. Order No. 1569 (1880).
56. *Ho Ah Kow v. Nunan,* 12 F. Cas. 252, 256 (C.C.D. Cal. 1879) (Field, J.).
57. 118 U.S. 356 (1886).
58. *U.S. v. Wong Kim Ark,* 169 U.S. 649 (1898).
59. Cited in Scott 2008, 74–5.
60. 20 Cal. 534 (1862).
61. 92 U.S. 259 (1875); 92 U.S. 275 (1876); 130 U.S. 581 (1889).
62. Meagher 2008, 343–4.
63. Hutchinson 1981, 42.
64. 12 Stat. 340.
65. For example, see Gyory 1998, 138.
66. *Congressional Globe,* 1862, 37th Congress, 2nd session, 555–6.
67. 88 Stat. 1387. *Congressional Record* 1974: 12841; 34104; Senate Report No. 93–812, 2.
68. Burlingame Treaty of 1868, Art. V and VI.
69. Tichenor 2002; Zolberg 2006, 188.
70. 18 Stat. 477.
71. Lee 2010.
72. Hutchinson 1981, 73.
73. Cited in Scott 2008, 77.
74. 22 Stat. 826, Art. 1.
75. *Congressional Record* 1882: 1482.
76. *Appendix to the Congressional Record* 1882, 57.
77. *Congressional Record* 1882, 2552.
78. Hutchinson 1981, 82.
79. Gyory 1998, 253.
80. Gyory 1998.
81. Act of July 5, 1884, ch. 220, section 15. 23 Stat. 115.
82. 25 Stat. 504.
83. 27 Stat. 25.
84. 28 Stat. 1210.
85. 30 Stat. 750.
86. Commissioner of Labor on Hawaii 1902, 416–25.

87. "Chinese Exclusion in Puerto Rico." *New York Times*. Jan. 21, 1899; *Gaceta de la Habana,* Circular Order No. 13, May 15, 1902; "Examination of Citizens and Residents of Porto Rico and the Philippine Islands under Provisions of Immigration and Chinese Exclusion Laws." Treasury Department Circular no. 97 (1902).
88. Lee 2002.
89. 32 Stat. 176.
90. Hutchinson 1981, 128.
91. Cited in Scott 2008, 179.
92. Salyer 1995, 226; Calavita 2001.
93. Zolberg 1997.
94. Scott 1998, 64.
95. California Legislature 1878; *Congressional Record* 1882, 1483; *Appendix to the Congressional Record* 1882, 48.
96. Lake and Reynolds 2008, 176.
97. Zeidel 2004, 33.
98. "State of the Union Address," Theodore Roosevelt, Dec. 3, 1907.
99. Bailey 1940.
100. Lauren 1996, 99–100; Plummer 2003, 51.
101. Lauren 1996, 120–3.
102. Higham 1994.
103. 1819 Steerage Act, 3 Stat. 488; 1847 Passenger Act, 9 Stat. 128; 1855 Passenger Act, 10 Stat. 715; 1875 Page Law, 18 Stat. 477; 1882 Immigration Act, 22 Stat. 214, 1885 Contract Labor Law, 23 Stat. 332; 1891 Immigration Act, 26 Stat. 1084.
104. Ngai 2004, 18.
105. Zolberg 2006, 139, 153–64.
106. Totten 2008.
107. Banton 1987.
108. Jacobson 1998.
109. Higham 1994, 50–1; Tichenor 2002.
110. Zolberg 2006, 211.
111. Goldin 1994, 240.
112. Lake and Reynolds 2008, 62–3.
113. *Congressional Record* 28, 2817; Higham 1994, 142.
114. "President Grover Cleveland Veto Message," March 2, 1897.
115. "President William Howard Taft's Veto of a Literacy Test for Immigrants," February 14, 1913; "President Woodrow Wilson Veto Message," Jan. 28, 1915.
116. 39 Stat. 874.
117. Zeidel 2004, 134; Ly and Weil 2010.
118. Barkan 1992, 195.
119. Loescher and Scanlan 1986, xv.
120. Grant 1925.
121. Zeidel 2004.
122. Higham 1994, 311.

123. 42 Stat. 5 of May 19, 1921.
124. Divine 1957, 5–6.
125. 43 Stat. 153. A complete list of the quotas in 1921, 1924, 1929, 1952, and 1965 is in U.S. Bureau of the Census, *Statistical Abstract of the United States,* 1966. Washington, DC, pp. 92–3.
126. Divine 1957, 14–17.
127. Tichenor 2002, 145.
128. Hutchinson 1981, 484–5.
129. 43 Stat. 153. Sec. 11(d).
130. Divine 1957, 26–7.
131. Collings 1926, 83.
132. "Attacks Methods of Barring Aliens," *New York Times,* Nov. 6, 1921.
133. Ringer 1983, 795.
134. Cannistraro and Rosoli 1979, 680.
135. 43 Stat. 153. Sec 13 (c).
136. *Congressional Record* (Apr. 11, 1924), 6074.
137. Ringer 1983, ch. 16.
138. Ringer 1983, 829.
139. Hirobe 2001, 9; Geiger 2011, 288.
140. Hirobe 2001, 1.
141. Füredi 1998, 180.
142. Baldoz 2011, 157, 181.
143. Public Law 73–127, 1934.
144. 43 Stat. 153. Sec.4(c). Precedent for favorable treatment of immigrants from neighboring countries had been established at least as early as the Immigration Act of 1907 (34 Stat. 898), which exempted aliens from a $4 head tax if they were citizens of Canada, Newfoundland, Cuba, or Mexico. During the labor shortages of World War I, the U.S. government had waived the literacy tests, restriction on contract labor immigration, and head taxes to bring in 75,000 temporary workers from Mexico (Tichenor 2002, 169).
145. Zolberg 2006, 262.
146. 70 *Congressional Record,* S2817–2818 (daily ed. Feb. 9, 1928).
147. Foerster 1925.
148. Tichenor 2002, 171.
149. Hutchinson 1981, 214–18, 486; LeMay 2006, 13.
150. Lukens 2012, 47.
151. 68 *Congressional Record* S6623 (daily ed. Apr. 18, 1924).
152. 71 *Congressional Record* S6925–6926.
153. Divine 1957, 67.
154. Lukens 2012, 122.
155. 54 Stat. 1137. Ch. III, Sec. 303.
156. Divine 1957, 62.
157. Divine 1957, 78–9.
158. Hoffman 1974; Hernández 2010.
159. *Congressional Record* 1924 68:1:5945.

160. Putnam 2013, 89–90.
161. King 2000, 153–5.
162. Putnam 2013.
163. Weil 2001, 648.
164. Tichenor 2002, 158.
165. Zolberg 2006, 285.
166. Daniels 2006; Breitman and Lichtman 2013.
167. Myrdal 1944, 1016.
168. Borstelmann 2001, 80.
169. Hutchinson 1981, 483; King 2000; Lake and Reynolds 2008.
170. Ma 2000, 41.
171. Ma 2000, 42.
172. Leong 2003, 11.
173. Ma 2000, 45–6.
174. Ma 2000, 49.
175. Daniels 2006, 109.
176. Divine 1957, 150.
177. Ma 2000, 54.
178. Leong 2003, 7–8.
179. Leong 2003, 16.
180. Banton 1987.
181. Divine 1957, 151.
182. Divine 1957, 149, 151.
183. 57 Stat. 600.
184. Chinese War Brides Act, 60 Stat. 975; Act of July 22, 1947, 61 Stat. 401; Act on Alien Spouses and Children, 64 Stat. 464.
185. Divine 1957, 152–3.
186. 1946 Luce–Celler Act, 60 Stat. 416.
187. For a discussion of how the UN Charter more subtly influenced U.S. civil rights court decisions through the mid-1950s, see Lockwood 1984.
188. Chin 1996, 288.
189. Layton 2000, 4.
190. Dudziak 2000.
191. President's Committee on Civil Rights 1947, 32–3.
192. Lauren 1996, 167.
193. President's Committee on Civil Rights 1947, 110–11.
194. President's Committee on Civil Rights 1947, 147.
195. Horowitz 1985.
196. Anderson 2003, 222–3.
197. Von Eschen 1997; Dudziak 2000; Anderson 2003.
198. Skrentny 2002, 22.
199. 66 Stat. 163, Sec. 202b.
200. Divine 1957, 182.
201. Ngai 2004, 255–7.
202. Divine 1957, 180–81.
203. Zolberg 2006, 311–12.

204. Hutchinson 1981, 172.
205. Tichenor 2002, 191; Zolberg 2006, 315.
206. Divine 1957, 90, 156; King 2000, 237; Ngai 2004, 255.
207. Chin 1996, 294–95.
208. Divine 1957, 174.
209. Reprinted in President's Commission on Immigration and Naturalization 1953, 283.
210. Reprinted in President's Commission on Immigration and Naturalization 1953, 278.
211. Massey, Durand, and Malone 2002, 39–40. See Hutchinson 1981 for an account emphasizing the role of southern and eastern European interest groups.
212. Shanks 2001; Tichenor 2002.
213. President's Commission on Immigration and Naturalization 1953, xiv, 52, 88–94, 118–123.
214. President's Commission on Immigration and Naturalization 1953, 88.
215. Hing 1993, 39; Shanks 2001, 158.
216. Fitzgerald 1996, 226; Briggs 2001, 122; Tichenor 2002, 180.
217. Ngai 2004, 243, 346.
218. Dudziak 2000, 187.
219. Skrentny 2002, 54.
220. Shanks 2001, 165.
221. Chin 1996, 299.
222. *U.S. Congress, House of Representatives, Committee on the Judiciary, Immigration: Hearings before Subcommittee No. 1 of the Committee on the Judiciary, 88th Congress, 2nd Session* (Washington, DC: U.S. Government Printing Office, 1964), 385–408. See the discussion in Totten 2012.
223. *Hearings before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, United States Senate, 89th Congress, 1st Session on S. 500. Part 2*. Washington, DC: U.S. Government Printing Office, 1965, p. 10.
224. *Congressional Record* (Sep. 21, 1965), 24554.
225. *Congressional Record* (Sep. 21, 1965), 24556. See *Hearings before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, United States Senate, 89th Congress, 1st Session on S. 500. Part 2*. Washington, DC: U.S. Government Printing Office, 1965, pp. 812–25.).
226. Hutchinson 1981; Skrentny 2002.
227. Massey, Durand, and Malone 2002, 39.
228. *Congressional Record* (Aug. 25, 1965), 21783.
229. Gutiérrez 1995. Participation in the bracero program was restricted to "native-born residents of North America, South America, and Central America, and the islands adjacent thereto" (P.L. 45. Apr. 29, 1943, Sec. 5(g)).
230. Wolgin 2011, 42, 79.

231. Tichenor 2002, 206.
232. Skrentny 2002.
233. 79 Stat. 911, Sec. 202(a).
234. Sen. Hart proposed a hybrid quota system for the Eastern Hemisphere in his 1963 bill that would have taken into account a nationality's relative contribution to recent U.S. immigration and the absolute size of its population. The Western Hemisphere would have retained its quota exemption (Hutchinson 1981, 358).
235. Skrentny 2002, 55.
236. Joppke 2005, 59.
237. Gimpel and Edwards 1999, 103–7.
238. Ngai 2004, 258–61.
239. Zolberg 2006, 587.
240. 90 Stat. 2703.
241. Act of October 5, 1978, 92 Stat. 907.
242. Zolberg 2006, 335.
243. Wolgin 2011, 124.
244. 605 F.2d 978: *Silva v. Bell.*
245. Gimpel and Edwards 1999, 114; Massey, Durand, and Malone 2002, 43; Zolberg 2006, 343–44.
246. *Annual Report of the Visa Office 1966*. Table VIII, "Immigrant Visas Issued, 1957–1966." 27–29; *Annual Report of the Visa Office 2010*. Table III, "Immigrant Visas Issued by Foreign State of Chargeability or Place of Birth."
247. *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1965*. Volume II, entry 546, pp. 1037–40. Washington, D.C.: Government Printing Office, 1966.
248. Hing 1993; Ting 1995; Ngai 2004.
249. Winant 2001, 168.
250. Center for Immigration Studies 1995; Brimelow 1996, 76–8, 279–80; Buchanan 2006, 238.
251. Chin 1996, 278.
252. Skrentny 2002, 332.
253. E.g., Hing 2004.
254. Loescher and Scanlan 1986; Bon Tempo 2008.
255. 62 Stat. 1009. Sec. 12; "Statement by the President Upon Signing the Displaced Persons Act, Jun. 25, 1948;" *Whom We Shall Welcome* 1953, 104.
256. 67 Stat. 400.
257. 71 Stat. 639.
258. Wolgin 2011, 155.
259. Immigration and Naturalization Service 1964; Wolgin 2011, 162.
260. Goodwin-Gill and McAdam 2007; Loescher and Scanlan 1986, 83.
261. 89 Stat. 87; 90 Stat. 691; see Hing 2004, 236.
262. Public Law 96–212, 94 Stat. 102. For a legislative history, see Anker and Posner 1981.
263. Bon Tempo 2008; Martin 2011.

264. 111 Stat. 2160. See Coffino 2006.
265. http://www.migrationinformation.org/datahub/charts/refugee2.cfm.
266. Loescher and Scanlan 1986, 177.
267. Price 2009, 186–7.
268. Fitzgerald 1996.
269. Department of State Bureau of Population, Refugees, and Migration. http://www.state.gov/j/prm/releases/statistics/184843.htm.
270. Law 2002, 11–12; Wolgin 2011, 166.
271. Statement of Philip O'Rourke, U.S. House, Committee on the Judiciary, Subcommittee No. 1, *The Effect of the Act of October 3, 1965 on the Immigration from Ireland and Northern Europe,* 1969, p. 30.
272. 100 Stat. 3359.
273. *Immigration and Nationality Act with Notes and Related Laws, Prepared for the use of the Committee on the Judiciary of the House of Representatives,* 10th Edition, 1995:409.
274. Joppke 2005, 7.
275. 104 Stat. 4978, Sec. 203(c). For a legislative history, see Jacob 1992.
276. 104 Stat. 4978, Sec. 132 (c).
277. http://travel.state.gov/pdf/1318-DV2012Instructions-ENGL.pdf.
278. *Congressional Record* (Jul. 12, 1989), 14312.
279. Joppke 2005, 78.
280. Wardle 2005, n98; Law 2002, 21–2.
281. Hing 2000. See also Ting 1995.
282. DHS 2010 *Yearbook of Immigration Statistics*.
283. 100 Stat. 3359, Sec. 201(d)(1).
284. Martin 2011, 215.
285. González Baker 1997, 8–9.
286. González Baker 1997, 11.
287. Spener 2009, 16; Winant 2001, 168.
288. Calavita 1984; Burawoy 1976.
289. 104 Stat. 4978. U.S. State Department Visa Bulletin for September 2012. http://www.travel.state.gov/visa/bulletin/bulletin_5759.html.
290. Pantoja et al. 2008.
291. Martin 2011, 283.
292. http://www.migrationinformation.org/USfocus/display.cfm?id=607.
293. 110 *Congressional Record* S5672 (daily ed. May 7, 2007).
294. http://www.cis.org/kammer/menendez-2011-bill.
295. Gimpel and Edwards 1999, 306.
296. Briggs 2001, 3–4; Higham 1994, 45.
297. Gimpel and Edwards 1999, 46.
298. See "Proposed Point System and Its Likely Impact on Prospective Immigrants," http://www.migrationpolicy.org/pubs/PointsSystem_051807.pdf.
299. U.S. Department of State. 2011. http://www.travel.state.gov/pdf/Cut-off_Dates_Mexico_online.pdf, http://www.travel.state.gov/pdf/Cut-off_Dates_worldwide_online.pdf, and http://www.travel.state.gov/pdf/Cut-off_Dates_Philippines_online.pdf.

300. Passel 2005, 3.
301. http://travel.state.gov/visa/temp/without/without_1990.html.
302. http://www.cbp.gov/xp/cgov/travel/id_visa/citizens/faq_lp.xml.
303. *Reno v. American-Arab Anti-Discrimination Committee,* 525 U.S. 471, 491 (1999).
304. Alden 2008; Orgad and Ruthizer 2009; Peek 2011.
305. Calculated from Table 3, DHS *Yearbook of Immigration Statistics* 2010 and Table 3, INS *Yearbook of Immigration Statistics* 2000.
306. Jacobson 2008.
307. *New York Times,* "California's Prop 187," http://www.nytimes.com/1994/10/15/opinion/l-california-s-prop-187-538400.html (accessed Jul. 26, 2011).
308. Johnson 1995, n144.
309. *LULAC v. Wilson,* 908 F. Supp. 755 (C.D. Cal. 1995); *Gregorio T. by and through Jose T. v. Wilson,* 59 F.3d 1002 (9th Cir. 1995); *LULAC v. Wilson,* 997 F. Supp. 1244 (C.D. Cal.1997). See the discussion in Barkan 2003.
310. National Conference of State Legislatures. "2011 Immigration-Related Laws and Resolutions in the States (Jan. 1–Dec. 7, 2011)." http://www.ncsl.org/issues-research/immig/state-immigration-legislation-report-dec-2011.aspx. See also Varsanyi 2010.
311. Johnson 2010.
312. 567 U.S., *Arizona et al. v. U.S.* (2012) p. 1.
313. "Motion of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru and Uruguay for Leave to Join the United Mexican States as *Amici Curiae* in Support of Respondent," No. 11–182, *Arizona et al. v. U.S.,* March 26, 2012, p. 4.
314. Kanstroom 2007.
315. DHS. 2010. "Immigration Enforcement Actions: 2009," Washington, DC: DHS.
316. *United States v. Brignoni-Price,* 422 U.S. 873 (1975).
317. Zolberg 2006.
318. Hutchinson 1981; Skrentny 2002.

4. Canada

1. See Figure 2 in the Introduction, Chapter 1, this volume.
2. Hawkins 1989, 38.
3. Chui et al. 2007.
4. Britain had similar policies in its Caribbean colonies (Putnam 2013) and Australia (Lake 2008).
5. Brawley 1995, 288.
6. Collins 1984, 6.
7. Macdonald 2008, 230.
8. Hawkins 1989, 248–9.

9. Reimers and Troper 1992, 17.
10. Goutor 2007; Chang 2009.
11. Cashmore 1978; Avery 1995, 234; Kelley and Trebilcock 2010, 463–4.
12. For counter examples, see McLaren 1990, 48.
13. Hawkins 1989, 248–9.
14. Knowles 2007, 17, 22, 33; Kelley and Trebilcock 2010, 29.
15. Galloway 1997, 9; Kelley and Trebilcock 2010, 38.
16. Knowles 2007, 67.
17. Dirks 1977, 22–4; Kelley and Trebilcock 2010, 39.
18. Kaufman 2009.
19. Huttenback 1976, 23; Ryder 1991.
20. "Immigration Act of 1869," *Statutes of Canada* 1869, 32–47.
21. Galloway 1997, 9–10.
22. Poy 2003, 50.
23. Con et al. 1982, 20–21; Avery 1995, 43–6; Galloway 1997, 10–11; Ward 2002, 17.
24. Bolaria and Li 1988, 10.
25. Hawkins 1989, 19; Ward 2002, 35.
26. Ward 2002, 34.
27. Goutor 2007, 3.
28. Hawkins 1989, 10; Chang 2009.
29. Goutor 2007.
30. Ward 2002, 30–31.
31. Ward 2002, 36.
32. Quoted in Lauren 1996, 41.
33. Knowles 2007, 72.
34. Ward 2002, 39.
35. The Chinese Immigration Act, 1885, S.C. 1885, c. 71.
36. Knowles 2007, 71–2.
37. Ward 2002, 42.
38. S.C. 1885, c. 40.
39. *Report of the Royal Commission on Chinese and Japanese Immigration* 1902, 327; *Report of the Royal Commission Appointed to Inquire into the Methods by Which Oriental Labourers Have Been Induced to Come to Canada* 1908, 31, 48; Ward 2002, 107.
40. Ward 2002, 66, 85, 98; Goutor 2007, 28, 68, 72.
41. Ryder 1991, 620, 676; Fetherston 1996.
42. Huttenback 1976, 269–73; Ward 2002, 55.
43. Quoted in Lake and Reynolds 2008, 130.
44. Huttenback 1976, 154, 166; Martens 2006, 333–4.
45. An Act to amend the Immigration Act, S.C. 1919, c.25.
46. Martens 2006, 338; Lake and Reynolds 2008, 131.
47. R.S.C. 1906, c. 93.
48. Avery 1995, 52; Jakubowski 1997, 14–15.
49. Select Standing Committee on Agriculture and Colonization 1928, 68; Kelley and Trebilcock 2010, 151.

50. S.C. 1910, c. 27.
51. Hawkins 1989, 18–19.
52. Jakubowski 1997, 14–15.
53. *Report of the Royal Commission on Chinese and Japanese Immigration* 1902, 19, 239, 244–62, 279.
54. See Zolberg 2003 on "remote control."
55. S.C. 1903, c.8.
56. Lee 2003.
57. *Report of the Royal Commission Appointed to Inquire into the Methods by Which Oriental Labourers Have Been Induced to Come to Canada* 1908, 20–25; Huttenback 1976, 182–91; Brawley 1995, 49–52; Ward 2002, 65; Chang 2009.
58. Avery 1995, 51–2.
59. Avery 1995, 50–52.
60. Goutor 2007, 29.
61. Hill 1981.
62. Avery 1995, 88; Kelley and Trebilcock 2010, 158–9.
63. Knowles 2007, 118–9.
64. Calliste 1994.
65. Calliste 1994.
66. Avery 1995, 25; Knowles 2007, 93; Goutor 2007, 123–8; Kelley and Trebilcock 2010, 54.
67. Fowke 1946, 183; Knowles 2007, 88.
68. Select Standing Committee on Agriculture and Colonization 1928, 150–51; Avery 1995, 25.
69. Select Standing Committee on Agriculture and Colonization 1928, 107.
70. Kelley and Trebilcock 2010, 141.
71. War Measures Act (R.S.C. 1927, c. 206).
72. An Act to amend the Immigration Act, S.C. 1919, Sec. 38 (C); P.C. 1203 [1919]; Cashmore 1978, 418.
73. P.C. 1204, June 1919.
74. P.C. 1181, June 1922; P.C. 418, March 17, 1926.
75. Buckner 2008, 115.
76. Veatch 1975, 8.
77. Brawley 1995, 41.
78. Goutor 2007, 29–30, 78.
79. Avery 1995, 43.
80. Avery 1995, 87; Ward 2002, 124.
81. Con et al. 1982, 141; Avery 1995, 87; Ward 2002, 133.
82. S.C. 1923, c.38.
83. Hawkins 1989, 19–20; Kelley and Trebilcock 2010, 209.
84. Poy 2003, 104–5.
85. Statistics Canada. http://www65.statcan.gc.ca/acyb02/1947/acyb02_19470136011-eng.htm; An act to amend the Immigration Act and to repeal the Chinese Immigration Act, S.C. 1947, c.19.
86. Price 2011, 31.

87. Brawley 1995, 103–4.
88. Brawley 1995, 157.
89. P.C. 2115 of September 16, 1930.
90. Kaprielian-Churchill 1990.
91. Statistics Canada. http://www65.statcan.gc.ca/acyb02/1947/acyb02_19470136011-eng.htm.
92. The Privy Council is a group of Canadian officials appointed by the Governor General to advise the monarch. See Huttenback 1976, 268.
93. Naturalization Act (1914, Ch. 44.).
94. Mar 2010, 136.
95. P.C. 1378 of June 17, 1931.
96. P.C. 1760 of August 13, 1934; Hancock 1937, 96.
97. S.C. 1920, c.46.
98. S.B.C., 1920, c.27; S.S. 1908, c.2; Dominion Election Act S.C. 1948, c.46, s.6. See Hawkins 1989, 21.
99. Angus 1934, 82.
100. MacKenzie 1937, 74.
101. Select Standing Committee on Agriculture and Colonization 1928, 351.
102. Smith 1920; McLaren 1990, 60.
103. P.C. 183 of January 31, 1923, limited immigration to farmers with sufficient means to begin farming; contracted agricultural laborers; female domestic servants; U.S. citizens whose labor was required; British subjects from Newfoundland, Ireland, New Zealand, Australia, and South Africa with the means to maintain themselves; and wives and minors of Canadian residents.
104. Hawkins 1989, 27.
105. Select Standing Committee on Agriculture and Colonization 1928, 28, 272–93, 732–4; Avery 1995, 98–9.
106. Select Standing Committee on Agriculture and Colonization 1928, viii, 342.
107. P.C. 534 of April 8, 1926.
108. Select Standing Committee on Agriculture and Colonization 1928, vi, 107.
109. Select Standing Committee on Agriculture and Colonization 1928, 68.
110. Select Standing Committee on Agriculture and Colonization 1928, 23–4.
111. Select Standing Committee on Agriculture and Colonization 1928, 47.
112. Abella and Troper 1983, 5.
113. Dirks 1977, 41–2.
114. P.C. 695 on March 21, 1931.
115. Dirks 1977, 51–4, 61; Abella and Troper 1982, vi, 5, 16–17, 51.
116. Dirks 1977, 58.
117. See Chapter 5 on Cuba, this volume.
118. War Measures Act (R.S.C. 1927, c. 206).
119. E.g., *Hansard,* April 5, 1946, p. 645; April 9, 1946, p. 725; June 4, 1946, p. 2216.
120. *Hansard,* May 14, 1946. p. 1549.

121. Knowles 2007, 153. On the U.S. case, see Ngai 2004.
122. P.C. 2908 of January 1947; P.C. 4364 of September 14, 1950; P.C. 3689 of July 31, 1952.
123. Price 2011, 75.
124. McEvoy 1982, 26–9; Brawley 1995, 198.
125. Brawley 1995, 180–1.
126. Angus 1946, 380.
127. Brawley 1995, 180–1.
128. McEvoy 1982, 35.
129. Bangarth 2003, 404–5.
130. McEvoy 1982, 36.
131. McEvoy 1982, 37.
132. Kelley and Trebilcock 2010, 326.
133. *Hansard* (May 1, 1947) 2644–6. When An Act to Amend the Immigration Act and to Repeal the Chinese Immigration Act (1947, Ch. 19, 107–9) repealed the 1923 act and P.C. 1378, the regulation of Chinese immigration reverted to the 1930 order-in-council P.C. 2115 that prohibited immigration "of any Asiatic race" with the exception of Canadian citizens' wives and unmarried children younger than eighteen.
134. Con et al. 1982, 211.
135. S.C. 1946, c. 15.
136. *Hansard* (April 30, 1946), 1175.
137. Hawkins 1989, 165.
138. Dirks 1977, 128–9.
139. Abella and Troper 1982, 231–2.
140. P.C. 2071 of May 28, 1946.
141. *Hansard* (July 8, 1946), 3662.
142. Kelley and Trebilcock 2010, 318, 345.
143. P.C. 2180 of June 6, 1947; Dirks 1977, 154.
144. Dirks 1977, 156.
145. Knowles 2007, 164–5.
146. Price 2011, 146.
147. Brawley 1995, 239.
148. "Immigration Regulations, amended," *Canada Gazette* Part II, Jan. 8, 1958.
149. Lauren 1996, 242.
150. Satzewich 1991, 8, 147.
151. Quoted in Satzewich 1991, 125–6.
152. Satzewich 1991, 126–7.
153. Order-in-council P.C. 2856 of June 28, 1950; R.S.C. 1952, c. 325; P.C. 1953–859.
154. R.S.C. 1952, c. 325, Sec. 61(g) (i).
155. The age of admissible dependent children of Chinese was raised to twenty-one in 1951, and in 1954, in practice expanded to include children up to age twenty-five (Con et al. 1982, 212, 219–20). When the exclusions of Japanese immigrants were finally lifted in 1952 by order-in-council P.C.

3689, the regulation of immigration from Japan reverted to P.C. 2115 of 1930, which limited Japanese immigration to wives and minor children of a Canadian resident citizen who could care for his dependents. P.C. 2115 was not repealed until 1956 (SOR/56–180, Con et al. 1982, 220). Fiancées or aged parents of Asian citizens of Canada could immigrate from March 1957 onward, and the right of Asians in Canada to sponsor family members was extended from citizens of Canada to all legal residents in December 1957 (Corbett 1963, 168).

156. P.C. 785 of May 24, 1956.
157. P.C. 310 of March 19, 1959. See Corbett 1963 for an exhaustive analysis of family reunification preferences varying by region of origin and citizenship status in Canada.
158. Royal Commission on Canada's Economic Prospects 1956, 8.
159. Goutor 2007, 213.
160. Royal Commission on Canada's Economic Prospects 1956, 22–4.
161. Hawkins 1989, 38.
162. S.C. 1960, c. 44.
163. Hawkins 1989, 39.
164. *Hansard* (Feb. 27, 1962) 106:29, 1326–7.
165. P.C. 86 of Jan. 18, 1962.
166. *Hansard* (Jan. 19, 1962) 106:2, 9.
167. Hawkins 1989, 39.
168. Cashmore 1978, 423; Triadafilopoulos 2010.
169. Poy 2003, 174–5.
170. Green 1976; Triadafilopoulos 2010.
171. Satzewich 1991, 134.
172. Satzewich 1991, 133–4.
173. Satzewich 1991, 190–91; Avery 1995, 204.
174. Department of Manpower and Immigration 1966, 5–6, 17.
175. Avery 1995.
176. Avery 1995, 182–5.
177. Triadafilopoulos 2010, 193.
178. P.C. 1967–1616 of August 16, 1967.
179. Parai 1975, 463.
180. Hawkins 1989, 57.
181. S.C. 1976, c.52, Part I 3.f.
182. S.C. 2001, c. 27.
183. Citizenship and Immigration Canada. http://www.cic.gc.ca/english/resources/statistics/facts2012-preliminary/01.asp.
184. Basran 1983; Thobani 2000; Sharma 2006.
185. Satzewich 1991, 140–41; Bouchard and Carroll 2002, 247; Kelley and Trebilcock 2010, 364.
186. Kelley and Trebilcock 2010, 428.
187. Cashmore 1978, 423. See also Abu-Laban 1998, 76.
188. Thobani 2000, 51.
189. Kelley and Trebilcock 2010, 365.

190. Baglay 2012.
191. House of Commons 1984, 137 cited in Taylor 1991; Bouchard and Carroll 2002, 248–52.
192. Dauvergne 2005.
193. Citizenship and Immigration Canada. "Permanent Residents by Gender and Source Area." http://www.cic.gc.ca/english/resources/statistics/facts2011/permanent/07.asp and "Permanent Residents by Source Country." http://www.cic.gc.ca/english/resources/statistics/facts2011/permanent/10.asp.
194. Dirks 1977, 178–80; Hawkins 1989, 158; Galloway 1997, 17.
195. Citizenship and Immigration Canada. http://www.cic.gc.ca/english/department/media/backgrounders/2007/2007–06–20.asp).
196. Knowles 2007, 241.
197. Canadian Council for Refugees, "Bill C4—Comments on a bill that punishes refugees," Nov. 11, 2011. www.ccrweb.ca/files/c-4-brief.pdf.
198. Avery 1995, 181.
199. Preibisch and Binford 2007.
200. Hennebry and Preibisch 2010, 10.
201. Citizenship and Immigration Canada. Preliminary tables—Permanent and temporary residents, 2011, http://www.cic.gc.ca/english/resources/statistics/facts2011-preliminary/index.asp.
202. Alberta Federation of Labour 2009.
203. Piché et al. 2009, 198.
204. Sharma 2006.

5. Cuba

1. See Scott 2000 on the 1880 to 1886 transition.
2. Pérez 2003, 32.
3. Pérez 2003, 4.
4. Cédulas of Oct. 21, 1817, and Feb. 10, 1818. See Corbitt 1942, 281, and González-Ripoll Navarro 2004, 116.
5. Corbitt 1942, 287; Naranjo Orovio and García González 1996.
6. Casanovas 1998, 50.
7. Yun 2008, 12.
8. Pérez 2003, 30.
9. Real Hacienda 1845, 10; Art. 21, "Instrucción reglementaria de las formalidades para la llegada, circulación, y salida de gentes en esta Isla," Impr. del Gobierno y Capitanía General, Havana, 1849.
10. Royal Order of Oct. 21, 1817, sobre aumentar la población blanca de la Isla de Cuba. Habana: Imprenta del Gobierno y Capitanía general, 1828. There is no mention of Catholic requirements in the Ley de Extranjería of July 4, 1870.
11. Junta de Agricultura, Industria y Comercio de Matanzas 1864; Corbitt 1942, 291.
12. Naranjo Orovio and García González 1996.
13. Naranjo Orovio and García González 1996.

14. Royal Order of Sep. 16, 1853, and Royal Order of Sep. 7, 1856 (Reino de España 1930).
15. Meagher 2008, 39, 204; López 2013.
16. García Triana and Herrera 2009, 9, 12.
17. Corbitt 1944, 131.
18. *The Cuba Commission Report: A Hidden History of the Chinese in Cuba,* 1876; Wu 1938; Yun 2008, 21.
19. Cook-Martín 2013.
20. Corbitt 1942, 303–4; Levine 1993, 2; Carr 1998, 88.
21. Pérez 2003, 34–6, 43, 50–66, 96.
22. Pérez 1986, 30.
23. Circular no. 13, Division of Customs and Insular Affairs, Apr. 14, 1899. Reproduced in García Pedrosa 1936, 539.
24. "Immigration Regulations for the Island of Cuba." War Department, Division of Customs and Insular Affairs, Jun. 1, 1899. Washington: Government Printing Office; Wu 1938, 397; Benton 2009, xiv.
25. Military Order no. 155, May 15, 1902. Sec. VII and VIII. See Wu 1938 on later anti-Chinese laws.
26. Military Order no. 155, May 15, 1902. Sec. IV.
27. McLeod 2000, 29–30.
28. de la Fuente 1997, 33–4.
29. Guerra y Sánchez 1964, 72; Álvarez Estévez 1988, 20.
30. de la Fuente 1997, 31.
31. Pérez 2003, 164.
32. Losada Álvarez 2001, 319.
33. Pérez 1986, 152.
34. Pérez 1986, 188, 228; de la Fuente 1997; Lipman 2009, 26.
35. Pérez 1915.
36. Pérez 1915, 258; Naranjo Orovio and Pettinà 2010, 121; Colby 2011, 154.
37. Chomsky 2000, 426; Bronfman 2004, 41–2.
38. Naranjo Orovio and García González 1996; García González et al. 1999; Bronfman 2004.
39. Carr 1998, 88.
40. Pérez 1986, 61.
41. Chomsky 2000, 428.
42. de la Fuente 1997, 37–43.
43. *Diario de las Sesiones* (Aug. 10, 1921), 12–23; Helg 1990, 109; Chomsky 2000, 427–9.
44. Constitution of Cuba, 1901, Art. 11.
45. García Triana and Herrera 2009, 14.
46. Helg 1990.
47. de la Fuente 2001.
48. Pérez 2003, 116.
49. "Circular of the Secretary of the Treasury of Oct. 13, 1903," reproduced in García Pedrosa 1936, 553.

50. Archivo Nacional de la República de Cuba (ANRC), Presidencia, 115:88, Nov. 8, 1906, Nov. 20, 1906, and Jan. 24, 1907.
51. Wu 1938; Gott 2004.
52. ANRC, Presidencia [Sept. 1, 1909] 121, 83. Naranjo Orovio and García González 1996, 104, cite a similar 1913 report from the Director of Health.
53. Corbitt 1971, 95.
54. de la Fuente 1997, 33–4.
55. McLeod 2000, 34–5.
56. Law of July 11, 1906: Fomento de la Inmigración y Colonización por Familias reproduced in García Pedrosa 1936.
57. Álvarez Estévez 1988, 23; McLeod 2000, 37.
58. ANRC, Presidencia, 120, 73, nd.
59. Naranjo Orovio and García González 1996.
60. Chomsky 2000, 426.
61. "Inmigración y movimiento de pasajeros en 1906–1907." Habana: Secretaría de Hacienda, 1907.
62. Jul. 9, 1906, letter from Edwin V. Morgan in American Legation in Havana to Sec. of State.
63. Pérez 1986.
64. ANRC, Presidencia [Feb. 5, 1907] 21, 8.
65. ANRC, Presidencia 115, 101.
66. ANRC, Presidencia [Feb. 22, 1910] 115, 103, "Informe de Sotero Figueroa al Secretario de Gobierno y el Secretario de Agricultura, Comercio y Trabajo".
67. Corbitt 1942, 306; Decree no. 743 of 1910 in Cervantes-Rodríguez 2010, 123.
68. de la Fuente 1997, 33.
69. Pérez 1986, 151.
70. Helg 1990.
71. *Diario de Sesiones* (Dec. 4, 1912), 68. Art. 17 and 18. A 1910 proposal for a new immigration law proposed by seven congressmen would have banned "Asian and African immigration and that of individuals generally known by the name of *húngaros* and *bohemios* [likely a reference to Roma]," but the law never passed (*Diario de Sesiones,* May 6, 1910, 90).
72. Corbitt 1942, 306–7; de la Fuente 1997, 33–4.
73. Chomsky 2000, 436.
74. A 1913 Cuban presidential decree offered $5 a head only for "white European workmen" demobilized in Panama who were willing to relocate to eastern Cuba. See Decree no. 999 of Oct. 23, 1913; *Gaceta Oficial,* Oct. 30, 1913; and Colby 2011, 121.
75. Chomsky 2000, 437.
76. de la Fuente 2001, 102; Lipman 2009, 26.
77. Chomsky 2000, 439.
78. de la Fuente 2001, 102; Casey 2012.
79. Álvarez Estévez 1988, 86.

80. *Diario de Sesiones* (Jul. 10, 1917), 50.
81. Law of Aug. 3, 1917. *Gaceta Oficial,* Aug. 4, 1917. See the debate in *Diario de Sesiones* (Jul. 10, 1917), 39, 43.
82. Decree no. 2254 of Dec. 12, 1921. *Gaceta Oficial,* Dec. 16, 1921.
83. Corbitt 1942, 307; Álvarez Estévez 1988, 48; McLeod 2000.
84. Corbitt 1971, 97; McKeown 2008, 327–8.
85. Corbitt 1971, 102–3.
86. McKeown 2008, 327–8.
87. Decree no. 559 of May 8, 1924; Wu 1938, 404.
88. All quotations have been retranslated into English.
89. "Russians" were typically targeted in Latin American immigration law because they were suspected of being Jews, Communists, and/or radicals.
90. ANRC, Presidencia [Nov. 27, 1930] 121, 67.
91. García González and Álvarez Peláez 2007.
92. HHL Papers, Box C-2-4:20.
93. García González and Álvarez Peláez 2007, 173, 229.
94. ARNC, Presidencia [Mar. 7, 1930] 48, 42.
95. *Diario de Sesiones de la Cámara de Representantes,* Jun. 25, 1931.
96. Circular 11940 of May 15, 1931.
97. Bejarano 1993.
98. See Wimmer 2008 on ethnic boundaries.
99. Carr 1998, 83.
100. Whitney 2000, 436–67.
101. Decree no. 2583 of Nov. 8, 1933, Ley Provisional de Nacionalización del Trabajo. A 1937 court decision declared hiring discrimination against naturalized Cubans to be unconstitutional, but retained the rest of the law (Sentencia no. 29 of Apr. 17, 1937, Tribunal Supremo de Justicia. See Álvarez Tabío 1981, 177).
102. Pérez 1986, 163.
103. Putnam 2013, 109.
104. Decree no. 2232 of Oct. 18, 1933, reproduced in García Pedrosa 1936, 517.
105. de la Fuente 2001, 104.
106. Whitney 2000, 459.
107. Whitney 2000, 433–44.
108. ANRC, Presidencia (Jun. 29, 1934). See also McLeod 2000.
109. See Putnam 2013 for a similar account of British diplomatic representation of Antillean migrants in Venezuela.
110. Whitney 2000, 443.
111. Whitney 2000, 447.
112. In November 1936, President Miguel Mariano Gómez called on the Cuban Congress to finally pass a quota law that would take into account "the quality of the immigrant, considering his possibilities of adapting to the country and especially its 'standard of living,' so that the immigrant workers would not come to disloyally compete with the native or naturalized Cuban." (*Diario de Sesiones de la Cámara de Representantes,* Nov.

2, 1936, 48). However, with the economy in shambles, immigration to Cuba already was practically over, and no such bill ever passed.
113. Decree no. 55 of Jan. 13, 1939; *Gaceta Oficial* Jan. 16, 1939: 1097.
114. Levine 1993, 83.
115. ANRC, Presidencia 121, 79, "Informe sobre la protección a los inmigrantes judios." Dr. Nicasio Silverio, Jefe Superior de Ciudadanía y Migración, Oct. 26, 1938.
116. ANRC, Secretaría de la Presidencia [Aug. 7, 1936] 7, 60; Levine 1993, 103.
117. A second wave of an estimated 3,000 Jewish refugees arrived between mid-1941 and early 1942. Abella and Troper 1982, 63; Levine 1993, 102–33; Breitman and Lichtman 2013, 138.
118. Bronfman 2004, 178.
119. ANRC, Constitución [Mar. 11, 1940], 25, 43.
120. Gardiner 1972, 52–60.
121. Decree no. 3420 of Dec. 16, 1941, *Gaceta Oficial* (Dec. 22, 1941) 21751; Decree no. 1424 of June 21, 1946, *Gaceta Oficial* (Jun. 28, 1946) 12485; Decree no. 2477 of Aug. 16, 1950.
122. ANRC, Ministerio de Estado [Apr. 11, 1944] 290, 4066.
123. Pérez 1983, 87–9.
124. Pérez 1993, 87–9; Pérez 2003, 221; Wilson 2004, 119; Benton 2009.
125. Wilson 2004, 126; Cervantes-Rodríguez 2010.
126. Castro and Ramonet 2008.
127. Anderson 2010, 379.
128. Gardiner 1972, 69.
129. Law no. 698 of Jan. 22, 1960.
130. Paz Sánchez 2001, 56.
131. Levine 1993; Paz Sánchez 2001; Benton 2009.
132. Colomer 2000; Eckstein 2009, 11.
133. Lipman 2002, 30–37. However, Carr (1998, 89) reports records of naturalized West Indians in the 1930s.
134. Gardiner 1972, 66; Moore 1988, 95–8.
135. de la Fuente 2001; Sawyer 2006.
136. Art. 20, Ley Fundamental de la República, 1959 in *Documentos de la Revolución Cubana,* 45. The 1976 Constitution makes a similar declaration (República de Cuba 1976, Constitution, Art. 41).
137. Cf. Moore 1988 and Domínguez 1978.
138. Paz Sánchez 2001; García Triana and Herrera 2009.
139. Sawyer 2006, 59–61.
140. Sawyer 2006, 63.
141. Law no. 1312 of Sep. 20, 1976, *Gaceta Oficial* Sep. 25, 1976.
142. Speech by Cuban President Fidel Castro marking the inauguration of a sugarcane harvester plant in Holguín, Jul. 27, 1977. http://lanic.utexas.edu/project/castro/db/1977/19770727.html.
143. Speech by Cuban Prime Minister Fidel Castro at the Plaza de la Revolución, marking the 18th anniversary of the assault on the Moncada barracks,

Jul. 26, 1971. http://lanic.utexas.edu/project/castro/db/1971/19710726–1.html.
144. Anderson 2010.
145. Speech by Cuban President Fidel Castro marking the inauguration of a sugarcane harvester plant in Holguín, Jul. 27, 1977. http://lanic.utexas.edu/project/castro/db/1977/19770727.html.
146. Pérez 1986, 227.
147. Bronfman 2004; Naranjo and Pettinà 2010, 96.
148. For an example of the revolutionary critique, see Álvarez Estévez 1988.

6. Mexico

1. Buchenau 2001, 23.
2. Ogg 1918, 27, 284.
3. Knight 1990.
4. Knight 1998.
5. See Dahl 1971.
6. Yankelevich 2011, 26–7.
7. Schmitter 1974.
8. FitzGerald 2009.
9. de la Peña 2005.
10. Alanís Enciso 1996.
11. González Navarro 1993.
12. Sims 1990.
13. FitzGerald 2005.
14. Berninger 1976; Young 1976; González Navarro 1993.
15. González Navarro 1993, 233.
16. González Navarro 1993, 506.
17. González Navarro 1994, 151–2.
18. Rippy 1921.
19. Thompson 1921, 70–71; González Navarro 1960, 36; Cimet 1997, 17.
20. Buchenau 2001, 23–49.
21. Meagher 2008, 270.
22. Cott 1987, 72–3.
23. Ettinger 2009, 91, 100; see also Lee 2003 and Delgado 2012.
24. Archivo de la Secretaría de Relaciones Exteriores (SRE) 14-28-79. (Aug. 7, 1906).
25. Romero 1911.
26. Alfaro-Velcamp 2007, 42.
27. Vallarta 1890, 109.
28. Wu 1939; Cott 1987, 70; Salazar Anaya 1996, 105.
29. Romero 1911, 27–9.
30. González Navarro 1994, 174.
31. Romero 1911, 80.
32. Romero 1911, 95.
33. Ley General de Migración (Dec. 22, 1908).

34. *Diario de los Debates*. Cámara de Diputados (Dec. 5, 1908), 339.
35. *Diario de los Debates*. Senado (Dec. 11, 1908), 226–34.
36. Yankelevich 2011, 30.
37. Knight 1998.
38. Romero 2010, 152.
39. Ota Mishima 1997.
40. SRE 16-28-98 (Sep. 10, 1919).
41. AGN O.C. 104-CH-1. May 2, 1924; May 19, 1925.
42. AGN OC-R-C-74 (Feb. 28, 1935).
43. SRE 16-28-98 (Sep. 10, 1919).
44. AGN LCR 546.2/48 (Aug. 22, 1937).
45. Cott 1987, 70; Salazar Anaya 1996, 105.
46. Calculated from Salazar Anaya 1996, 105.
47. Law no. 31 (Dec. 13, 1923). See Romero 2010, 93.
48. AGN O.C. 104-CH-1 (Jul. 17, 1924).
49. Romero 2010, 172.
50. AGN O.C. 104-CH-1 (1926–1930); AGN OC.104-I-27 (Jun. 1928).
51. SRE 16-16-159; AGN O.C. 104-CH-1.
52. SRE 16-28-98 (Sep. 10, 1919).
53. AGN O.C. 104-CH-1 (Sep. 3, 1925).
54. González Navarro 1994.
55. AGN ALR C22/181/11 (Oct. 1933); AGN LCR 899/546.1/6 (Apr. 2, 1935); AGN ALR 181/8-3. (Jun. 14, 1934; Oct. 6, 1934).
56. AGN POR 85/2626 (Mar. 29, 1931).
57. AGN LCR 546.6/16 (Aug. 13, 1938).
58. AGN DGG 10/2.360(29).
59. AGN DGG 10/2.360(29) (April 24, 1931). See also Yankelevich 2011, 45.
60. AGN EPG. 2-549-104 April (Apr. 2, 1929).
61. AGN LCR 899/546.1/9.
62. AGN DGG 10/2.360(29) (Feb. 6, 1934).
63. Yankelevich 2011, 26–7.
64. *Diario de los Debates* (Oct 4, 1923); Gleizer Salzman 2009; Yankelevich and Chenillo Alazraki 2009, 193.
65. Durón González 1925; Hijar y Haro 1924.
66. SRE III-36-10. (Dec. 1927). See Chapter 2 on international organizations, this volume.
67. Stern 1999.
68. AGN LCR 906/546.6/101.
69. Vasconcelos 1925, 32.
70. Vasconcelos 1925, 19–23.
71. AGN EPG. 2-549-104 April (Apr. 2, 1929).
72. SRE IV-135-15. March (Mar. 19, 1929).
73. AGN OC-R-C-74 (Feb. 28, 1935). Emphasis in the original.
74. Knight 1990, 71–113.
75. AGN OC 802-L-19; SRE 21 26 51 (Nov. 17, 1927); AGN DGG 9/2.360 (29) (Dec. 9, 1929 and Jan. 9, 1930); Alfaro-Velcamp 2007.

76. Gleizer Salzman 2009.
77. SRE IV-397-19 (Dec. 3, 1930).
78. Secretaría de Gobernación 1996, 19–33.
79. Secretaría de Gobernación 1996, 66.
80. AGN DGG 2.360 (29).
81. Yankelevich 2011, 67.
82. AGN LCR/ 906/546.6/97 (Sep. 14, 1937).
83. AGN OC 823-M-3 (Oct. 17, 1924).
84. Gleizer Salzman 2011, 301.
85. Yankelevich 2011, 80.
86. *Diario Oficial,* Nov. 1, 1938.
87. AGN LCR. 1355/711/516 (Jul. 14, 1937).
88. Yankelevich 2011, 78.
89. "Mexico sends back German refugees," *New York Times,* Nov. 2, 1938.
90. AGN LCR. 922. 549.2/18 (Jan. 3, 1939).
91. Gleizer Salzman 2000.
92. AGN LCR 904/546.6/16.
93. AGN LCR. 922. 549.2/18 (1939).
94. AGN LCR 546.6/16 (Jun. 20, 1939).
95. AGN LCR 904/546.6/16 (Aug. 9, 1939; Oct. 27, 1939; Nov. 17, 1939).
96. Gleizer Salzman 2011, 307.
97. Gleizer Salzman 2011, 299.
98. Foreman-Peck 1992.
99. FitzGerald 2005.
100. García García 1962; Lida 1997, 56–8.
101. González Navarro 1994, 168.
102. AGN LCR 906/546.6/101 (Mar. 4, 1940).
103. González Navarro 1994b, 173).
104. AGN LCR 546.6/200 (1939).
105. Soto y Paz 1939, 98–102.
106. AGN O.C. 104-CH-1, July (Jul. 26, 1921).
107. *Diario de los Debates*. Annual Report to Congress of President Obregón. (Sep. 1, 1920).
108. Gleizer Salzman 2009.
109. AGN DGG 2.360 (29) (Jul. 1, 1927).
110. AGN DGG 2.360 (29) (Jul. 1, 1927).
111. AGN OC-R-C—74.
112. SRE 15-10-6 (Oct. 28, 1903).
113. SRE IV-396-17. Circulars no. 92 of June 28 and no. 96 of July 2, 1930.
114. Romero 2010, 175; Yankelevich 2012.
115. At least as early as 1922, blacks and Chinese were required to show immigration officials in the port of Veracruz that they had 500 pesos to get to their destination, ten times as much as other immigrants. Circular no. 33 of May 13, 1924; Saade Granados 2009, 174.
116. SRE 38-18-142 (Aug. 8, 1925).
117. Yankelevich 2011, 39–40, 183.

118. Cunin, in press.
119. Circular no. 9, Departamento de Migración, 4/100(015)1931/758 in México 1934.
120. Gleizer Salzman 2009.
121. Gleizer Salzman 2000.
122. AGN DGG 10/2.360(29)52 (Feb. 10, 1931).
123. SRE IV-395-50 (May 26, 1930).
124. SRE IV-395-50 (Jan. 13, 1931).
125. AGN LCR/ 906/546.6/97 (Sep. 14, 1937).
126. AGN DGG 9/2.360(29) (Dec. 9, 1929 and Jan. 9, 1930).
127. Lepkowski 1991, 25.
128. Ota Mishima 1997; Wehr 2006.
129. AGN. ALR 519/1. (Feb. 3, 1934).
130. Ota Mishima 1997.
131. Yankelevich 2011, 43–4.
132. AGN DGG 2.360(29) 8112 (May 15, 1933). Emphasis in the original.
133. AGN DGG 10/2.360(29)52 (Feb. 10, 1931; Mar. 20, 1931).
134. AGN. DGG 10/2.360(29) (Jun. 15, 1931).
135. SRE III-286-14 (May 8, 1934).
136. Yankelevich and Chenillo Alazraki 2009, 129.
137. Ley General de Población, 1936, Ch.1, Art 7.; Yankelevich and Chenillo Alazraki 2009, 222–5, 187–230.
138. Yankelevich 2011, 71.
139. SRE-III-162-17 (Sep. 28, 1936; Dec. 10, 1937).
140. García García 1962.
141. Palma Mora 2006, 76.
142. García García 1962.
143. AGN MAC 789/546.1/1.
144. AGN MAC 710.1-101-82 (Nov. 12, 1942); AGN MAC 789/546.1/1.
145. *Fraternidad: Órgano del Comité Mexicano Contra el Racismo*. México, DF (Aug. 1, 1944).
146. *Fraternidad* (Jul. 1945).
147. Gritter 2012, 26, 29.
148. Schor 2005.
149. Guglielmo 2006.
150. AGN. MAC 789/546.1/1.
151. *Fraternidad* (Jan. 15, 1946).
152. AGN ARC 534.93.
153. Secretaría de Gobernación 1996, 129.
154. Stern 1999.
155. Primer Congreso Demográfico Interamericano, 1943; SRE III-1457-3 (Jan. 20, 1950); Secretaría de Gobernación 1996, 132.
156. Palma Mora 2006, 104, 214.
157. Salazar Anaya 1996, 105.
158. Nyíri 2001.

159. AGN IPS c.2872-B.1/623 (Oct. 21, 1953); AGN GOB 2872-A (Jan. 11, 1960).
160. See Schiavone Camacho 2012.
161. AGN IPS c.2961-A (Oct. 18, 1968).
162. Consejo Nacional de Población. www.conapo.gob.mx.
163. Yankelevich 2011, 27.
164. Secretaría de Gobernación 1996, 159; Somohano Silva 2011, 85.
165. Rodríguez Chávez 2011, 75.
166. Passel et al. 2012.
167. Rodríguez Chávez 2011, 73.
168. Palma Mora 2006, 128–31, 131.
169. Benítez Manaut and Hernández 2007, 13.
170. *Diario de los Debates* (Jan. 16, 1917).
171. *Diario de los Debates* (Dec. 12, 1939); Ley de Nacionalidad 1993; FitzGerald 2005.
172. FitzGerald 2005.
173. de la Peña 2005.

7. Brazil

1. See Bailey (2004, 729) for a description of the racial democracy myth.
2. Spiller 1911, 381–2.
3. Lauren 1988, 86; 2003, 100.
4. See van Ham (2008) on branding.
5. Bethell 1984; Fausto 1999, 14.
6. Lang 1979, 24; Bethell 1984, 95; Fausto 1999, 46.
7. Prado 1967, 91.
8. Prado 1967, 94.
9. The Catholic Church had extended some protections to Amerindians under the influence of Bartolomé de las Casas.
10. Scholars dispute the nature of the differences between the institutional character of slavery in Brazil and the United States and their implications for contemporary race relations. Frank Tannenbaum 1992 [1946] argued that the Portuguese and Spanish colonies developed a milder form of slavery that was abolished with less violence than in the English colonies and hence resulted in less conflicted contemporary race relations. See Degler 1971, Skidmore 2003, and de la Fuente and Gross 2010.
11. See Fausto (1999, 26, 177), on the emergence of these ethnic categories. Loveman (2009, 442), examines official census categories.
12. Skidmore 2010, 41–2.
13. Fausto 1999, 142.
14. Carneiro 1950.
15. Hill 1927; Weaver 1961.
16. See Witter and Pereira Rodrigues in Silva (1987) for a listing of imperial legislation on immigration and citizenship.

17. Law no. 3353 of May 13, 1888. *Diário Oficial da União,* Seção 1, 14–05–1888.
18. Other late abolitionist states included Puerto Rico (1873) and Cuba (1886) (Andrews 2004, 57).
19. For a nuanced account of the end of Brazilian slave trade and the role of international pressures, see Needell (2001). On the international movement generally, see Hochschild (2005).
20. Cited in Skidmore 1999, 68.
21. Skidmore 2010, 78.
22. Skidmore 1999, 57; Skidmore 2010, 82. Argentina had started with a very small indigenous population, whitened its Afro-origin population administratively or through military conscription, and by the 1890s had attracted a proportionally high number of European immigrants.
23. Skidmore 2010, 83.
24. Lesser 1999, 15–16; 21.
25. Cited in Skidmore (1993, 25).
26. Decree no. 4547 of July 9, 1870. Three decrees (4702/1871; 5099/1872; 5791/1874) extended the deadline for the company to make a deposit that would otherwise revert to the state, likely as a result of the controversy surrounding the implementation of the law. Decree no. 4547 was abrogated by Decree no. 7898/15 November 1880. See Tucci Carneiro 2007.
27. Skidmore 1992, 9.
28. Conrad 1975, 44–5. See Chapter 5 on Cuba, this volume.
29. Skidmore 2010, 76.
30. Fausto 1999, 148.
31. Holloway 1980, 37, 42.
32. The Decisões de Governo (1896) contained numerous decrees authorizing public campaigns to improve Brazil's image.
33. Cook-Martín 2005, 63–5; 2013, 46–7. On the Prinetti Decree, see Reis and de Faria (1924, 46), and Cook-Martín (2004, 40).
34. Moya 1998, 46.
35. On Japanese, Syrian, and Lebanese migrants see Fausto (1999, 166), and Lesser (1995, 1999, and 2013).
36. See Chapter 3 on the United States, this volume, and Tucci Carneiro 2009.
37. Fausto 1999, 159.
38. Skidmore 2010, 91.
39. Skidmore 2010.
40. *Decisões do Governo da República dos Estados Unidos do Brasil de 1896,* no. 85 of May 27, 1896, 45.
41. This was an early illustration of what later became a defining feature of Brazilian immigration regulation: controlling the size and composition of flows by consular screening at the point of departure.
42. Traité d'amité et de commerce entre le Japon et le Brésil (1895) in *Treaties and Conventions between The Empire of Japan and other Powers, 1890* (Compiled by the Foreign Office, Tokyo: Z.P. Maruya & Co. Ltd.). On the treaty with China, see Estados Unidos do Brasil, Anais da Câmara dos

Deputados, Sessões de 2 a 30 de dezembro de 1895, 261. The Chinese treaty had first been signed in 1880 but was not ratified until after Brazil became a republic.

43. The immigration law of 1907 did not include exclusions against African-origin immigrants. In addition, the secret exclusion of black U.S. citizens in the 1920s would not have been necessary had there been a legal exclusion on the books.
44. See Lesser (1999, 87).
45. Decree no. 4.247 of January 6, 1921.
46. For a discussion of the debates, see Skidmore (1993, 192).
47. On fears concerning Garveyism, see Lesser (1991).
48. *Chicago Defender,* "Brazil Finds Danger in U.S. Hate Policy," 1923.
49. Arquivo Histórico Itamaraty (AHI), "Telegramma [sic] do Consulado Geral em Nova York datado de 9 e recebido a 9 junho 1921."
50. Tratado de Paz, Amizade, Navegação e Comércio entre o Brasil e o EE.UU. Rio de Janeiro (December 12, 1828).
51. AHI, "Directoria Geral dos Negocios Commerciales e Consulares [sic], Telegramma [sic] No. 58 (Reservado) de 9 de junho de 1921 do Consulado Geral em Nova York."
52. Lesser 1991, 122.
53. *Chicago Defender,* September 1, 1923.
54. "Brazil Finds Danger in U.S. Hate Policy," *Chicago Defender,* 1923.
55. Reis and de Faria 1924, 21.
56. Reis and de Faria 1924, 61.
57. AHI, Secretaria das Relações Exteriores, Memorandum, December 10, 1926.
58. Decree no. 16.761 of Dec. 31, 1924.
59. Stepan 1991.
60. Fausto 1999, 196; Hochman et al. 2010; Skidmore 2010, 118.
61. Decree no. 19482 (of Dec. 12, 1930). Diário Oficial da União—Seção 1—19/12/1930, p. 22585 (Publicação Original). It was on the books until 1991 when Decree no. 11 of January 18, 1991, revoked this decree along with hundreds of others that had been on the books, some for more than 100 years, although several of its key provisions were repealed much earlier.
62. Geraldo 2009; Decree no. 24258 of May 16, 1934, regulated call letters and identity documentation, a growing concern during this period.
63. See Hobsbawm 1994, 111, on this general pattern, which he attributes to the global economic crisis.
64. Debates of the Constituent Assembly are available at http://bd.camara.gov.br/bd/handle/bdcamara/8346/browse?type=dateissued.
65. Brasil. Assembléia Nacional Constituinte, 1933–1934. Annaes da Assembléia Nacional Constituinte, v. 4, 492–3.
66. v. 4, 546.
67. v. 4, 211.
68. Carneiro Leão Neto 1990, 85.

69. Geraldo 2005, 10. See also Geraldo's (2009) discussion of "ethnic cysts."
70. Carneiro Leão Neto 1990, 128.
71. Brasil. Assembléia Nacional Constituinte, 1933–1934. Annaes da Assembléia Nacional Constituinte. "Transcrição do Discurso Pronunciado por Miguel Couto na Sessão de 16 de Fevereiro de 1934."
72. See, for example, "Transcrição do Discurso Pronunciado por Artur Neiva na Sessão de 3 de Fevereiro de 1934," and "Transcrição do Discurso Pronunciado por Miguel Couto na Sessão de 16 de Fevereiro de 1934."
73. "Transcrição do Discurso Pronunciado por Xavier de Oliveira na Sessão de 25 de Janeiro de 1934."
74. Tucci Carneiro 2009, 85. On Oliveira Viana's influential views on the racial "evolution" of the Brazilian nation, see the introduction to the Brazilian census of 1920 (Brazil, DGE, Recenseamento do Brazil realizado em 1 de setembro de 1920, 336). Also, see the discussion in Loveman (2009, 462).
75. Rio de Janeiro, March 21, 1934. Text of memorandum reproduced in Annex 3 of Carneiro Leão Neto (1990, 195).
76. Carneiro Leão Neto 1990, 75.
77. Record of the National Constituent Assembly of April 13, 1934.
78. Carneiro Leão Neto 1990, 125.
79. Our emphasis. Article 121, Section 6. Source: http://pdba.georgetown.edu/Constitutions/Brazil/brazil34.html#mozTocId782790.
80. González Martínez 2003.
81. Carneiro Leão Neto 1990, 238.
82. Carneiro Leão Neto 1990, 136–43.
83. See the memorandum sent by the Japanese government to its Brazilian counterpart on July 23, 1934. Reproduced in Carneiro Leão Neto (1990, 199–200). Unlike in the United States and most of Latin America, Brazil did not intern its Japanese population during World War II (Lesser 2013).
84. The Political Constitution of 1937 (Art. 151) made all aspects of immigration (entry, distribution, and settlement) subject to legal regulation and maintained the 2 percent national-origins quota. The constitution omitted mention of ethnic integration. It also made employment quotas for native citizens a constitutional prerogative and banned foreigners from working in professions such as law and medicine.
85. Decree-Law no. 406 (May 1938).
86. Decree no. 3010 (Aug. 10, 1938).
87. Art. 1, Decree no. 3010.
88. Geraldo 2007, 4, 211.
89. Secret Circular no. 1127, "Entrada de estrangeiros no território nacional," Ministério das relações exteriores, Rio de Janeiro, June 7, 1937. Davie (1945, 65) documents the concern of the Jewish community about circulars and practices in Argentina and Brazil.

90. Reserved circular no. 1461, "Vistos em passaportes de israelitas," Ministério das relações exteriores, Rio de Janeiro, July 9, 1940.
91. Reserved circular no. 1249, "Entrada de israelitas em território nacional," Ministério das relações exteriores, Rio de Janeiro, September 27, 1938. Secret Circular no. 1127 was superseded by this circular wherever the two came into conflict. See also reserved circular no. 1499, "Normas para a entrada de estrangeiros no Brasil," Ministério das relações exteriores, Rio de Janeiro, January 6, 1941: "The concession of temporary or permanent visas to *israelitas* (Semites) is suspended with the exception of authorizations already issued by the Ministério das Relações Exteriores."
92. Reserved circulars no. 1293, "Mudança no caráter das Circulares ns. 1.127 e 1.249," March 14, 1939; no. 1296, "Visto de turismo em passaportes de israelitas," March 22, 1939; no. 1323, "Vistos temporários em passaportes de estrangeiros de origem semita," June 5, 1939; no. 1328, "Circular reservada No. 1.323—Suas exceções," June 21, 1939; no. 1352 "Autorizações de entrada em território nacional expedidas em favor de estrangeiros de origem semítica," August 11, 1939 (despite its title, this circular also had an exclusionary intente); no. 1461, "Vistos em passaportes de israelitas," July 9, 1940; no. 1485 "Concessão de visto em passaportes de refugiados polonezes," November 12, 1940; no. 1499, "Normas para a entrada de estrangeiros no Brazil," January 6, 1941. All issued by the Ministério das Relações Exteriores, Rio de Janeiro.
93. Cited in Metz (1992, 135).
94. American Jewish Committee 1945, 64.
95. Von zur Muhlen 2010, 107. As Schpun (2011) demonstrates, a number of Jews migrated to Brazil thanks to sympathetic consular personnel like Justa Aracely de Carvalho.
96. Schpun 2011.
97. Gleizer 2011, 40.
98. Lesser 2013.
99. Decree no. 7967 of Sep. 18, 1945. See Articles 1 and 2.
100. See Article 162, Constitution of 1946.
101. Jeffrey Lesser. 2003. "Repensando a política imigratória brasileira na época Vargas." in Carlos Eduardo de Abreu and Teresa Malatian, eds., *Políticas migratórias: Fronteiras dos directos humanos no século XXI* (Rio de Janeiro: Renovar), 277–288.
102. Geraldo 2005; Fischel 2011; Lesser 2013.
103. Lesser 2013, 12.
104. Lesser estimates that 200,000 Korean migrated to Paraguay and Bolivia between 1975 and 1990 and about half then continued to Brazil. Korean immigrants have been able to regularize their situation through periodic Brazilian amnesty programs. The presence of Japanese immigrants fostered their status as a model minority for Asian-origin immigrants, and Koreans have found avenues for social mobility in Brazil's growing economy and technological sectors.

105. On the emergence of "refugee" as a category, see Karatani (2005).
106. See Chapter 2 on international organizations, this volume.
107. Decree no. 24.243 of Dec. 23, 1947; Decree no. 25.796 of Nov. 10, 1948; Legislative Decree no. 42 of 1948; Legislative Decree no. 21 of 1949.
108. Fischel 2011.
109. Chor Maio 2001, 121.
110. See a firsthand account at http://www.unesco.org/archives/multimedia/index.php?s=films_details&id_page=33&id_film=585.
111. See UNESCO, Basic Texts, Constitution of the United Nations Educational, Scientific and Cultural Organization, Preamble, 2012, p. 5. See UNESCO'S "The Race Question" for a statement of why the study of race was so central to its mission.
112. See Article I, 1.
113. This section draws on the accounts by Chor Maio 2001.
114. Political Constitution of 1967, Art. 167.
115. Decree-Law no. 941 of Oct. 13, 1969.
116. Decree-Law no. 66.689 of June 11, 1970.
117. Law no. 6.815 of Aug. 19, 1980.
118. Law no. 9.675 of June 29, 1998; Law no. 11.961 of July 2, 2009.
119. Projeto de lei no. 5.655/2009; proposta de "Política Nacional de Imigração e Proteção ao Trabalhador Migrante" by Conselho Nacional de Imigração (May 2010).
120. See figures by the World Bank and International Monetary Fund.
121. Legislative Decree no. 928 of 2005 and Legislative Decree no. 923 of 2005.
122. See Tsuda 1999.
123. Hiroko Tauchi, "Japan pays foreign workers to go home, forever," *New York Times,* April 22, 2009. Angelica Mari, "Why go home: Brazil is the future," *[it]decisions,* March 22, 2012.
124. Simon Romero and Andrea Zarate, "Influx of Haitians into the Amazon prompts immigration debate in Brazil," *New York Times,* February 7, 2012; Deisy Ventura, "Qual a política migratória do Brasil," *Le Monde Diplomatique Brasil,* March 7, 2012.
125. At the time of going to press, the influx of Haitian and Senegalese from Bolivia and Peru had, however, stressed local resources to the limit. See *BBS News: Latin America and Caribbean,* "Brazilian state of Acre in illegal immigration alert," April 11, 2013.
126. *Christian Science Monitor:* http://www.csmonitor.com/World/Americas/Latin-America-Monitor/2012/0120/Is-Brazil-about-to-experience-a-second-golden-age-of-immigration.
127. "Brazil is in the market for immigrants—millions of them," *The Miami Herald,* March 25, 2013.
128. "Brazil gains business and influence as it offers aid and loans in Africa," *New York Times,* August 7, 2012.

8. Argentina

1. Scobie 1971, 31.
2. Germani 1962, 165.
3. Vázquez-Presedo 1974.
4. Della Paolera and Taylor 2003, 3.
5. Moya 2006.
6. Benencia 2003.
7. This is Anderson's (1991, 197) main point in citing San Martín. For the actual decree in which San Martín makes this point, see Santos de Quirós (1831, 21).
8. Alberdi 1858, 26–8.
9. Argentina. Congreso General Constituyente 1871; Varela 1877.
10. Alberdi 1915.
11. Argentina. Congreso General Constituyente 1871.
12. See Loveman (2014) on how Creole elites in Latin America renounced colonial racial distinctions in an effort to construct independent nations.
13. Alberdi 1858, 17. Bolívar may have changed his mind on this matter since Gran Colombia passed immigration laws that gave preference to Europeans while he was president (see appendix, this volume).
14. Bidart Campos 1988, 137.
15. This argument is the legal analogue of Foreman-Peck's contention that racial selection derives from using race as a proxy for human capital endowments (see Chapter 1, Introduction, this volume).
16. Miller (2003) has argued that Argentine legislators "transplanted" judicial processes and codes wholesale.
17. In 1863, pertinent U.S. law would have included the Naturalization Act of 1802 and the *Dred Scott v. Sandford* Supreme Court decision, 60 U.S. 393 (1857), stripping even free blacks of citizenship.
18. República Argentina. Congreso Nacional 1866; República Argentina 1874.
19. Otero 2006.
20. Cook-Martín 2008, 2013.
21. República Argentina 1882, Memoria del Departamento de Inmigración, 54.
22. See Chapter 7 on Brazil, this volume.
23. República Argentina 1882, Memoria del Departamento de Inmigración, 54.
24. República Argentina 1882, Memoria del Departamento de Inmigración, 70.
25. Tigner 1967.
26. The "call letter" consisted of a written expression by a relative in Argentina that he would receive and host family members from other countries.
27. Mayol 1903.
28. Rock 1987, 189; 2002, 204.

29. Diaz Araujo 1988.
30. Boletín Oficial de la República Argentina, Buenos Aires, May 3, 1916, no. 6686.
31. Giuricich, Moreno, and Pichot 1942, 47. See also Devoto (2002, 282–3).
32. República Argentina, 1925.
33. See a fuller discussion in Cook-Martín (2008, 96–7).
34. Devoto 2001, 289.
35. Archivo General de la Nación, Legajo 547, Folio no. 12, Fondo Documental, Secretaría Técnica, 1ª y 2ª Presidencia del Teniente General Juán Domingo Perón (1946–1955).
36. "Instrucciones Especiales," Inciso 16. It was not easy to find these instructions, and as far as we know, other immigration scholars have not identified this exclusion.
37. Moya 2006.
38. Executive Decree of Oct. 17, 1936, "Nuevas Disposiciones para el control de la inmigracion".
39. Executive Decree of July 1, 1938.
40. Decree no. 28051 of July 28, 1938, "Restricciones a la inmigracion."
41. Cited in Metz (1992, 134).
42. Metz 1992, 135.
43. Secret Circular no. 11 of July 12, 1938.
44. Archives of the Ministerio de Relaciones Exteriores y Culto, 1939, 151–2. Cited in Escudé and Cisneros (1998).
45. President Menem had ordered the release of files thought to contain evidence of Nazi immigration, which resulted in the "discovery" of Secret Circular no. 11.
46. Wasserstein 1979, 7, 45; Newton 1982, 395; Gleizer Salzman 2011, 40.
47. Weisbrot (1979, 15) puts the number of Argentine Jews at 195,000. More recent estimates place the figure at about 183,000 (Jewish Population of the World, Jewish Virtual Library, 2012).
48. Timerman 1981; Senkman 1991; Metz 1992.
49. Perón 1946.
50. Lattes 1990; Barbero and Cacopardo 1991; Lattes, Comelatto, and Levit 2003.
51. República Argentina (DNM). Ministerio de Relaciones Exteriores y Culto. Dirección Nacional de Migraciones 1974a, 1974b, 1998.
52. República Argentina, (DNM), Ministerio de Relaciones Exteriores y Culto. Dirección Nacional Migraciones de 1974a, 1974b.
53. Germani 1970.
54. Lattes 1990; Barbero and Cacopardo 1991; Moreno Fuentes 2001.
55. Museo Social Argentino 1941.
56. See Chapter 2 on international organizations, this volume, for a discussion of eugenics in the Americas.
57. Museo Social Argentino 1941, 248.
58. See Chapter 2 on international organizations, this volume. The Committee on the Racial Problem presented a much longer recommendation

condemning racist doctrines and eugenicist notions of heredity and race improvement (Museo Social Argentino 1941, 249).
59. AGN 547 P1, p. 34.
60. República Argentina (AIEN) 1946.
61. República Argentina (AIEN) 1948–1951.
62. Perón 1952.
63. AGN 547, Folder 1, "Antecedentes para la Política Inmigratoria."
64. Santiago Peralta, *Conceptos sobre inmigración (Instrucciones de difusión al personal),* Buenos Aires, Dirección de Migraciones, 1946, pp. 3, 5, 7 y 9 (cited in Biernat and Ramacciotti 2011).
65. *Chicago Defender,* August 24, 1946, p. 13, col 3, "South America seeks 'pure' races to increase population."
66. See Goñi, (2000) and also: http://www.lanacion.com.ar/202464-la-rama-nazi-de-peron.
67. See also Biernat and Ramacciotti (2011, 2–6).
68. Casiello 1954.
69. Bidart Campos 1986.
70. See Chapters 2 and 6 on international organizations and Mexico, this volume.
71. Constitución Argentina 1949, Art. 28.
72. AGN Legajo 548, 1951, Expediente no. 3982, "Restricciones impuestas a la inmigración," 10.
73. AGN 543, "Resolution no. 552," 1952. Denial of the appeal is attributed to application of the "Decreto del Poder Ejecutivo de fecha 26 de abril de 1916."
74. AGN 543, Expediente no. 259.803, 1949.
75. AGN 543, "Resolution no. 273," 1952.
76. For example, AGN 543, "Resolution no. 584," 1952.
77. Benencia 2003. European immigration declined significantly after the mid-1960s and was not of great concern.
78. Potash 1969.
79. República Argentina, Ministerio de Relaciones Exteriores y Culto, Memorias, 1979, 179–80.
80. North Korea had withdrawn its ambassador from Argentina after the military coup on March 24, 1976 (Oviedo 2001, 173–5).
81. República Argentina, Ministerio de Relaciones Exteriores y Culto, Memorias, 1976, 108.
82. Mera 1998.
83. República Argentina, Ministerio de Relaciones Exteriores y Culto, Memorias, 1978, 108, 130.
84. República Argentina, Ministerio de Relaciones Exteriores y Culto, Memorias, 1981, 253.
85. Acta de Procedimientos para el Ingreso de Inmigrantes Coreanos a la Argentina (April 1985) and Resolución de la Dirección Nacional de Migraciones no. 2340 (June 26, 1985). The former regulation stipulated that Korean immigrants could settle anywhere in Argentina except for the

Federal Capital and Greater Buenos Aires and required a $30,000 deposit in a New York bank. Policymakers intended this last measure to foster settlement and to prevent immigrants from using Argentina as a stepping stone to North America (Pacecca 2008).

86. Mera, de Cosiansi, and González 2005.
87. Pacecca 2008.
88. Iglesias 1986.
89. Law no. 25,871/January 2004.
90. Giustiniani 2004.
91. CELS 1999; Pizarro 2008.

9. Conclusion

1. Myrdal 1944; de Tocqueville 1994 [1840].
2. Higham 1994; Freeman 1995; Joppke 2005.
3. McKeown 2008, 8.
4. Mills 1997, 2000, 2003.
5. Füredi 1998, 84, 96, 169.
6. See Finnemore 1996, 339–41.
7. See Betts 2011.
8. Joppke 2005, 92; Brubaker 1995; Freeman 1995; Smith 1997.
9. Skrentny 2002; Reitz et al. 2009; Wade 2010.
10. S. RES. 201 [2011].
11. Hawkins 1989, 278; Reimers and Troper 1992, 52; Avery 1995, 231.
12. Canadian Multiculturalism Act (R.S.C., 1985, c. 24); Bloemraad 2006.
13. See Chapter 2 on Mexico and Freier 2013.
14. Weaver 2008, 791.
15. Burns and Gimpel 2000, 224.
16. Citrin et al. 1997, 858.
17. Gimpel and Edwards 1999, 40.
18. Best and Radcliff 2005, 326.
19. Barkan 1992.
20. Reimers 1998, 59.
21. Glazer 1993.
22. Brimelow 1996, 264, 261.
23. Haney-López 1996, 18.
24. Buchanan 2006, 251–2.
25. Huntington 2004, 221.
26. Rachel L. Swarns. "Dobbs' outspokenness draws fans and fire," *New York Times,* Feb. 15, 2006.
27. Chávez 2008.
28. Brader et al. 2008.
29. Reitz 2011, 15.
30. Canadian Press/Leger Marketing. 2002, "Canadians and immigration report." Montreal: Leger Marketing.

31. Reitz 2011, 9.
32. Abu-Laban 1998, 78.
33. Collins 1984, 6.
34. Li 2001, 83–8.
35. Zolberg 2006.
36. Statistics Canada, 2006 Census of Population, Statistics Canada catalogue no. 97-562-XCB2006011.
37. Kelley and Trebilcock 2010, 459.
38. 92 U.S. 259 (1875); 92 U.S. 275 (1876); 130 U.S. 581 (1889).
39. 130 U. S. 581 (1889).
40. *Bertrand v. Sava,* 684 F. 2d 204—1982; for a discussion, see Orgad and Ruthizer 2009, 259.
41. Fitzpatrick and Bennett 1995, 594.
42. Lauren 1996; Beyers and Nolte 2003.
43. Schuck and Martin 1985; Buchanan 2006.
44. Galloway 1994; Tie 1994, 106. For an opposing normative view, see Tom 1990.
45. Canadian Human Rights Act, 1976–77, c. 33, s. 1.
46. Sec. 40(5)(a–c).
47. *Re Singh,* [1989] F.C.J. No. 414 (Q.L.). See Tie 1994, 88.
48. *Ruparel v. M.E.I.* (1990) 11 Imm. L.R. (2d) 190 (F.C.).
49. Dobson-Mack 1993, 564–5.
50. Immigration Act, R.S.C. (1985), c. 1–2: Section 3 (f).
51. Tom 1990; Dobson-Mack 1993, 568.
52. Law no. 25.871, Jan. 2004, Artículo 3.
53. Projeto de lei 5.655/2009; proposta de "Política Nacional de Imigração e Proteção ao Trabalhador Migrante" by Conselho Nacional de Imigração (May 2010).
54. Secretaría de Gobernación. Ley de Migración. Instituto Nacional de Migración, 2011, pp. 28–29.
55. Cf. Soysal 1994 and Hansen 2009.
56. Orgad and Ruthizer 2010, 269–70.
57. Inter-American Court of Human Rights, Advisory Opinion OC-4/84 of January 19, 1984, 16.
58. http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?reldoc=y&docid=4c0f4fc42.
59. Piché 2009.
60. Hurrell 2011, 94.
61. 567 U.S., *Arizona et al. v. U.S.* (2012) p. 3.
62. Joppke 2005, 58.
63. We are grateful to Robbie Totten for making these points.
64. Article 6(3) of the Schengen Borders Code, Regulation 562/2006 of the Community Code and Article 39 Community Code on Visas, Regulation 3625/09.
65. UPI Emerging Threats, "Canada tightens travel requirements," July 16, 2009.

Appendix: Ethnic Selection in Sixteen Countries

1. Decree of Dec. 13, 1844.
2. Law of Nov. 20, 1893; Law of Jan. 10, 1927; Retamoso and Silvia 1937, 22.
3. Supreme Decree of Jan. 28, 1937, Reglamento de permisos de ingreso a Bolivia.
4. Law of Mar. 16, 1962; Wakatsuki and Kunimoto 1985, 21.
5. Lewis 1978, 5–6; *Diario Oficial de El Salvador:* 1979, no. 14, tomo 262, pp. 2–4; *Diario Oficial de El Salvador:* 1979, no. 13, tomo 263, p. 4.
6. Law of Immigration of Mar. 19, 1907; Lavandez 1925, 36; Supreme Decree of Jan. 28, 1937.
7. Supreme Resolution of Aug. 5, 1899; Supreme Resolution of Aug. 16, 1899.
8. Comunicado Oficial del Ministerio de Inmigración. March 5, 1938. "Las puertas de Bolivia están abiertas para todos los extranjeros—prohibición de ingreso a los de color."
9. Supreme Decree of Feb. 13, 1951.
10. Supreme Resolution of May 10, 1900.
11. Supreme Resolution no. 57,311 of Jun, 11, 1953; Acuerdo sobre inmigración entre el gobierno del Japón y el de Bolivia, Aug. 2, 1956.
12. Supreme Resolution of Mar. 14, 1938, "Selección en el ingreso de judíos."
13. Yundt 1988, 23; Avni 1994, 350–51.
14. Ministerio de Inmigración Circular of Mar. 20, 1940.
15. Supreme Decree of Apr. 30, 1940.
16. Breitman and Lichtman 2013, 133.
17. Supreme Decree of May 6, 1950.
18. Supreme Decree of Feb. 13, 1951; Comunicado Oficial del Ministerio de Inmigración of Mar. 5, 1938; Reglamentary Decree of Jan. 28, 1937; Supreme Decree no. 24423 of Nov. 29, 1996.
19. Decree of Dec. 13, 1844. See article 17.
20. Constitution of Nov. 19, 1826; Constitution of Oct. 26, 1839; Constitution of Aug. 4, 1961; Constitution of Feb. 2, 1967.
21. Constitution of Feb. 2, 1967; with reforms of 1994 and reconciled text of 1995; with reforms of 2002; with reforms of 2004 and 2005. Constitution of Feb. 7, 2009.
22. Convenio de Doble Nacionalidad entre el Reino de España y la República de Bolivia of Oct. 12, 1961; Supreme Resolution no. 108,485 of Oct. 27, 1961; Supreme Decree no. 6,201 of Aug. 31, 1962; Law no. 208 of Nov. 28, 1962.
23. Protocolo Adicional entre el Reino de España y la República de Bolivia modificando el Convenio de Doble Nacionalidad de 12 de octubre de 1961, hecho en Madrid el 18 de octubre de 2000.

24. Barros 1896, 547–54; Zúñiga and Stark 1980, 9; Stabili 1986, 185.
25. Briones 1898, 415–16.
26. Organization of American States (OAS) 1983, 28, 33; Stabili 1986, 188–9.
27. Briones 1898, 155–9.
28. Briones 1898, 155–9; Stabili 1986, 188–9.
29. Normabuena Carrasco 1990, 91.
30. Bucchi Pensa 1939, 59.
31. *Index to Latin American legislation* (ILAL) 1966–1970, vol. 1, 407. Decree 626 of Oct. 14, 1967, promulgated this agreement.
32. Elsey 2011, 276.
33. Chou 2004, 210–12.
34. Chou 2004, 210.
35. Chou 2004, 210.
36. Barros 1896, 964; Stabili 1986, 186.
37. *ILAL* 1950–1960, vol. 1, 364; Council of Europe 2002; Departamento de Extranjería y Migración 2011.
38. Noboa 1901, vol. 3, 42–3; *Gaceta de Colombia,* 14 de febrero de 1830, no. 452: 1; *Cuerpo de leyes de la República de Colombia* 1840, 137.
39. *Gaceta de la Nueva Granada* 1847, 593; Gomez Matoma 2009, 9; *Compilación de las disposiciones ejecutivas vigentes en los Estados Unidos de Colombia* 1882, 18–24; *Recopilación de las leyes y disposiciones vigentes sobre tierras baldías* 1884, 79.
40. García Estrada 2006, 57.
41. Gómez Tamara 1943, 18; Tafur Guerrero 1943, 54.
42. Ministerio de Trabajo y Seguridad Social de Colombia 1980, 28.
43. Tafur Guerrero 1943, 119–24.
44. Díaz Azuero 1962, 132–4.
45. Mármora 1981, 66–7.
46. *Diario Oficial de Colombia,* no. 47040 of July 4, 2008. This statute remained in effect as of 2011.
47. *Apéndice a la recopilación de leyes de la Nueva Granada* 1850, 59–64.
48. Navarrete 1996, 79; García Estrada 2006, 53.
49. *República de Colombia* 1917, 3–7.
50. Leano 1937, 172.
51. Bucchi Pensa 1939, 85.
52. Esguerra Camargo 1940, 15–16; Tafur Guerrero 1943, 82–3; Davis 1946, 40; Vargas Arana 2007, 222–3. Quota and entry requirement legislation included Decree no. 2232 of 1931, Decree no. 2247 of 1932, Decree no. 25 of 1934, Decree no. 148 of 1935, Decree no. 1194 of 1936, Decree no. 397 of 1937, Decree no. 1723 of 1938, Decree no. 2189 of 1940, Law no. 72 of 1947, and Decree no. 3380 of 1948, which ended this series of discriminations (See also Davis 1946, 40).

53. *Diario Oficial de Colombia* 1935, 378.
54. Gómez Tamara 1943, 36; Davis 1946, 40; Gómez Matoma 2009, 13.
55. Tafur Guerrero 1943, 117–8.
56. *Cuerpo de leyes de la Republica de Colombia* 1840, 45–6, 145–6; Noboa 1901, 9–10, 47.
57. Article 31 of the 1863 Constitution (Medina Matallana 1988, 12–14, 35–6; Constitution of Colombia 1991, with 2005 and 2009 reforms; see also Law no. 22 of Feb. 3, 1936 in Ministerio de Trabajo y Seguridad Social 1980, 22).
58. Colombian Law no. 71 of 1979; Decree no. 3541 of 1980; and Law no. 638 of Jan. 4, 2001 (Méndez Méndez 1989, 46–7; Secretaría General de Inmigración y Emigración de España, http://extranjeros.empleo.gob.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosDobleNacionalidad/).
59. Decree no. 62 of Oct. 13, 1825; Decree no. 66 of Nov. 5, 1825. *Colecciones de los decretos y órdenes que ha expedido la legislatura desde el día 6 de septiembre de 1824 hasta el día 29 de diciembre de 1826,* tomo 1, 1832, 194–6, 204.
60. Herrera Belharry 1988, 58; Ventura Robles 1991, 45–6; Araya 1999, 10, 24; Serrano Jarne 2003, 36.
61. Duncan 1993, 209.
62. Araya 1999, 17.
63. Herrera Balharry 1988, 61.
64. *ILAL* 1950–1960 vol. 1, 583; International Organization for Migration (IOM) 1991, 5. Decree no. 1316 of June 13, 1951.
65. Duncan 1993, 210; Araya 1999, 15; Serrano Jarne 2003, 37.
66. Beeche 1935, 84; Serrano Jarne 2003, 19.
67. Beeche 1935, 83. See also Duncan 1993, 209.
68. Beeche 1935, 476.
69. Vincenzi 1979, 42–3; Escribano and Chavarría 1965, 25, 33.
70. International Organization for Migration (IOM) 1991b, 11.
71. Harpelle 2001; Kanstroom 2007, 88–9.
72. Huesmann 1991, 27–52.
73. Harpelle 2001.
74. Beeche 1935, 477; Venutolo 2002, 10.
75. Beeche 1935, 478.
76. International Organization for Migration (IOM) 1991b, 3.
77. Serrano Jarne 2003, 39.
78. Gundmundson 1978, 8, 16–7.
79. Vincenzi 1979, 63–4. See also Escribano and Chavarría 1965, 1–8.
80. *ILAL* 1950–1960 vol. 1, 583. See also Huesmann 1991, 57–8, and Escribano and Chavarría 1965, 5–6.
81. Beeche 1935, 478. This decree was in force through at least 1934, when it was published in Beeche's *Indice general de la legislación vigente en Costa Rica, el 31 de diciembre de 1934.*

82. Beeche 1940, 1893–1894. This decree was in force through at least 1940, when it was published in Beeche's *Indice general de la legislación vigente en Costa Rica, el 30 de abril de 1940*.
83. See articles 16–18 of the November 22, 1824, constitution as well as reforms passed on February 13, 1835, and Ley Fundamental del Estado Libre de Costa Rica of January 25, 1825.
84. See section 4a, article 58.
85. Laughlin 1936, 36; Beeche 1949, 681.
86. Escribano and Chavarría 1965, 34–6; Secretaría General de Inmigración y Emigración, http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosDobleNacionalidad/.
87. International Organization for Migration (IOM) 1991, 5.
88. Dominican Republic 1927, volume 4, 108–9.
89. Vergne 2005, 84–5.
90. Vergne 2005, 85.
91. Dominican Republic 1929, 454–455.
92. Capdevila 2004, 445, 448.
93. Kosinski 2009.
94. Capdevila 2004, 448.
95. Dominican Refugee Settlement Association. 1940–1941, 1–5; Wells 2009, 3–27, 277.
96. Peña Batlle 1944 vol. 1, 10–1, 74–5, 174–5, 232–3, 596–7.
97. Peña Batlle 1944 vol. 2, 8–9, 52–3, 105, 160.
98. *ILAL* 1966–1970 vol. 2, 30.
99. *Boletín oficial del estado español* 2007, No. 272: 46382–46383.
100. See the discussion of Gran Colombia's immigration preferences in the Colombia entry.
101. Ecuador 1909, 347–348; Almeida 1996, 89.
102. Laughlin 1936, 66–71.
103. *Diario Oficial de Colombia,* no. 47040 of July 4, 2008. As of 2011, this statute remained in effect.
104. *Suplemento al Diario Oficial,* November 8, 1889, 9; Serrano 1899, 32; Zorraquín Becú 1943, 55; Almeida 1996, 89; Benavides Llerena 2008, 1;. See Article 6 of the February 16, 1938, Ley de Extranjería, Extradición y Naturalización; Article 7 of the January 29, 1941, Reglamento de la Ley de Extranjería; and Article 84 of the February 1, 1941, Reglamento General de Pasaportes.
105. Zorraquín Becú 1943, 54–5. See article 17 of the February 16, 1938, Ley de Extranjería, Extradición y Naturalización.
106. Constitution of Ecuador, 1945. Art. 141, Sec. 2.
107. See article 20 of the 1947 Ley de Extranjería, published as Legislative Decree no. 1 in the March 4, 1947 *Official Register* no. 824.
108. See chapter 6, "derogatorias," of the 1971 law. See also chapter 6 of the 2004 Ley de Extranjería, which also lists Legislative Decree no. 1 of 1947 as repealed.

109. See discussion of Gran Colombia's citizenship preferences in the Colombia entry, this volume.
110. Noboa 1901, vol. 3: 26–8 and 319–20.
111. Serrano 1899: 87.
112. See section 1, article 9, part 3 of the 1878 constitution.
113. See title 2, article 9, section 5 of the 1929 constitution and article 12, section 2 of the 1945 constitution.
114. See article 17, title 2 of 1967 constitution.
115. Supreme Decree no. 976 of Feb. 27, 1964 (*ILAL* 1961–1965 vol. 2: 5, 53).
116. *Compilación de leyes, decretos, y otras disposiciones dictados en el ramo de Relaciones Exteriores* 1908: 77–78, 83–5.
117. See Chapter 7 on Brazil, this volume.
118. El Salvador 1958. See article 76 and chapter 3, section 3.
119. See Supreme Court of El Salvador, at http://www.csj.gob.sv/leyes.nsf/3006af217f96ecd786256d48006ecfd8/c29d554089651a6d0625644f00688d14?OpenDocument.
120. *Compilación de leyes, decretos, y otras disposiciones dictados en el ramo de Relaciones Exteriores* 1908: 77–8, 83–5.
121. *Compilación de leyes, decretos, y otras disposiciones dictados en el ramo de Relaciones Exteriores* 1908: 77–8, 83–5.
122. Tilley 2005: 214.
123. See article 25, 26, and 36 of the 1933 law.
124. *ILAL 1950–1960,* vol. 1: 1331.
125. See article 76.
126. See discussion of the Federal Republic of Central America's citizenship preferences in the Costa Rica entry.
127. See title 2.
128. See title 3.
129. See title 2, article 9.
130. For positive citizenship preferences in the 1871 constitution, see title 2, article 8; for 1872 see title 2, article 8; for 1880 see title 2, article 6; for 1883 see title 4, article 37; for 1886 see title 3, article 43; for 1939 see title 2, article 9; for 1945 see title 3, article 42; for 1950 see title 2, article 11; for 1962 see title 2, article 12; for 1982 see title 4, article 90; and for 1983 see title 4, article 90. Although no written policy favored citizenship for European Jews during World War II, Salvadoran officials in Switzerland issued citizenship papers to approximately ten thousand Jewish families in German-occupied territories (Kranzler 2000, xxi).
131. Marure and Fuentes Franco 1856, 27; Griffith 1972, 81, 86.
132. Sensi-Isdani 1998, 409–10, 414.
133. Méndez 1895, 175–6; Sensi-Isdani 1998, 409–10, 414.
134. Wagner 1991, 24, 33.
135. Wagner 1991, 60–63, 107–8, 395.
136. Sensi-Isdani 1998, 415–16.
137. Méndez 1895, 169–70; Griffith 1972, 86. See article 2 of the 1896 Decree no. 520.

138. Paniagua 1908, 21.
139. Méndez 1925, 54.
140. Méndez 1931, 31.
141. Méndez 1925: 54; Méndez 1931: 13, 31; Méndez 1935: 839; Méndez, 1067. For residency restrictions, see the law of October 25, 1920; Consular Circular no. 7 of February 1, 1930; Law of August 12, 1932; and Law of March 1, 1933.
142. Mata 1915, 240.
143. Méndez 1931, 16, 40–2.
144. Méndez 1925, 54; Consular Circular no. 7 of Feb. 1, 1930 (Méndez 1931, 16, 40–42).
145. Méndez 1931, 40; Consular Circular no. 7 of Feb. 1, 1930, also mentioned this prohibition.
146. Zorraquín Becú 1943, 40. The 1936 Foreigners Law was also known as Decree no. 1781.
147. *ILAL 1950–1960,* vol. 2, 907.
148. Additionally, articles 37, 42, and 47 of the August 1, 1947, Reglamento de Migración disallowed prohibited and restricted immigrant groups from entering Guatemala as tourists and required those seeking entry with residency visas to make a sworn statement that they did not pertain to these groups.
149. See article 136 for the list of laws that Decree no. 22-86 formally repealed.
150. See discussion of the Federal Republic of Central America's citizenship preferences in the Costa Rica entry.
151. Wagner 1991, 24, 33.
152. See article 1.
153. Méndez 1895, 136–7. See article 3 of Decree no. 491 for additional citizenship preferences for Hispanic Americans and Central Americans.
154. See articles 3 and 64.
155. See articles 6 and 7 in the constitutions of 1879, 1885, 1887, 1897, 1903, and 1921.
156. See article 6.
157. See article 6 in the constitutions of 1935 and 1941. See articles 7 and 8 in the constitutions of 1945, 1956, and 1965.
158. See article 145 in the constitution of 1985 and 1985 with 1993 reforms.
159. *ILAL 1961–1965,* vol. 2: 108; Álvarez Rodríguez 2009, 373–5; Colegio de Abogados de Madrid 2011.
160. Léger 1907.
161. 1805 Constitution of Haiti, Art. 12; 1806 Constitution of Haiti, Art. 27, 28.
162. 1816 Constitution of Haiti, Art. 39, 44.
163. Miller 1975, 74–5.
164. Redpath 1861, 124–6.
165. 1867 Constitution of Haiti, Title II, Art. 4.
166. Léger 1907, 290–91.
167. 1889 Constitution of Haiti, Title II, Art. 3, 4.

168. Bulletin général des lois de la République d'Haiti. 1909. Port-au-Prince, Imp. Edm. Chenet, 151–5. The law was in effect until 1926 (Plummer 1981, 523, 537).
169. Plummer 1981, 524.
170. Turnier 1955, 180.
171. Plummer 1981, 528.
172. Code de lois usuelles. 1941. Port-au-Prince: Editions Henri Deschamps, 479.
173. Decree of November 6, 1984 on Nationality, Art. II; 1987 Constitution of Haiti.
174. Swett 1868, 87–97.
175. Amaya Banegas 1997, 33–4.
176. Pan American Union. 1907. "Bulletin of the International Bureau of the American Republics." 24(4): 998–1001.
177. Laughlin 1936, 55.
178. International Organization for Migration (IOM) 1991, 4–5.
179. Amaya 2006, 10–11.
180. Amaya 2006, 10–11. See also Decree no. 99 on page 639 of the July 10, 1912, *Gaceta*.
181. See articles 11 and 80 of the 1929 decree. See also Decree no. 143 of March 19, 1930, and the 1931 regulations of Decree no. 101 of 1929.
182. See article 14 of the March 20, 1934, immigration law, which was also referred to as Decree no. 134.
183. *ILAL 1950–1960,* vol. 2, 1035.
184. See *La Gaceta* of December 10, 1970, no. 20.247, pp. 1–12.
185. See discussion of the Federal Republic of Central America's citizenship preferences in the Costa Rica entry of the appendix, this volume.
186. See article 11 of the 1848 constitution.
187. See article 9 of the 1865 constitution.
188. See article 8 of the 1873 constitution.
189. See articles 30 and 31 of the 1880 constitution.
190. Honduras 1894. See article 8 of the 1894 constitution and article 7 of the 1904 constitution.
191. See article 8 of the 1924 constitution and article 10 of the 1936 constitution.
192. See articles 18 and 19 of the 1957 constitution. See article 16 and 17 of the 1965 constitution.
193. See article 24 of the 1985 constitution.
194. *ILAL, 1966–1970,* vol. 2: 215; Secretaría General de Inmigración y Emigración. See http://extranjeros.empleo.gob.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosDobleNacionalidad/.
195. De la Rocha 1873: 186.
196. See *La Gaceta* no. 150 of July 3, 1926.
197. See *La Gaceta* no. 365 of October 23, 1897. Much of Nicaragua's historical legislation is archived online at http://legislacion.asamblea.gob.ni/Normaweb.nsf.

198. See *La Gaceta* no. 105 of May 8, 1918.
199. See *La Gaceta* no. 117 y 118 of May 30–31, 1930.
200. See *La Gaceta* no. 81 of April 7, 1933.
201. *La Gaceta* no. 201 of September 25, 1944.
202. *La Gaceta* no. 240 of October 27, 1973. Restrictions on all groups prohibited in the 1930 legislation (except Chinese) were reiterated by Decree no. 407 of August 17, 1946.
203. See *La Gaceta* no. 103 of May 4, 1982.
204. See discussion of the Federal Republic of Central America's citizenship preferences in the Costa Rica entry of the appendix, this volume.
205. See chapter 3, articles 19–20, of the 1838 constitution.
206. The 1861 law was published in *La Gaceta* no. 658 of December 24, 1898.
207. See articles 7 and 8 of the 1893 constitution, articles 5 and 6 of the 1905 constitution, and article 9 of the 1911 constitution.
208. See article 15 in the 1939 and 1948 constitutions.
209. See article 19 of the 1950 constitution.
210. See article 17 of the 1987 constitution with 2000 reforms.
211. *ILAL 1961–1965,* vol. 2: 243. The agreement was ratified February 13, 1962.
212. Secretaria General de Inmigración y Emigración de España. See http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosDobleNacionalidad/ and http://www.icam.es/web3/grupos/verInformacion.jsp?id=200405040005&canal=ex&cat=1093&subCat=1459&subHij=384&pagina=3&princ=false&num=1.
213. Colby 2011, 87.
214. Burgos 1913: 125. The 1904 law was repealed by Law no., 32 of December 19, 1914 (Mon Pinzón 1981, 23–4).
215. Reid Ellis 1997, 242.
216. Arango Durling 1999, 34. Part of this law was repealed by Decree no. 62 of November 29, 1911.
217. Reid Ellis 1997, 242–3.
218. See article 23 of the 1941 constitution, which was suspended with Decree no. 4 of December 12, 1944 (Arango Durling 1999, 59).
219. Mon Pinzón 1981, 23.
220. Mon Pinzón 1981, 23–4; Arango Durling 1999, 34–5.
221. Mon Pinzón 1981, 24.
222. Arango Durling 1999, 34–5.
223. Mon Pinzón 1981, 24–5. Law no. 50 of 1913 was in force until 1917, when it was reformed by Law no. 31 of February 3.
224. Panamá, Secretaría de Relaciones Exteriores. 1927. *Inmigración y pasaportes*. 5, 45–52. See title IV, chapter two, article 1875, in the 1916 Administrative Code.
225. Mon Pinzón 1981, 25. The 1923 law was regulated by Decree no. 63 of September 18, 1923, Decree no. 71 of October 29, 1923, Decree no. 23 of

February 6, 1924, Decree no. 24 of June 1, 1924, and Decree no. 79 of November 11, 1924.
226. Panamá 1927, 11–14, 17–21, 45, 55.
227. Panamá, Secretaría de Relaciones Exteriores. 1927. *Inmigración y pasaportes*. 45–54.
228. This decree reformed article 1843 of the 1916 Administrative Code.
229. Arango Durling 1999, 46. See article two.
230. Mon Pinzón 1981, 25.
231. Arango Durling 1999, 47.
232. Mon Pinzón 1981, 25.
233. Arango Durling 1999, 26, 50–1.
234. Arango Durling 1999, 52, 59–60.
235. Mon Pinzón 1981, 26; Panama 1993, 13.
236. Mon Pinzón 1981, 26; Arango Durling 1999, 52.
237. Arango Durling 1999, 59.
238. Mon Pinzón 1981, 25.
239. Mon Pinzón 1981, 26.
240. See article 37 of the 1960 decree.
241. See Law no. 13 of 1965 in the *Gaceta Oficial* of September 30, 1965, no. 15.468: 1–8; see Law no. 6 of 1980 in the *Gaceta Oficial* of March 19, 1980, no. 19.031: 1–4; and Law no. 47 of 1999 in the *Gaceta Oficial* of September 23, 199: 2–9. See article 141 of the 2008 decree, available at http://www.gacetaoficial.gob.pa/pdfTemp/25986/9070.pdf.
242. Rodríguez 1906, 405.
243. Fábrega 1963, 8–10.
244. Arango Durling 1999, 28, 32, 38, 52, 59.
245. Chaves 1955, 1–2; Organization of American States (OAS) 1986, 10.
246. *Diario Oficial* 1924, 34; Vallejos 1892, 280–81, 554.
247. The text of Decree no. 11682 is available at http://www.glin.gov.
248. *Registro Oficial* 1921, 336–7; Fischer et al. 1997, 9–10.
249. *Registro Oficial* 1936, 286–7.
250. *ILAL, 1950–1960,* vol. 2, 1206.
251. *Registro Oficial* 1952, 674–5. See article 1.
252. *ILAL 1966–1970,* vol. 2, 355; *Registro Oficial* 1966, 22–7.
253. *Registro Oficial* 1955, 110–11.
254. Tigner 1981, 469. Law no. 784 of May 22, 1962, approved Decree-Law no. 219 of 1959. *ILAL,* vol. 2, 1961–1965, 303.
255. The text of Law no. 20 of 1990 is available at http://www.glin.gov.
256. See article 6 of the 1870 constitution; *Registro Oficial* 1887, 78–9.
257. See article 9 of the 1940 constitution.
258. Bucchi Pensa 1939, 102; Tigner 1981, 468.
259. *Treaty of Commerce between the Empire of Japan and the Republic of Paraguay and Exchange of Notes Relative Thereto.*
260. *Registro Oficial* 1924: 672; available at http://www.glin.gov.
261. Seiferheld 1981, 138.
262. *Registro Oficial* 1937, 646. See article 17 of the 1937 law.

263. *ILAL, 1961–1965,* vol. 2, 297.
264. See Spain's Secretaría General de Inmigración y Emigración at http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosDobleNacionalidad/).
265. De Arona 1972, 54.
266. Decree of February 20, 1857, May 26, 1857, and July 14, 1857; Oviedo 1861, volume 4, 234, 244, 257, 260–61, 266–7, 279; Stewart 1951, 131; Padilla Bendezú 1954, 243–6; de Arona 1972, 67, 130–32; Siederer 1987, 291–2; la Torre Silva 1992, 2.
267. Fuentes 1892, 3–7.
268. Fuentes 1892, 8–11.
269. Contreras 1994, 16.
270. *Compilación de la legislación peruana 1950,* volume 1, 187–9.
271. *Compilación de la legislación peruana 1969,* volume 6, 1931–3.
272. Barrenechea Calderón and Gamio de Barrenechea 1978, 176, 188.
273. Stewart 1951, 13; la Torre Silva 1992, 1.
274. Siederer 1987, 291.
275. Oviedo 1861, volume 2, 240, 247–8.
276. Oviedo 1861, volume 2, 234; Pasos Varela 1891, 30.
277. Siederer 1987, 291; Contreras 1994, 15.
278. *British and foreign state papers of 1874–1875* 1882, 1126–7; Bucchi Pensa 1939, 106.
279. de Arona 1972, 86–7; Bartet 2005, 102.
280. Gardinar 1975, 24.
281. Siederer 1987, 293–4.
282. See the Comisión Andina de Juristas, http://190.41.250.173/RIJ/bases/Nuevdh/dh2/pe19.htm.
283. Siederer 1987, 293.
284. Bucchi Pensa 1939, 106.
285. Bucchi Pensa 1939, 106; Padilla Bendezú 1954, 258–9; Ministerio de Relaciones Exteriores del Perú, http://www.rree.gob.pe/portal/Tratados.nsf/tratbixtem?OpenForm&Start=71&Count=160&ExpandView&Seq=4.
286. Bendezú 1954, 70–73, 258–9.
287. "Hearings before the President's Commission on Immigration and Naturalization," September 30, October 1–2, 6–11, 14–15, 17, 27–9, 1952: 1926–1927. Washington, D.C.: U.S. Government Printing Office.
288. del Río 1929, 247.
289. Bendezú 1954, 15.
290. Barrenechea Calderón and Gamio de Barrenechea 1978, 23–4.
291. Romagnoli 1995, 9. See Supreme Decree no. 417-RE and modifications of the Immigration Regulations of May 15, 1937 (including modifications added afterward until 1987) at the Comisión Andina de Juristas, http://www.cajpe.org.pe/.
292. del Río 1929, 241–50.

293. Oviedo 1861, vol. 1, 13–15; vol. 2, 67.
294. *Constitution of 1823; Constitution of 1826; Constitution of 1828*.
295. *Constitution of 1860*.
296. *Compilación de la legislación peruana 1952,* vol. 2, 874.
297. *Compilación de la legislación peruana 1955,* vol. 3, 1319–20.
298. *Constitution of 1979*.
299. *ILAL 1950–1960,* volume 2, 1309; see also Supreme Decree no. 488-RE of July 22, 1960 cited in Barrenechea Calderón and Gamio de Barrenechea 1978, 82–8.
300. See Spain's Secretaria General de Inmigración y Emigración, http://extranjeros.empleo.gob.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosDobleNacionalidad/.
301. Zubillaga 1988, 184.
302. Silva 1987, 481, 496–510.
303. Adamo 1999, 118–22.
304. Zorraquín Becú 1943, 40–41.
305. Alonso Criado 1902, 308–9.
306. Acerenza Prunell 2004–2005, 64–5.
307. Silva 1987, 514. Article 1 of this law also repealed the decree of December 10, 1894.
308. Zorraquín Becú 1943, 41. The September 15 and 16, 1932, decrees regulated Law no. 8868 of July 19, 1932.
309. For the text of Law no. 9604, see http://www0.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=09604&Anchor=. Article 84 of Law no. 18250 of December 27, 2007 fully repealed Law no. 2096 of June 19, 1890; Law no. 8868 of July 19, 1932 (and its modifications); and Law no. 9604 of October 13, 1936. For the text of Law no. 18250, see http://www0.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18250&Anchor=.
310. Facal Santiago 2003, 173–8.
311. Gleizer 2011, 38.
312. Zorraquín Becú 1943, 41.
313. See discussion of Gran Colombia's immigration preferences in the Colombia entry of the appendix, this volume.
314. See the decrees of June 13, 1831; May 12, 1840; May 24, 1845; May 19, 1937 (Cuerpo de leyes de Venezuela: con un índice alfabético razonado y referente 1851, vol. 1, 2, 293, 438; Area et al. 2001, 57–9).
315. Area et al. 2001, 69.
316. *Monthly Bulletin of the Bureau of the American Republics,* July 1896, volume 3, no. 1, 609–12; Organization of American States (OAM) 1985, 7; Pellegrino 1989, 92, 103, 116–18, 132; Area et al. 2001, 20, 90–2.
317. Organization of American States (OAM) 1985, 13.
318. Zorraquín Becú 1943, 32. The European preference did not continue in Venezuela's constitution of 1947.
319. For the text of the 1966 measure, see http://190.41.250.173/rij/index.html.
320. For the text of the 2004 law, see http://190.41.250.173/rij/index.html.

321. Pellegrino 1989, 88–9. See article 3.
322. Del Castillo 1852, volume 2, 216–17. While the Law of May 18, 1855, specified preferences for Asians and did not specifically reference European migrants, the Executive Decree of July 2, 1855, included Europeans in the protections and privileges it extended to Asians (see section 2, article 14). The executive decree also extended citizenship preferences to these groups (Article 17) as well as land (Article 18).
323. Area et al. 2001, 19.
324. Pellegrino 1989, 130–32. See article 3.
325. Area et al. 2001, 95.
326. Area et al. 2001, 128.
327. Pellegrino 1989, 169–73. See article 5.
328. Area et al. 2001, 159. See section 4, article 32, part 2, which prohibited foreigners who were included in the exclusion clauses of the 1936 Law of Immigration and Colonization. For the text of the 1937 measure, see http://docs.venezuela.justia.com/federales/leyes/ley-de-extranjeros.pdf.
329. Pellegrino 1989, 226; Area et al. 2001, 244. Article 43 of the 1966 legislation repealed the 1918 Law of Immigration and Colonization. For the text of the 1966 measure, see http://190.41.250.173/rij/index.html.
330. See discussion of Gran Colombia's citizenship preferences in the Colombia entry of the appendix, this volume.
331. *Cuerpo de leyes de Venezuela: con un índice alfabético razonado y referente*. 1851, vol. 1, 92, 293; Area et al. 2001, 57–9. See Decree of June 13, 1831; Decree of May 19, 1837; and Decree of May 24, 1845.
332. Del Castillo 1852, vol. 2, 216–17. See article 17.
333. Area et al. 2001, 225–8.
334. The 1966 Law of Immigration and Colonization repealed legislation from 1918 that included a bar on nonwhite immigration.
335. See title 3, article 11, part 4.
336. Area et al. 2001, 743–9. See article 6, section 2.
337. Area et al. 2001, 743–9. In the 1864 constitution, see article 6, section 4; in the 1893 constitution, see article 5B, section 2; and in the 1904, 1947, and 1953 constitutions, see article 8B, section 1.
338. Area et al. 2001, 743–9. See articles 36 and 37.
339. Area et al. 2001, 743–9. See article 32, section 2, in the 1999 constitution and article 33 in the 1999 constitution with 2009 reforms.

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