Déjà Vu and the Gendered Origins of the Practice of Immigration Law: The Immigrants' Protective League, 1907–40

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On Friday January 27, 2017, Donald Trump executed the infamous executive order: banning immigration and even visitors from seven countries. The order affected those with travelers' visas headed to the United States as well as permanent United States residents from seven banned countries attempting to re-enter the United States. By Saturday morning, tens of thousands of protestors appeared at airports denouncing what quickly came to be called the "Muslim Ban." Protestors chanted to the world, "Immigrants are Welcome Here." At times, neither those affected by the ban nor the protestors were the stars of these dramatic events. Rather, attorneys who also had gathered spontaneously became central to the story and the ongoing crisis.[1] Organizations such as the American Civil Liberties

1. See, for example, Latria Graham, "When We're Needed, We'll Show Up," *Harvard Law Bulletin* (Spring 2017): 34–41; Sara O'Brien, "Airport Lawyer Service Helps Fliers Worried about the Travel Ban," *CNN Tech*, March 7, 2017, http://money.cnn.com/2017/

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Union (ACLU) and other immigrant rights groups began to mount lawsuits to challenge the ban, and volunteer attorneys staffed makeshift airport desks.[2]

At Chicago's O'Hare airport, lawyers walked through the crowd at the international arrivals area with handmade oak tag placards reading, "Need an Attorney? We are Here." They comforted families waiting for a loved one to clear immigration, tracked arriving flights, and collected information regarding who was being detained by officials or subjected to "enhanced questioning." One lawyer said, "I am here to do anything. I just want to help."[3] For those who may have noticed, women attorneys appear to have comprised the majority of airport volunteer lawyers.[4] Since then, the attention of a vast network of individual attorneys, social welfare organizations, and nonprofit legal groups has turned from the airports to litigating the executive order, preventing the deportation of undocumented immigrants, representing migrants applying for asylum, and stopping the horrifying separation of children from parents.[5]

03/07/technology/airport-lawyer-travel-ban/index.html (accessed November 17, 2018); Jonah Engel Bromwich, "Lawyers Mobilize at Nation's Airports After Trump's Order," *New York Times*, January 29, 2017, https://www.nytimes.com/2017/01/29/us/lawyers-trump-muslim-ban-immigration.html (accessed November 17, 2018); and Lucy Westcott, "Thousands of Lawyers Descend on U.S. Airports to Fight Trump's Immigrant Ban," *New York Times*, January 29, 2017, http://www.newsweek.com/lawyers-volunteer-us-airports-trump-ban-549830 (accessed November 17, 2018).

2. See, for example, Amrit Cheng, "The Muslim Ban: What Just Happened?" *ACLU Blog*, December 6, 2017, 3:45 PM, https://www.aclu.org/blog/immigrants-rights/muslim-ban-what-just-happened (accessed November 17, 2018); Carrie Schedler, "The 300-Plus Attorneys Who Volunteered at O'Hare," *Chicago Magazine*, November 27, 2017, http://www.chicagomag.com/Chicago-Magazine/December-2017/Chicagoans-of-the-Year/The-300-Plus-Attorneys-Who-Volunteered- at-OHare/ (accessed November 17, 2018); Diala Shamas, "Lawyers Alone Can't Save Us from Trump. The Supreme Court just Proved It," *The Washington Post*, June 27, 2017, https://www.washingtonpost.com/news/posteverything/wp/2017/06/27/the-supreme-courts-travel-ban-order-shows-that-lawyers-cant-save-us-from-trump/?utm_term=.3f7319aef779 (accessed November 17, 2018); and Glenn Thrush, "Trump's New Travel Ban Blocks Migrants from Six Nations, Sparing Iraq," *New York Times*, March 6, 2017, https://www.nytimes.com/2017/03/06/us/politics/travel-ban-muslim-trump.html (accessed November 17, 2018).

3. "Professor Batlan at O'Hare Airport Protest over Immigration Ban," *Chicago-Kent Faculty Blog*, February 21, 2017, http://blogs.kentlaw.iit.edu/faculty/2017/02/01/professor-batlan-ohare-airport-protest-immigration-ban/ (accessed November 17, 2018).

4. Anna Silman, "These Are the Attorneys Fighting Trump's Immigration Ban at Airports Around the Country," *The Cut*, January 31, 2017, 11:15 AM, https://www.thecut.com/2017/01/the-women-fighting-trumps-immigration-ban.html (accessed November 17, 2018). Some observers estimated that women lawyers composed 70% of airport volunteer lawyers.

5. See, for example, *City of Chi. v. Sessions*, 888 F.3d 272 (7th Cir. 2018); *Hawai'i v. Trump*, 874 F.3d 1112 (9th Cir. 2017), *rev'd*; 585 U.S (decided June 26, 2018); *Int'l*

These events, which seem so awful and unprecedented, are part of a much longer history of restrictive immigration laws, organizations that advocated on behalf of immigrants, and the development of the everyday practice of immigration law. Yet, there is scant historiography regarding when and how the practice of immigration law developed. In fact, the first professional organizations for immigration lawyers were not even formed until after World War II. The few works of scholarship that discuss lawyers who represented people with matters involving immigration law tend to focus on court cases and do not explore fully the role of philanthropic organizations in providing legal representation to clients at the administrative hearing level.[6] This article reaches down to the grassroots level of the everyday provision of legal advice to immigrants on immigration matters, and discovers the crucial contributions of women social workers who engaged in the everyday practice of immigration law. That women social workers were deeply involved in representing and providing advice to potential immigrants trying to enter the United States or those threatened with deportation is not surprising, given the enormous role that women who were not professional lawyers played in the creation and provision of free legal aid to the poor in the nineteenth and twentieth centuries.[7] Such women's work is both an expansion of these early services and also a new response to the growth of the administrative state and a widespread understanding that various types of administrative hearings were essentially quasi-legal, and fell into a contested terrain not yet fully monopolized by the bar.

This article examines the Chicago Immigrants' Protective League founded in 1908. The League was a grassroots social welfare organization

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Refugee Assistance Project v. Trump, 857 F.3d 554 (4th Cir. 2017); *Cnty. of Santa Clara v. Trump*, 275 F. Supp. 3d 1196 (N.D. Cal. 2017); and Proclamation No. 9645, 82 Fed. Reg. 13, 209 (Sept. 24, 2017).

6. See Louis Anthes, *Lawyers And Immigrants, 1870–1940: A Cultural History* (Levittown, NY: Scholarly Publishing, 2003); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004); Lucy Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill, NC: University of North Carolina Press, 1995); and Geoffrey Heeren, "Illegal Aid: Legal Assistance to Immigrants in the United States," *Cardozo Law Review* 33 (2011): 619–74. These are all excellent works of scholarship that this article draws on, and my comments should not be understood as a criticism.

7. Felice Batlan, *Women and Justice for the Poor: A History of Legal Aid* (New York: Cambridge University Press, 2015). Geoffrey Heeren makes the error of assuming that the Immigrants' Protective League (IPL) did not engage in legal work until the late 1920s when it hired a professional attorney. As will be discussed, its staff of social workers provided legal aid to immigrants. Heeren, however, is correct that legal aid societies handled many cases for immigrants with claims involving contracts, torts, and frauds, but few cases concerning immigration law. Heeren, "Illegal Aid," 636–39.

in Chicago. Its leaders became immigration law experts and disseminators of knowledge about immigration laws, and provided free counsel to tens of thousands of poor migrants. Crucially, the League's legal practice was not court based, but on the ground where it provided advice to migrants and their families and represented migrants when dealing with the Bureau of Immigration. Always headed by women social workers, deeply connected to Jane Addams' Hull House, the League created a robust model of immigration advocacy. Over time, its work included the everyday legal representation of immigrants, production of social science research and scholarship about immigration and immigrants, lobbying immigration officials and the federal government for better and less restrictive immigrations laws, and provision of social services to immigrants. The League and its women, although certainly far from perfect, accomplished this work at a time of growing xenophobia and ever-increasing restrictive immigration laws. It did this during an era when only a handful of women were professionally trained lawyers.[8]

A close and thick reading of the League's archival documents manifests how the events of Donald Trump's immigration policies have a long and painful history. United States immigration law has consistently been cruel, inhumane, arbitrary, and capricious.[9] Told from the ground up, one dramatically sees how immigration laws and practices were (and still

8. On women lawyers, see Barbara Babcock, *Woman Lawyer: The Trials of Clara Foltz* (Stanford, CA: Stanford University Press, 2011); Jill Norgren, *Belva Lockwood: The Woman Who Would Be President* (New York: New York University Press, 2007); Mary Jane Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Profession* (Oxford: Hart Publishing, 2006); and Virginia Drachman, *Women Lawyers and the Origins of Professional Identity in America* (Ann Arbor, MI: University of Michigan Press, 1993). This article is part of a much larger project on the history of the League and the practice of immigration law. It specifically does not address the 1922 Cable Act that separated women's citizenship from that of their husbands. The League handled many of these matters for women clients. On the Cable Act see, Martha Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1860–1965* (Princeton, NJ: Princeton University Press, 2005).

9. For just some of the vast historiography on immigration, see Katherine Benton-Cohen, *Inventing the Immigration Problem: The Dillingham Commission and Its Legacy* (Cambridge, MA: Harvard University Press, 2018); Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy* (New York: Oxford University Press, 2017); S. Deborah Kang, *The INS on the Line: Making Immigration Law on the U.S.–Mexican Border, 1917–1954* (New York: Oxford University Press, 2017); Libby Garland, *After They Closed the Gates: Jewish Illegal Immigration, 1921–1965* (Chicago: University of Chicago Press, 2014); Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2010); Peter Schrag, *Not Fit for Our Society: Nativism and Immigration* (Oakland, CA: University of California Press, 2010); Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2008); David R. Reimers, *Unwelcome Strangers: American Identity and the Turn Against Immigration* (New York: Columbia University Press,

are) changing and unstable, consistently thwarting the legitimate expectations of migrants, leaving people in a legal limbo, and destroying lives. In response, the League participated in creating a grassroots legal practice that was continually improvised, responding to changing laws, rules, policies, customs, and the needs of those trying to immigrate. Thus, it shows the dramatic fluidity of law in action. This article is especially concerned with those moments at which rules, regulation, or laws changed, and the effect that such changes had on the League's practices and clients. More broadly, the article contributes to the growing historiography on access to justice in the first part of the twentieth century.

This article draws on an excellent scholarship on immigration law and policy while making numerous new contributions about the development of the practice of immigration law and the role of women legal providers.[10] Existing scholarship creates a powerful narrative that tells how white supremacy spurred increasingly strict immigration laws, describes the extraordinary growth of the discretionary power of the Immigration Bureau, and recounts how immigrants brought lawsuits in courts to challenge certain immigration laws and practices. Incorporating this literature, the article examines how and why the League, primarily consisting of women social workers, became an immigration law expert and advocate, and the role that gender played in allowing it to assume such a position. By focusing on this one organization, which spent decades specializing in immigration law, the article highlights the at times close relationship that the League had to immigration officials, and how the League acted as a legal intermediary and repeat player, often walking a tightrope

1998); and John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New Brunswick, NJ: Rutgers University Press, 1988).

10. Part of the excellent scholarship on immigration law includes Hirota, *Expelling the Poor*; Kanstroom, *Deportation Nation*; Ngai, *Impossible Subjects*; and Salyer, *Laws Harsh as Tigers*. On the history of women legal providers who were not formal lawyers, see Batlan, *Women and Justice*. Although a small number of historians have written about the League, none have analyzed the League as a legal advocacy organization that also represented immigrants free of charge. In part, this is because the League and its mission changed over time as it increasingly took on the role of being a legal advocate for individuals. However, such omission is also because of the close, even symbiotic, relationship between the League and the Hull House Settlement, which made the League look like a bastion of social work, deeply connected to a large variety of social and political reforms rather than providing representation for individuals in legal matters. For example, see Carol Nackenoff, "The Private Roots of American Political Development: The Immigrants' Protective League's 'Friendly and Sympathetic Touch,' 1908–1924," *Studies in American Political Development* 28 (2014): 129, 134–41; and Robert Buroker, "From Voluntary Association to Welfare State: The Illinois Immigrant Protective League, 1908–1926," *Journal of American History* 58 (1971): 643–60.

between "accommodation and resistance" to the state.[11] Similarly it demonstrates how an organization facing incredible social, legal, and political hostility to immigration continued to mobilize pro-immigration arguments and discourses. Echoing the League's immigration practice, this article intentionally de-emphasizes formal law and instead examines how a series of people and institutions interpreted, lived, and experienced law in the everyday world.[12]

Spotlighting the League, always located in Chicago, further provides a unique geographical dimension to the history of the practice of immigration law. Many historians focus on immigration stations at ports: Ellis Island, Angel Island, even Philadelphia.[13] Newer scholarship explores immigration from Mexico and Central America and the creation and policing of the Mexican and United States border.[14] This makes sense, as immigration officials' decisions about admission to the United States, as well as immediate appeals, occurred at such locations. At first it seems strange to imagine Chicago as an early twentieth-century hot spot of immigration law, but as will be discussed, it was. The League became a sort-of immigration clearinghouse for the Midwest, and it had extensive contacts in the United States Bureau of Immigration, the State Department, other federal agencies, Ellis Island, and national and international aid organizations. In part, this was because of the immense cultural capital of the women who ran the League and their institutional connections with Hull House and later the University of Chicago. Moreover, Chicago was not that far from the Canadian border and some immigrants from Europe attempting to reach Chicago did so by crossing that border.

11. Libby Garland uses this phrase in her discussion of Jewish organizations representing immigrants in immigration proceedings; Garland, *After They Closed the Gates*, 87. Michelle McKinley discusses the importance of legal historians turning their interest to the role of "legal intermediaries" and "fixers," often non-attorneys at the lower rungs of the legal hierarchy. This is an apt description of the League, although it had substantial intellectual and cultural capital. Michelle McKinley, *Fractional Freedoms: Slavery, Intimacy and Legal Mobilization in Colonial Lima, 1600–1700* (New York: Cambridge University Press, 2016), 44.

12. For other historical work about the lived experience of law, see Anne Twitty, *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787–1857* (New York: Cambridge University Press, 2016); Kenneth Mack, *Representing the Race: The Creation of the Civil Rights Lawyer* (Cambridge, MA: Harvard University Press, 2014); and Hendrick Hartog, *Man and Wife in America* (Cambridge, MA: Harvard University Press, 2002).

13. See Ngai, *Impossible Subjects*; and Salyer, *Laws Harsh as Tigers*.

14. Kang, *The INS on the Line*; and Julian Lim, *Porous Borders: Multiracial Migrations and the Law in the U.S.-Mexican Borderlands* (Chapel Hill, NC: University of North Carolina Press, 2017).

Although historians generally speak about change over time, this article demonstrates that the techniques that the federal government currently employs to deny people entry into the United States or to deport immigrants has deep roots. This is a continuing story of families torn apart, of grief and heartbreak, of discretionary bureaucratic power, and of how a specific organization created a role for themselves in a process that was part law, part policy, part custom, and part bureaucratic discretion, which could inure to a migrant's benefit or harm.

The first part of the article provides a brief history of the intense anti-immigration sentiment that led to Congress enacting restrictive immigration laws before World War I. The practice of immigration law only developed in response to the enactment and enforcement of such laws. The second part of the article intensely examines the origins of the League and the role that gender played in creating a space in which the middle-class white women leaders of the League could claim an expertise in caring for and supervising poor white immigrant women. The article then discusses the pro-immigration discourse that the League used to counter intense social, legal, and political anti-immigration arguments and actions. The League's leaders continually attempted to demonstrate the importance of immigration to the very identity of the United States. In part, the League did so by claiming an expertise, based on first hand observation and study, of immigrant community life in the United States.

The article continues by depicting and situating how the League, and other philanthropic organizations, engaged in and helped create the practice of immigration law. It argues that the League's women workers, although not trained lawyers, were deeply involved in advising clients about the law and representing them in administrative immigration proceedings. Before World War I, League workers quickly gained an expertise in handling matters involving immigration officials' decisions to deny migrant women's entry into the United States or begin deportation proceedings. The League performed a type of balancing act between advocating for such women and earning the trust of immigration officials. The article next explores the work of the League during World War I as it became a legal interpreter and intermediary between immigrant communities and the federal government in connection with the Selective Service laws. Through this work, the League earned widespread trust and began representing immigrant men on a significant scale. Such work prepared the League to become expert in dealing with the bureaucratic administrative state. The article continues by analyzing the League's role in representing migrants after Congress passed highly restrictive immigration laws in 1921 and 1924. It examines the League's fury at such laws, and how such laws dramatically affected their clients. The final section describes the League's

day-to-day and fully mature legal practice as the 1924 law became fully enshrined, and the government later began mass deportations. As the League documented, such laws often separated families and made reunification virtually impossible. This story, of course, frighteningly echoes the present.

I. A Brief History of Immigration Law Before 1917

To understand the emergence of the League, a basic knowledge of anti-immigration ferment in the United States, and the body of restrictive immigration laws that it spawned is helpful. Rarely has there been a time between the 1870s and the present day when nativist and anti-immigration sentiment did not exist in some form. Nativism, almost always present as a background hum at times exploded. Elite forms of nativism such as Boston's Immigrant Restrictive League spent years lobbying for immigrant literacy tests. Chinese and Japanese immigrants were prohibited from seeking citizenship and, for long periods, mainly were excluded from the country. Vigilante groups engaged in multiple forms of violence against immigrants, including lynching. Discrimination in employment, housing, and various accommodations were the norm. Many mainstream periodicals promoted anti-immigration, anti-Chinese, anti-Semitic, and anti-Catholic hysteria. Politicians, and others continually associated immigrants with crime and poverty. By the first decade of the twentieth century, many elite and middle-class citizens argued that immigrants from Italy, Eastern Europe, Russia, Asia, and the Middle East were incapable of assimilation or self-governance. Eugenics based on pseudoscience had become part of mainstream science; politicians, journalists, and reformers maintained that certain races were genetically and biologically inferior to white Anglo-Saxon Protestants. At their most extreme, they suggested that immigrants would eventually populate the United States, leading to the extinction of the white "race."[15]

Given the current crisis over United States immigration policy, it can be difficult to grasp that the federal government was not particularly interested in running the day-to-day administration of immigration until the 1880s. Rather, immigration was mostly left to individual states. A number of coastal states created commissions on immigration, some that attempted

15. See Benton-Cohen, *Inventing the Immigration Problem*; Doug Coulson, *Race, Nation, and Refuge: The Rhetoric of Race in Asian American Citizenship Cases* (Albany, NY: SUNY Press, 2017); and Linda Gordon, *The Second Coming of the KKK: The Ku Klux Klan of the 1920s and the American Political Tradition* (New York: Liveright, 2017).

to aid immigrants and others that focused on preventing the poor from entering or remaining in the country[16] States such as Massachusetts and New York supported their immigration apparatus by leveling a head tax on immigrants. Like so much else in United States legal history, such practice implicated federalism. In *Henderson v. Mayor of New York*, the United States Supreme Court found that such head taxes, when levied by a state, were unconstitutional.[17] This left states without funding to run immigration stations, and the federal government was forced to step in. Meanwhile, anti-immigration sentiment was growing, and Congress faced political pressure to act.

For decades, whites had shown hostility and even murderous rage toward Chinese immigrants, especially in Western states. Whites claimed that the Chinese took away jobs from Americans, that Chinese women were prostitutes, and that Chinese immigrants belonged to criminal gangs that spread the opium trade. Congress first passed the 1875 Page Act, which prohibited the entry of Chinese, Japanese, and "Oriental" laborers who had entered into "involuntary" labor contracts, and the entry of Asian prostitutes.[18] Enforcement of the act limited the entry of Chinese women whom officials often deemed prostitutes.[19] Congress, in 1882, passed the Chinese Exclusion Act.[20] The Chinese Exclusion laws' racial logic would after World War I provide a framework for the nation's new and harsh immigration laws.[21]

Congress, in 1882, also passed a more general immigration law based upon a conception of which immigrants were fit to live in the United States and potentially become citizens. Specifically, it excluded immigrants who were or were likely to become public charges upon entering the United States, along with "idiots" and "lunatics."[22]

The laboring classes also feared that immigrants were stealing jobs from Americans, especially as employers, at times, used immigrant labor to break strikes. The Knights of Labor, along with other labor unions, lobbied Congress to pass the Anti-Contract Law (1885) which initially prohibited

16. See Hirota, *Expelling the Poor*, discussing Massachusetts deportation of poor and sick immigrants; Brendan P. O'Malley, "Protecting the Stranger: The Origins of U.S. Immigration Regulation in Nineteenth-Century New York" (PhD diss., CUNY, 2015), pointing to the aid that the New York Immigration Commission at times extended to immigrants.

17. *Henderson v. Mayor of N.Y.*, 92 U.S. 259 (1875).

18. Page Act, Ch. 141, 18 Stat. 477 (1875).

19. Kerry Abrams, "Polygamy Prostitution, and Federalization," *Columbia Law Review* 105 (2005): 641–716.

20. Chinese Exclusion Act of 1882, Pub. L. No. 47-126, 22 Stat. 58.

21. Salyer, *Laws Harsh as Tigers*, 7, 17.

22. Immigration Act of 1882, Ch. 376, 22 Stat. 214 (1882).

the importation of laborers with prearranged contracts.[23] Congressional debates scapegoated Italian and Eastern European immigrants as debauched and brutal paupers who were more akin to slaves than free labor. The rhetoric, however, had little to do with reality. As scholar Kitty Calavita emphasizes, Congress was giving lip service to the well-being of labor, and the law was primarily symbolic and did not better the conditions of labor or protect strikers.[24] An 1888 Congressional amendment made the migrant who possessed such a prearranged employment contract inadmissible to the United States.[25] Potential immigrants now had to walk a tightrope between demonstrating that they were able to support themselves and showing that they did not already have such a prearranged contract.

In 1891, Congress passed a law that expanded categories of exclusion, extended the power to deport immigrants, and provided that federal officers would take charge of immigration. The act created the Federal Bureau of Immigration, which was headed by the superintendent of immigration and later the commissioner-general of immigration, both under the Department of Labor and Commerce.[26] The act made many of the decisions of the Bureau of Immigration final in connection with the determination of whether a migrant could enter the United States. This greatly limited the ability of migrants to challenge decisions in court.[27]

The next decades saw a growing list of migrants excludable from the United States including beggars, people with physical or mental problems, polygamists, anarchists, convicted criminals, prostitutes, and those immigration officials found to be immoral.[28] Immigration law represented the public imagination's great fear of immigrant dependency, criminality, lack of discipline, and the inability of immigrants to fully assimilate to white Protestant standards. The ideal immigrant was to be an English-speaking, able-bodied, Protestant white man capable of autonomy and fully independent.[29]

As Congress created a schema of restrictive laws, it also built the apparatus of federal administrative control. The federal government opened

23. Anti-Contract Labor Law of 1885, ch. 164, 23 Stat. 332 (1885).

24. Kitty Calavita, *U.S. Immigration Law and the Control of Labor: 1820–1924* (London: Academic Press, 1984), 51–66.

25. Ibid., 62.

26. Immigration Act of 1891, Ch. 551, 26 Stat. 1084 (1891).

27. Ibid.

28. See Garland, *After They Closed the Gates*, ch. 1.

29. On the concept of the white, independent able-bodied man as the ideal citizen, see Barbara Y. Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (New York: Cambridge University Press, 2010).

Ellis Island in 1892. There immigration officials inspected potential immigrants for signs of physical or mental weakness and interrogated immigrants to discern their ability to support themselves. Line inspectors had substantial authority to deny immigrants entry into the United States. Contemporaries as well as historians emphasize that inspectors were often overzealous, understanding their role as being to hinder rather than support immigration.[30]

The Immigration Act of 1893 created Boards of Special Inquiry at each United States seaport entry station that held hearings to determine whether a line inspector's decision to exclude a potential immigrant would be upheld.[31] Each board consisted of three rotating members chosen by the local commissioner of immigration. One Treasury Department circular, from 1907, provided that the hearing would not be public but that, at the discretion of the commissioner, the immigrant could have a friend or counsel accompany him or her.[32] Some decisions were made by such Special Boards in a couple of minutes; others could take days as the board conducted an investigation of the potential immigrant.[33] Like line inspectors, these boards had immense discretion. The composition of the boards was also problematic, as line inspectors sat as judges. Appeals from board decisions could be taken to the commissioner of immigration and then the secretary of the treasury, later the secretary of labor.[34] Giving immense berth to the Immigration Bureau, the United States Supreme Court in *Nishimura Ekiu v. United States* held that federal courts could not review an immigration official's factual determinations regarding the exclusion of a migrant.[35]

Congress also enacted increasingly harsh deportation laws. Deportation was originally aimed at those immigrants who were "likely to become a public charge" within 1 year of entry, but Congress then extended it to 2, then 3, and finally 5 years in 1917. In 1910, with passage of the Mann Act, immigrants whom officials identified as prostitutes and those

30. Salyer, *Laws Harsh as Tigers*, 141–44.

31. Immigration Act of 1893, ch. 206, 27 Stat. 570 (1893).

32. See Treasury Department, Doc. No 1391, Immigration Laws and Regulations, art. 6 (March 11, 1893); Treasury Department, Doc. No. 1600, Immigration Law and Regulation (April 25, 1893).

33. Salyer, *Laws Harsh as Tigers*, 147–48.

34. See Treasury Document No. 1391.

35. *Nishimura Ekiu v. United States*, 142 U.S. 651 (1892); and Salyer, *Laws Harsh as Tigers*, 53. For current events on this same issue, see Katie Benner and Charlie Savage, "Due Process for Undocumented Immigrants, Explained," *New York Times*, June 25, 2018, https://www.nytimes.com/2018/06/25/us/politics/due-process-undocumented-immigrants.html (accessed November 17, 2018).

who trafficked in them were forever deportable.[36] These laws represented a growing distinction between the categories of citizens and aliens, and the reversal of the presumption that those who were allowed into the country would be allowed to remain in the United States.[37]

Between the 1890s and 1917, most immigrants (excluding Chinese and Japanese who largely were not permitted to immigrate) denied permission to immigrate to the United States fell into the broad and ambiguous "likely to become a public charge" provision. It functioned as a catchall and, as Immigrants' Protective League leaders argued, was used by immigration officials "to exclude anyone who seemed to them undesirable."[38] By the early twentieth century, the federal government established the apparatus of the control of migrants, which continued to grow and become increasingly bureaucratic.

II. The Immigrants' Protective League: The Beginnings

The Immigrants' Protective League was a response to the vast numbers of new immigrants streaming into Chicago. Immigrants fleeing poverty, war, and oppression had long settled in Chicago, as they had in so many cities across the world. It was in the 1890s that the immigrant population began to swell. Between 1910 and 1919, 362,756 new immigrants arrived in Chicago. This number alone does not convey the speed at which immigrants came to Chicago: in 1892, 46,102 immigrants entered the United States headed to Illinois; in 1907, that number was 104,156, and in 1913, it was more than 107,000.[39]

Mass arrivals of new immigrants to Chicago triggered not only hostility and fear, but also gave rise to a vast number of social service organizations that sought to aid immigrants as well as to assimilate and Americanize them.[40] As historians have long debated, such organizations, often engaged in forms of social control, imposing white Protestant middle-class values of

36. White-Slave Traffic Act of 1910, ch. 395, 36 Stat. 825 (1910).

37. Salyer, *Laws Harsh as Tigers*, 132–33. On the broader history of deportation, see Kanstroom, *Deportation Nation*.

38. Edith Abbott, "Federal Immigration Policies, 1864–1924," *University Journal of Business* 2 (1924): 347–67, at 351.

39. "Immigrant Aliens Admitted to Illinois," Box 47, Immigrants' Protective League Records, Special Collections and University Archives, University of Illinois at Chicago (hereafter IPL records UIC).

40. For a discussion of the Americanization of immigrants and the role of state government, see Christina A. Ziegler-McPherson, *Americanization in the States: Immigrant Social Welfare Policy, Citizenship, and National Identity in the United States, 1908–1929* (Gainesville, FL: University Press of Florida, 2009).

work, discipline, appropriate gender roles, domesticity, and sexuality upon poor immigrants.[41] The most progressive organizations, such as Chicago's Hull House, also celebrated cultural pluralism.[42]

Jane Addams founded the Hull House settlement in 1889, and it would become one of the best-known and celebrated settlement houses. On the most rudimentary level, settlement houses were residences established by elite and middle-class women and men in poor and primarily immigrant neighborhoods. Some settlement workers resided in the settlement house, and others worked there. Settlement house leaders attempted to provide services to the community as the need arose, and often experimented with creating programs that they hoped eventually would be sponsored by the government. Over the years, Hull House offered a cafeteria, English classes, cooking classes, and a host of other educational opportunities for immigrant children and adults. In addition, it built playgrounds; ran summer camps; sponsored lectures, art exhibits, and plays; taught vocational skills; and provided a physical meeting space for a wide range of organizations including labor unions. Residents of Hull House were also some of the first to study the lives of immigrants and to lobby for minimum wages and maximum hour laws, tenement regulation, juvenile courts, and other progressive reforms. Hull House became a vibrant center for political, legal, and social reformers, and it hosted some of world's leading intellectuals, both male and female.[43] The women leaders of the Immigrants' Protective League all had spent considerable time at Hull House and were some of Jane Addams's closest confidantes.

The original idea for the League grew out of Hull House and the work of the Chicago branch of the Women's Trade Union League (WTUL). The WTUL was a cross-class organization of women, which advocated for a broad range of labor reforms for women workers. The WTUL had

41. For examples of how historians have used concepts of social control, see Andrew Urban, *Brokering Servitude: Migration and the Politics of Domestic Labor during the Long Nineteenth Century* (New York: New York University Press, 2018); and Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Values* (New York: Viking, 1988).

42. Jane Addams's writings are powerful evidence of her belief in pluralism as crucial to a vibrant democracy. Jane Addams, *Democracy and Social Ethics* (New York: Macmillan Company, 1915).

43. On Hull House and Jane Addams, see Louise W. Knight, *Jane Addams Spirit in Action* (New York: W.W. Norton, 2010); Jean Bethke Elshtain, *Jane Addams and the Dream of American Democracy* (New York: Basic Books, 2001); Rivka Shpak Lissak, *Pluralism and Progressivism: Hull House and the New Immigrants, 1890–1919* (Chicago: University of Chicago Press, 1989); and Felice Batlan, "Florence Kelley and the Battle Against Laissez-Faire Constitutionalism," December 1, 2010, https://ssrn.com/abstract=1721725 (accessed November 17, 2018).

established a committee to study the issues affecting young women who immigrated by themselves to Chicago, which found that they (in common with other immigrants) confronted a variety of problems that went well beyond the WTUL's mandate or capacity to address.[44] In addition, unlike other states such as Massachusetts and New York, Illinois did not have a commission on immigration that could aid new immigrants.[45] In response to such need, Jane Addams and Sophonisba Breckinridge (who was both a member of the WTUL and a Hull House resident) advocated for the creation of the Immigrants' Protective League. Using the vast contacts possessed by Addams and Hull House, they called upon its most loyal supporters to join the League's board.[46]

The League was officially founded in 1908, and its early leadership included lawyers, judges, reformers, businessmen, and social workers. Social workers Grace Abbott, Edith Abbott, Sophonisba Breckinridge, and later Adena Miller Rich spent decades spearheading and engaging in most of the League's work. Grace Abbott for years filled the salaried role of executive director and Breckinridge for decades was an active officer and board member. Grace Abbott, born and raised in Nebraska, moved to Chicago to join Hull House in 1907 and earned a master's degree in political science from the University of Chicago. At Hull House, she met Breckinridge, who hailed from a prestigious Kentucky family of politicians. Nisba (as she was called) held a law degree and a PhD from the University of Chicago and was a pioneer in the professionalization of social work, first teaching at Chicago's School of Civics and Philanthropy and then founding, with Edith Abbott, the University of Chicago's School of Social Science Administration.[47] Impressed by Grace Abbott, Breckinridge and Addams quickly recruited her to be the director of the League.[48] Joining Abbott and Breckinridge, and in their

44. Leah Costin, *Two Sisters for Justice: A Biography of Grace and Edith Abbott* (Urbana, IL: University of Illinois Press, 1983), 69; and Nackenoff, "The Private Roots," 134–41.

45. See O'Malley, "Protecting the Stranger," discussing the development and history of the New York Commission. Indeed, League leaders believed that Illinois needed such a commission and it was their hope that the state would take over the work of the League.

46. Costin, *Two Sisters*, 70.

47. Ibid., ch. 5.

48. Abbott remained the Director of the League until 1917 when she was recruited to serve as the first director of the Child Labor Division in the Children's Bureau which was part of the United States Department of Labor. After spending 2 years with the Bureau, she returned to Chicago to once again lead the League. In 1921, she was again beckoned to Washington and became chief of the Children's Bureau. Abbott and the Bureau came under attack from conservative forces who saw them as communists and believed that unmarried and childless women such as Abbott should not head a division responsible for

own right playing significant roles in the organization, were Julian Mack, first a judge in Illinois and later a federal judge, and University of Chicago law professor Ernst Freund.[49] Later Grace's sister Edith Abbott would become an active member of the League and an expert in immigration.[50]

True to its roots in the WTUL, one of the League's earliest missions was "protecting" young immigrant women traveling from Ellis Island to Chicago. Using well-worn tropes of young women's virtue and vulnerability, the League claimed that countless young new immigrant women mysteriously disappeared before reaching Chicago.[51] Like a variety of travelers' aid societies, the organization's mission leveraged the titillation and widespread panic about white slavery, and the fear that innocent young white women immigrants were lured into prostitution through trickery or physical force. Historians have long debated whether such panic was grounded in facts, or a cultural hysteria arising from the fear of immigrants, urbanization, new forms of amusement, and greater freedom for women.[52] Whether founded or not, such anxiety served the League well. In the gendered separate spheres of early twentieth-century reform, the welfare of young women fell within a women's sphere of responsibility.[53]

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child and maternal welfare. Abbot returned to Chicago in 1934, where she taught at the University of Chicago's School of Social Service Administration, published multiple articles and books, and exerted significant influence on the Social Security Act of 1935. Robyn Muncy, "Abbott Grace," in *Women Building Chicago, 1780–1990: A Biographical Dictionary*, ed. Rima Lunin Schultz and Adele Hast (Bloomington: Indiana University Press, 2001); and Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1900–1935* (New York: Free Press, 1994).

49. In 1971, Robert Buroker analyzed the League's board of directors from 1908 to 1917. He found that seven were lawyers, eight businessmen, eight professors, five social workers, three journalists, one a physician, and one a politician. These categories seem incorrect and may carry with them some gender stereotyping. For example, Breckinridge was a professor and social worker with a law degree. Continuing with his analysis, he determines that there were fourteen Protestants, five Jews, and two Catholics. Buroker, "From Voluntary Association to Welfare State," 648.

50. In 1926, Adena Miller Rich, formerly an executive officer of the Illinois League of Women's Voters became the League's executive director, and after Jane Addams' death, went on to lead Hull House.

51. "Protecting the Immigrant Girl," *Chicago Daily Tribune*, October 15, 1911, 8; and "Urge U.S. Immigrant Station to Guard Girls in Chicago," *Chicago Daily Tribune*, November 30, 1912, 15.

52. There is a large literature on white slavery. For just some examples, see Gardner, *The Qualities of a Citizen*; Brian Donovan and Tori Barnes-Brus, "Narratives of Sexual Consent and Coercion: Forced Prostitution Trials in Progressive-Era New York City," *Law & Social Inquiry* 36 (2011): 597–619; and Christopher Diffee, "Sex and the City: The White Slavery Scare and Social Governance in the Progressive Era," *American Quarterly* 57 (2005): 411–37.

53. The literature on women's roles in the late nineteenth and early twentieth century is vast. Some canonical works include Katherine Kish Sklar, *Florence Kelley and the*

https://doi.org/10.1017/S0738248018000469 Published online by Cambridge University Press

Lurid tales aside, the League's concerns were legitimate. Young women leaving Ellis Island often had little money and many did not speak English. Traveling by train from New York to Chicago made such women vulnerable to harassment. The journey was complicated by continually changing train schedules and railroad personnel who were not always helpful. The League constantly harangued the railroad and Ellis Island officials to provide some sort of security for such women. Eventually the League obtained manifests of women expected to arrive in Chicago. The League's leaders often claimed that it was their job to "protect" and "supervise" such women as government and railroad officials failed to do so.[54] Such work represented a type of Progressive Era social feminism that saw poor women as having special needs that could be met best by middle-class women providing a type of informal guardianship that could border on social control. It also reflected progressives' desire for orderly processes, which the mass arrival of immigrants at train stations at all hours of the day and night did not fulfill.[55]

The League's early day-to-day work, like that of other organizations (primarily in coastal cities), which aided immigrants in a variety of ways involved meeting immigrants arriving from Ellis Island by train, directing them to legitimate taxis and away from runners, locating lost relatives and luggage, finding the correct addresses of friends and family, and locating shelter for those immigrants who literally had no place to go.[56] Although seemingly simple, these were not easy tasks. Chicago's train stations were hectic: trains arrived hours, if not days, late. Addresses were not standardized, and slips of paper with names and locations of friends and relatives could be inaccurately transposed and ink could be washed

Nation's Work: The Rise of Women's Political Culture, 1830–1900 (New Haven, CT: Yale University Press, 1995); Robyn Muncy, *Creating a Female Dominion in American Reform, 1890–1935* (New York: Oxford University Press, 1991); and Lori Ginzberg, *Women and the Work of Benevolence: Morality, Politics, and Class in the Nineteenth-Century United States* (New Haven, CT: Yale University Press, 1990).

54. IPL, *Annual Report 1917*, 9; and Grace Abbott, *The Immigrant and the Community* (New York: The Century Co., 1917), ch. 1.

55. The classic work on Progressive Era reformers' desire for order is Robert Weibe, *The Search for Order* (New York: Hill and Wang, 1967).

56. Abbott, *The Immigrant and the Community*, 19–20; IPL, *Annual Report 1912*, 11; and "Immigrants are Easy Prey," *Chicago Daily Tribune*, January 28, 1911, 8. By the turn of the century, a large number of benevolent organizations provided a variety of types of aid to immigrants. Many of these organizations were run by women and based on religion or ethnicity. See, for example, Garland, *After They Closed the Gates* (discussing Jewish organizations, including the National Council for Jewish Women); and Deirdre Moloney, *American Catholic Lay Groups and Transatlantic Social Reform in the Progressive Era* (Chapel Hill, NC: University of North Carolina Press, 2002).

away. Immigrant families often moved, and letters overseas could easily be crossed.[57] The League's workers, through their contacts in various immigrant communities, in part coming from Hull House's networks and numerous immigrant benevolent associations, became experts in the everyday problems of new immigrants.

Visiting the homes of newly arrived immigrant women absorbed much of the League's time. Such "visiting" was central to the emerging profession of social work. It carried on the older tradition of friendly visits, in which a middle-class volunteer, often a woman, stopped by the homes of the poor. Here, the League attempted to ensure that, in its less than objective opinion, a woman lived in a safe and appropriate home. League workers were perturbed that single women lived in housing with groups of unrelated men, and the League emphasized the potential danger that such women faced, while recognizing its commonality.[58]

Popular culture long has made fun and farce of early twentieth-century social reformers' prudery, but the reality was more complicated. Women like Grace Abbott and Breckinridge did not condemn premarital sex as a sin or in and of itself immoral. Rather, they were concerned with the consequences of young women's sexual activities. With little access to birth control, pregnancy was always a risk. Cultural mores were such that unmarried women who became pregnant were deemed immoral, making their lives that much more difficult. Given the structural discrimination of the workplace, and the jobs available to women, supporting children on a woman's wage alone was extraordinarily difficult. Moreover, these reformers worried about what constituted a woman's consent to sexual activity, given the young age and vulnerability of some immigrant women.[59]

The League's work went well beyond concerns about sexuality. League visitors would inform women of English classes, potential employment, where to seek medical care, and the importance of sending children to school, as well as other resources and advice that might help with what we would now call "immigrant resettlement."[60] The League, and its related institutions, created a vast net for immigrants that was both a safety net and one in which a person could be ensnared.[61] The Abbotts and Breckinridge

57. Abbott, *The Immigrant and the Community*, 16.

58. Ibid., 68–69.

59. IPL, *Annual Report 1914*, 11; Abbott, *The Immigrant and the Community*, ch. 3

60. Ibid.

61. For a discussion of the breadth of Hull House's network, see Nackenoff, "The Private Roots," 134–41. On just some of the issues that the Abbots' and Breckinridge were interested in, see Sophonisba Breckinridge and Edith Abbott, *The Delinquent Child and the Home* (Chicago: University of Chicago Press, 1916); Edith Abbott and Sophonisba Breckinridge, *Truancy and Non-Attendance in the Chicago Schools* (Chicago: University

constantly engaged in surveying and researching immigrants, and then using such information to write articles and books about the necessity for a wide variety of reforms, which the League, along with Hull House and other women's organizations, then lobbied city and state elected officials to pass. Among its priorities was the enforcement of truancy laws, laws prohibiting underage employment, and maximum hours laws for women. Although these reformers wholeheartedly believed that such laws would help immigrants ultimately better their lives, these laws also, at times, conflicted with the wants, needs, and realities of individual immigrants.

Some of the League's greatest concerns involved employment agencies, often run by second-generation immigrants. The League complained that new immigrants paid an employment agency for work that either never materialized, or that paid less than the fee charged by the agency. Such agencies also transported workers hundreds of miles from Chicago for low-wage temporary work after which the worker was left stranded.[62]

At a time in which people did not recognize or discuss sexual harassment, the League was concerned about the treatment of immigrant women by employers. It sought to prevent employment agencies from placing young women in positions such as scrubbers and dishwashers in certain Chicago hotels or as waitresses in restaurants where they were not "morally safe."[63] It worried about the unfettered power of factory supervisors. Abbott wrote, "American foremen in factories sometimes abuse a power which is more absolute than any man should have the right to exercise over others, and on threat of dismissal the girl submits to familiarities which if they do not ruin her cannot fail to break her self-respect."[64] The League even attempted to prosecute some of those agencies that sent women to jobs where they faced harassment, but it was continually unsuccessful. In the absence of legal protection, the League publicized such potential dangers and the names of unscrupulous employment agencies and employers in a variety of foreign language newspapers.[65] Eventually, the League drafted and lobbied for a law regulating employment agencies, which was passed by the Illinois legislature, but was continually underenforced.

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of Chicago Press, 1917); and Sophonisba Breckinridge, *New Homes for Old* (Chicago: University of Chicago Press, 1921).

62. Abbott, *The Immigrant and the Community*, ch. 2; and Grace Abbott, "The Chicago Employment Agency and the Immigrant Worker," *American Journal of Sociology* 14 (1908): 289–305.

63. Abbott, *The Immigrant and the Community*, 72.

64. Ibid., 72–74.

65. IPL, *Annual Report 1915*, 15.

III. The League's Discourse in Favor of Immigration

In its early years, the League's actions did not differ drastically from other left-leaning Progressive-era organizations working with immigrants. Yet the discourse and tone that the League used to describe immigrants and immigration did in fact set it apart from other organizations, especially those run by white Protestants. These organizations tolerated immigration and immigrants but did not view either as a social good. Instead, the League made a powerful case: immigration strengthened the United States and was crucial to its identity, and the country and its citizens had an affirmative duty to assist new immigrants.[66] Equally important, over the years it sought to counter with facts each of the arguments against immigration.

Judge Julian Mack, one of the founders and the first President of the League, spoke of his own grandfather and great grandfather, Jewish immigrants escaping persecution. Mack told of the bond that he felt with the thousands of Eastern European Jews who were immigrating to the United States. He also expressed his outrage at those who engaged in anti-immigration action.[67]

At one League event, Judge Mack introduced Charles Nagel, former Commissioner of Labor, who was to give a speech. Mack cunningly announced, "Tonight Mr. Nagel is going to address us on the subject of 'Americanization.' Whether he is going to tell us about the Americanization of the Immigrant [sic], that is so much needed, or about the Americanization of the native born, which is so much needed, I do not know."[68] Here, Mack humorously deconstructed a singular idea of what or who an American was and the characteristics that made Americans. Mack later spoke of how immigrants already embraced American democracy; something that those born in America often took for granted.[69] He further rejected the metaphor that America was a melting pot of immigrants. "A better simile," he wrote, "is that the American nation is the harmonious orchestra in which each of the nationalities of the old world is contributing its share in unison to the complete symphony."[70] Mack, like other League leaders, imagined immigration as a source of renewal for the nation and believed that citizens and the state had a set of obligations to the immigrant. He propounded, "The increased duties

66. IPL, *Annual Report 1909*, 5.
67. Ibid., 4.
68. IPL, *Annual Report 1917*, 27.
69. Ibid.
70. Ibid.

that the immigrant brings to us are often urged as a reason for keeping them out, and it is an argument; but the tremendous value of the immigrant when we properly perform our duties toward him far outweighs the material cost of the performance of these duties."[71]

Grace Abbott held similar views on the importance of immigration to the well-being of America, which derived from her broad sense of humanism. She wrote, "The League was organized not only to serve all nationalities and all creeds, but to try to break down the forms in which racial injustice so frequently appears in the U.S. All the members of the League have in a sense subscribed to the doctrine of Garrison that our countrymen are all mankind, and personally, I feel grateful that because of immigration this is so literally true."[72]

As early as 1916, Grace Abbott was one of the foremost national experts on immigration, especially immigrant women. She provided Congressional testimony opposing restrictive immigration laws.[73] League leaders used every avenue at their disposal to broadcast their support of immigrants and immigration. The League repeatedly reminded its audience that they too had immigrant roots, whether they were Mayflower descendants or had ancestors who had immigrated from Ireland and Germany in the 1840s. Abbott likewise wrote of the violence and persecution that led people to immigrate, and saw these to be even worse than what had been endured by the Puritans. It was hypocritical, she argued, to celebrate the Puritans while refusing to recognize the plight of the modern immigrant.[74] Mack, Abbott, and the other leaders of the League considered the relatively free flow of immigrants into the United States as part of a broad social contract, tied to the essence of what made America exceptional.

71. Ibid. Mack was eventually appointed to the federal bench, and his decisions regarding immigration would reflect his long involvement in the IPL. For the sole biography on Mack, see Harry Barnard, *The Forging of an American Jew: The Life and Times of Judge Julian W. Mack* (New York: Herzl Press, 1974).

72. IPL, *Annual Report 1915*, 23. As historians have demonstrated, immigration to the United States was not exceptional. Many countries experienced massive immigration. What is important here is that the leaders of the League believed that immigration made the United States exceptional. A word of warning is important, however. Although Abbott and the League spoke broadly about the benefits of immigration, the League itself does not seem to have provided services to Asians until World War II. Likewise, settlement houses, in general, did very little for African-Americans who were migrating from the Southern United States to Northern cities. By the early 1920s, the League began providing services to Mexican immigrants in Chicago.

73. *Restriction of Immigration Hearings Before the Committee on Immigration and Naturalization, House of Representatives*, 64th Cong., First Session on H.R. 558 (January 20 and 21, 1916), babel.hathitrust.org.

74. Grace Abbott, "Adjustment—Not Restriction," *The Survey* 25 (January 7, 1911): 527–29, at 527.

The League staunchly and consistently opposed Congressional legislation that would have required immigrants to pass a literacy test for admission into the United States. It argued that such a requirement was unjust and irrational, as it would bar some of the very people who were most in need of admission. One reason people immigrated to the United States, the League argued, was to allow their children to attend public schools, which were unavailable in their native countries. Flipping the Congressional bill on its head, the League propounded that a parent's desire to educate their children or themselves was evidence that a potential immigrant already embraced American values. The League further loudly opposed immigration restrictions that denied admission to people with physical deformities, believing that a "person's character," "high ideals," and "ambition" were more indicative of potential citizenship than physical perfection.[75]

Testifying before Congress, Abbott argued that any literacy test would unfairly affect women, especially Southern and Eastern European women, who had few opportunities to attend schools or otherwise gain literacy "due to prejudice against the education of women."[76] She explained that even an exemption for daughters and wives immigrating with a literate male head of the household would do nothing for women immigrating alone, many who hoped to save money and later help other family members to immigrate.[77]

Opponents of immigration had long argued that poor immigrants would become a financial drain on the state, and lobbied for stricter immigration laws. The League directly countered: "The records of public and private relief agencies bear ample testimony to the fact that [the new immigrant] makes a great effort to realize his ambitions during what ought to be the most difficult period of his residency in America."[78] They further pointed to a study with which the League was involved showing that out of 17,449 cases handled by Chicago's United Charities, only 177 involved immigrants who had been in the United States less than 3 years. Immigrant poverty, they argued, was primarily not the fault of the individual immigrant but of the government itself. This included the state's failure to enforce housing and sanitary regulations, the lack of minimum wage and maximum hours laws, inadequate healthcare and industrial safety, and a failure to regulate banks and money lenders. The League also pointed to the disheartening fact of racial and sex discrimination against immigrants, and how that

75. IPL, *Annual Report 1910*, 7.
76. *Restriction of Immigration Hearings*, 3.
77. Ibid.
78. IPL, *Annual Report 1910*, 8.

affected their wage-earning potential.[79] One League report apologized to immigrants for "community indifference" in response to the discrimination and poverty they faced.[80]

The League asserted that to the extent that immigrants had difficulty in adjusting to life in the United States, it was structural, not personal, hurdles that stood in the way. One of its studies found that adult English classes for immigrants on the South Side of Chicago were poorly enrolled and had a large dropout rate. Many blamed this on immigrants' disinclination to learn English or lack of intelligence. Yet the League learned that the steel mills, the largest employers in that area, had workers on 12 hour evening shifts every other week. A standard schedule made it impossible for workers to regularly attend school. The League suggested that classes needed to meet the needs of the immigrant worker by taking into account busy and slow seasons, and, an even more radical idea, by providing teachers who were bilingual. Similarly, the League advocated for visiting home teachers for mothers caring for young children.[81] Educational opportunity for adult immigrants continued to be a demand of the League well into the 1930s.[82]

The idea that immigrants are responsible for large numbers of crimes is a centuries-old nativist trope. To counter this, the League published statistics demonstrating that immigrants committed fewer crimes than the non-immigrant population. Using nationwide statistics from the commissioner-general of immigration's Annual Report, Abbott stressed that immigrants from Western Europe committed more crimes than those from Southern and Eastern Europe, although immigrants as a whole committed fewer and less serious crimes than the white native born.[83] Thus the League once again countered fiction with fact.

Abbott and the League's leaders further argued that immigrants were often targeted by police, unfairly arrested, and shoved into a criminal court system in which they could not defend themselves (or even understand court proceedings, as translators were not provided). The League told endless stories of its workers acting as translators and advocates for non-English-speaking immigrants wrongfully, even "illegally," arrested. Abbott publicly blamed a blatantly racist, ineffective, and corrupt police force, citing instances in which police murdered young immigrant men or continually arrested immigrants whom they knew to be innocent.[84]

79. IPL, *Annual Report 1913*, 8.

80. IPL, *Annual Report 1915*, 21.

81. IPL, *Annual Report 1916*, 15–16.

82. Mrs. Kenneth F. Rich (Adena Miller), "Considerations as Changes in Naturalization Law and Procedure" (January 1934), 45, Box 5, fl. 60, IPL records UIC.

83. Abbott, *The Immigrant and the Community*, 107–15.

84. Ibid., 117–18, 120–23; and IPL, *Annual Report 1915*, 20.

Because of their poverty, such immigrants were unable to make bail, spending months in jail awaiting trial and then facing a hostile and prejudiced judge and jury. The League sought to convey the havoc that came of such imprisonment and how it flew in the face of purported American understandings of justice and the rule of law. At best, such experiences "humiliated" an immigrant. Worse, it could result in imprisonment and deportation.[85] Writing in 1917, Abbott was clear that blatant police prejudice against immigrants was far more dangerous to the public welfare than the crimes in which immigrants engaged.[86]

Finally, Abbott's Congressional testimony directly addressed the long-running argument that immigrants took jobs away from Americans. She sought to show that the economy was unrelated to the number of immigrants who entered the country. Years of low immigration, she explained, did not translate into more jobs or higher wages for Americans. She maintained that the idea that the supply and demand of workers dictated wages was "an exploded theory of the last century."[87] Wages were determined by the demand that employers made for profits.[88] Therefore, unemployment and low wages were the result of unregulated capitalism, not immigration. She boldly claimed that those politicians who supported immigration restrictions under the pretense of helping labor seldom voted for legislation that would "better the conditions of working men and women." Their superficial support of labor through immigration restrictions was "a cloak to conceal a hostility against certain races" as well as religions.[89]

As open-minded and imaginative as the League's leaders could be, it was far from perfect and could engage in racist behavior. League leaders spoke of immigrants and immigration in universal language, but they did not condemn the Chinese exclusion laws, and tried to sidestep the issue when directly confronted. During Abbott's Congressional testimony in 1916, she was asked whether she supported any immigration restrictions. In part, she responded that she supported the immigration of those who were "fit" but continued with the following caveat: "While I have had a great deal of experience with European immigrants, I have never had any experience with oriental immigration." Upon further questioning, she continued that she supported Mexican immigration and would personally have "no objection to working side by side with a Hindu," but she again qualified her answer. "I want to say again that I do not know at first-hand

85. Abbott, *The Immigrant and the Community*, 122–24.
86. Ibid., 120–22.
87. *Restriction of Immigration Hearings*, 5.
88. Ibid.
89. Ibid., 5–6.

the racial difficulties that are charged to the Hindu, the Chinese, or the Japanese immigrant.[90] Indeed the League did not handle the cases of Chinese immigrants. Rather, the League had its own racial hierarchies, and the reality is that it spent most of its resources and time working with European immigrants as well as those from Turkey, Armenia, Syria, and Mexico. Although it was often unclear what immigrant groups were "white" during the first part of the twentieth century, the League can be said to have underwritten a type of whiteness. This whiteness was broad, encompassing Jews, Catholics, Turks, Armenians, Bulgarians, Southern and Eastern Europeans, Persians, Syrians, and Mexicans, but it was nonetheless a type of whiteness.

What the League did do, even if incompletely and with inexcusable failures, was to carefully dissect many of the typical arguments that people made (and astoundingly still make) for restricting immigration. Abbott called restrictive immigration laws what they were: racist and prejudiced. League leaders not only believed in the crucial importance of immigration to the prosperity of the country, they also were convinced that facts produced by experts could change people's minds. Such belief may have been unfounded.

IV. The Landscape and Practice of Immigration Law

In addition to advocating against restrictive immigration laws and creating arguments in favor of immigration, the League soon explicitly presented itself as a legal advocate for individual immigrants as well as a cultural and legal broker. One publication announced, "The Immigrants' Protective League. . . may be called upon for advice or service in the immigration or naturalization difficulties of the foreign born of Chicago."[91] The League aggressively reached out to immigrant populations, advertised its services in a variety of publications directed at immigrants, and circulated announcements and interpretations of new immigration laws, rules, and practices. So too did it speak to a larger audience, demonstrating the profound, at times horrific, affect that immigration laws and their enforcement had on individuals, families, and communities.

The League was certainly not the first group of advocates to provide legal assistance to immigrants. The first organized legal challenges to immigration laws that discriminated against Chinese immigrants were

90. Ibid., 6.

91. "Important Amendment Added to Immigration Law," *South Central News*, July 9, 1928, Box 6, fl. 63, IPL records UIC.

undertaken by Chinese merchants and the organization that they had formed: the Chinese Six Companies. It hired lawyers to contest the Chinese Exclusion Act and the vast delegations of power to immigration officers.[92] The attorneys who litigated these appellate cases for the Six Companies were often elite white male lawyers who intentionally brought test cases in court.[93] At the turn of the century, there were also a handful of lawyers on the West Coast who represented Chinese immigrants in habeas corpus proceedings in federal court.[94] These were lawyers who worked for fees, and their practices were court based.

Likewise, historian Louis Anthes writes that as early as the 1890s, some European immigrants denied entry to the United States hired attorneys to represent them when they were denied entry. These lawyers were themselves primarily immigrants who had received their law degrees from an expanding number of night schools.[95] Such lawyers whom elites considered marginal to the profession would at times bring federal habeas corpus proceedings to contest immigration officials' denial of entry. They might also appear at the Special Board of Inquiry hearings that determined whether to uphold an immigration officer's initial decision to deny entry. Anthes argues that, given the discretion of immigration officials, lawyers primarily played cameo roles and were rebuffed by such immigration officers. He concludes that most attorneys were not repeat players who took such cases day in and day out and specialized in immigration law. With a few exceptions, the occasional immigration case augmented their regular legal practice.[96] Anthes also finds that in the 1890s, immigrants represented by attorneys in Board of Inquiry matters lost their cases in higher percentages than did immigrants without attorneys.[97]

Numerous benevolent societies were also situated on and near Ellis Island, and some provided immigrants with representation during board hearings. A number of Jewish organizations were well established and excelled in this area. The most well-known, the Hebrew Immigrant Aid Society, began representing detained Jewish immigrants on Ellis Island in 1909.[98] A male professionally trained lawyer headed the Ellis Island division and another, stationed in Washington, DC, handled certain appeals

92. Salyer, *Laws Harsh as Tigers*, 40.

93. Ibid., 47.

94. Ibid., 70–83. Under the Geary Act, Chinese immigrants were entitled to appeal decisions of immigration officials to the federal courts.

95. Louis Anthes, "The Island of Duty: The Practice of Immigration Law on Ellis Island," *N.Y.U. Review of Law and Social Change* 24 (1998): 56–600.

96. Ibid., 580–85.

97. Ibid., 583.

98. Salyer, *Laws Harsh as Tigers*, 158; and Garland, *After They Closed the Gates*, 47–48.

and lobbying efforts. During this period, HIAS's board of directors was composed entirely of men.[99] The National Organization of Jewish Women was also present on Ellis Island, although it is unclear whether they engaged in legal work or primarily provided other types of immediate aid. In fact, there was a sort-of competition between religious and nationally based philanthropic organizations regarding which groups were allowed to establish a post on Ellis Island. Some accused officials of favoring Protestant organizations and others voiced anger as they were expelled from Ellis Island for what officials deemed various abuses. By 1920, the secretary of labor vastly reduced the number of agencies permitted on Ellis Island to fifteen.

At times, in the eyes of government officials, ethnic and religious organizations could be viewed as suspicious and even as breaking the law in their zealousness to aid immigrants. In contrast, the League's women leaders, in a racist world, brought the capital of being white Protestants.[100] The League worked with many of these organizations but, like officials, harbored some distrust of them. Edith Abbott describes such organizations as "zealously" functioning as "attorneys for the defense."[101] This comment was not entirely laudatory. Her criticism was that such organizations were parochial and provided help only to co-nationals or co-religionists.[102] This was incongruous with the League's ideal of secular cosmopolitanism.[103] Moreover, some of the advocates for such organizations, the League complained, were too lawyer-like and failed to adapt to the informal administrative space in which cases quickly unfolded, evidentiary rules were absent, and there was little due process. Whether or not the League's leaders realized it, this was the type of administrative tribunal that they had helped or sought to build in juvenile courts, workers compensation tribunals, and dozens of state and municipal authorities such as housing,

99. Mark Wischnitzer, *Visas to Freedom: The Story of HIAS* (Cleveland and New York: The World Publishing Company, 1956), 41, 54. HIAS also lobbied against immigration restrictions, represented clients in deportation hearings, and provided bonds, and other immediate aid to immigrants. Eventually its work spread across much of the world as it sought to save Jews during World War II and after.

100. See Garland, *After They Closed the Gates*, 50–52, for a discussion of the suspicions that Jewish immigrant aid organizations confronted. "Letter from John Burke to Secretary of Labor William Wilson, Nov. 11, 1920; and Reply from Assistant Secretary Louis Post, Nov. 17, 1920," *American Catholic History Classroom*, https://cuomeka.wric.org/iteams/show/481 (accessed November 17, 2018).

101. Abbott, "Federal Immigration Policies," 365.

102. Ibid.

103. On legal cosmopolitism during the progressive era, see John Fabian Witte, *Patriots and Cosmopolitans: Hidden Histories of American Law* (Cambridge, MA: Harvard University Press, 2007).

factory, and health regulators.[104] Where lawyers continually challenged hearings in which affidavits and written documents were used in place of testimony and cross-examination, this was a practice preferred by the League, and allowed it to operate from Chicago.[105]

More troubling, Abbott's remarks may have been directed at some of the Jewish immigration agencies, which were run and staffed by primarily male lawyers. Her comments perhaps give off a slight whiff of anti-Semitism.[106] But, like it or not, the League often had to cooperate with various Jewish, Catholic, and ethnic-based agencies.[107] Family members in Chicago of people detained on Ellis Island would at times call on multiple agencies, and organizations in New York might needed evidence located in the Midwest. Likewise, the League often needed a person on the ground on Ellis Island who could find clients and quickly relay messages. When given a choice, the League worked closely with representatives of the Young Women's Christian Association who were located on Ellis Island. In other words, its preferred colleagues were women like themselves.

A detained migrant, at various times, may have had a better chance of admission to the United States when he or she was represented by a legal advocate rather than a professional attorney. Unlike trained attorneys, the League was not constrained by traditional legal arguments, was a repeat player, did not attack the administrative process as a way of winning individual cases, and did not automatically approach immigration officials as adversaries. Moreover, the League's workers, almost all women, must have created the appearance of a softer, charitable endeavor, intended to, at least superficially, assist immigration officials in reaching the correct decision rather than engaging as direct adversaries. It is not that the League refrained from offering hard-edged critiques of the immigration process, officials, and policies, but that they did so outside of the administrative process, in annual reports, articles, studies, lectures, and books.[108]

104. See Batlan, *Women and Justice*; David Tanenhaus, *Juvenile Justice in the Making* (New York: Oxford University Press, 2007); and Nackenoff, "The Private Roots," 139–49.

105. On the complaints of lawyers about immigration officers, the Immigration Bureau, and the procedures that it used, see Salyer, *Laws Harsh as Tigers*, 189.

106. On the anti-Semitism experienced by Jewish lawyers, see Jerald Auerbach, *Unequal Justice: Lawyers and Social Change in America* (New York: Oxford University Press, 1976).

107. Garland, *After They Closed the Gates*, 47.

108. For example, see Abbott, "Federal Immigration Policies"; and Edith Abbott, *Immigration: Select Documents and Case Records* (Chicago: University of Chicago Press, 1924).

Receiving favorable results in Board of Special Inquiry proceedings or on appeal to senior officials was of dire importance to the potential immigrant, given the substantial deference of federal judges to such decisions. Historian Lucy Salyer writes that between 1891 and 1906, 164 habeas petitions were filed in the Southern District of New York, which had jurisdiction over Ellis Island. Of these, only 16 were granted.[109] Thus, the vast majority of contested decisions of immigration line inspectors were won or lost on the administrative level.

As immigration restrictions increasingly became harsher, the League created and engaged in the mature practice of immigration law in the administrative arena. "Practice," here, has multiple meanings. The League's work involved participating in the creation of a legal specialty. Practice also entails the day-in and day-out repetition of a multitude of tasks that eventually become normalized and ingrained in the institution. The League became expert at improvising when confronted with shifting and unstable legal terrains. Its practice included seeking to become involved with a client as early as possible in the immigration process, ensuring affidavits and papers were in order before an immigrant passed through a United States entry point, immediately locating immigrants who were detained, providing documents and evidence for the Special Board, and automatically appealing adverse decisions.

To fully understand how and why the League represented immigrants and the types of arguments that they used, one must grasp its leaders' underlying ideology. Its leaders, composed primarily of social workers, continually spoke of the importance of families as the core unit of society.[110] Ideally, such families would consist of a male breadwinner who could adequately support his wife and children, and a mother who could devote significant time to her children, even if she too was a wage earner. Moreover, these leaders recognized the deep emotional bonds between family members. At times, this reflected the underlying structure of immigration law, as well as traditional middle-class values. But the reality of how immigration law played out on the ground (especially as laws, regulations, and practices of officials became increasingly harsh) often resulted in the separation of families, leaving husbands without wives, wives without husbands, and children without parents. This provided an ideal space for social workers to construct their role and work as immigration experts interested in the general well-being of society.

109. Salyer, *Laws Harsh as Tigers*, 102. Under the Geary Amendment to the Chinese Exclusion Act, Chinese, who were primarily on the West Coast, had much greater success than non-Chinese immigrants on the East Coast in bringing habeas corpus actions

110. Batlan, *Women and Justice*, 168–72.

Unlike some of the staff in organizations that provided free legal aid to the poor, the women of the League did not fashion themselves as lawyers. They even sought to differentiate themselves from attorneys. The League claimed that lawyers overcharged their clients on immigration matters, lied, and did sloppy work. At their best, these lawyers did not have the expertise of the League. League leaders made sure to promote the League as a purely philanthropic organization, led by women, and conducted solely in the interest of the public good. Their advice and representation, they contended, was free of the self-interest that marred lawyers, especially the types of lawyers who represented clients in immigration matters, primarily immigrants themselves.[111] The League chided lawyers:

> Records must be located in distant communities or witnesses sought and selected and depositions made… it is often mishandled by lawyers, owing partly to the fact that immigration rulings change so often. These processes offer marvelous opportunities for exploitation. Sums up to $34.00 have to our knowledge been paid for comparatively simple papers, up into the hundreds of dollars where it was claimed that "interests would be secured in Washington." Or relatives brought almost by return boat. Sometimes they could have been brought anyway and in other instances [were] entirely inadmissible.[112]

Whether or not this was accurate, or was another sign of such women's elitism and preference for other Anglo-Saxon Protestants, the League saw lawyers who represented clients in immigration matters as often exploitive, preying on immigrants' fears, and making promises that could not be met.

The League went as far as contacting the Chicago Bar Association to report the unethical activities of a number of lawyers representing clients in deportation cases. The League claimed that bar officials disclosed that almost one quarter of the complaints that they received were from clients of lawyers working on immigration matters. Bar officials also supposedly agreed to refer immigrants in need of immigration assistance to the League rather than to private lawyers.[113]

Even when lawyers were not engaging in blatantly unethical conduct, the League complained that some attorneys failed to attend to their client's needs. Concerning one case, the League wrote, "The matter dragged for a long time; the lawyer would forget about the case unless the I.P.L.

111. Ibid.

112. IPL, "The Immigrants' Protective League," Box 6, fl. 66. (1925/1926), IPL records UIC.

113. IPL, "Complaints Against Attorneys Who Represent Aliens in Deportation Hearings," February 1932, Box 4. fl. 50, IPL records UIC.

reminded him of it."[114] At times clients went to the League after they had already hired a lawyer, and the League often advised the person to dismiss his or her lawyer and allow the League to handle the manner.[115]

V. The League, Women, and Immigration Law Before World War I

The League's vision of the cosmopolitan polis, and the supposed need to protect immigrant women, informed the reforms that the League lobbied for, and served as the backdrop for its work as a legal advocate. Early on, the League began assisting young European women trying to immigrate to the United States to whom immigration officials denied entry. Such denial was usually on the grounds that the woman was "likely to become a public charge." This provision was consistently used by immigration officials to deny entry to unmarried European women. Officials required such women to demonstrate that there was a person (preferably a male relative) who would be "able, willing, and legally bound to support them."[116] In some cases, even if such a woman had funds to support herself, immigration officials would not allow entry until a male relative appeared to "claim" the woman. If such a man appeared suspicious, immigration officials might still refuse the woman entry. Neither laws nor even regulations required the presence of a male, but immigration officials' discretion was so vast in regard to the public charge provision that this became an ongoing practice.[117] One scholar writes that unaccompanied women were essentially treated like wards of the state, and that immigration officials could indefinitely detain a woman. At times, high-level officials justified such detention on the grounds that they were protecting such women from white slavery.[118] Likewise, unmarried pregnant women and unmarried mothers with children could be denied entry on the basis that they were prostitutes, immoral, or likely to become a public charge.[119]

Migrating women had knowledge of this practice and were not passive. Some arranged for male acquaintances to claim that they were fiancés or relatives. At times this worked, and at other times officials caught on to

114. IPL, "Adjustment of Old People: A Deportation for which the League Arranged, December 1, 1927," Box 4, fl. 50, IPL records UIC.

115. IPL, "Case Statement," December 1, 1929, Box 4, fl., 50, IPL records UIC.

116. Garland, *After They Closed the Gates*, ch. 5; and Salyer, *Laws Harsh as Tigers*, 147.

117. Urban, *Brokering Servitude*, 138–39, 143.

118. Ibid., 139.

119. Salyer, *Laws Harsh as Tigers*, 47.

the plan.[120] Other women legitimately believed that they were engaged, but fiancés might be no shows.

Occasionally, immigration officials would draw on the League's "expertise" and knowledge about European women immigrants and ask for its assistance when investigating and determining whether a single woman might become a public charge or was "immoral." In such cases, the League walked a tightrope between advocating for the detained woman and also appeasing immigration officials. In other cases, the League became involved when relatives in Chicago of a woman in detention, or such a woman herself, requested its help. The activities that the League engaged in on behalf of such women were simultaneously extraordinary and troubling.

A case illustrating some of these complex dynamics involved Maryana Rosozki, an 18-year-old from Poland. In February 1914, she attempted to cross the Canadian border, but was detained by immigration officials while the Board of Special Inquiry conducted an inspection of her uncle's home where she intended to reside. Officials found the home unsuitable because of "crowding and unsanitary conditions."[121] The inspector then called on the League and requested that it find live-in domestic work for the woman and "supervise her." The League agreed, and Maryanne was permitted to enter the country and travel to Chicago where the League secured such a placement. Over the ensuing months, the League repeatedly visited the uncle's home and the home where the young woman worked and resided, hoping to one day convince immigration officials that the uncle's home was in fact suitable.[122]

What is shocking about this case is the absence of any specific law or legal provision allowing either the League's intervention or granting officials the power make entry conditional on the woman working and living only at a specific location in a specific job, regardless of her desire or consent.[123] This practice of immigration officials requiring a detained white women to serve as a live-in domestic was not unusual, and stretched back to the 1880s.[124] Here, the much-vaunted American liberty to choose how to use one's labor and whether or not to enter into a contract was

120. National Archives, "The Fate of Mali Kaltman: The Value of Immigration Records and Genealogy," *Prologue Magazine* 74 (2015), https://www.archives.gov/publications/prologue/2015/winter/mali-kaltman.html (accessed November 17, 2018) (discussing a detained woman who claimed that a man was her fiancé).

121. Abbott, *Immigration: Select Documents and Case Records*, 345.

122. Ibid.

123. Urban, *Brokering Servitude*, 168.

124. Ibid., 142–57.

simply ignored by immigration officials.[125] Discussing this practice, historian Andrew Urban writes, "Rather than liberating white women from dependency rooted in servitude, the state asserted its authority to intervene in and produce these relationships."[126]

Maryana's class, gender, and immigrant status allowed immigration officials to dictate her employment and living conditions. The League, essentially acting as a probation officer, and, even an arm of the state, readily agreed to such conditions. By the 1910s, immigration officials' practices encountered criticism, as some claimed that officials sent such women into households without a thorough inspection or that these women had been released into the hands of religious missionaries or for-profit employment agencies.[127] In contrast, the League's impeccable reputation as a secular philanthropy run by women allowed immigration officials to avoid criticisms that such immigrant women may have been sent to less than wholesome homes, or that any money had changed hands.[128]

Troubling, however, is that the League and immigration officials were so fully immersed in an ideology that saw live-in domestic work as ideal for white immigrant women. In such work, the servant theoretically supervised and guided by a respectable and middle-class woman would learn a skill and adopt normative middle-class American values. In exchange, the employer would receive inexpensive white domestic labor, at a time when many middle and upper-class women believed that there was a servant shortage, especially of white women domestics. Yet, as historians have demonstrated, many young immigrant women did not want to work as domestics because it provided them with little freedom compared with factory work. This was, of course, exactly why the League and officials found such employment suitable.[129] Whether or not such young women wanted to be live-in domestics or whether they should have the freedom to choose

125. See *Lochner v. New York 198 U.S. 45* (1905) (striking down law that regulated the hours of bakers as violating bakers' constitutional right to contract).

126. Urban, *Brokering Servitude*, 141. On the tensions and contradictions among freedom, wage labor, and slavery, see Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998).

127. Urban, *Brokering Servitude*, 170–71.

128. Ibid. Here Urban discusses senior immigration officials' preference to avoid certain religious or ethnic organizations when placing immigrants in domestic service.

129. On domestic labor in the early twentieth century, see Vanessa H. May, *Unprotected Labor: Household Workers, Politics, and Middle-Class Reform in New York, 1870–1940* (Chapel Hill, NC: University of North Carolina Press, 2011). At times, immigration officials would themselves hire detained immigrant women as household help. Gardner, *The Qualities of a Citizen*, 105.

their own employers and bargain for wages was simply beyond the point.[130]

A similar although unsuccessful case involved Rosa Markewicz, another young Polish woman detained at the Quebec/United States border because immigration officials found that her male relative's home (where she intended to stay) had too many male borders: officially called "a non-family group." They believed that this could cause Rosa to become immoral. Rosa's relatives asked the League to intervene and convince immigration officials to allow Rosa to enter the country. The League wrote first to the Board of Inquiry, which denied its request, and then appealed the Board's decision to the inspector in charge and eventually the secretary of labor. Although the modern lawyer often thinks of appeals as requiring official and formal legal briefs, the League's appeals were written as relatively informal letters that primarily emphasized facts. In Rosa's appeal, the League highlighted that the relatives were from a "good family," were employed, and could easily support the woman. It also assured officials that the League would monitor the situation. Even with this and its multiple appeals, immigration officials refused entry and Rosa was forced to return to Poland.[131] In another League case, three Polish girls were not allowed to enter the United States in 1914 despite the existence of relatives in Chicago and the League's guarantee of close supervision and placement in live-in domestic work.[132]

It was clearly difficult to gain admission to the United States as a single woman, but it was even more difficult to gain admission as an unmarried pregnant woman. The League specialized in such cases. Take the matter of 17-year-old Anatasia Bazanoff who attempted to immigrate from Russia. She was detained by officials on Ellis Island as likely to become a public charge. They suspected that she was pregnant; Anatasia denied it. In August 1915, the brother of Anatasia, already in Chicago, approached the League for assistance in procuring her release and the League intervened. Immigration officials would only release Anatasia on the condition that a male family member post a secured bond, backed by property or cash guaranteeing that Anatasia would voluntarily leave the country if she became a public charge within 1 year of entry. The family did not have the resources to put up such a bond.

Anatasia's long detention caused her sister (also in Chicago) to become distraught. The sister wrote to the League, "I am thinking all the time about [my sister], and I am crying. I can't eat, I can't sleep. My sister will die

130. Urban, *Brokering Servitude*, 171.
131. Abbott, *Immigration: Select Documents and Case Records*, 346–47.
132. Ibid., 347–48.

there [Ellis Island] and I here. I can't live without her."[133] Such a letter, not all that uncommon, is just a snippet of the distress that many immigrant families experienced when officials refused entry to family members.

In the meantime, the League attempted to persuade the inspector in charge of Ellis Island to release Anatasia on an unsecured personal bond from the brother. It also proposed that the League supervise Anatasia, place her in domestic work, and report to immigration officials on her progress. The inspector rejected this proposal. Three months later, with Anatasia still in detention, doctors certified that she was pregnant and continued her detention. One can imagine the fear of a pregnant 17-year-old who spoke no English and was facing indeterminate detention, deportation, and separation from her siblings.

The family continued to try to raise money for a bond, and the League located a family that would employ Anatasia as a live-in domestic worker. Immigration officials again rejected the offer. In April, still in detention, Anatasia gave birth to a daughter. Finally, appealing the case to the secretary of labor, Anatasia and her daughter were released on an affidavit that the brother would care for both, and, an informal assurance that the League would continue to monitor the family.[134] Undoubtedly, Edith Abbott's later publication of documents from the case was intended to demonstrate how immigration officials' decisions upended a family, created human suffering, while also costing the government money for a long, frightening, and needless detention.[135]

Margaret Hecker, another client of the League, was pregnant when she tried to immigrate to the United States with her fiancé Leopold Koenig, who was the father of the unborn child.[136] Ellis Island officials detained Margaret but allowed Leopold to enter the United States. Upon reaching Chicago, where friends lived, he sought assistance from the League for Margaret. The League advised that he and his male family friend immediately send affidavits of support to the inspector in charge of Ellis Island. Meanwhile, it arranged for immigration officials in Chicago to meet with both men. Failing to obtain entry for Margaret, the League appealed the decision to the secretary of labor. The appeal explained that Margaret and Leopold could not marry in Germany because Leopold had not completed his military service, but assured authorities that they intended to marry as soon as possible. It also represented to the secretary that Leopold had the finances to support Margaret and their child, and that

133. Ibid., 379.
134. Ibid., 377–82.
135. Ibid.
136. Ibid.

his friend was also willing to assist the couple. The appeal explained to the secretary that the friend lived in a respectable and comfortable home with his wife. The League then firmly chastised the Immigration Bureau for its discriminatory policy of allowing unmarried men who had sired children out of wedlock entry to the United States but denying entry to young and "helpless" pregnant women.[137] The League did not hesitate in pointing out the many double standards for men and women that immigration officials applied.

The League then proposed to the inspector that they would care for Margaret before she married and find her domestic work. The secretary of labor granted the appeal conditioned upon the couple marrying within 30 days of release. He also required the League to monitor them and report back as to whether and when the marriage occurred. League workers attended the wedding and submitted a report. A case such as this was not uncommon. Here the League played a double role, advocating for Margaret while also monitoring the couple on behalf of the Immigration Bureau.[138] The League saw no conflict of interest in doing this.

A similar case involved Maria Boreija, a Lithuanian woman with a young infant, who was detained and denied entry to the United States by immigration officials at the Canadian border in 1914. Officials had allowed her boyfriend, the father of the child, to enter and immigrate to the United States. The League represented Maria in front of the Board of Special Inquiry. The Board reversed the decision of the inspector and allowed Maria and her infant to enter the country on the condition that she quickly marry and that the League supervise Maria until the marriage occurred.[139] The League helped the couple obtain a marriage certificate, witnessed the ceremony, and sent a copy of the certificate to immigration officials, along with a report.[140] Like the League's role in placing and supervising unmarried women in domestic work as a state-imposed condition of entry, here the requirement that a couple marry could approach the line of forced marriage. It thus called into question the substance of American freedom and liberty. The idea of a consensual marriage was a pillar of the concept of freedom, so much so that immigration officials in other cases refused to recognize arranged marriages as they supposedly lacked the requisite degree of consent.[141] Yet, in these cases, where officials employed double standards for unmarried men and women, marriage

137. Ibid.
138. Ibid.
139. Ibid., 375–76.
140. Ibid., 385–86.
141. Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2002), 150–55; and Stanley, *From Bondage to Contract.*

or being sent back to one's native land was the only option that a woman possessed. Consent and coercion seamlessly bled together.

The League also assisted immigrant women facing deportation on the grounds of immorality or for prostitution. In 1907, Congress passed a law that allowed for the deportation of immigrants who entered the United States for "immoral purposes," and immigration officials at times stretched the clause to apply long after an immigrant had entered and lived in the United States.[142] Grace Abbott described the deportation of three young Jewish Russian women who had grown up in the United States, but had been deported by immigration officials for being prostitutes. She decried that these girls were being sent back to a country where they had no family and would suffer religious persecution. She remarked, "And after these girls had been banished, could anyone feel that the country was safer."[143] Instead of spending resources on deportation, she proposed that government funds would be better used to ameliorate the conditions of poverty that created the need for women to prostitute themselves. Abbott also pointed out that the men who hired women for sexual services escaped punishment.[144] It was men who created and administered immigration laws, regulations, and practices, and Abbott called for the immigration service to hire women into senior positions (undoubtedly thinking of her coterie of colleagues) who could better understand the predicaments faced by immigrant women.[145]

Some of the League's more complex cases challenged immigration officials' understanding of what constituted immoral behavior and even what it meant to be a prostitute.[146] Take the somewhat unruly case of Elena Petrovna. Two months after emigrating from Russia, she was arrested by immigration officials who began deportation proceedings on the grounds of immoral conduct. At Elena's request, the League represented her. The

142. Immigration Act of 1907, 34 Stat 898 (1907).

143. Abbott, *The Immigrant and the Community*, 77.

144. Ibid., 77–78.

145. Ibid., 78. The Commissioner of Immigration on Ellis Island, William Williams, long believed that women officers would threaten the professionalism of the entire enterprise. Until the 1920s, the service only hired women as low-level matrons charged with supervising detained women. Urban, *Brokering Servitude*, 168.

146. On how immigration officials defined prostitution and identified prostitutes as well as on what constituted immorality, see Gardner, *The Qualities of A Citizen*, ch. 4. In the 1930s, the United States Supreme Court vaguely addressed the issue of what constituted prostitution and immoral conduct such that a woman immigrant was deportable. It found that a woman from Denmark who had lived in the United States and was returning from a trip to Europe was not deportable even though she was traveling with a man and having sexual relations with him. The court found that she was entering the country to take work as a domestic and not for the purposes of immoral conduct. *Hansen v. Haff*, 291 U.S. 559 (1934).

League's investigation discovered that Elena's father in Russia had arranged for her to be married to George Grouble, a Russian immigrant living in Chicago. Grouble gave Elena's father $140 and paid for Elena's travel to the United States so that they could marry. After arriving in Chicago, Elena refused to wed Grouble, and left him so that she could marry another man, Jan Ivanov, also from her village, and living in Chicago. Grouble reported Elena to immigration officials claiming that she was a prostitute. Quickly, probably on the League's advice, Ivanov repaid Grouble the $140. Elena and Jan obtained a marriage license and planned a wedding. Despite this, immigration officials found Elena to be deportable.[147]

The League argued that the only evidence presented by immigration officials was Grouble's accusation that Elena was a prostitute and that she lived in a boarding house with a group of unrelated men.[148] Living in such a home was not unusual for immigrant women, and the League included with the appeal a portion of its annual report discussing the prevalence of such living arrangements. The League also claimed that it was well known among Chicago's Russian immigrant community that Grouble had a poor reputation. If Elena were deported, the League asserted, her reputation in the village from which she came would be destroyed. "The U.S. government will have condemned a girl against whom there is only a case such as a malicious man could make against almost any Russian or Polish girl in the city."[149]

Perhaps most importantly, Elena had hurriedly married Jan and the League reported to officials that they were living in a manner that would be "entirely sanctioned by American standards."[150] The government, not completely convinced of Elena's innocence, decided not to pursue the case for the time being, but asked the League to continue to monitor the couple. The League's last report assured officials that they were a happy family, with a good reputation, and that the husband was employed and hardworking.[151] In other words, they were appropriately performing their gendered roles. Whether Elena truly wanted to marry Jan we will never know. Without such a marriage, however, Elena certainly would have been deported. In the eyes of officials (and perhaps the League) marrying Jan transformed Elena's status from "prostitute" to that of a respectable woman.

147. Abbott, *Immigration: Select Documents and Case Records*, 400–2.
148. Ibid., 401–2.
149. Ibid.
150. Ibid.
151. Ibid.

The cases discussed demonstrate how issues of sexual morality, and the very idea of a good or proper home, were crucially important to the League's understanding of which women were fit to be part of the polis, and, at times, its leaders' views aligned with those of immigration officials. Both, to some extent, believed that immigrant women needed supervision, and saw the League as uniquely capable of undertaking such a role. We can further observe how the League became an arbiter of what constituted a proper home and behavior for immigrant women.

When requested, the League was pleased to work with immigration officials, engaging in a process that was part accommodation and part resistance. The League's close relationship with high level immigration officials before World War I cannot be easily defined or categorized. The League was only a sometime adversary of the state. It also could readily cooperate, agreeing to investigate immigrants and to monitor its own clients.[152] In this capacity, the League almost acted as an arm of the administrative state, drawing upon its knowledge of immigrant communities to assist the state. It is tempting to call the League handmaidens to the administrative state. This, however, would be inaccurate; in other cases the League zealously advocated for clients. Something more delicate was occurring. The League gained experience in working with high level immigration officials, but it also accumulated cultural capital from this work. Such cultural capital could then be drawn upon to assist other immigrants. The League understood well that it was a repeat player in an administrative process that gave officials vast discretion.

VI. Becoming A Cultural Broker: World War I and the Draft

During World War I, immigration to the United States substantially declined because of the danger of travel. This relieved the League of some of its day-to-day work: meeting trains; searching for lost people and luggage; and aiding in finding employment, housing, and medical care. Now the League turned its attention to assisting immigrant men and communities with the Selective Service Law. This involved determining whether a particular immigrant was eligible for the draft or qualified for an exemption. The League again acted as an intermediary between immigrant communities and the state, while extending its own expertise and

152. On lawyers' complex relationships with "clients" during the Progressive Era, see Clive Spellinger, "Elusive Advocate: Reconsidering Brandeis as Peoples' Lawyer," *Yale Law Journal* 105 (1996): 1445–1535.

reputation in working with bureaucracies, the administrative state, and immigrant men.[153]

Complicated World War I draft laws produced considerable fear and confusion in many immigrant communities and some turned to the League for advice. In 1917 alone, the League assisted 2,484 immigrants in connection with draft matters. Many immigrants were anxious about the draft. The League explained that some immigrants saw registration for the draft through the prism of their own knowledge and experience of forced military service in their native countries. Some immigrant men had difficulty filling out complex registration forms written only in English, and a small mistake could result in draft eligibility rather than an exemption.[154]

Working with the leaders of various immigrant communities in Chicago, the League held public meetings explaining the draft laws and providing one-on-one advice to men. Such work was not without controversy or competition. The League, along with newspapers and the Illinois Bar Association, claimed that "shyster lawyers" and "imposters" were charging immigrants large fees with the promise of a draft exemption.[155] The League objected to such practices on the grounds that one could not promise that any particular man would be exempt, as such exemption was determined solely by Selective Service Boards. The League urged immigrant men to come to the League or other organizations offering such services for free.[156]

The League undoubtedly believed that it was protecting immigrant men from being exploited, but its activity also could be interpreted in a less favorable light. One might say that the League in its draft work was not building a case or presenting a sympathetic narrative for each man who wanted an exemption, but rather providing neutral advice to ensure the accuracy of information on forms. This information then allowed Boards to make the "correct" determination. It was the difference between being a zealous advocate for a client by crafting a particular type of narrative and being a neutral party involved in the correct operation of a bureaucracy, although this was not cut and dried.

The Socialist Party, which opposed World War I and the draft, also entered into the fray about who should provide draft advice. One newspaper announced that the Socialist Party in Chicago had retained twenty

153. IPL, *Annual Report 1917*, 7–9.

154. Ibid.

155. "Shysters Prey on Foreign Born in Draft Graft," *Chicago Daily Tribune*, July 19, 1917, 1.

156. Ibid.

lawyers to aid in draft work. Yet, it also praised the work of the League.[157] Soon, the League expanded its draft activities across the Midwest, and in the process became very familiar with, and gained the trust of, local Selective Service Boards.[158] That this occurred at all is quite remarkable, as Jane Addams and her cadre were peace activists. The League, however, retained a certain objectivity and neutrality concerning the War. Various boards began sending non-English speakers to the League for assistance. The League provided boards with language interpreters, believing it crucial that non-English speakers fully understand the registration process, and provided accurate information. In return, Selective Service Boards allowed League workers direct access to decision makers to advocate for draft ineligibility on behalf of a particular immigrant.

Through this and other work, the League gained additional expertise in dealing with bureaucracies, regulations, and rules. At times, the League complained about insubordinate Selective Service clerks and low-level officials who disregarded the law and refused to provide exemptions to immigrants or even had immigrants arrested when they unintentionally violated the law by failing to register or appear when drafted. Prevailing on its numerous contacts, the League tenaciously sought to have immigrant men who were wrongly drafted released, even after the draftee had been shipped to training camp.[159]

The League analyzed and publicized how the Selective Service laws discriminated against immigrants, pointing out that they provided an exemption for men who had dependents (such as wives and children) in the United States. In contrast, wives and children who were not in the United States, who were not United States citizens, or who had not declared their intention to become citizens, were not counted as dependents. Therefore, some immigrant men, including those who had become naturalized United States citizens, still could not claim their wives or children for purposes of an exemption, even though they were the sole breadwinner. The League found such laws to be irrational, disrespectful, and discriminatory.[160] According to the League's ideology, failing to recognize an immigrant man as a breadwinner and head of the family equated to denying his masculinity and the existence of a legitimate family unit. Again, the League mistrusted the state while smoothing the way for the state.

157. "Socialists Give Cold Welcome to the Draft," *Chicago Daily Tribune*, July 21, 1917, 3.

158. IPL, *Annual Report 1917*, 9.

159. Ibid., 11–12.

160. Ibid., 7–9.

In addition to its draft work during World War I, the League also became involved in the issue of immigration bonds. During the War, people who were denied entry as immigrants to the United States were no longer returned to their home country because of the danger of sea voyages. Instead, they were detained at entry ports such as Ellis Island. Lack of space soon made this untenable, and the Immigration Bureau began releasing detainees on monetary bonds generally provided by relatives and friends.[161] One League report explained that many immigrants and their families believed that the bonds were the usual type, guaranteeing that a new immigrant would not become a public charge. Such a bond allowed an immigrant to permanently enter the United States. These new war bonds, in contrast, simply permitted temporary entry until war conditions allowed for travel. This practice soon created heartbreak, contradiction, and confusion.

Playing the role of intermediary, the League widely publicized to immigrant communities the difference between the two types of bonds. It also represented some whom the government sought to remove as travel conditions improved. A Greek family was denied entry to the United States on the grounds that they were likely to become public charges. The husband/father's leg was permanently injured and a doctor on Ellis Island deemed him likely to become a public charge because of the injury.[162] The family was released on a temporary war bond and they settled with relatives in Chicago who had provided the bond. The entire extended family believed that the bond was a guarantee of the family not becoming public charges and that they had been permanently admitted to the United States.[163]

In Chicago, the husband/father opened a fruit dealership, which allowed the family to be self-sufficient. One day, the family received notice from the United States government that they needed to leave the country as it was now safe to travel. The family turned to the League for assistance. The League sought to demonstrate to immigration officials that the man was supporting himself and his family, and that his leg had not been a hindrance. It documented his earnings in detail and provided an opinion from a Chicago doctor stating that the man's injury was not preventing him from earning a living. It also argued that the entire family reasonably believed that they had been legally admitted to the United States on a permanent basis. Relying upon this, they had established their lives and business in Chicago. Even on appeal to the secretary of labor, the League's arguments failed, and the family was forced to leave the United States. Grace Abbot

161. Ibid.
162. Ibid.
163. Ibid.

wrote: "The Department considered the ruling of the examining doctor at the port, namely, that it was doubtful whether he could support himself, better evidence then the fact that he had actually been self-supporting since arrival."[164] The Bureau's actions were therefore based more on conjecture and speculation than the reality of lived lives.[165] Experiences such as these made the League increasingly wary of the Immigration Bureau.

War and revolution in Russia heightened United States patriotism, and fears of radicalism, especially Communism. Enhanced xenophobia was reflected when Congress passed the Immigration Act of 1917 over the veto of President Woodrow Wilson. The act, the culmination of decades of opposition to immigration, barred multiple categories of people with mental or physical disabilities along with those espousing radical political views.[166] In a fit of racism, Congress expanded the Chinese exclusion laws to create the "Asiatic barred zone," stretching from India to China to the Pacific Islands.[167] The act also included a highly controversial literacy test, something that immigration opponents had spent decades working toward. Congress passed the literacy requirement specifically to exclude "undesirable" immigrants: those from outside the United Kingdom and Western Europe whom they continued to blame for pauperism, crime, and juvenile delinquency.[168] The law required all immigrants over the age of 16 to be literate, although it exempted dependents of male immigrants such as children and wives.

The League had always taken an especially strong stance against a literacy test and it argued that the 1917 Act, especially the literacy requirement, was essentially ex-post facto as it applied to immigrants who had already embarked on their journey to the United States relying on a set of laws that changed mid-journey. It explained that wartime conditions significantly slowed travel and that it often took months for war refugees to reach the United States. Such people had embarked upon the journey to the United States before the literacy test went into effect but were now barred entry because of illiteracy. The League took such cases and used its cultural capital, legal acumen, and knowledge of bureaucracy to find exemptions and loopholes.[169]

164. IPL, *Annual Report 1915*, 10.

165. Ibid., 10.

166. An Act to Regulate the Immigration of Aliens to, and the Residence of Aliens in, the United States, 39 U.S. statues 874 (1917).

167. Ibid., §3.

168. E.P. Hutchinson, *Legislative History of American Immigration Policy, 1798–1965* (Philadelphia: University of Pennsylvania Press, 1981), 481.

169. IPL, *Annual Report 1917*, 11–13.

It was the League's experiences before and during World War I that prepared it to greatly expand its representation of immigrants after the War, when much of the structure of immigration law would change drastically. The League had become expert at dealing with government bureaucracies, had shifted its specialty from working primarily with female clients to male clients, and had become accustomed to the vast discretionary authority of officials and the injustices that the administrative state could produce. Various immigrant communities had also learned to trust the League and its workers.[170] Although the League's staff and officers could not foresee the future, the nature of its work would become increasingly legal. It would represent thousands of immigrants a year facing exclusion and deportation and continue to develop a thoroughgoing critique of immigration law and its enforcement.

VII. The Quota Laws of 1921 and 1924

The Immigration Act of 1921, passed in a spasm of xenophobia and white supremacy, changed the terrain completely for the League, for many immigrants, and for United States immigration policy. A continuing sense of crisis surrounded immigration. A slowdown in the economy reduced the need for immigrant labor. A new international system coalesced around ideas of territoriality and the nation-state. Many politicians, journalists, and others believed that hundreds of thousands of Southern and Eastern Europeans (many Catholic and Jewish) intended to immigrate to the United States at the War's end.

The 1921 law established a quota system based on nationality, which severely restricted who could immigrate to the United States.[171] The commissioner-general of immigration described the law as "radical and far-reaching."[172] Scholars have made the salient point that the "illegal alien," was a product of law itself. That is, restrictive immigration laws created boundaries of inclusion and exclusion, and the 1921 Act accelerated this process.[173] Yet, the connection between national identity and the ability to immigrate was of course not new, as evidenced by the Chinese exclusion laws as well as a decade of Congressional discussions.

170. Ibid., 13.

171. An Act to Limit the Immigration of Aliens into the United States, 42 stat. 540 §2 (1921).

172. Salyer, *Laws Harsh as Tigers*, 134.

173. Ngai, *Impossible Subjects*.

The law provided that the yearly number of aliens of any nationality who could be admitted to the United States for purposes of immigration was 3% of the number of foreign-born persons of such nationality resident in the United States as recorded in the 1910 census.[174] The act's purpose was not only to limit immigration but to restrict immigration from Eastern and Southern Europe. It set a limit of 155,000 immigrants per year and allowed for only 15% of such immigrants to be from Southern or Eastern Europe. Pursuant to the law, nationality was based on where one was born, rather than on where one resided. If a person was born in Russia but had spent his or her entire life in France, he or she still came under the Russia quota. The law made birth the essential determinant. The inspector general, in 1923, claimed that the new laws were successful, as immigration from Northern and Southern Europe declined by more than 75% from what it had been in 1914.[175]

Immigrants could escape the most severe consequences of the 1921 Act in several ways. The Act gave preferred quota status to: a child under 18, a wife, parent, brother, or sister of a natural or naturalized United States citizen; or one who had applied for citizenship by filing first papers.[176] First papers required an immigrant to state his or her intent to become an American citizen. Such papers could be filed after 5 years of continual residence in the United States.[177] Being a United States citizen or filing first papers did not guarantee that one's family member could immigrate but it meant that the prospective immigrant was placed on a preference list rather than the regular waiting list for an immigration visa.[178] Of course, the longer the preference list, the less chance there was that someone on the non-preference list would receive a visa. The quota system heightened the urgency for immigrants to apply for naturalization, because that allowed them to sponsor family members. Naturalization law, however, only allowed "whites" and those of African descent to become naturalized citizens. Yet the definition of who was "white" was in flux, as were quota

174. 42 stat. 540 §2 (1921). Given current fears of immigration from Mexico, Central America, and South America, it is important to understand that under the 1921 and 1924 Acts, immigrants from Canada and the Americas were exempt from quotas but were subject to other requirements.

175. Salyer, *Laws Harsh as Tigers*, 134, quoting *Annual Report of the Commissioner-General of Immigration, 1923*, 10.

176. 42 stat. 540 §2(d) (1921).

177. Naturalization Act, 34 stat. 596 (1906).

178. Martha Gardner writes that the 1921 Act was a departure from previous immigration laws in that it only provided a preference for wives of United States citizens and residents and not an exemption. Gardner, *Qualities of a Citizen*, 121.

exemptions.[179] Ambiguities in the law and the vagaries of its application meant that much of the League's work was improvisational and required devising new strategies.

In a remarkable document, probably written in 1925, the League exposed how the new quota laws and the regime that they ushered in tore apart families.[180] The Act of 1921 became effective only 2 weeks after it was passed by Congress, trapping immigrants and their families between two legal regimes. Because of the speed of the law's effective date, the League reported that some of the American consuls abroad were unaware of its passage and provided immigrants with visas to the United States with permission to sail. Upon landing in the United States, such immigrants were denied admission. The League calculated that 2,000–3,000 people fell into this category and that 8,000–10,000 migrants had already embarked on their journey before learning of the new law.[181] The League further claimed that United States officials denied entry to "large numbers" of Armenians, who had survived the Armenian genocide, and held visas to the United States provided before the 1921 Act went into effect.[182]

The League and its leadership continually documented for dissemination how the legitimate and reasonable legal expectations of migrants and immigrants already in the United States had been dashed by the new law. It provided evidence that the law separated families and broke patterns of chain migration.[183] In such cases, one family member (generally a husband) had immigrated to the United States expecting to settle and then bring his wife and children. In the midst of such expectation, with little warning, the quota law became effective. If the husband had not resided for 5 years in the United States and therefore could not file his first citizenship papers, relatives were ineligible to receive preference. Wives and children suddenly found themselves subject to the quota and to family separations that could last years.[184]

179. There is a growing body of literature regarding who was considered white for purposes of naturalization law and how this generated continued consternation and lawsuits. See Coulson, *Race, Nation, and Refuge*; David Roediger, *Working Towards Whiteness: How America's Immigrants Became White*: *The Strange Journey from Ellis Island to The Suburbs* (New York: Basic Books, 2005); and Mathew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1999).

179. Ngai, *Impossible Subjects*, 3

180. IPL, "Report" (1925?), Box 5, fl. 53b, IPL records UIC (hereafter "Report").

181. Ibid.

182. Ibid.

183. Ibid.

184. Ibid.

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League leaders collected examples of the chaos created by the quota system. Although a potential immigrant might receive an immigration visa from a foreign counsel, this did not guarantee that by the time his or her ship arrived in the United States, the quota would not already be exhausted, either for the month or for the year. For quota purposes, each new year began on July 1. The law also provided a monthly quota of 20% of the total number of visas allowed for a particular nationality to enter the country during any one month.[185] Although an immigrant might hold a valid visa, quotas for the number of migrants permitted to enter the United States could be exhausted by December.

Ships raced to get immigrants to the United States in July, and for the first of every month, pressing to arrive before quotas were met and their passengers were denied entry as "excess quota."[186] For countries with miniscule quota numbers, such as Assyria, which had a yearly quota of eighty-six, no more than sixteen prospective immigrants could enter the county in any one month. As Edith Abbott publicized, quotas in such cases were often exhausted "a few minutes after midnight on the first of each month."[187]

To make matters worse, steamship companies would not refund fares for those who were denied entry or who were excess quota; but, by law, they had to return the migrant to the port of embarkation. Given the expense of immigrating, families often had one shot at being admitted to the United States. Many would not have the funds needed for a second voyage and attempt at entry. Family members of those who were excess quota sought the League's assistance, and the League wrote letters to immigration officials requesting exemptions, or at least allowing for a brief visit to family, but officials routinely denied such appeals.[188]

Responding to the intransigence of immigration officials and immigration law, migrants and the League attempted to strategize around the system. In some cases, the League advised people who were excess quota to go to England, where there were more ships headed to the United States with a shorter distance and more reliable timing. Once in the United Kingdom, such migrants, with the League's help, would apply for and await a letter from the State Department which allowed the person to try to re-enter the United States using the same visa. However, the problem

185. 42 stat. 540 §2(d) (1921).

186. Abbott, *Immigration: Select Documents and Case Records*, 456; Garland, *After They Closed the Gates*, 69–71, discussing Jewish organizations' opposition to the practice as well as a number of lawsuits filed regarding the practice. The results of these lawsuits were mixed and inconsistent.

187. Ibid., 457.

188. Ibid., 392–97, 454, 457.

was that many families did not have the funds to support what could become prolonged stays in the United Kingdom or elsewhere.[189] Others tried to enter the United States by traveling through Mexico, but after 1917, this required that the migrant reside in Mexico for 2 years.[190] Cuba, so close to the United States, was also a possibility, as it could give a migrant a head start in terms of arriving early on the first of the month, or as close to July 1 as possible. Yet, as one League letter explained, the cost of living in Cuba was high and the chance of employment low.[191]

An illustration of some of these problems involved a group of Assyrians with United States immigration visas. The group had traveled from Bagdad to Bombay to Marseille to the United States, where officials denied them entry as excess quota. The group then traveled to Mexico and finally to Cuba, hoping to enter the United States before the quota was exhausted. They were unable to do so. The League explained that left with few options, relatives in the United States would pay to have family members smuggled through Cuba, and warned migrants and their families that this carried a high risk of deportation.[192]

Congress intended that the 1921 Act would be temporary; the goal was to further overhaul immigration laws. The Johnson–Reed Immigration Act (often referred to as the Quota Act of 1924) made quotas a permanent part of immigration law and reduced the total number of non-Western-Hemisphere immigrants allowed to enter the United States from 356,000 to 165,000 annually.[193] Pugnaciously, it banned entry to anyone ineligible for citizenship, essentially meaning non-whites.[194] Historian Mae Ngai writes that the 1924 Act was the United States's first *comprehensive* restrictive law, which created new ethnic and racial hierarchies based on

189. Ibid., 395.

190. Ibid., 457.

191. Ibid., 458–59.

192. Ibid., 458–60.

193. Johnson–Reed Immigration Act, 43 Stat 153 (1924). The original 1924 Act reduced the 1921 Act's 3% national origins quota to 2% of the 1890 census, rather than using the 1910 census. The use of the 1890 census was a blatant attempt to further reduce the number of non-Western-European immigrants. Pursuant to the 1924 Act, the new quota numbers for specific countries was supposed to take effect in 1927. It was so controversial and generated so much opposition that Congress delayed the effective date twice until 1929. When the act finally went into effect, the ratio for quotas was 2% of the 1920 census. As an example, the new quotas permitted 85,721 immigration visas for migrants originally from the United Kingdom, more than 25,000 for Germans, 6,000 for Poles, 5,802 for Italians, 869 for Hungarians, and 100 for Armenians. Presidential Proclamation 1873 (March 23, 1929).

194. 43 Stat 153, §13 (1924).

difference. It also articulated a broad sense of territoriality, marked by unprecedented state surveillance of the nation's borders.[195]

The 1924 law created categories of potential immigrants who would be permitted to immigrate outside the quota, those who would be given quota preferences, and those subject to the quota. Specifically, only a United States citizen's wife and unmarried children (under 18 years old) were non-quota. Quota preferences were given to a United States citizen's unmarried children under the age of 21, and that citizen's mother, father, and husband. It is crucial to point out that eligibility for non-quota status and quota preferences rested entirely on the sponsor being a United States citizen, either born or naturalized.[196] Therefore, unlike under the 1921 Act, it was no longer sufficient for a sponsor just to have filed his or her first citizenship papers declaring an intent to become a citizen. Rather, a sponsor needed to be a born United States citizen, or had to have filed his or her second papers, passed a citizenship examination, and be officially naturalized.[197] The 1924 Act further eliminated the 1921 Act's quota preference for brothers, sisters, and fiancés. Full naturalized citizenship was out of reach for many immigrants, foreclosing the possibility of one's immediate family, even receiving a preference.[198] Moreover, the quota and inspection process now occurred overseas at consular offices, where immigrants would not only present their papers but would also undergo a variety of interviews and examinations. In theory, this took the pressure off United States immigration inspectors at ports of entry, and prevented migrants' arriving in the United States only to be rejected. It also, however, created less transparency and made it more difficult for the League and others to provide quick advice and have access to their clients. A second inspection still occurred at points of entry.[199]

The League vehemently opposed quota laws. Adena Miller Rich, who took over the executive directorship of the League, identified the use of quotas as race discrimination.[200] Sounding like a modern student of history, Rich explained how nationality was a random construction, and mere "accidents of chronology or geography."[201] She forcefully advocated that there was no relationship between nationality and intelligence and the

195. Ngai, *Impossible Subjects*, 3.

196. See 43 Stat 153, §4, 5, 6, 11 (1924).

197. Ibid., §9 (1924).

198. Mrs. Kenneth Rich (Adena Miller), "Considerations as Changes in Naturalization Law and Procedure" (January 1934), 38, Box 5, fl, 60, IPL records UIC.

199. See Ngai, *Impossible Subjects*, 61; and Garland, *After They Closed the Gates*, 72.

200. Adena Miller Rich, "What is the National Origins Plan for Immigration Quotas?" Box 6, fl. 63, IPL records UIC.

201. Mrs. Kenneth Rich, "Considerations."

ability to be a self-governing or a productive citizen.[202] One League report explained that post-World War I immigration laws were the result of an atmosphere "wrongly charged" with beliefs of "racial superiorities' and 'inferiorities."[203] League leaders and workers came close to labeling the government and its immigration policy as xenophobic, racist, and backwards looking.[204]

Continually, the League roundly condemned immigration laws that separated families. "The integrity of the family and the sanctity of the home are principles basic to American life. Such separation of husband and wife, of parents and children, causes an amount of human suffering beyond estimation."[205] It further attacked the narrow breadth of which family members qualified for quota preferences, understanding that the family unit was broader than allowed by immigration law. League leaders lamented that American aunts and uncles of children who were orphans could not sponsor them. This was especially harsh for Armenians who sought to bring in nieces and nephews whose parents had been slaughtered.[206] The League had to inform such uncles and aunts that there was no way to circumvent the quota system.[207]

Day in and day out, League workers witnessed how the 1924 Act defeated the legitimate expectations of immigrants and those intending to immigrate. Even a number of United States senators recognized how the act caught people unaware. Senator William Bruce of Maryland commented: "Here is a man who came to this country before the present immigration law went into effect, and having come here without any notice of any sort . . . and having declared his intention of becoming a citizen of this

202. Ibid.

203. Ibid.

204. IPL, "The Immigration Situation in Certain Latin American States" (December 13, 1928), Box 5, fl. 51, IPL records UIC.

205. "Suspension of Immigration Bill" (1927), Box 6, fl., 63, IPL records UIC.

206. The Armenian genocide began in 1915 when the army of the Ottoman Empire began rounding up, expelling, and executing Armenians who lived in the Empire. Widespread murders of Armenians continued until 1917 and then began again from 1920 to 1923. At times, Armenians were directly executed and at other times forced to go on "death marches" to a series of concentration camps. During such marches deportees were starved, beaten, shot, and raped. Approximately 1,500,000 Armenians were murdered. See Coulson, *Race, Nation, and Refuge*, 89; Simon Payaslian, "The U.S. and the Armenian Genocide: Review Article," *Middle East Journal* 59 (2005): 132.

207. IPL, "The Immigrants' Protective League," Box 6, fl 66. (1925/1926), 3, IPL records UIC.

country, why should he not be allowed the privilege of having his wife and child come in as non-quota immigrants."[208] Other senators similarly spoke of unfair surprise and unforeseen family separations.[209] The League constantly made such arguments.

For immigrants, their families, and advocates, immigration law could be like quicksand: one moment you were on firm ground and the next moment that ground disappeared. Shockingly, the 1924 Act made many unused visas issued under the 1921 Act invalid. Thousands of migrants, some in midjourney, were left stranded. Eastern European Jews were particularly hard hit; many were fleeing persecution and could neither return to their home countries, remain where they were, nor proceed to the United States.[210] Some of these migrants had valid visas under the 1921 Act and had tried to enter the United States, but were excess quota and were waiting to make another attempt. They were now without visas altogether.[211]

The invalidity of 1921 Act visas also separated families such as Mr. and Mrs. Gurecka. The Gureckas had immigrated to Chicago from Poland in 1914 and had one American-born child. In 1920, they temporarily returned to Poland to care for family members who were gravely ill. During this time, the wife gave birth to a second child. In 1923, they had secured passports and visas to return to the United States. At the last minute, however, Mrs. Gurecka became too sick to travel and her husband sailed to the United States with their two children. Already possessing a passport and a United States immigration visa, Mrs. Gurecka believed that she soon would follow her husband and children, but with passage of the 1924 Act, her visa was no longer valid. Separated from her family, she had to wait to once again receive a visa pursuant to the quota, or for her husband to become a naturalized United States citizen.[212] In either scenario, it would take years.

Mr. and Mrs. Blenks who were Dutch (and therefore did not suffer the full brunt of the quota laws) received immigration visas pursuant to the 1921 Act. When the time came for them to sail, their infant son was ill, and the couple decided that Mr. Blenks would sail to the United States

208. Congressional Record, Sixty-Ninth Congress, Second Session, December 14, 1926, No. 8, p. 411.; and Act of May 26, 1924 (43 Stat 153).

209. Congressional Record, Sixty-Ninth Congress, 408–10.

210. Garland, *After They Closed the Gates*, 43–45.

211. Jewish organizations led the fight to admit Jewish migrants with now-expired 1921 visas. Famed attorney Louis Marshall argued that the United States had a moral duty to honor visas that it had provided and that immigrants with visas were already Americans. Congress voted down a law that would have allowed immigrants holding 1921 visas to enter the country. Ibid., 72–76.

212. IPL, "Report," Case 3.

while Mrs. Blenks remained in Holland to care for her son. The couple understood that this held no legal risk, as their immigration visas were valid for 1 year. A number of months later, as the wife was about to join her husband in the United States, the consulate informed her that under the 1924 Act, her old visa was no longer valid. The League wrote, "Neither of these people could possibly have anticipated the change in U.S. immigration policy and the visa system."[213] This was the leitmotif of immigration law.

The Serefimies family were Greeks living in Turkey who had survived the conflagration in Smyrna. In 1923, Mrs. Serefimies immigrated to the United States with two of her sons pursuant to the 1921 quota. Because of visa problems, her husband and another son stayed behind. The United States consul informed the family that the husband and son would obtain a visa the following year under the 1921 quota. The visa was not issued and the family was caught in an endless separation.[214] For the League and its clients, such a case was typical.

VIII. The Everydayness of Law: The League's Legal Work Post-1924

As intended, the 1924 Act caused immigration to decline, but the League's caseload increased. Rich wrote that the League's work had changed and that the quota laws produced "new emergencies.[215] She continued, "[Immigration] difficulties at present, are not primarily those relating to the incidents of transit and travel as of old, but those arising out of the technical immigration laws, rules, regulations and processes which have grown so complicated since the Quota Acts went into effect. Husbands are separated from wives, parents from children … [And] the road to full naturalization is long and beset by many obstacles."[216] Describing the League's everyday work, Miller noted:

> The League explains the laws and regulations and procedures which must be met by persons in Chicago who are bringing relatives from other countries to the U.S.; what is involved in detention at Ellis Island, in repatriation in this country, in visits to this country and visits abroad … The problems of deportations which it handles have become especially important since the new law

213. IPL, "Report," 7.
214. IPL, "Report," Group 8.
215. "Immigrant Protective League Reorganizes," *Social Service Review*, May 1926, 3.
216. Mrs. Kenneth F. Rich, "The Significance of Ellis Island to Illinois," November 1928, Box 6, fl. 63, IPL records UIC.

> which provides that once deported, one may never return to the United States.[217]

In 1926, the League accepted over a thousand new cases.[218] Between June and August 1926, it handled 132 naturalization issues, 20 cases involving deportations, 20 exclusions, and 269 inquiries about bringing relatives to the United States.[219] Like a mosaic, the everyday issues the League handled created a larger picture about immigration law, procedures, and practices. Those who sought the League's assistance were diverse, but immigrants from Italy, Russia, Poland, Germany, and Mexico made up its largest clientele.[220] The increasing case load caused Rich to complain that the League did not have enough social workers who spoke the language of the communities it served. She explained, "The League needed more effective contacts in the Polish and Italian communities of Chicago. Upon both of these nationalities, difficulties under the present immigration laws rest heavily."[221] She also asked for a full-time worker who spoke Armenian, Assyrian, Bulgarian, and Greek.[222] Such insistence on multilingual workers was rare for the time. The League soon employed two additional women with degrees in social work who spoke a combination of at least eleven languages.[223] The League also hired Helen Jerry, an attorney who had previously practiced at the Legal Aid Bureau of Chicago. Jerry brought not only legal expertise but also her ability to speak Lithuanian, Russian, Polish, and German.[224]

Much of the everyday practice of immigration law involved finding a way that would allow a potential immigrant to permanently enter the United States outside of the quota. Rich pointed to the absurdity, even cruelty, of the quota laws, explaining that under the quota list that existed in 1925, it would take 80 years for an applicant from Italy to be admitted to

217. IPL, "Memorandum" (1925/1926), 1, Box 6, fl. 66, IPL reports UIC.

218. Ibid.

219. IPL, "Frequency of Problems in Cases Arising in June, July, August 1926," Box 6, fl. 65, IPL reports UIC.

220. IPL, "New Cases Handled by Immigrants Protective League in 1925," Box 6, fl. 66, IPL reports UIC.

221. IPL, "Present Office Staff: Some of Its Present Needs and Opportunities," June 1927, Box 6, fl. 66; IPL "Report."

222. Ibid., 2.

223. IPL, "New Staff Assistance," Box 6, fl. 63, IPL reports UIC.

224. IPL, "Around the Table," Box 6, fl. 63, IPL records UIC. Helen Jerry had spent 3 years in Lithuania before graduating from the Denver University Law School. She was the third Lithuanian female lawyer to be admitted to the Bar and the only Lithuanian woman lawyer in Illinois.

the United States and 125 years for a Hungarian to do so.[225] She claimed that those from the Balkans might have to wait more than 100 years to receive a visa. Facts such as these, she wrote, "astonish and humiliate."[226]

Like its clients, the League found family separations endlessly painful. More broadly, these separations were contrary to the country's welfare. A League report called such separations, "the seamy side of the immigration situation."[227] Such language pointed to the unseen underbelly; the ugly pain and suffering wrought by United States immigration law that so many immigrants experienced. In response, part of the League's mission was to make the invisible visible. Such a strategy was a hallmark of the Progressive Era and the conviction that if the public only understood the suffering of others, it would demand change. In the case of immigration law and policy, this long proved unfounded.

Numerous immigrants and migrants also were caught in the shifting laws and rules regarding eligibility for naturalization. One's status could change quickly without notice. Vartan Sargisian, an Armenian man living in Persia, immigrated to the United States a month before the 1921 Quota Act went into effect.[228] His wife was Persian living in Baghdad and he had intended for her soon to join him in the States. The new 1921 law allowed for a miniscule number of visas to Persians. However, under the 1921 Act, the wife and children of a person who had filed his declaration of intent for citizenship fell into a preferred quota category. Vartan quickly filed his first naturalization papers, but the waiting list for a visa was long. Approximately a year later, he returned to Baghdad to visit his wife and remained for 3 years, a decision that would have enormous unforeseen consequences.

Vartan returned to the United States in 1925, and this is probably when he first sought the assistance of the League. Because of the time he had spent outside the United States, the Immigration Bureau deemed that Vartan had abandoned his naturalization application. Vartan restarted his 5 year residency requirement and again filed his first naturalization papers. Under the 1924 law, however, he needed to become a naturalized citizen to sponsor his wife and children. Still waiting for visas, his wife and children

225. IPL, "The Immigrants' Protective League," Box 6, fl 66 (1925/1926), IPL records UIC.

226. Mrs. Kenneth Rich, "Separated Families, Prepared for Oral Presentation at the National Conference of Social Work, Fifty-Fourth Annual Session, Des Moines, 1927," 10. Abbott Papers, Box 4, fl. 8, Edith and Grace Abbott Papers, Special Collections Research Center, University of Chicago Library.

227. IPL, "The Immigrant Protective League," 3.

228. IPL, "The Coming of an Armenian Family," January 1932, Box 4, fl. 50, IPL records UIC.

moved from Baghdad to France to be closer to the United States and to allow for Vartan's more frequent visits.[229]

In 1928, Congress passed an amendment to the 1924 Act, allowing spouses and children of permanent aliens to be part of the preference quota.[230] The League had long lobbied for such an amendment. Having waited almost a decade, the Sargisian family must have been overjoyed when, in 1931, the United States Consulate in France informed them that they would receive visas to the United States. All that was now required was the somewhat pro forma presentation of documents to the consulate.[231]

And then it all came crashing down. In 1931, during the height of the Depression, President Herbert Hoover issued an executive order responding to concerns that immigrants were taking employment away from "Americans." The order required the State Department to examine immigration laws, rules, regulations, and procedures to determine how to significantly slow and reduce immigration.[232] The State Department determined that the best way to do so would be to enhance what it meant to be "likely to become a public charge." This, of course, had long been a reason to deny entry into the United States to migrants. Consular officials expanded this discretionary standard and carefully scrutinized each applicant, using a test of whether a potential immigrant could indefinitely support him or herself without employment: a test that few could meet.[233] The State Department boasted that in 5 months almost 100,000 migrants who ordinarily would have been admitted to the United States were denied visas.[234] This number soon rose to 135,000. Some consuls also engaged in bureaucratic sleights of hand to reduce immigration. Such tricks included requiring those waiting for visas to quickly confirm that they still desired to maintain their place on the quota waiting list. Failure to respond immediately resulted in the consul removing such persons, with the result that they forfeited the spot that they might have obtained through years of waiting.[235] Consuls also began requiring even more elaborate

229. Ibid.

230. Act of May 29, 1928, Chap. 914, 45 Stat. 1009.

231. IPL, "The Coming of an Armenian Family," 262.

232. Herbert Hoover, "White House Statement on Government Policies to Reduce Immigration," March 26, 1931, in Gerhard Peters and John T. Woolley, *The American Presidency Project*, https://www.presidency.ucsb.edu/documents/white-house-statement-government-policies-reduce-immigration (accessed November 21, 2018).

233. Edith Abbott, "Immigration and Naturalization Legislation, 1921–1932," Abbott Papers, Box 12, fl. 9, Edith and Grace Abbott Papers, Special Collections Research Center, University of Chicago Library.

234. Hoover, "White House Statement."

235. IPL, "Report of the Director" (December 12, 1930), Supp. II, Box 5, fl. 65, 15, IPL records UIC.

documentation and certification of a potential immigrant's admissibility to the United States.

Let us now return to the Sargisian's family's saga. Mrs. Sargisian traveled to the American consulate in France and presented affidavits of support from her husband, a letter from a United States bank regarding her husband's bank accounts and balances, and a letter from her husband's employer where he had long worked as a painter. These documents had been carefully prepared by the League. Even with such strong evidence, the consulate found her and her children "likely to become public charges."[236]

The League blamed this decision on the enhanced standards adopted by the State Department with little or no notice. With few options, the family decided that the wife and children would return to Persia while the husband remained in Chicago to earn money to support the family. Infuriated, the League reported that the family was broken-hearted and had lost all hope. "The family loyalty and solidarity of this little group is the kind on which America's strength has been founded. To deny it to those who live within its borders, does not contribute to the welfare of this country."[237] Vartan had met all the gendered expectations of the ideal male citizen being a responsible breadwinner who sought to reunite his family. One can imagine the League trying to explain the rationales for the multiple legal changes, decisions, and practices that dearly affected the essence of their clients' lives.

By 1930, the League's outlook was bleak regarding the well-being of recent immigrants in the United States and those seeking to immigrate. Adena Miller Rich listed a number of catastrophic features of United States immigration policy and practice. These included: the permanent separation of family members because of restrictive entry laws, the high standard of proving that a migrant was not likely to become a public charge, the impossibility of many immigrants becoming naturalized citizens, high application fees for naturalization, and the acceleration of deportations which again resulted in the separation of families.[238]

As immigration was brought to a trickle by the early 1930s, deportations dramatically increased and the League increasingly represented immigrants in deportation proceedings. Rich understood, whether or not the federal government or judiciary recognized it, that those being deported

236. IPL, "The Coming of an Armenian Family."

237. Ibid.

238. IPL, "Report of the Director" (December 12, 1930), 1, 14, Supp. II, Box 5, fl. 65, IPL records UIC.

possessed both constitutional rights and, more broadly, human rights.[239] She explained how immigration officers and the Federal Bureau of Investigation blatantly engaged in "A Bill of Wrongs."[240] This included warrantless arrests, at times in the middle of the night, the wholesale arrest of large groups of immigrants, holding detainees incommunicado, hearings without representation or translators, long periods of imprisonment, forced confessions, and indifference to what might happen to family members (especially wives and children) who were in the United States.[241] The League wrote that in the age of deportation, part of its mission was to "hold up to light, the serious violations of civil rights of those being deported."[242]

The League, initially so comfortable working with immigration officials and the administrative state, dramatically shifted its position. League leaders denounced immigration law as inchoate and incompatible with the rule of law.[243] League leaders had become so frustrated and appalled at the quota laws and their administration as well as mass deportations that they essentially called the Immigration Service, Congress, and the State Department racist and xenophobic.

Even with this frustration and little room to navigate, the League continued to represent clients well into the 1960s. Eventually, it would merge with another institution to become the Heartland Alliance, today one of the largest organizations to provide aid, advocacy, and representation to immigrants. Still located in Chicago, Heartland Alliance is one of the organizations that has sued the Trump administration regarding its immigration policy.[244]

The League's history is relevant for a multitude of reasons. It demonstrates that middle-class women working in philanthropic organizations were central to the development of the practice of immigration law, thus expanding our understanding of what it even means to practice law. It also provides a model of how one organization, although certainly not perfect, deeply believed in the importance of immigration to the very identity of America. At a time of rising xenophobia, the League and its leaders

239. IPL, "Report of the Director" (April, May, June 1931), 13–14, Supp. II, Box 5, fl 65, IPL records UIC.

240. Ibid.

241. Ibid.

242. Ibid., 14

243. Edith Abbott, "Federal Immigration Policies," 347–67, at 356–57.

244. The National Immigrant Justice Center is a program of Heartland Alliance. https://www.heartlandalliance.org/programs/justice/, https://www.immigrantjustice.org/press-releases?q=press-releases&page=2 and https://www.heartlandalliance.org/program/national-immigrant-justice-center/ (accessed November 17, 2018).

steadfastly and resiliently combined continued lobbying against restrictive immigration laws and their enforcement and the legal representation of immigrants, convinced that the United States could create an immigration policy and enforce that policy in a way that comported with humanitarian considerations. One of the crucial parts of doing so was ensuring the stability of the family unit. The League also had long understood the importance of immigrants' obtaining some kind of legal representation, as exclusion, naturalization, and most of all deportation, were complicated processes that went to the heart of an immigrant's life and future. As leaders and workers learned from their on-the-ground experiences, the state could not be entrusted to adequately safeguard the few rights that migrants or immigrants possessed.

The League's story is also worth telling as a piece of administrative, political, and legal history, as the League moved from participating in the administrative state to having deep suspicions about the administrative state. Moreover, this history provides concrete evidence of how changes in immigration law and practices, often enacted by immigration officials, Congress, or the president with little notice, or a clear understanding of the consequences of such actions, created havoc and immense suffering in migrants' and immigrants' lives. The very least that the United States government could do based on the rule of law and how people rely on legal regimes, is to ensure adequate notice and widespread dissemination of changes in law or practices. Perhaps the most important part of this story is how the League and its clients continued to persevere as new and harsh immigration laws, rules, and practices continued to be created by the state. They remained certain that there could be a better version of the United States.