

Wayne Lutton is associate editor of *THE SOCIAL CONTRACT* and co-author of *The Immigration Invasion*. The title of this article comes from Emma Lazarus' poem, "The New Colossus," written in 1883. For the story of how it was added to the inside of the pedestal of the Statue of Liberty in 1903, see Elizabeth Koed's article "A Symbol Transformed: How 'Liberty Enlightening the World' Became 'The Mother of Exiles'" in *THE SOCIAL CONTRACT*, Vol. II, No. 3, Spring 1992, pp. 134-143.

"Wretched Refuse" From "Teeming Shores"

by Wayne Lutton

Past immigration to America has not been an unmixed blessing. During the 19th and early 20th centuries, mass immigration was promoted by some employers to depress wages and break unions. It helped foster class antagonism, political radicalism and big city corruption. Foreign governments used North America as a convenient dumping ground for their criminal populations, a practice that continues to the present time, as exemplified by the actions of the Cuban, Russian, and Chinese governments, all of whom have gladly sent us thousands of hard-core criminals in recent years.

Throughout our history, the demand for restrictions on immigration was often spurred by popular reaction against the admission of criminals and people who were likely to be heavy users of welfare services. What follows is a brief review of this neglected aspect of our immigration experience.

The Colonial Period

The English government often sent what were characterized as the "idle poor" to its North American colonies. A 1663 Act of Parliament authorized Justices of the Peace to send "rogues, vagrants, and sturdy beggars" to America. English convicts were often given the choice of servitude in colonial plantations as an alternative to execution [an uncounted number opted to be hanged instead]. By 1717 the English government began a policy of penal transportation and thereafter shipped certain classes of felons to the colonies. An estimated 50,000 criminals were forcibly removed to America from the British Isles between 1717 and the outset of our Revolution, with 20,000 of them going to Maryland from 1750 to 1770.

The colonies often protested against the landing of criminals and some indentured servants. As early as 1639, the Pilgrims of Massachusetts demanded the expulsion of foreign paupers and set fines for shipmasters who brought criminals and paupers. Soon Virginia and other colonies followed their lead. In 1676, the General Assembly of Maryland tried to discourage the transport of criminals by requiring all shipmasters to declare whether they had any convicts on board, and attempted to prevent them from landing if they did.

Massachusetts, in 1700, passed an immigration act requiring shipmasters to furnish lists of passengers, and prohibited the landing of lame, infirm, or those incapable of earning their own living. Shipmasters were required to return proscribed persons to their home country. Pennsylvania imposed a tax on every criminal landed and tried to make shipowners responsible for the good conduct of their passengers, in a law enacted in 1722.

Lacking independent standing, the colonies could not enforce their demands for selective immigration. Self-protective measures were regularly ignored or overruled by the British Crown. Yet, E. E. Proper, in his book *Colonial Immigration Laws* (Columbia University Press, 1900), attributed the political and religious spirit of the colonies, in part, to the restrictions and prohibitions that were enacted prior to the American Revolution. What is also worth noting is that, contrary to the claims expressed by some historians and promoters of "multiculturalism" today, Colonial America did not welcome any and all who tried to come here.

Attempts at Restriction: 1776 to 1860

During and after the Revolution, many states passed legislation affecting immigration. In 1783, for instance, Massachusetts took the lead in prohibiting the return of Tory refugees. Congress passed a law in 1790 forbidding the naturalization of refugees from the Revolution without the special consent of those states which had prohibited their return.

Writing to John Adams in 1794, George Washington clearly stated, "My opinion with respect to immigration is, that except of useful mechanics and some particular men and professions, there is no use of encouragement." He repeated this view in a letter to John St. Clair: "I have no intention to invite immigrants, even if there are no restrictive acts against it. I am opposed to it altogether."

Benjamin Franklin was a strong supporter of immigration restrictions and rejected proposals that the federal government offer positive inducements to encourage more immigration. He warned states that some European governments were transporting

criminals to our shores.

Likewise, Thomas Jefferson endorsed immigration restrictions. As the leading advocate of states' rights, he was uncompromisingly opposed to federal immigration legislation. Instead, he argued that states had the right to regulate and even prohibit it.

By the onset of the 19th century, the growth of manufacturing created a market for skilled laborers. As many native-born Americans preferred land-ownership to becoming hired workers, businesses recruited foreign labor. This did not discourage a number of states, especially after 1820, from passing laws to restrict the entry of certain types of immigrants.

On February 25, 1820, Massachusetts passed "an act to prevent the introduction of paupers from foreign ports or places." Maryland (in 1833), New York, and other states adopted acts regulating the importation of passengers, with the objective of requiring shipmasters to post bonds against passengers liable to become public charges.

Such laws did little to discourage a number of European governments from paying the fare of convicts and ne'er-do-wells to the United States. In 1836 the Massachusetts legislature passed a resolution calling on Congress to take decisive measures to prevent the entry of foreign paupers and criminals into the United States. Senator John Davis reported that in 1833 a British Royal Commission urged parishes to raise taxes to help paupers emigrate to America by paying their passage.

Britain was not alone in trying to shift the burden of sustaining their poor to this country. By the mid-1830s, this was so widespread that several large American cities, including Boston, New York, Baltimore, and New Orleans, took additional measures to attempt to halt the practice.

In 1837 New York discovered that three-fourths of its municipal almshouse residents were foreign nationals. A report to the mayor concluded that, "In fact, our public charities are principally for the benefit of these foreigners; for of 1,209 persons admitted into the hospital at Bellevue, 982 were aliens."

The U.S. consulate in Leipzig, Germany, issued a report in 1837, which revealed:

Not only paupers, but even criminals, are transported from the interior of the country to the seaports in order to be embarked there for the United States. A Mr. DeStein has lately made propositions to the smaller cities of Saxony for transporting their criminals to the port of Bremen, and embarking them there for the United States at \$75 per head, which offer has been accepted by several of them.... It has of late, also, become a general practice in the towns and boroughs of Germany, to get rid of their paupers and vicious members, by collecting means for effectuating their passage to the United States.... This practice is highly injurious to the United States, and also deters the better and

wealthier class of inhabitants of Germany from immigrating to the United States.

President Martin Van Buren provided Congress with further evidence that it had become common for foreign governments to transport criminals and paupers to America. Throughout the 1830s and 1840s, Consular reports and Congressional hearings by, among others, the Senate Judiciary Committee, gave added proof that this practice continued. Indeed, George Goundie, American Consul at Basle, Switzerland, stated in March of 1846 that it was on the increase.

On September 3, 1855, the State Department advised the mayor of New Orleans that immigration agents in Germany were warning "immigrants who are deformed, crippled, or maimed, etc., against taking passage to New York, and advise them to go by way of Baltimore, New Orleans, or Quebec, where the laws prohibiting the landing of immigrants of the above classes do not apply."

State and federal records disclose that this was not a problem to be lightly dismissed:

- In Massachusetts, from 1837 to 1840, aliens comprised over two-thirds of those maintained at public expense.
- In 1850, federal authorities determined that of the 134,972 paupers being supported during the previous year, over one-half (68,538) were foreign born.
- Of the foreign-born population, at least one of every 33 was a pauper, while only one in 300 of the native-born population was a public charge.
- New York City found that during the year 1853 municipal prisons held 6,102 Americans and 22,229 foreigners convicted of such crimes as murder, rape, arson, and robbery.
- For New England as a whole, more than one-half of those convicted circa 1850 were foreign born.

Despite widespread support for immigration restrictions, states and municipalities found themselves unable to cope with immigration-related problems. Regrettably, state laws to discourage the landing of foreign criminals and paupers were easily evaded and so had little effect. Immigration had become a national problem, demanding action at the federal level.

The Post-Civil War Era

After the conclusion of the War Between the States, there is evidence that foreign countries continued to try to resettle their hard-core poor and many convicts in the United States. Switzerland, in 1866, pardoned felons, including some murderers, if they would emigrate to America! As late as the 1880s, a number of German states, preeminently the Kingdom of Bavaria, assisted discharged repeat offenders to move here.

As they had during Colonial days, British authorities were unceasing in their efforts to deport their poor and criminals to America and other "hosts." A banker by the name of Tuke, with support from

members of the English nobility, founded the Tuke Emigration Society in 1882. By the next year the Tuke Fund had raised over \$1,000,000 — a vast sum in those days — and began the systematic exportation of paupers and convicts from Great Britain. It seems that other Tuke-assisted emigrants first landed in Canada and then crossed over into the United States.

During Congressional hearings before the famous Ford Committee, it was noted that the Imperial Russian government was exiling its political prisoners to Siberia, while trying to ship their thieves and murderers to America. As Rena Michaels Atchison, Ph.D. observed in her study of immigration published in 1894, "We are receiving every year a large percentage of the most dangerous criminals discharged from European prisons. It would seem, indeed, that European powers have conspired to make America the Botany Bay of Europe."

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Although Congress passed legislation designed to discourage the admission of foreign criminals and paupers, the problem remained a serious one. In remarks sounding uncomfortably contemporary, the U.S. Immigration Commission in 1911 noted:

the present law, from the difficulty in securing proof, is largely ineffectual in preventing the coming of criminals and other moral delinquents.... Criminals or moral defectives of any class, provided they pass the medical inspection, can usually embark at European ports and enter the United States without danger of detection.... The present immigration law is not adequate to prevent the immigration of criminals, nor is it sufficiently effective as regards the deportation of alien criminals who are in this country.

Even after passage of the comprehensive 1924 Immigration Act, criminal aliens remained a serious presence. New York Supreme Court Justice Norman S. Dike reported in 1930 that as much as a third of the American criminal population was made up of the foreign born. As today, the federal government failed to provide adequate funds to enforce laws requiring the deportation of convicted aliens.

Throughout our history immigration policies have helped make the United States a less safe and secure country than it could have been. It is as true today as it was in 1925 when then-Secretary of Labor James J. Davis observed: "crime in America can definitely be lowered through more stringent selective standards of immigration." ■