There are no tears now, but a deep pallor has come into her face. She gives him a long look, goes swiftly to the door, and with a limp wave of her hand, is gone.

Dan. (*Calling.*) Good-by, Peggy. You come back to-morrow.

He stands quite still looking after her. The voices of the others are heard as they come back into the room.

Angeline. Where is she?

Dan. Peggy told me to give this to *you.*

He gives the folded paper to Angeline. She reads it. The paper flutters to the floor. She kneels beside Dan, taking his hands with a reverent tenderness. The others are hushed—in the presence of something greater than themselves.

The Curtain Falls.

How the New Immigration Law Works

BY ROY L. GARIS

Professor of Economics in Vanderbilt University; Author of "The Immigration Problem"

IN his first annual message to Congress on December 6, 1923, President Coolidge made four important recommendations concerning immigration:

1. Continuation of a policy of numerical restriction based upon a census prior to 1910, viz., stricter restriction.
2. A practical plan of oversea inspection.
3. America should be kept for Americans. To obtain this we can admit only those whom we can assimilate, viz., those whose background, traditions, etc., are similar to ours and those who come for the purpose of making America their home and who will be "partakers of the American spirit."
4. Registration of all aliens now here.

Few subjects can stir more argument, more differences of opinion, than immigration. Nothing breeds so much trouble as racial differences. Therefore, drafting a bill that would carry out the principles of restricted immigration in a constructive, scientific manner as outlined by the President in his message was full of difficulties. The House Committee on Immigration and Naturalization had studied the problem during the two years of the Sixty-seventh Congress. Its conclusions were set forth in a report to the House of Representatives on February 15, 1923. In the congestion of legislation nothing was done before Congress adjourned in March. The intervening months to December, when Congress again assembled, gave an opportunity for public opinion to crystallize and assert itself. It is conservative to state that fully 75 per cent of the American people made it clear in no uncertain terms that they approved of the recommendations reported to the House.

Before January 20, 1924, fifty proposals dealing with the subject of immigration had been presented in Congress, and many others were introduced after that date, among which were twenty or more well-defined plans for restriction.

However, from the time Congress assembled until its enactment into law the nation as a whole was concerned only with the Johnson bill, now known as the "Selective Immigration Act of 1924." This measure was drafted by the House Committee and contained its previous recommendations, plus various perfecting amendments. Its principal features are:

(1) it preserves the basic immigration law of 1917; (2) it retains the principle of numerical limitation as inaugurated in the act of May 19, 1921; (3) it changes the quota basis from the census of 1910 to the census of 1890; (4) it reduces the quota admissible in any one year from 3 to 2 per cent; (5) it provides a method of selection of immigrants at the source rather than to permit them to come to this country and land at the immigration stations without previous inspection; (6) it reduces the classes of exempted aliens; (7) it places the burden of proof on the alien to show that he is admissible under the immigration laws rather than upon the United States to show that he is not admissible; and (8) it provides entire and absolute exclusion of those who are not eligible to become naturalized citizens under our naturalization laws.

The key to the law lies in an understanding of the definition of immigrants. The Act of 1921 dealt with the definition of aliens, whereas the new law deals with the definition of immigrants. All persons who may come to the United States are considered immigrants except those who are exempted in the definition of immigrants. Exemptions are made in respect to government officials and their families; aliens visiting the United States as tourists or temporarily for business or pleasure; aliens in continuous transit through the United States; aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign territory; bona-fide alien seamen serving on vessels coming to and going from the United States; and all aliens entitled to enter the United States solely to carry on trade under and in pursuance of provisions of existing treaties of commerce and navigation. These classes just mentioned are not immigrants. The law then divides all immigrants into two classes, quota immigrants and non-quota immigrants. Both classes are required to secure certificates, but only those in the quota class are counted to fill the quotas which are allotted to the various countries.

Non-quota immigrants include all unmarried children under eighteen years of age and fathers and mothers over fifty-five years of age; the husbands and wives of citizens of the United States; immigrants previously lawfully admitted to the United States, who are returning from a temporary visit abroad; those who have resided continuously for at least two years immediately preceding the time of the application for admission to the United States in Canada, Mexico, Cuba, countries of Central and South America or the adjacent islands; ministers of all religious denominations, professors, and members of any learned profession; skilled laborers, subject to restrictions; and bona-fide students at least fifteen years of age who come solely for the purpose of study at accredited schools, each student to designate a particular school and this to be approved by the Secretary of Labor.

A brief study of the above legislation makes it clear that the Act is filled with humane provisions. Under the Act of 1921 a family might arrive at a port in the United States, only to find, as many did, that the quota provisions necessitated a family division. This led to many hardships and much criticism. It was a weakness that had to be eliminated. The Act of 1924 does this by permitting the emigrant to bring in his wife, children under eighteen years of age, and his parents, if they are over fifty-five years of age, and these are not counted as part of the quota. Nothing is gained by bringing in new immigrants without their wives and children, for we want only those who come to America to remain here. Children over eighteen years and parents under fifty-five years of age may come in under the quota, so the law works no hardships. These age limits were put into the new act because they correspond with the provisions in the Act of 1917 with regard to the literacy test. The opponents of the bill tried, but in vain, to eliminate the age limits and to amend it so as to permit all children, parents of any age, and other relatives to enter as non-quota immigrants. Their purpose was to load the law down with so many "humane" provisions as to destroy the quota provisions indirectly and all together. Thus they would have accomplished indirectly what they failed to do directly.

Two years ago Congress passed a law which provided that when an alien girl

married an American citizen she did not by that marriage ceremony become an American citizen. Up to that time she *ipso facto* became an American citizen and could come in as such. Since that law we have had cases where wives of American citizens, seeking admission to the United States, could not come in because the quota of their nationality was filled. Under the new law such wives and husbands of American citizens may enter. This is a humane provision which experience proved necessary.

Another humane provision is the one which permits an alien now in this country to go out on a temporary visit for a year and return exempt from the quota provisions. Let us assume that the alien has taken out his first papers and has forsworn allegiance to his mother country. He has not taken on complete allegiance to the United States. In that event he cannot get a passport from us to the country from which he came nor can he get a passport from the country he left. The new law provides that he be given a kind of travel permit which does not have the full force of a passport. It simply shows that he travels with the intention of returning to the United States. However, it does not relieve him from being debarred on his return if he has contracted any disease or subjected himself to deportation under the Burnett Law. This provision, enacted for the benefit of the aliens now in the United States, permits them to return to their native land, yet it prohibits additional ones from coming except under the quota. It will be of most benefit to the aliens now here from southern Europe, the so-called new immigration, for these are the ones who desire to return home to visit their families and friends. Experience should prove this to be a beneficial provision instead of a loophole as feared by some. If properly enforced it will prove the former, otherwise the latter.

The basis and heart of the new law are those provisions concerning quota immigrants, a quota immigrant being defined as any immigrant who is not a non-quota immigrant. The Act of 1921 admitted from any one country 3 per cent of the number of persons born in that country who were resident in the United States as determined by the census of 1910. The total quota was 357,803. The Act of 1924 admits from any country 2 per cent of the number of persons born in that country who were resident in the United States as determined by the census of 1890 and, in addition, 100 from each country. The total quota on this new basis is 161,184.

Under the new plan the quotas from England, Germany, and most of the other northern and western countries of Europe are practically unaffected. The reductions of a most marked character are:

Austria, reduced from 7,451 to 1,090.
Czechoslovakia, reduced from 14,557 to 1,973.
Greece, reduced from 3,294 to 135.
Hungary, reduced from 5,638 to 588.
Italy, reduced from 42,057 to 4,689.
Poland, reduced from 21,076 to 8,972.
Rumania, reduced from 7,419 to 731.
Russia, reduced from 21,613 to 1,892
Latvia, reduced from 1,540 to 217.
Lithuania, reduced from 2,310 to 402.
Spain, reduced from 912 to 224.
Eastern Galicia, reduced from 5,786 to 870.
Portugal, reduced from 2,465 to 574.
Yugoslavia, reduced from 6,426 to 835.
Syria, reduced from 928 to 112.
Sweden, reduced from 20,042 to 9,661.
Turkey, reduced from 2,388 to 123.

It is evident, therefore, that the adoption of the census of 1890 automatically reduced the so-called new immigration which comes from countries in southern and eastern Europe. It is this *new* immigration which constitutes *the* immigration problem of to-day. Since 1890 it has come in such volume that it has been impossible to assimilate it. The total old immigration from 1882 to 1914 was only 7,566,041, while the new immigration amounted to 11,960,122, of which more than 10,000,000 came after 1897. Almost every year after 1900 saw a million or more aliens pouring into our already congested foreign districts. It soon became evident that the melting-pot was a myth and that America was being used as a dumping-ground for Europe. If this continued it would not be long until there

would not be any America for Americans. The census of 1920 disclosed the fact that at least ten American cities each have more foreign-born whites than native whites of native parentage. These cities are New York, Boston, Chicago, Cleveland, Providence, R. I., Fall River, Mass., New Britain, Conn., Passaic, N. J., and Paterson, N. J. This situation has resulted from the ever-increasing stream of new immigrants, who have proved to be non-assimilable in character. It was necessary, therefore, not only to limit but also virtually to stop this tide from southern and eastern Europe. The use of the 1890 census accomplishes this, since very few immigrants from these countries were here in 1890.

The charge was made many times, both in the House and in the Senate, that the change to the census of 1890 was unfair discrimination against the peoples from southern and eastern Europe and in favor of the peoples from northern and western Europe. It is true that this change does make a very great shift in the proportion of our immigrants which will be permitted to come from these two groups of countries. The opponents of the law assume that this constitutes discrimination. What they really demanded was the perpetuation of a very gross discrimination in favor of the countries of southern and eastern Europe, a discrimination against the countries of northern and western Europe, and, in effect, a discrimination against the United States.

The United States ought not to have to apologize for or explain any actual discrimination which it might think expedient for its own welfare and prosperity. Immigration is a domestic question to be decided in the interests of the American people and not in the interests of any other people or nation. If we desired to be so arbitrary, we would be within our rights to decide that no immigrant should be admitted unless he was six feet two inches tall and had red hair.

The complaint which alleges discrimination against certain countries in regard to the numbers of their people whom we shall admit necessarily rests upon some theory of the right of those countries that their nationals shall be admitted. It was due to the fact that several countries virtually made this demand and threatened serious consequences if it were denied, that the American people as a unit demanded this very legislation, if for no other reason than to prove to the world that we are master in our own home.

It would seem that our concessions in the past have been regarded by many peoples, especially the new arrivals from Europe, as establishing some actual right, equivalent almost to a constitutional guaranty, that more shall be admitted, and that they shall be admitted in this or that proportion as desired by the foreign country concerned. Past favors have merely served to whet the appetite for more and to nourish a spirit of resistance. Their ambition had been stirred and yet they seemed to see the goal tantalizingly receding into the distance. So they cried discrimination when there is no discrimination. They threatened, but those threats only served to convince the American people that they were right in the first place.

The white population in the United States, according to the census of 1920, was a little over 92,386,000 people. The countries of northern and western Europe have contributed 85.2 per cent of this white population. Under the Act of 1921 they received only 56.33 per cent, while under the present act they are entitled to 84.11 per cent of our annual quota immigration. On the other hand, the countries of southern and eastern Europe have furnished only 14.62 per cent of our present white population. Under the Act of 1921 these countries were entitled to 44.64 per cent of our quota immigration, while under the present law their share is 14.88 per cent, which is about a quarter of 1 per cent more than they deserve. It is evident then that the Act of 1921 discriminated in favor of the new immigration, while the Act of 1924, based on the census of 1890, divides our future immigration as nearly as it can be divided in proportion to the national origin of our *present* population. Boiled down, then, the charge that the census of 1890 discriminates against the countries of southern and eastern Europe is, in essence and effect, merely a greedy complaint that it does not perpetuate a discrimination that then existed—a complaint that comes

with particularly bad grace when it is remembered that no one is entitled to enter this country except at the will and pleasure of the United States.

Who were the opponents of this plan? They were the very persons who have assaulted every effort to restrict immigration in the past. They would have made an assault just as strenuous against any other restrictive measure. Some of these opponents knew so little about the problem as to state publicly in Congress that the plan was one in favor of blonds against brunettes! Amendment after amendment was proposed, each with the hope of creating some loophole that would weaken the law. Some urged that we continue to use the census of 1910. Others proposed a cross section of the last four censuses as the basis. Others claimed that the time was not ripe for permanent legislation. Still others advocated that the new law's life be limited to one or two years so that the battle might be fought over again in the near future with perhaps better chances for victory on their part. However, the outstanding rival plan was the national-origin scheme, which proposed to base the quotas, not on the number of foreign-born residents here in any census year, but on a cross-section of the entire population of the United States as now constituted. That the 1890 census and this national-origin plan give the same result was acknowledged by the advocates of the latter. The figures given above prove this. However, it was claimed that this rival plan would not give rise to claims of discrimination. How little its advocates understand the opponents of restriction! Had this plan been made the basis of the new law the same charges would have been made against it. The weakness in the national-origin plan is its lack of definiteness, for at best it is a mere estimation. The plan based on the census of 1890 is practical, definite, and, as proved above, is based on historical facts. It is, therefore, scientific and automatically selective as well as numerically restrictive. Whether the plan, incorporated in the new law, to use the national-origin scheme as the quota basis after 1927 ever goes into effect will depend upon facts yet to be discovered.

Having failed to accomplish their purpose through the cry of discrimination, the advocates of cheap labor, the lawyers of un-American corporations, and the representatives of foreign districts suddenly became enthusiastic advocates of absolute restriction for five or ten years. How consistent! Like a spoiled child—everything or nothing! But again their efforts to destroy the law failed.

Their next scheme was to rail against the immigration from Mexico. They urged that all nations be put under the quota. Now it is true that thousands of Mexican laborers come or are smuggled into the United States every year, but over 90 per cent of them come illegally in violation of the contract labor law and the literacy test. They come to work for the very interests who tried and will continue to try to destroy the new legislation. What is needed is an effective border patrol, enforcement of the two stipulated provisions, and honest *American* business men who can see that cheap labor is a liability both to America and to themselves. Any law will be a farce if not properly enforced. The problem of Mexican immigration is thus a demand for the enforcement of already existing law.

One of the most constructive provisions of the new law is the one which provides for a form of examination overseas. Until a year or two ago such a provision was deemed impractical and impossible. Under the new law both non-quota and quota immigrants are required to file their written application under oath in duplicate before a United States consul in their country for an immigration certificate. In this application the immigrant is required to state certain essential facts concerning his past life, from which the consul can judge whether he is qualified for entrance into the United States and what is his capacity for assimilation. In other words, we make the selection there, going fully into their past records, their family history, their mental, moral, and physical qualifications. This process will enable us to weed out in advance the weaklings, the diseased, and the morons. A satisfactory examination there will procure an immigrant certificate for admission here. The final inspection and medical examination, however, will be made at the port of entry. The certificate does

not exempt the immigrant from such examination here, for he is subject to deportation if he fails to measure up to the requirements as set forth in the Act of 1917.

The law further provides that not more than 10 per cent of the total number of certificates allotted to each country may be issued in any one month, and a certificate is void four months after the date of its issuance. The counting of these certificates is made abroad. These provisions will prevent undue hardships, uncertainty, and unnecessary expense to those who come here. Immigrants with valid certificates will be admitted if they can be legally admitted otherwise. This eliminates the racing of steamships into the ports of entry on the first day of each month. It eliminates the necessity of immigrants being forced to return to Europe due to exhausted quotas. At the same time it gives our consuls power to prevent obviously undesirable aliens from coming to America.

A former consul in Russia told the author recently how at times he longed to prevent certain aliens from coming here but he was powerless. Frequently he asked them where they received their money with which to come. Their answer was always that they had been paid to leave by those who wanted to get rid of them.

Several countries have very definite emigration policies and they issue passports only to those whom they desire to have proceed to America. The American consuls now have the power to check and control such a practice by refusing to grant the certificate. It is evident, therefore, that this is a practical, humane provision, which should be of untold benefit to future America.

The provisions in the law abrogating the gentlemen's agreement with Japan and excluding all Japanese laborers from the United States because of their ineligibility for citizenship led to a temporary acute situation both in America and Japan when Ambassador Hanihara wrote his now famous letter of April 10 to Secretary Hughes protesting against the action of Congress. Under this gentlemen's agreement Japan, not the United States, determined what and how many Japanese laborers could come to America. Congress was within its rights when it ended this arrangement. Such exclusion does not signify racial hatred. Restriction does not mark a nation as the inferior of any or all others. Many individuals of any race may be superior by every just standard of measurement to many individuals of the white race. Yet true assimilation requires racial compatibility, and any irreconcilable resistance to amalgamation and social equality cannot be ignored. For America, the Japanese are a non-assimilable people, as are all Asiatics, and little could be gained by the continuation of a policy contrary to American interests and which removed from our control a universally recognized domestic problem.

The new law passed the House on April 12 by a vote of 323 to 71 with 38 not voting. It passed the Senate April 18 by an even larger majority, the vote being 62 to 6 with 28 not voting. An analysis of the vote proves that the fight was not a partisan one. In the House 33 Republicans and 37 Democrats voted against the bill becoming law. The vote also reveals the dangerous fact that races will stick together and that the foreign element in this country has power in Congress. Representatives voting against the measure were from the following States: New York, 24; New Jersey, 9; Massachusetts, 8; Pennsylvania and Illinois, 6 each; Connecticut, 5; Rhode Island and Michigan, 3 each; while the other votes were scattered. This analysis is but another vindication of restriction.

Minor differences between the two houses were easily adjusted. The President received the bill on May 19 and signed it on May 26.

Such then are the important provisions of the Immigration Act of 1924. While it is not perfect and cannot please everyone, yet it contains fundamental, humane, constructive measures that in time will solve our immigration problem. Here is permanent legislation worthy of the name. It is but a step forward in our traditional policy of *ever-increasing* restriction. It needs honest, strict enforcement. Under it America can yet be saved for Americans.

Lonely Beaches

BY GEORGE STERLING

I HAVE not seen those shores,
But memories come of old sea-captains' tales,
Whose worn, intrepid sails
Had refuge where the northern osprey soars.

On coasts forlorn and cold,
Where mountains end, or fogs are on the lands,
Lie those inviolate sands,
Mourned over by an ocean unconsoled.

No keel has here a home,
But hour by hour the hesitating wave
Hollows an emerald cave,
Crumbles in broken thunder, and is foam.

Here lie no homeward prints
Of feet, and here no glowing flower dwells:
The sunset-colored shells
Restore the rose and rainbow with their tints.

Often the silent gull
Rests where the foam-flowers bloom and die, day-long,
On shores without a song,
For very loneliness made beautiful.

Here the sandpipers feed,
Or huddling, face the wind. Those flown, there lie
The sand-scoured kelp, long dry,
The sea-bird's bones, the moonstone and the weed.

On waves that poise and lean
The sliding, pure quicksilver of the moon
Makes ghostlier the dune.
The snows of sand and foam alike lie clean.

But man comes not to tread
Those gleaming floors between the sea and land—
The surf-enduring strand,
Cold as the Arctic heavens overhead.

. . . . . .

From old sea-captains' tales
I find again the beaches that they found,
And hear once more the sound
That reached them from the waters and the gales—

The twilight's far turquoise
Along the dim horizon; winds that cry
Below the wintry sky;
The stars of ocean and its mournful voice.