Immigration and Citizenship

A Follow-up on Japanese Americans

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In my article on the Japanese Americans I erroneously stated that the Immigration Act of 1924 not only barred further immigration of Japanese but also prevented those already in America from ever becoming naturalized U.S. citizens (Jitodai, 1993: 6). This latter point was a misinterpretation of the legislation. Actually, the Act only banned future Japanese immigration to the United States. The fact is that Japanese immigrants were not allowed to become naturalized citizens by various legislative and judicial actions prior to 1924. Indeed, the Immigration Act of 1924 used this citizenship restriction as the basis for barring any further immigration.

Part of the reason for this error was that, laboring under a misconception I had about the nature of the 1924 Immigration Act, it never occurred to me to check the wording carefully. To Japanese Americans like this writer (who is Nisei), the infamous Act was often referred to as the Japanese Exclusion Act (which was not the official title of the Act at all) and exclusion was seen as meaning “no citizenship” along with “no more immigration.” This error on my part illustrates the point that America’s history in regard to who would be allowed to come to its shores differs somewhat from its history in regard to who would be allowed to become its naturalized citizens. Actually, the issue of naturalized citizenship was first addressed early in American history—just after its founding. In 1790 the United States Congress restricted naturalized citizenship to those aliens who were “free white persons” (Ichioka, 1988: 211). While this restriction seems simple and clear, confusion still remained because the framework within which this exclusionary measure was formulated was based upon slavery, in which blacks and whites were the only

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significant racial categories involved. Asians, therefore, created a problem, for there was no separate racial category upon which a policy of inclusion or exclusion could be formulated. This confusion continued after the American Civil War when citizenship rights were granted to African Americans. In 1870, Congress extended the right of naturalized citizenship to persons of African descent (Ichiokea, 1988: 211).

Policies regarding the granting of naturalized citizenship to Asians and the Japanese in particular were inconsistent because some held the view that the Japanese could be classified as free whites. It is interesting to find that some Japanese immigrants under this classificatory confusion were actually allowed to become United States citizens (Ichiokea, 1988: 211). Even in 1882, after passage of the Chinese Exclusion Act, which did bar naturalized citizenship to the Chinese, it still was not clear whether or not this ban also applied to the Japanese. However, this controversy became more salient as more Japanese immigrated to the United States and hostilities toward them increased. Naturalization issues arose during the negotiations between Japan and the United States over the Gentleman’s Agreement (Ichiokea, 1988: 212) to decrease the flow of Japanese immigrants. Also, certain discriminatory measures against the Japanese began to be enacted that made citizenship a crucial factor. Thus, for example, the State of California passed an anti-alien land law barring Japanese aliens from owning land.

During this controversy a new quasi-legal term was used in the language of the legislation. This term referred to certain classes of aliens who were ineligible for citizenship. Thus, California banned ownership of land for those ineligible for citizenship (Ichihashi, 1932: 269). The importance of using this term was that one did not have to specifically mention any alien group such as the Japanese and therefore one did not offend the Japanese government. Such niceties were important because the Japanese nation was rapidly becoming a major figure on the Asian scene and Japanese were sensitive to any foreign gestures that categorized any of their citizens as second class. "Ineligibility for citizenship" also became the basis for the exclusionary clause enacted in the 1924 Immigration Act terminating any further Japanese immigration to the United States.

While the Japanese government was attempting to negotiate an agreement allowing its immigrants to become naturalized citizens, the anti-Japanese discriminatory measures led the Japanese immigrants themselves to organize and seek the right of citizenship. Their activities led to a series of court cases that finally resulted in the Ozawa Case. Takao Ozawa was a Japanese immigrant to the United States who eventually settled in Hawaii. He sued for naturalization in the U.S., and his case came before
the United States Supreme Court, where his request was turned down in 1922 (Ichihashi, 1982: 298).

In 1924 Congress passed an immigration law to clarify various aspects of their new immigration policy regarding national origins. The Act's major thrust was not directed toward the exclusion of any specific racial or ethnic group. However, at the end of the act an exclusionary clause was added that barred any further immigration of those who would be ineligible for naturalized citizenship. The Ozawa case had now clearly established Japanese aliens as ineligible. Once again, no mention of Japan or the Japanese was made but the exclusion of the Japanese was finalized.

The implications of the Immigration Act of 1924 administered the final blow to the efforts of many Japanese who would have sought to spread roots in America. The act negated the Gentleman's Agreement and effectively stopped future immigration from Japan. After 1924, only people on temporary business and students were allowed to come to the United States from Japan. The ban against Japanese immigration and naturalized citizenship remained intact until 1952.

**National Origins: The Basis of American Immigration Policy**

In the early stages of American growth and development there was very little concern over immigration. No important pieces of immigration legislation were enacted during almost the first hundred years after the nation's founding. Immigration was relatively free and open and played a major role in the growth and development of the United States. This lack of concern resulted from the fact that those who came were similar in terms of race and ethnicity to those already here. The early immigrants (commonly referred to as the First Wave) were those from northern and western Europe. Also, they were welcomed because there was a vast, virgin, rich continent to be settled and developed. Concern over immigration began when the ethnic origins of the immigrants began to change to countries of eastern and southern Europe. This new and different group of immigrants (commonly referred to as the Second Wave) became more visible because, unlike their predecessors, they began to concentrate in the rapidly growing urban centers rather than settle in the disappearing frontiers. Then the contrasts among immigrants became even more pronounced when the Chinese began arriving shortly after gold was discovered in California in 1849.

There emerged a general feeling that these newer immigrants were less desirable and something had to be done to discourage their coming. It is
of interest that the first major piece of legislation aimed at curbing immigration was aimed at the Chinese and not the Second Wave of white immigrants. The Chinese Exclusion Act of 1882 was the first major piece of national legislation to deal with immigration; it restricted any further immigration of Chinese laborers and denied naturalized citizenship to the Chinese already in the U.S. (Takaki, 1989: 111).

A new immigration policy was embarked upon whose major objective was to preserve the white, Anglo-Saxon, Protestant character of the American population. This called for a series of measures that favored immigration from countries of northern and western Europe. A series of immigration laws were enacted that based immigration on "national origins." "National origins" meant that the number of immigrants who would be allowed to immigrate into the United States from a certain country would be based on how many from that country were already there. The early legislation stipulated that any country would be allowed to send up to 3% of the number of those foreign born who were already present in the United States. This was later reduced to 2%, and, later still, a more elaborate quota system was devised. After 1927, if 10 percent of the American population consisted of people (citizens or noncitizens) whose origins can be traced to Country X (say, Italy), then 10 percent of the total number of immigrants allowed to enter will be from Country X (Italy). Determination of what proportion of the U.S. population was from what country was to be based upon the figures given in the decennial census, which did attempt to keep track of the population by national origin. One of the crucial points of the controversy was, which decennial census was to be used to establish the quotas, since the earlier the census chosen, the more it favored immigration from northern and western Europe. Since immigrants from these areas constituted the earliest and largest segment of the U.S. population, earlier census-based counts would allow a greater proportion from countries represented in the First Wave.

While it is not necessary to go into all of the details of the several pieces of immigration legislation, various laws were passed to adjust or clarify some of the questions that arose in the national origins approach. The 1924 Immigration Act was one such piece of legislation and its main purpose was actually to impose further restrictions on immigration from Europe. It reduced the number of immigrants allowed to 2% of the foreign born of that stock and attempted to move the census to an earlier one (Peterson, 1961: 102). At the end of the legislation was attached an exclusionary clause banning any further immigration of those "ineligible for citizenship."

It is ironic that, if the national origins approach had been applied to
the Japanese, it would have just as effectively stopped Japanese immigration without the enactment of any special exclusionary clauses. The number of U.S. residents of Japanese origin was so small that, if the quota were applied, fewer than 100 Japanese would have been allowed to immigrate (Takaki, 1989: 209) and any country whose allowable quota was less than 100 was barred from sending any immigrants.

The national origins approach remained the center of U.S. immigration policy until 1965. There were some positive changes in immigration laws such as the removal of racial and ethnic barriers to immigration and naturalization, but the approach remained intact. Thus the McCarran-Walters Act of 1952 made it possible for Japanese to immigrate under a quota system and to become naturalized citizens. The Chinese were allowed to come under the quota system during World War II.

The Current Immigration Controversy

With the ending of the national origins approach one might have expected that the racial and ethnic controversies would be resolved by a more liberal and racially and ethnically sensitive population. But perhaps ethnic controversies will always be inherent in any questions of who are welcome as visitors or not welcome, or who can be citizens or not in a highly developed country. The major beneficiaries of the change in immigration policy have been countries outside of Europe, especially those of Latin America and Asia. But again, as immigrants from these regions become more visible, the familiar xenophobic cries are being heard: immigrants take jobs away from natives, immigrants swell welfare rolls and cost taxpayers money; even the familiar charge that the immigrants are unassimilable.

But present-day hostility is not so much directed at any country (with the possible exception of Mexico). Rather, the concern over immigration is aimed at illegal immigration. Because the United State has such vast and porous borders with Mexico and Canada, the opportunities for people to enter the United States illegally are great. The American sentiment, as expressed in recent public opinion polls, is very concerned about illegal immigration, and this concern leads to the advocating of greater control over, if not an actual stop to, all immigration. The voters of the State of California recently voted overwhelmingly in favor of a proposal banning access to public education to children of illegal immigrants. Such acts do have racist elements in that the direct targets of such restrictions are Latinos and, to a lesser extent, Asians. These are people coming from less-
er developed countries, but, like others before them, seeking a better life (legally or illegally) within America’s shores.

The whole issue of illegal immigration is now being played out on a broader global scale between people of the “have-not” nations seeking better opportunities in the “have” nations. The existence of “have and have-not” nations is not new, but two important ingredients have been added to intensity these differences and make them potentially more explosive. First of all, the differences between the rich and poor have become perceived differences. Our global village has made it possible for everyone—even the very poorest—to be made aware that there are others who live better and more comfortable lives. Secondly, this relative deprivation is being intensified by very rapid population growth in these poorer nations. Overpopulation is driving people off their land and forcing them to move to overcrowded cities where they live in squalor and poverty. The next step is migration to a developed country, and just about every developed country in the world is feeling the pressures on their borders from people desperate to come at any price to seek a better life. Racism will show its ugly head because most of these migrants are people of a color and ethnic background that is very different from those of the developed world.

References