

Keeping a Nation's Gates: William Williams, Ellis Island, and Immigration Regulation in Early Twentieth Century America

Hannah Miller

Department of History, Georgetown University
Thesis Advisor: Dr. Katherine Benton-Cohen
Honors Program Co-Chairs:
Dr. Howard Spindel and Dr. Carol Benedict
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Dedicated to my mother, whose unwavering love and encouragement supports me in all my endeavors.

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PREFACE

I owe thanks to many who have instructed and encouraged me in my academic pursuits. The following thesis is the product of a deep passion for and love of history that has been instilled in me by the outstanding teachers whose tutelage I have had the great fortune of being under. I give thanks to my high school history teachers: Ms. Laura Krier, Ms. Cathy Warren, Mr. Skeffington Young, and Mr. Matt Ives. I am especially grateful to Ms. Colleen Roche, who inspired my zeal for the study of American history. I also owe a great debt of gratitude to Professor Katherine Benton-Cohen, whose classes perpetuated my passion for U.S. history here at Georgetown and broadened it into the realm of immigration regulation and policy. As my advisor, her advice and support has been invaluable as she guided me through the thesis-writing process. Lastly, I would like to thank my family and friends for their constant support and encouragement.

Telling and making claims about the untold story of early twentieth century Ellis Island was a responsibility I did not take on lightly. My work is but the beginning of the scholarship and attention this topic deserves. It is my hope that the following paper serves as a starting point for a larger academic debate about U.S. immigration history and the tenuous veracity of the claim that America has been—and is—the land of opportunity for all.

CHAPTER I. INTRODUCTION

Ellis Island was the first federal immigration station, having been designated so by President Benjamin Harrison in 1890.¹ The institution that was supposed to serve as the pearly gates through which immigrants were to pass on their way to a better life in America, however, became plagued with graft and corruption within decades of opening. In 1903, the Commissioner-General of Immigration, Frank Sargent, wrote: “Ellis Island has been a place for the harboring of vultures who preyed upon the immigrants and people began to look upon it as a the hell hole of America.”² One might expect that the entryway of a nation conceived in liberty and dedicated to the proposition that all men are created equal would operate in a way that embodied such ideals. The reality of Ellis Island, however, was quite different. It was a blemish on the majesty of American democracy for the whole world to see, and the graft, corruption, and malfeasance that plagued the immigration station had become “a matter of common notoriety.”³ As part of his Progressive agenda, President Theodore Roosevelt took up the task of remedying this blight.

The poor reputation of Ellis Island was troublesome to Roosevelt. Yet, it took the President several months after he assumed office to decide what and who was causing the issues, as well as what should be done about it. Ultimately, Roosevelt decided to clean house, forcing Commissioner Thomas Fitchie and Assistant Commissioner Edward McSweeney to resign. Deciding whom to replace Fitchie with was no easy task for Roosevelt. He confided in a letter to a friend that he sought someone trustworthy and “not

¹ "Ellis Island." *The Statue of Liberty- Ellis Island Foundation, Inc.* N.p., n.d. Web. 7 May 2013. <http://www.ellisland.org/genealogy/ellis_island_history.asp>.

² Cannato, Vincent J. *American Passage*. New York: Harper Collins, 2009. Print. 127.

³ William Williams Papers, New York Public Library.

some man about whom after hearing all the evidence [he] could be doubtful as to whether [he ought] to feel distrust.”⁴ Roosevelt did eventually find his man for the job: a lawyer named William Williams.

William Williams was born on June 2, 1862 in New London, Connecticut. He graduated from Yale University in 1884 and Harvard Law School in 1888. His law career



quickly took off. He joined the law firm Simpson, Thacher, and Barnum in New York City, where he worked for twelve years. In 1892, President Harrison appointed him junior counsel in the Bering Sea Arbitration. Continuing his service to his country, Williams was a member of Troop A of the United States Volunteers in the Spanish-American War and was later commissioned as a Major. He would later become a Lieutenant Colonel of Ordnance in World War I. In 1900, he opened his own law practice in New York City.⁵ Aside from his time in the military, Williams had always worked in the private sector and, while a “loyal Republican with a reform bent,” he had no ambitions to move to the political realm.

When Roosevelt sought him out in 1901, he was a thirty-nine year old, independently wealthy bachelor living at the Yale University Club in New York City.⁶

⁴ Cannato, 134.

⁵ Coudert, Frederic R. "In Memoriam: William Williams." *The American Journal of International Law* 41, no. 3 (July 1947): 662-63.

⁶ Cannato, 136. Cohen, Naomi W. "Williams and the Jews." *American Jewish Archives Journal*, 99.

The President appointed Williams as the new Commissioner of Immigration at Ellis Island with the explicit mandate to make the immigration station respectable. Specifically, Roosevelt wanted Williams to “end the abusive treatment of immigrants, clean out the patronage dump, and strictly enforce the law.”⁷ By expelling corrupt employees and concessionaires, as well as putting into effect institutional reforms that created transparency and accountability, the commissioner succeeded in fulfilling Roosevelt’s directive. When he retired from his post in 1905, he did so with the praise of the public, the press, and the President for his service to the country in making Ellis Island a reputable institution.

Williams’ retirement was only temporary, however, and he returned to his post in 1909. In his absence, much of the progress he had made in his first term was lost under the leadership of his successor, Robert Watchorn. Williams noted in his journal: “I took hold [of office again] May 25, 1909 and before the day was over observed that the service had retrograded substantially since my departure in 1905...”⁸ The commissioner went about restoring the integrity of the institution. He reinstated strict standards to which he held the immigration station workers accountable, unwaveringly insisting that immigrants be treated with respect and humanity. By the end of his second term and in contradistinction to the legacy of his first term, however, Williams had become vilified in public and political discourse about the nation’s immigration policy.

As Commissioner of Immigration at Ellis Island, Williams had the dual role of maintaining a respectable, efficient institution and of enforcing immigration law. U.S. immigration policy, however, was in a constant state of change during Williams’ tenure

⁷ Cannato, 139.

⁸ Williams Papers.

and was becoming increasingly more restrictive. In fact, Congress passed three different pieces of legislation during his time as commissioner: the Immigration Act of 1903, the Naturalization Act of 1906, and the Immigration Act of 1907. While each of these laws sought to codify immigration policy, they also left a great deal of latitude for enforcement. As the immigration policy debate unfolded during the first years of the twentieth century, immigrant advocacy groups became increasingly engaged and vocal. Critics of the policy placed blame for its shortcomings on both the legal statutes and their administrators. Williams' popularity was inextricably linked to that of the policy he was appointed to enforce.

The following thesis tells the story of Commissioner William Williams, keeper of the nation's gates at Ellis Island during a period of great controversy about the restrictionist nature of and expansive administrative power in immigration regulation. This paper is unique in that it engages Williams' own papers, letters, and scrapbooks, which are archived at the New York Public Library. In this way, both the perspective of those viewing Ellis Island from afar and the man whose administration was the object of their scrutiny are represented. The Progressive reform spirit and restrictionist immigration policy were both manifested in Williams' administration and his New York immigration station, making Ellis Island and its reputation an illustrative lens through which to view the changing public and political sentiments of the time.

Chapter II will first outline the development of immigration policy through 1913, demonstrating that a tradition of exclusion had been well established by the time Commissioner Williams entered office in 1902. Chapter II will also illustrate the socio-political backdrop of early twentieth century America. Chapter III will discuss Williams'

first term as commissioner, specifically highlighting the Progressive-style reforms that he implemented at Ellis Island. Chapter IV will discuss Williams' second term, drawing a contrast to his first term and demonstrating how Ellis Island and Commissioner Williams' administration became the focal point around which an increasingly contentious and politicized immigration debate was occurring.

CHAPTER II. AN OVERVIEW OF IMMIGRATION REGULATION AND LEGISLATION THROUGH 1913 AND THE SOCIO-POLITICAL CONTEXT OF THE TIME

By the time Williams assumed his position as Commissioner of Immigration at Ellis Island, the United States had established a tradition of exclusionary immigration legislation and policy. These laws created an effect adverse to the spirit proclaimed in the lines that were inscribed upon the base of the Statue of Liberty in 1903:

Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!

Politicians were more focused on who to keep out rather than who to take in. This chapter will outline the progression of American immigration legislation through the end of Commissioner Williams' tenure in 1913, demonstrating that a tradition of exclusionary immigration policy had been well established by the twentieth century. The chapter will then illustrate the socio-political context of Williams' administration, discussing three key themes of early twentieth century America: Social Darwinism and nativism, governmental bureaucratic expansion, and Progressivism.

From the beginning of American independence, the states controlled immigration, regulating at their own discretion. It was not until 1882 that Congress passed the first comprehensive piece of immigration legislation. This shift from the state to the national level did not cause a disruption, however. The federal immigration policy adopted and

built upon the pre-established state practices.⁹ Furthermore, this task was not new to Congress. In fact, even while immigration regulation was a matter for the states, the federal government had been passing immigration legislation for decades.¹⁰

The Alien Friends Act of 1798, part of the Alien and Sedition Acts, was the first piece of legislation to provide for the deportation of individuals from the United States. Out of concern that foreign influences would harm the nascent nation, the act allowed for the deportation of foreign agitators during both wartime and peacetime. The law was unpopular, and many thought it antithetical to the American value of freedom. Thomas Jefferson himself considered the law “as merely an experiment on the American mind, to see how it will bear an avowed violation of the Constitution.”¹¹ The law only remained in effect for two years, and no alien was ever deported under it.¹²

The next federal immigration law was the “Act to Encourage Immigration.” It was passed in 1864 upon the recommendation of President Lincoln and encouragement of the Republican party, whose June 7, 1864 platform stated: “[Immigration] should be fostered and encouraged by a liberal and just policy.”¹³ This pro-immigration sentiment arose from a labor shortage that followed the Civil War. The law legalized contract labor, allowing for American employers to pay for the passage of immigrants in return for their labor. The law, however, was repealed in March 1868, as the economy recovered and the

⁹ Hirota, Hidetaka. "The Moment of Transition: State Officials, the Federal Government, and the Formation of an American Immigration Policy." *The Journal of American History*, 2013, 1094.

¹⁰ Note that in the course of this summary of immigration legislation, there is a distinction between exclusion and deportation. Immigrants who were excluded had arrived at a U.S. immigration station and were sent back to their place of origin. Immigrants who were deported were those who had been permitted to enter the United States—and had likely taken up residence somewhere—and then were forced to leave the country.

¹¹ "The Deportation of Aliens." *Columbia Law Review* 20, no. 6 (June 1920): 680-84.

¹² "The Alien and Sedition Acts: Defining American Freedom." Constitutional Rights Foundation. Accessed December 8, 2013. <http://www.crf-usa.org/america-responds-to-terrorism/the-alien-and-sedition-acts.html>.

¹³ Abbott, Edith. "Federal Immigration Policies, 1864-1924." *The University Journal of Business* 2, no. 2 (March 1924): 133.

desire to keep Americans working in American jobs resurfaced. The act was an anomaly in the larger history of American immigration regulation in that, as the title clearly evidences, it was passed to encourage immigration. The pattern of exclusionary policy was not suspended for long.

It was not until 1875 that another piece of exclusionary immigration legislation was passed: the Page Act. This was the first federal immigration law to exclude undesirable immigrants. It was passed in response to white workers' hostility towards inexpensive Chinese labor that had become a discernible anti-Chinese movement by the 1870s.¹⁴ As such, it dealt primarily with the trade of coolies, an offensive name for unskilled Asian laborers. It banned Asian immigrants from entering the United States who were "undergoing a sentence for conviction in their own country of felonious crimes." There was no discernible burden of proof for identifying such excludable immigrants, and thus many were turned away on suspicion alone.

The Page Law also targeted Asian women. Misunderstanding Chinese culture and imbued with the unfounded prejudice that they were "serious threats to white values, laws, and futures," Asian women had become vilified in American culture as prostitutes.¹⁵ In order to prevent them from coming to the United States, the Page Law instituted several hurdles for Asian women attempting to emigrate in Hong Kong, while also reserving the right of U.S. authorities to deport those immigrants who had already made their journey to American shores. In Hong Kong, the American consul was tasked with determining whether a Chinese woman trying to immigrate to the U.S. was a

¹⁴ Hirota, 1093.

¹⁵ "The Page Act." Deportation Nation. Accessed December 11, 2013. <http://www.deportationnation.org/>. Luibheid, Eithne. *Entry Denied: Controlling Sexuality at the Border*. Minneapolis, MN: University of Minnesota Press, 2002. 37.

prostitute. The consul made his decision in conjunction with the opinions of the British colonial authorities and the Tung Wah Hospital Committee, an “association of the most prominent Chinese businessmen.”¹⁶ Each woman would have to submit a statement about her purposes for emigrating and morality.¹⁷ She would then be subjected to a series of questions, including:

Have you entered into contract or agreement with any person or persons whomsoever, for a term of service, within the United States for lewd and immoral purposes? Do you wish of your own free and voluntary will to go to the United States? Do you go to the United States for the purposes of prostitution? Are you married or single? What are you going to the United States for? What is to be your occupation there? Have you lived in a house of prostitution in Hong Kong, Macao, or China? Have you engaged in prostitution in either of the above places? Are you a virtuous woman? Do you intend to live a virtuous life in the United States?¹⁸

These questions and others would be asked several times in order to catch the female immigrant giving different answers to the same question. The Page Law effectively achieved its intention of significantly diminishing the number of Asian women immigrating to the U.S. by instituting administrative hurdles and non-specific qualifications for exclusion. The tradition of exclusion in American immigration policy had unequivocally been rekindled.

An 1876 Supreme Court decision on the case *Henderson v. The Mayor of New York* was the catalyst for federal takeover of immigration. The court’s decision deemed all state-imposed head taxes on immigrants unconstitutional.¹⁹ No longer able to tax entrants, state mechanisms for receiving immigrants did not have a source of funding. As state systems—the largest of which was the one built by the New York State

¹⁶ Peffer, George Anthony. "Forbidden Families: Emigration Experiences of Chinese Women Under the Page Law, 1875-1882." *Journal of American Ethnic History*, Fall 1986, 33.

¹⁷ Luibheid, 41.

¹⁸ Peffer, 32.

¹⁹ Abbott, 135.

Commissioners of Emigration—were thrown into turmoil, a debate arose about the future of immigration control. Public charitable boards, led by the New York State Board of Charities and the Massachusetts State Board, were the most insistent that the federal government intervene.²⁰ Shipping and commercial interests, however, opposed federal control of immigration for fear that federal policy excluding some of the more vulnerable classes would affect their supply of cheap labor.²¹ It took several years for a federal regulation law to be passed, primarily because of a heated debate about whether there should be a head tax. The matter became even more pressing as the economy recovered from the depression of the 1870s, precipitating another influx of immigrants. The number of admitted immigrants rose from 177,826 in 1879, to 457,257 in 1880, to 669,431 in 1881.²² The government finally took action in 1882.

The act passed in 1882 was the first comprehensive piece of federal legislation to regulate immigration. The law did include a head tax. It also provided for the exclusion of certain undesirable immigrants. Specifically, it prohibited the entry of convicts, lunatics, idiots, or any person unable “to take care of himself without becoming a public charge.”²³ This latter provision would become increasingly problematic as it was implemented over the years. The law also explicitly stated that those “convicted of political offenses” were not to be excluded—Congress would renege on this commitment just two decades later, however, with the 1903 Anarchist Exclusion Act. The Act of 1882

²⁰ Abbott, 136.

²¹ Ibid, 137.

²² Ibid, 142.

²³ Ibid, 149. The law also provided for the deportation of certain debarred immigrants at the expense of the steamship companies. This provision was a disputed one, but the debate falls outside the scope of this paper.

marked the first time that classes of immigrants were excluded for, at least ostensibly, non-racial reasons.

The 1882 Act, as the first comprehensive piece of federal immigration legislation, was a long time in the making. Until the 1880s, immigration was considered to be a matter that ought to be left to the states. However, after the Civil War and Reconstruction, and specifically with the passage of the Fourteenth Amendment, the supremacy of the federal government over the states was established.²⁴ Furthermore, the federal government was compelled to invoke more of its regulatory powers with the emergence of numerous and powerful inter-state businesses.²⁵ With the topics of immigration and labor so closely woven together—to be discussed more fully later—the government began to regulate immigration through national legislation.²⁶ The switch to federal control marked a pivotal moment of change in not just the structure but also the spirit of U.S. immigration regulation.

The purpose and nature of the immigration regulation apparatus was fundamentally changed with the takeover by the federal government. While under state purview, immigrants were welcomed and offered aid, which was given in coordination between immigration officials and charitable organizations. The federal system, however, was more aptly characterized as “a mere system of exclusion and admission.”²⁷ This change is well evidenced by the implementation and use of the head tax that was collected from immigrants.

²⁴ Zeidel, 11.

²⁵ Ibid, 11-12.

²⁶ Ibid, 12.

²⁷ Abbott, 143.

When the states collected head taxes, the revenue was used specifically to fund immigration stations and aid immigrants. The money collected by the federal government was meant for the same purpose. Over time, however, this plan was corrupted. This change is illustrated by the revision of language regarding the tax over time. The act of 1882 stipulated that the money collected from head taxes in the “immigrant fund” was to be used not just to run the immigration stations, but also “for the relief and care of immigrants arriving in the United States” and “for the relief of such as are in distress.” However, in the act of 1903, the sole specified purpose of the immigrant fund was to defray the expenses of regulation, “including the cost of reports of decisions of the federal courts.”²⁸ The shift in the purpose of the head tax from relief to paperwork reflects how the system changed in its view and treatment of immigrants in the latter part of the nineteenth century well into the twentieth century. It is also indicative of the bureaucratic expansion that occurred during this time. The process became more important than the person, and scrutiny replaced care of the incoming immigrants.²⁹

The same year as the federal takeover of immigration, the Chinese Exclusion Act was passed, which continued to block Asian immigration. The law excluded “[Chinese] skilled and unskilled laborers and Chinese in mining” from entering the U.S. under penalty of punishment or deportation. It effectively suspended the immigration of Chinese laborers for ten years.³⁰ The constitutionality of the law was challenged in

²⁸ Abbott, 143.

²⁹ This is also evidenced by the fact that in 1909 Congress eliminated the Immigrant Fund. Instead the head tax revenue was diverted to the general revenue fund. (Abbott, 144) This was widely protested, especially by Commissioner Williams who frequently complained that his station was underfunded. In 1914, the Commissioner-General of Immigration asked: “Why should this money, so urgently needed for the proper enforcement of the law, be retained in the Treasury or devoted to uses never intended and to which, in fairness to those from whom collected and to those supposed to be protected by its collection and proper expenditure, it ought not to be devoted?” (Abbott, 148)

³⁰ Hirota, 1093.

Fongue Yue Ting v. U.S. The Supreme Court affirmed the act's legality, however, with the majority writing: "The right of a nation to expel or deport foreigners... is as absolute and unqualified as the right to prohibit and prevent their entrance into the country."³¹ The court's decision sanctioned not just the exclusion, but also the deportation of such undesirable immigrants.

The Immigration Act of 1891 further expanded the class of deportable people. It provided for the exclusion of "persons suffering from a loathsome or dangerous disease," polygamists, and "assisted persons."³² Additionally, it allowed for the deportation of immigrants who broke the law, as well as those who had become public charges, within one year of their arrival.³³ This created essentially a probationary period for newly arrived aliens, postponing their assurance of security in their new country. Furthermore, this provision introduced the concept of excluding certain classes of aliens who had already been allowed to land.³⁴ The constitutionality of the 1891 law was challenged and upheld by the Supreme Court in 1892 in *Nishimura Ekiu v. U.S.* The court held "that every sovereign nation has the power, as inherent in sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its domains, or to admit them only upon such conditions as it may see fit to prescribe."³⁵ With the decisions from *Fongue* and *Nishimura Ekiu*, the country founded on principles of inclusion had established a Supreme Court-sanctioned tradition of exclusion.

³¹ (1893) 149 U.S. 698, 12 Sup Ct. 1016

³² Abbott, 150.

³³ "The Deportation of Aliens."

³⁴ Abbott, 150.

³⁵ Burrows, JC. "The Need of National Legislation Against Anarchism." *The North American Review*, December 1901, 727-46.

The Anarchist Exclusion Act, or Immigration Act of 1903, further engrained this spirit of exclusion in immigration policy the year after Williams took office. A series of assassinations in Europe, the Haymarket Affair in 1886, the Homestead Strike in 1892, and, most catalytic, the 1901 assassination of President McKinley, led to the passage of the law. The legislation was not solely anti-anarchist in nature, however. In fact, the anti-anarchist provisions, along with those for other excludable classes, were attached to the bill as amendments.³⁶ In addition to anarchists, epileptics, beggars, and importers of prostitutes were added to the statutes as inadmissible classes. This increased the number of excludable immigrants. Furthermore, the time period during which an immigrant could be deported—either for entering the U.S. illegally or immigrating legally and then breaking the law—was extended from one to two years.³⁷ President Roosevelt signed the bill into law the day after Congress passed it.³⁸

In April 1904, this law too was challenged in the Supreme Court, to which John Turner, the first immigrant to be deported under the anarchist exclusion clause, appealed his case. Turner's lawyers challenged the constitutionality of the law based on First Amendment grounds. The framing of Turner's incarceration and deportation as a violation of freedom of speech garnered sympathy and support from anarchists and non-anarchists alike; "criticisms of the sort failed, however, to sway the nation's highest

³⁶ *The New York Times* (New York, NY). "Immigration Bill Passed; Education Clause Out." March 1, 1903.

³⁷ An Act to regulate the immigration of aliens into the United States, Pub. L. No. 162, XXXII Stat. 1213-1222 (Mar. 3, 1903). In addition, the act of 1903 replaced the old term "alien immigrant" with "alien." This had the effect of including those who claimed domicile in the U.S. in the excludable categories. (Abbott, 152) The change was challenged and upheld in the 1913 Supreme Court Case, *Lapina v. Williams*: "Upon review of the whole matter, we are satisfied that Congress, in the act of 1903, sufficiently expressed, and in the act of 1907 reiterated, the purpose of applying its prohibition against the admission of aliens, and its mandate for their deportation, to all aliens who history, condition or characteristics brought them within the descriptive clauses, irrespective of any qualification arising out of a previous residence or domicile in this country." (*Lapina v. Williams* (1913), 232 U.S. 93.)

³⁸ Fine, 793.

court...”³⁹ The justices rejected the First Amendment argument, deciding that it only applied to the speech of those inside the U.S. and “has no bearing upon the question what person shall be allowed to enter therein.”⁴⁰ Furthermore, the Court deemed it irrelevant whether an anarchist expressed his political ideology by action or words. *The Virginia Law Register* interpreted: “None of the guarantees of [the First Amendment] are infringed by the provisions of the Immigration Act of March 3, 1903... whether such statute is construed to apply to persons whose opposition to all organized government is professed as a political ideal, or simply to include those who advocate the forcible overthrow of government or assassination of officials.”⁴¹ The Court ruled in favor of Commissioner Williams and sanctioned the deportation of Turner, who had been imprisoned for more than six months at the New York immigration station for the duration of the judicial proceedings.⁴² In so doing, the constitutionality of the Immigration Act of 1903 was upheld. The 1903 Anarchist Exclusion Act did not just carry the recently established tradition of exclusionary immigration legislation into the twentieth century, but also expanded it. The law effectively criminalized holding a certain political ideology, anarchism, allowing for those who did to not only be excluded from the U.S. but also deported from it. The Supreme Court upheld the constitutionality of the law, even deciding that an anarchist could be deemed so without evidence of actions to the effect.⁴³

³⁹ Fine, 797.

⁴⁰ "Constitutionality of Statute Guaranty of Freedom of Speech: Immigration: Exclusion of Anarchists." *Michigan Law Review* 2, no. 6 (March 1904): 483. Accessed November 14, 2013. <http://www.jstor.org/stable/1272085>.

⁴¹ "Constitutional Law: Exclusion of Alien Anarchists." *The Virginia Law Register* 10, no. 3 (July 1904): 271.

⁴² Fine, 796.

⁴³ Note that in the case of Turner’s deportation, the evidence used against him consisted of pamphlets and a speaking tour schedule.

Despite the fact that the 1903 act, specifically the anti-anarchist provision, was challenged in the highest court of the United States, the law itself had negligible effects.

The data in this table, derived from annual reports of the Commissioner of Immigration at

Number of Anarchists and Total Number of Immigrants Excluded from 1903-1917 ⁴⁴		
	NUMBER OF ANARCHISTS EXCLUDED	TOTAL NUMBER OF IMMIGRANTS EXCLUDED
1904	1	7,994
1905	1	11,879
1906	1	12,432
1907	0	13,064
1908	2	10,902
1909	0	10,411
1910	5	24,270
1911	0	22,349
1912	2	16,057
1913	2	19,938
1914	1	33,041
1915	5	24,111
1916	0	18,867
TOTAL	20	225,315

the time, exhibits the number of anarchists excluded for the duration the statute was in effect.⁴⁵

As the data illustrates, the number of excluded anarchists in proportion to the total number of excluded immigrants was

negligible. The minimal impact of the law complemented the waning tide of public passion about

combating anarchism: “With the trial of John Turner and upholding by the Supreme Court of the constitutionality of the anti-anarchist provisions of [the 1903 Act], the anti-anarchist phase of the assassination of William McKinley was brought to a close... the issue [of anarchism] as a whole ceased to be of public interest.”⁴⁶ Indeed, the anti-anarchist provisions of the Immigration Act of 1903 held more symbolic than actual significance. This reality would be indicative of circumstances to come: much heated public debate about the deportation of immigrants, but few actually being forced to leave.

The Immigration Act of 1907 was the last significant piece of immigration legislation to affect Williams’ term as Commissioner of Immigration at Ellis Island. This

⁴⁴ USCIS. *Annual Reports of the Immigration Bureau*. Digital file.

⁴⁵ The data is from 1903 to 1917 because the 1918 Immigration Act amended the 1903 Act.

⁴⁶ Fine, 798.

law was introduced by Senator Dillingham in February of 1906 and was particularly controversial because it initially included provisions to require immigrants to possess at least twenty-five dollars and to pass a literacy test in order to be permitted to land. The former requirement was not codified into the law, despite the fact that it was common practice at Ellis Island. The latter provision was the result of a continued attempt to legislate a literacy test for immigrants that had begun in the late 1800s. In order to once again defer the debate over the test, the clause was removed and replaced with one to create an Immigration Commission to conduct a thorough study of American immigration. Headed by Senator Dillingham and thus called the Dillingham Commission, this committee would go on to conduct the most thorough study of immigration in America ever and would publish its findings, including a recommendation for a literacy test, in 1911. In addition to increasing the head tax from \$2 to \$4, the 1907 Act expanded the excluded classes of immigrants to the following: (1) Idiots; (2) insane persons, persons who have been insane within five years previous to arrival, and persons who have had two or more attacks of insanity at any time previous; (3) imbeciles; (4) feeble minded persons; (5) epileptics; (6) paupers; (7) persons likely to become a public charge; (8) professional beggars; (9) persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; (10) persons not included with any of the foregoing excluded classes who are found to be mentally or physically defective, such defect being likely to affect the ability of such alien to earn a living; (11) persons who have been convicted of or admit to having committed a felony or other crime or misdemeanor involving moral turpitude, not including those convicted of purely political offenses not involving moral turpitude; (12) polygamists, or persons who believe in polygamy; (13)

anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all Governments; (14) prostitutes; (15) persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution; (16) contract laborers; (17) persons who have been deported within one year from the date of application for admission to the United States, deported as being under contract or promise to perform labor in this country; (18) any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively shown that such person does not belong to one of the foregoing excluded classes; (19) all children under 16 years of age unaccompanied by one or both parents, at the discretion of the Secretary of Commerce and Labor; and (20) any alien accompanying another alien helpless from sickness may be deported with such alien.⁴⁷

The focus of immigration regulation was indisputably on identifying and turning away undesirables. In fact, the Commissioner General of Immigration wrote in his 1907 annual report: “The exclusion from this country of the morally, mentally, and physically deficient is the principal object to be accomplished by the immigration laws.”⁴⁸ The types of undesirable immigrants were numerous, yet few provisions were included in the law to guide how an immigrant was to be properly labeled as such. This would prove to be a tremendous challenge for Commissioner Williams, as well as a key point in the arguments of those opposed to immigration restriction.⁴⁹

⁴⁷ The Immigration Commission, *Immigration Legislation*, Rep. No. 61, 3d Sess. (1910).

⁴⁸ U.S. Bureau of Immigration, *Annual Report of the Commissioner of Immigration* (Washington, D.C., 1907), 62.

⁴⁹ There was another Immigration Act passed in March 1910 that added to the excluded classes: “Persons who are supported by or receive in full or in part the proceeds of prostitution.” This language was intended to revise and strengthen the safeguards against immigration of prostitutes. (The Immigration Commission, *Immigration Legislation*, 65)

While it was primarily concerns about labor that informed the spirit of exclusion in the early nineteenth century, there were more numerous and complicated factors at play by the latter part of that century and the start of the twentieth century.

Concern about jobs certainly continued to play a significant role in American restrictionist fervor at the end of the 1800s, especially as the number of immigrants began to grow rapidly. (See Appendix 1) Kitty Calavita lays out the capitalist explanation well:

Unrestricted immigration, on one hand, placed a financial burden on the local and state governments that were called on to warehouse unemployed and discarded workers in their jails, hospitals, asylums and other miscellaneous poorhouses. On the other hand, and simultaneously, the reproduction of a surplus work force living at or beneath the subsistence level threatened to undermine political stability and ideological control at precisely the moment that advancing monopoly capitalism increasingly depended on long-term predictability.⁵⁰

An influx of immigrant workers was an unpredictable variable that many feared would stunt or otherwise subvert the growth of the American economy and workforce. This sentiment—along with the call to ensure that Americans were filling American jobs—was exacerbated by the recessions of the 1880s and Panics of 1893 and 1896. This explanation only accounts for why most Americans favored immigration restriction by the late 1800s. It does not, however, explain the construction of the desirable immigrant by restrictionists around the turn of the century.

Social Darwinism influenced immigration restrictionists to defend and promote their positions from a purportedly scientific standpoint. Beginning in the 1880s, theorists began to conjure “Darwinian notions of biological superiority and survival.”⁵¹ One such theorist wrote of immigrants: “Who are these dependents? They are outcast survivals of

⁵⁰ Calavita, Kitty. *U.S. Immigration Law and the Control of Labor: 1820-1924*. Orlando, FL: Academic Press, 1984. 73.

⁵¹ *Ibid*, 104.

an imperfect past race... or degenerate offspring of an injured or defective stock, or examples of an arrested development, unfit to endure the strain of modern competition...”⁵² Many capitalists argued that immigrants caused economic problems in the United States. In 1890, *The Age of Steel* included an article claiming: “We are absorbing the vicious and diseased of the earth into the national body, and coming face to face with the consequences.”⁵³ These sentiments were further bolstered at the turn of the century when eugenics began to gain traction in the scientific field.

By 1900, eugenics provided “race thinkers” with the first general scientific principle on which to base their claims.⁵⁴ Sir Francis Galton in England conducted a series of studies on inheritance and began to call for the betterment of the human race by limiting the procreation of those with “defective genes.”⁵⁵ Galton’s eugenics “struck several responsive chords” in the United States.⁵⁶ It provided justification for the exclusion of certain undesirable immigrants based on physical aptitude and thus social and economic potential. Furthermore, “the focus on race improvement and reform through rational, science-based action coincided with the reform mentality of Progressivism.”⁵⁷ Thus, the nativist movement that had been present in the United States since the mid-nineteenth century manifested itself in the Progressive Movement of the early 1900s.

⁵² Henderson, C.R. *An Introduction to the Study of the Dependent, Defective, and Delinquent Classes*. Boston, MA: D.C. Heath, 1893. iii.

⁵³ Calavita, 106.

⁵⁴ Ibid 107. It is important to note that eugenics was just beginning to gain traction in the United States in the early 1900s. While the discipline did support nativist ideologies, it was neither widely spread nor popularly embraced by this time.

⁵⁵ Ibid, 107.

⁵⁶ Higham, J. *Strangers in the Land: Patterns of American Nativism, 1860-1925*. New Brunswick, NJ: Rutgers University Press, 1955. 150.

⁵⁷ Calavita, 107.

Progressivism was a widespread movement that arose in response to America's economic growth in the nineteenth century. In the wake of the financial prosperity of the Gilded Age, America saw the emergence of impoverished classes and social stratification never before seen in the country. These changes were concerning and ignited a desire to cure these social maladies. In contradistinction to the unpredictability of the times—a feeling sparked by a series of economic crises and their social effects—the Progressives tackled the problems of their day “in an almost formulaic fashion: they sought to identify each problem, subject it to expert inquiry, then decide on the best remedial course of action.”⁵⁸ Thus, the Progressive Movement was characterized by a desire to solve social problems with scientific objectivity.

This modus operandi significantly influenced the way Progressives approached immigration regulation and reform. Beginning in the late 1800s—including, most notably, the Industrial Commission of 1898—and culminating with the Dillingham Commission of 1907, scientific studies on the impact of immigration on the United States were conducted. Such investigations were a “manifestation of the gradual shift away from decision making based primarily on emotion and toward that predicated on accurate information.”⁵⁹ Immigration reformers—both restrictionists and anti-restrictionists—however, would continuously find their positions complicated by the complexity of immigration and the inherent subjectivity and uniqueness of the human component.

The Progressives had a large bureaucratic framework with which to carry out their studies and reforms that had been growing vastly since the last decades of the nineteenth century. Robert Weibe expounded upon this phenomenon, explaining that there occurred

⁵⁸ Zeidel, Robert F. *Immigrants, Progressives, and Exclusion Politics*. DeKalb, IL: Northern Illinois University Press, 2004. 21.

⁵⁹ *Ibid*, 20.

“a fundamental shift in American values, from the small town in the 1880’s to those of a new, bureaucratic-minded middle class by 1920.”⁶⁰ The realm of immigration did not go unaffected by those changes. In 1903, a year after Williams took office, immigration was transferred from the Treasury Department to the newly established Department of Commerce and Labor.⁶¹ Concurrently with this transition, the Immigration Bureau envisioned itself at the start of an “evolutionary process [involving] a new and much more centralized system, one under which practically every detail of enforcing the immigration and Chinese Exclusion laws would be controlled by appropriate heads and deputies located in the Department of Washington.”⁶² In 1906, the bureau bragged that it was a “thoroughly, systematically, and practically organized... business institution conducted under modern business methods.”⁶³ The realm of immigration, however, is a unique one and was not well suited to be run as a business.

It was in this context that William Williams assumed his commissionership at Ellis Island in 1902. Throughout his two terms, he would have to navigate between the Progressive mandate of efficiency and the reality that he was having to apply uniform standards to non-uniform cases. The power he assumed was immense. Never before had the government sought to control so thoroughly the entrance and egress of individuals to and from the United States. In so doing, “an amazing grant of power” was given to the non-elected immigration officials, allowing for them to arbitrate who could come to, stay in, and leave the country.⁶⁴ The popularity of Williams’ Progressive-style reforms at Ellis

⁶⁰ Weibe, Robert H. *The Search for Order*. New York, NY: Hill and Wang, 1967. Vii.

⁶¹ Kraut, 380.

⁶² File #: 51467/1, Box 67, Records of the INS, RG 85.

⁶³ Ibid.

⁶⁴ "The Deportation of Aliens," 681-683.

Island in his first term would yield to intense condemnation of his administrative practices in his second term.

CHAPTER III. WILLIAMS' FIRST TERM (1902-1905)

Commissioner Williams' reforms to clean up the graft and corruption at Ellis Island were an exemplary case of successful Progressive-style reform, garnering him and his immigration station significant popularity in his first term.

President Roosevelt took an active role in the clean up process. On June 23, 1902, he sent a letter to Williams asking the Commissioner to send him a list of confirmed and suspected culprits causing "dishonesty and malpractice" on Ellis Island.⁶⁵ He explained the reasoning behind his request: "...I wish to have it on hand for use in making other people understand that I am perfectly ready to fight if they insist upon having a fight over this matter."⁶⁶ Roosevelt was

clearly prepared to use the might of the federal government to end the corrupt practices at the nation's main gate. Williams did begin sending lists of suspected corrupt officials. Responding on behalf of the President to one such report, a White House secretary wrote to Williams

that Roosevelt knew of the man whom the Commissioner suspected was crooked.

Exemplifying the kind of integrity he wanted to see in the immigration officials, though,



President Roosevelt visiting Ellis Island Sept. 16, 1903
(Picture from the Williams Papers at the NYPL)

⁶⁵ Williams Papers.

⁶⁶ Ibid.

Roosevelt was not going to let this prior relationship affect the standards to which he held the man. The Secretary wrote: “If there is the slightest suspicion of crookedness why that ends everything so far as [Roosevelt] is concerned. The President suggests that you call him before you and explain that nothing will be tolerated that is not absolutely straight, and that does not also on its face show is absolutely straight.”⁶⁷ Roosevelt was not only committed to the cause of eradicating corruption, but he was also willing and ready to support Williams with the authority of the Presidency.

The corruption on the Island was palpable when Williams took office. He was not surprised by this: “The conditions as I found them when I took office have been frequently described. Immigrants were abused and maltreated and the whole building was filthy. Many corrupt inspectors were in office. Boarding-house runners, posing as missionaries, were fleecing immigrants...”⁶⁸ Williams attributed part of the cause of the rampant corruption to poor prior leadership.

In the preceding administration, a man named Edward F. McSweeney was Assistant Commissioner. When Williams assumed office, it was discovered that McSweeney had left a number of incriminating documents in boxes misleadingly labeled “private.”⁶⁹ Contained in these papers was evidence of considerable misconduct. For example, every year the Pennsylvania Railroad would send the Assistant Commissioner a

⁶⁷ Williams Papers. This language and phrasing is interesting given the effort Williams put into changing Ellis Island’s image in the eyes of the media and public (discussed later). Roosevelt sought both substantive and surface change.

⁶⁸ Ibid.

⁶⁹ McSweeney intended to send for them after his move to Boston and did not expect the contents to be revealed. After Williams was given cause to suspect that government documents were among the papers, he consulted with the Commissioner-General of Immigration and was hence permitted to open the boxes.

pass to use the railroad free of charge as a “usual courtesy.”⁷⁰ McSweeney lent his pass to a friend of his, and it was discovered by a conductor that the pass did not belong to the passenger. When the railroad company brought this to McSweeney’s attention, he compelled an Ellis Island stenographer, his subordinate, to lie and confess that he had stolen the pass from the Assistant Commissioner’s office. This saved McSweeney from having to admit that he abused a privilege generously given to him by the railroad. Other papers revealed that McSweeney had feigned ignorance when he claimed not to know of an immigrant, Manuel Alves, who was deemed physically unfit for entry and thus was supposed to be deported, but slipped through the system and was admitted. He lied about the case to the Campbell-Rodgers Investigating Committee in order to hide his lackadaisical leadership that allowed such mistakes to be made. In all likelihood, there was bribery involved in the immigrant’s slipping through the cracks of the system. Thus, McSweeney was also hiding the graft that he permitted of his employees and in which he himself participated. These are but two examples of several discovered that revealed the unsavory nature of Assistant Commissioner McSweeney. Not only did he conduct himself in such an unbecoming manner, but he also took extensive measures to cover it up. “From the files at Ellis Island [McSweeney] had, apparently with great care and during a long period of time, selected everything which would in any way cast discredit upon him or his administration.”⁷¹ Given this evidence, however, it can be of little surprise that the employees of the Island were conducting themselves as they did when Williams arrived.

⁷⁰ Williams Papers.

⁷¹ Ibid.

In fact, Williams himself recognized that McSweeney's misconduct had set the pernicious attitude that characterized the professional environment: "That these complaints should be missing is, in view of my reports of the abuses which used to flourish at Ellis Island, not without significance."⁷² McSweeney's poor leadership and bad example fostered an environment on the Island conducive to corruption and graft. Williams sought to change this by imposing standards and expectations to which he held both himself and his employees.

At the start of the twentieth century, Ellis Island was operating at over-capacity, and the new commissioner had no time to ease into his new job: "In 1902, more immigrants arrived than in any other year since 1881. More than 25,000 immigrants arrived in Williams' first week on the job."⁷³ Even with such volumes of immigrant traffic, Williams prioritized seeing to it that all employees of the Island were held to the same standards and expectations—and that they knew it. Shortly after taking office, on October 21, 1902, he sent out a memorandum reminding Ellis Island workers of the executive order that no special immunity or privileges would be given to those in the civil service.⁷⁴ Williams' actions reflected his conviction. In a letter to Secretary Shaw on May 13, 1902, he explained why he had fired a clerk named James Fraser, a Civil War veteran. The employee had not shown up to work for four days, without any notice. It was discovered that he had been on a drinking binge. When asked to explain himself, the employee claimed that "he had contracted a disease during the Civil War that forced him to use alcohol as a stimulant."⁷⁵ Such excuses were no longer acceptable under Williams'

⁷² Williams Papers.

⁷³ Cannato, 139.

⁷⁴ Williams Papers.

⁷⁵ Cannato, 140.

administration. That the man was a veteran afforded him no special treatment: “Any immunity would work monstrous injustice...”⁷⁶ This was not the only instance in which Williams insisted on holding all employees to the same standards.

Quite boldly, the Commissioner declined Senator T.C. Platt’s request that he promote Island employee, Samuel Samson, from gateman to inspector.⁷⁷ In his response to Platt, Williams emphasized that equitable treatment of all employees was essential to his task of eradicating corruption: “...I am exerting every effort to improve the condition of the force *as a whole* [emphasis added].”⁷⁸ Williams set standards of integrity and made clear his expectations that all must adhere to them. The behavior of some employees, however, was so reprehensible that Williams felt they had to be removed.

Sexual assault of immigrants by employees was a grave problem plaguing Ellis Island. Williams explained the issue to the Commissioner-General of Immigration in a letter dated January 7, 1905: “Frequent complaints [have] been made to this office against persons who, under cover of authority or otherwise, stationed themselves at the Barge Office and molested the immigrants as they arrived on the Ellis Island ferry boat...” Workers would take advantage of unsuspecting female immigrants. In one instance, a Syrian interpreter, Emile Schamcham, gave a woman what she believed to be the address to a boarding house for new arrivals; it turned about to be the address of that employee’s home. When Williams arrived at the Island, molestation was a pervasive issue. The new commissioner adopted a zero-tolerance policy towards such behavior. He sought to

⁷⁶ Williams Papers.

⁷⁷ Cannato, 140.

⁷⁸ Williams Papers. Aside from declining to promote Samson as a political favor, Williams also refused to because he did not believe the employee was qualified for the job. He also wrote to the Senator: “[Samson] is not fitted either in temperament or training for a position much above that held by him now.” Thus, Williams’ decision was not only principled, but also pragmatic.

uproot the issue by going after the most notorious perpetrator of the misconduct, an employee named John Lederhilger who had come to be known as the “serial groper.”⁷⁹ In firing Lederhilger, Williams not only eradicated a most egregiously behaved man, but also set a public example that communicated, in no uncertain terms, to the other employees that similar conduct would meet them with same fate.

Williams recognized that before any of his reforms could take hold, he had to clean his house of those who would counteract his goals. “Angry at the sloppiness, corruption, and lack of professionalism among the Ellis Island staff, [he] continued to weed out workers who had given the place a bad name.”⁸⁰ This remained an ongoing process. Frequently during his term, Williams monitored the conduct of his employees. He was known to chastise employees for unbecoming behavior. For example, he wrote to one employee: “I was very much displeased at the rough and unkind manner in which I heard you address two immigrations in the Discharging Bureau this afternoon. Do not let this occur again.”⁸¹ Such condemnations set a distinct tone of professionalism on the Island. Furthermore, there was a sense that Williams was always watching. After his initial sweep of Island employees, Williams was able to turn his attention to the steamship companies and concessionaires who were taking advantage of their positions of power over the immigrants and their lack of oversight.

The Immigration Station had health standards that immigrants would have to meet before being permitted to enter the United States. However, having to turn away potential customers for health reasons meant lost profit opportunities for ship companies. Given

⁷⁹ Cannato, 140.

⁸⁰ Ibid, 140.

⁸¹ Ibid, 141.

that socio-economic prejudice caused immigration inspectors to scrutinize first class passengers significantly less than steerage passengers, companies would permit ill and otherwise physically unfit immigrants to purchase the more expensive tickets and to make the journey. For example, according to a letter written by Williams to the Red Star Line International Navigation Company, a ship named “Southwark” brought a family of seven to the Ellis Island Port. Six were in steerage. The seventh, however, was infected with favus—a fungal disease of the scalp—and was traveling in the second cabin.⁸² Shipping companies, thus, were dishonestly and dangerously circumventing immigration standards in order to make more money. Furthermore, the top officials of the Island had theretofore permitted this to happen: “The inspection process was marked by a large degree of arbitrariness.”⁸³ Williams sought to put an end to this practice. His resolve was unequivocal: “I shall use every means at my disposal to put an end to such criminal carelessness and disregard of United States laws...”⁸⁴ He did so by instructing his inspectors to vet all arriving passengers equally and thoroughly. Had Williams not demanded more vigilant scrutiny from his inspectors, the Southwark’s ploy would have worked, and the diseased man would have been able to slip through the cracks in the system. The new Commissioner, however, would no longer tolerate such occurrences.

Williams made clear that the shipping companies would be held to stricter standards and attentively watched. In a letter to Lawson Sandford, a lawyer for several steamship companies, dated May 28, 1902, the Commissioner explicitly stated: “I shall hereafter treat all first cabin manifests in precisely the same way that I treat steerage

⁸² Williams Papers.

⁸³ Cannato, 140.

⁸⁴ Williams Papers.

manifests...”⁸⁵ In attempting to deceive the immigration inspectors, companies would submit incomplete and sometime inaccurate manifests. In compelling the practice of submitting honest manifests, Williams used the full force of the federal Department of Immigration. In another letter to Sandford, Williams wrote: “The Department further holds that, if the steamship companies will entrust persons of even ordinary intelligence with the preparation of cabin manifests, the desired information can be given with reasonable accuracy, without questioning the passenger in a manner that would be offensive and, in some cases, without questioning him at all.”⁸⁶ In appreciating the significance of this quote, one must understand that Williams was animated by a drive to restore the integrity and reputation of the American immigration employees rather than to establish equality and fairness for the immigrants. Certainly, Williams’ tenacious nature reveals itself in his tone. With the backing of the Federal Government, however, he could afford to. His suggestion that submitting complete and accurate ship manifests was easy serves to draw attention to the fact that it was intentionally not being done. Another ship, the “Citta di Genova” also brought passengers diseased with favus. Williams wrote to the ship owners, Messieurs Bolognesi of Hartfield & Company: “A case of this sort merely goes to show that your system of medical inspection is far removed from what it should be.”⁸⁷ By making expectations clear and enforcing a system of accountability, Williams successfully saw that immigrant health standards were thoroughly and equitably met.

In addition to compelling better behavior on the part of the steamship companies, Williams also instituted procedural changes to make the immigration intake system more transparent, and thus more easily held accountable. He instructed immigration inspectors

⁸⁵ Williams Papers.

⁸⁶ Ibid.

⁸⁷ Ibid.

“to use different colors for the manifests of different classes... [and] to take over the work of printing the manifest sheets and distributing them to the various lines.”⁸⁸ He also introduced the “landing card” for each passenger to fill out. This was to insure that all were accounted for on the manifests. Furthermore, Williams used the authority of his position to fine those steamship companies that did not comply with Department of Immigration regulations. “Between May 1902 and May 1903, Williams collected \$6,560 in fines from steamship companies.”⁸⁹ Thus, he created a financial disincentive for sub-standard conduct. By making these changes, Williams crafted a system that held steamship companies accountable for providing complete and accurate ship manifests to ensure compliance with the law.

Williams also focused his attention on privilege holders, or those who held government contracts with the immigration station. Early in his term, he identified them as significant sources of the graft and corruption at Ellis Island: “I find a general belief shared, not only by representatives of the reputable press in this city, but also by many intelligent people who have had cognizance of the affairs at Ellis Island in the past, that the present privilege holders must bear their full share of responsibility for the conditions which have heretofore existed at this station, and I believe that all of them were willing to do what they could to perpetuate those conditions.”⁹⁰ Contracted vendors took advantage of immigrants for their own benefit in several ways.

Moneychangers conducted perhaps the most exploitative practices. Taking advantage of immigrants’ unfamiliarity with currency exchange, these vendors would charge them unfavorable rates. Williams told Secretary Shaw about a moneylender, Mr.

⁸⁸ Williams Papers.

⁸⁹ Cannato, 141.

⁹⁰ Williams Papers.

Scully, who was guilty of such corruption. He made clear that the moneylender was bound by contract “to exchange this money at the rates current in reputable business houses in New York City... [and] to post here the current rates, from day to day, and also to give each immigrant who exchanges money a written statement of the transaction.”⁹¹

Williams told Shaw what Scully had confessed of his corrupt practices:

In the case of the present holder of the money exchange privilege I have his own admission, herewith enclosed, substantially to the effect that during the last six weeks he has never altered the rates of exchange, and that while sovereigns were selling in reputable New York exchange houses at 4.87 and lires at 19 or thereabouts, he was paying the immigrants for them only 4.82 and 18.50 respectively, although under his contract he should have paid 4.846 and 18.81; thereby taking from the immigrants a profit much over 100% greater than he was entitled to take. I have reason to believe that this is not the only manner in which this privilege has been exercised to the distinct detriment of the immigrants.⁹²

This conduct was not just detrimental to the immigrants, but also to the reputation of the institution. Williams discovered that this was going on when he encountered an immigrant who had fallen victim to Scully’s scheme. He told the man’s story:

Not long ago a German immigrant returned to Ellis Island and showed me \$27 in coin which he declared he had received on the day previous from Mr. Scully in exchange for 200 gold marks. He should have received about \$49. He stated that he had kept this money in a separate compartment of his purse, wrapped in a piece of brown paper, and on reaching New York he showed it to his uncle, who told him that he had not received enough. After closely questioning this immigrant, in the presence of my counsel, Mr. Van Ingen, and Mr. Scully whom I summoned, Mr. Van Ingen and I were both of the opinion that this man had, as stated, received only \$27 in place of \$49 or thereabouts. The difference was promptly paid to him by Mr. Scully, the privilege holder.⁹³

⁹¹ Williams Papers.

⁹² Ibid.

⁹³ Ibid.

The Commissioner's contempt for such behavior is unquestionable: "One can only have contempt for a man who will unjustly enrich himself at the expense of the ignorant and helpless immigrants who come here." Williams could not even venture a guess as to how much Scully swindled: "With an immigration of, say, 600,000 per annum I have estimated that these contracts in the aggregate should have netted from \$75,000 to \$100,000 yearly in legitimate profit... Under the method pursued by Scully, and with immigrants presenting to him at least \$5,000,000 of foreign money yearly for exchange, there is no telling what his profits were."⁹⁴ This swindling is all the more deplorable when one considers how financially limited most immigrants would have been after crossing the Atlantic to Ellis Island. Vendors were not only cheating these people out of their money, but also out of their fair shot at the American dream. As in the case of the German immigrant, stories of immigrants being victimized did not remain at Ellis Island; they left the station with their victims. This jeopardized the public image of the institution, and Williams thus had a vested interest in remedying and preventing such occurrences.

Much to Williams' chagrin, swindling like Scully's typified the kind of happenings that had caused the integrity of the Immigration Station to deteriorate: "It is a good sample of what has been going on here and any one wishing to stand for that sort of thing will go under. I am glad of this fight. It was bound to come and I have plenty of ammunition."⁹⁵ A significant part of the issue was that most of the privilege holders who were under contract when Williams took office had gotten and remained there because of nepotistic practices. For example, the owner of the baggage contract had held it since

⁹⁴ Williams Papers.

⁹⁵ Ibid.

Castle Garden, the previous immigration station. Furthermore, the holder of the money exchange privilege was the nephew of the prior holder.⁹⁶ Part of Williams' plan to clean up the Island was to remove such privilege holders.

In light of the Scully affair and other similar instances, Williams let the contracts of all the vendors at Ellis Island expire and then contracted new ones in an equitable and fair bidding process. In a scrapbook entry, he described the impetus of his decision: "...the old concessionaries [felt] confident that with their strong political influence and being in the saddle they would be chosen again... What I did was to make a clean sweep with resulting consternation."⁹⁷ Following this cleaning of house, he issued a notice to all employees making clear the standards by which they should act: "Swindling immigrants is contemptible business, under whatever form, should be despised. It is the duty of all Government officials to go out of their way to protect immigrants against every kind of imposition. Let everyone at Ellis Island clearly understand that all impositions, whenever detected, will be punished as severely as the law permits."⁹⁸⁹⁹ This statement made Williams' expectations and resolve indubitable.

Moneychangers were not the only kind of concessioners who swindled immigrants, though. Those selling food and offering baggage-handling services, like the Wescott Company, also capitalized on the new arrivals' ignorance. Baggage-handling services similarly would overcharge immigrants. Food vendors would not only overcharge customers, but would also sell them poor quality foods in insufficiently small quantities. This not only cheated immigrants out of their money, but also put their very

⁹⁶ Cannato, 142.

⁹⁷ Williams Papers.

⁹⁸ This notice was issued specifically after an immigration official was caught having cheated an immigrant out of his money. The employee was compelled to repay the man and was then jailed for his crime.

⁹⁹ Ibid.

health at risk. Such carelessness was motivated by a general apathy towards the immigrants. Williams reported: “I witnessed with my own eyes the fact that immigrants were often fed without knives, forks, or spoons...”¹⁰⁰ In insisting that immigrants be treated with respect, Williams sought to conceptualize them in the minds of the concessioners as people who ought not be taken advantage of.

In addition to removing vendors conducting such corrupt practices, Williams instituted ways of empowering immigrants with information with which to protect themselves from being taken advantage of. “Notices printed in large type and in six languages” were placed throughout the immigration station. These signs stated the price at which goods and services were supposed to be sold, as specified in each vendor’s government contract.¹⁰¹ Furthermore, Williams began to have quality and quantity tests conducted on food vendors’ products. As he had done with the steamship companies, Williams made institutional changes that not only held concessioners accountable for their conduct, but also created conditions unfavorable to unscrupulous behavior.

Williams did not take a solely introspective approach to cleaning up Ellis Island. He also sought to improve the immigration station’s image in the eyes of the American people and press. Williams used the media as way to create transparency in the institution. In a scrapbook entry entitled “My Experiences with the Press,” he wrote: “I made great use of the press to accomplish my ends, which were to disseminate full and correct information as to what was going on at this office, the work of which affected the country in vital particulars, and in this I succeeded because I made Ellis Island an open

¹⁰⁰ Cannato, 141.

¹⁰¹ Williams Papers.

book...”¹⁰² Within his scrapbook, Williams kept clippings of articles printed whilst he was in office. Of these clippings, the coverage is consistently favorable. There are articles on Williams’ ousting of the moneychanger Scully and of other corrupt privilege holders. One article printed the praising headline: “Immigration Commissioner Williams Shows Wisdom of Solomon in Selecting the Ones to Enjoy Contracts.”¹⁰³ Williams not only fed such stories to the press, but he also made sure that they got the facts correct.

This is not to say that all media coverage of Ellis Island between 1902 and 1905 was favorable. In fact, a German newspaper called the *Staats Zeitung* consistently printed articles reporting abuse of immigrants and misconduct of employees. The validity and accuracy of these articles is unclear. However, as Williams himself suggested in a journal entry, it seems more than plausible that the paper was motivated to print such stories by its disapproval of the more stringent immigration restrictions that were being put in place at the same time as the institutional reforms were being effected.¹⁰⁴ This conflation would plague Williams’ reputation in his second term.

Williams was very diligent when it came to monitoring the stories in the press about Ellis Island and assumed the role of fact checker. About this he wrote: “In addition to what I gave out to reporters they from time to time picked up ‘stories’ (usually of the hard luck variety) of individual immigrant cases, and handed them in for immediate publication without first verifying the facts, which were thus often wrongly stated. I overlooked such stories except where they reflected on the work of the office, in which

¹⁰² Williams Papers.

¹⁰³ Ibid.

¹⁰⁴ The articles in the *Staats Zeitung* and the negative image they portrayed of Ellis Island prompted President Roosevelt to form a special investigatory commission in September 1903. This was merely to placate the public—particularly the immigrant newspapers—and the investigation concluded that all was sound in Williams’ administration. (Guzda, 31)

case I usually wrote the paper concerned a letter with the request that it be given proper publicity...”¹⁰⁵ Given the evident importance he assigned to accurate reporting, it is clear that a positive public image was essential to Williams in his efforts to clean up Ellis Island. Part of this was driven by a necessity to combat the negative reports that had pervaded the media about the immigration station before Williams was appointed commissioner. A larger part, however, was the fact that it was not simply enough to reform Ellis Island from within. The way the institution projected itself, as reflected in the media, was an essential part of making lasting, noticeable changes.

Believing his work was done, Williams retired his post in 1905.¹⁰⁶ In response to his resignation letter, dated January 12th, Roosevelt wrote: “I feel that you have rendered a service of real and high importance to the whole nation in your management of the office under you... You have set a standard of unceasing industry, of untiring energy, of high administrative ability and of single-minded devotion to duty which your successor will find it difficult to equal, no matter how good a man he may be.”¹⁰⁷ The President was not merely paying lip service to the retiring commissioner when he wrote these lines. In fact, Roosevelt felt Williams’ so-called clean up of the Island was of such national significance that the accomplishment was included in his December 1903 address to Congress: “During the last two years the Immigration Service of New York has been greatly improved and the corruption and inefficiency which formerly obtained there have

¹⁰⁵ Williams Papers.

¹⁰⁶ Guzda, Henry P. "Ellis Island a welcome site? Only after years of reform." *Monthly Labor Review*, July 1986, 31.

¹⁰⁷ Williams Papers.

been eradicated.”¹⁰⁸ Williams’ work was not just the politicization of a surface-level solution.

The statement made by the employees of Ellis Island in respect to Commissioner Williams’ retirement illustrates the extent to which the professional atmosphere of the institution had been changed:

We the Employees of the Immigration Service at Ellis Island desire to express our deep regret at the retirement from office of the Honorable William Williams, Commissioner of Immigration at the Port of New York from April 28th, 1902 to February 10th, 1905.

The results he has accomplished here will remain a lasting monument to his ability as a public officer. He has raised the standard of integrity and efficiency in this service. His fairness and the force of his personality have endeared him to us and impressed upon us ideals which time cannot efface.¹⁰⁹

This verbalization of the changes that the Island’s standards had undergone attests to Williams’ success in not only bettering the practices but also the very nature of the institution.

Williams had done his job with exemplary zeal and diligence. “[He] let nothing escape his critical eye.”¹¹⁰ Under Williams’ tenure, immigration officials never doubted that they were being watched and would be held accountable for misconduct. The Commissioner understood the disadvantaged situation immigrants were in and the ways in which that made them vulnerable to abuse. “[They] come here ignorant and powerless to protect themselves,” he wrote in a letter to Secretary Shaw shortly after taking office.¹¹¹

¹⁰⁸ Roosevelt, Theodore. “Message to Congress.” December 1903.

¹⁰⁹ Williams Papers.

¹¹⁰ Cannato, 140.

¹¹¹ Williams Papers.

Williams was driven not just by Roosevelt's directive but also by something of a moral imperative. Regarding the challenges that come from reforming an institution and eradicating corruption, he wrote: "We will win out in this business, because the right thing is being done, and I am also satisfied that it is being done as nearly as may be in the right manner."¹¹² It is important to note, however, that while the effects of Williams' standards and reforms yielded improved conditions for the immigrants, he was less concerned with their well-being than restoring and preserving the integrity of the institution. Like many of his time, Williams was a nativist—an identity that made itself more apparent in his second term as Immigration Commissioner. This ideology manifested itself in deep-seated racism and a general antagonism towards foreigners. At face value, it seems surprising that Williams would have had such an intentional hand in the bettering of the immigrant experience at Ellis Island. However, upon closer inspection, it is evident that his actions were motivated by a principled understanding of the value of eradicating corruption and graft, very much in tune with the Progressive spirit of the time. Williams' restrictionist and nativist beliefs, however, would come to shape and define his public image, which became increasingly negative in his second term as pro-immigration groups began to advocate publicly for their cause.

¹¹² Williams Papers.

CHAPTER IV. WILLIAMS' SECOND TERM (1909-1913)

Williams reentered office in 1909 in the wake of a particularly turbulent time in the immigration debate. The year 1907 marked a record high of 1.2 million immigrants entering the United States, with an average of 5,000 immigrants arriving at Ellis Island per day and nearly 12,000 on the busiest days.¹¹³ With immigrants flowing into the country in numbers higher than ever, restrictionists pursued their cause with even greater zeal. Furthermore, Congress had passed a particularly controversial piece of immigration legislation—the Immigration Act of 1907—that same year.¹¹⁴ The most contentious part of the law was a provision for a literacy test, which was proposed by Representative Lodge and backed by other restrictionists.¹¹⁵ The test requirement would have passed had the Speaker of the House, Joe Cannon, not opposed it. Cannon had been a supporter of the literacy test since it was first proposed in 1896, but had since then changed his mind on the matter. On the provision for such a test in the 1907 Act, he said: “If the literacy test had been applied to my ancestors, I should probably not be here today.”¹¹⁶ This sentiment held true for many Americans, yet restrictionists and their cause continued to gain traction in politics and policy.

There was a tension between celebration of immigration origins and a desire to exclude certain undesirable immigrants. In 1908, Israel Zangwill’s play, *The Melting Pot*, which was dedicated to President Roosevelt, was staged for the first time. It gave rise to

¹¹³ Zeidel, 25. Guzda, 31.

¹¹⁴ For more information on the Immigration Act of 1907, see Chapter II.

¹¹⁵ Commissioner Williams himself favored a literacy test, like most restrictionists, because it would prevent the immigration of southern and eastern Europeans, many of whom were illiterate. (Cohen, 104) For more information about the literacy test debate, see “The Men and Women We Want” by Jeanne D. Petit.

¹¹⁶ Neuringer, Sheldon Morris. *American Jewry and United States Immigration Policy, 1881-1953*. New York, NY: Arno Press, 1980. 93.

the concept of America as a melting pot, welcoming and assimilating people from all walks of life and from all over the world:

American is God's crucible, the great Melting Pot where all the races of Europe are melting and re-forming! Here you stand, good folk, think I, when I see them at Ellis Island, here you stand in your fifty groups with your fifty languages and histories, and your fifty blood hatreds and rivalries. But you won't be long like that, brothers, for there are the fires of God you've come to—there are the fires of God. A fig for your feuds and vendettas! Germans and Frenchmen, Irishmen and Englishmen, Jews and Russians—into the Crucible with you all! God is making the American.¹¹⁷

This image of America welcoming diverse immigrants into its citizenry ran counter to the reality of immigration policy of the time.

Williams' second term as Commissioner of Immigration at Ellis Island was dominated by immigration policy debate and was far more controversial than his first term. Some would laud Williams' administration for his application of immigration law and management of the immigration station, while others would accuse him of abusing his power and being tyrannical. In actuality, Williams was the face of the problem with immigration regulation, not the problem itself.

As a Republican, Williams had been predisposed to a reformist and restrictionist bent. However, after his first term, he had developed his own opinionated stance on immigration regulation, which his former role as Commissioner of Immigration at Ellis Island, the busiest port of entry, lent him credibility and visibility to share. In 1906, while in retirement, he published an article explaining his views. He summarized his position: "I am convinced that a certain minority of the present immigration is undesirable, and that, if some means can be found to prevent this undesirable minority from coming here,

¹¹⁷ *The Melting Pot*. Written by Israel Zangwill. 1908.

not only will we be greatly benefitted, but we are likely to attract more immigrants of the better kind.”¹¹⁸ He supported the exclusion of immigrants as the laws prescribed, saying “such [excluded] classes include mere scum or refuse, persons whom no country could possibly want.”¹¹⁹ He further believed that there was a class between pauper and undesirable immigrant that ought to also be excluded: “Our present laws (which are very good so far as they go) do not reach a certain minority of immigrants who are generally undesirable because unintelligent, of low vitality, almost, though not quite, poverty-stricken, able to perform only the cheapest kind of manual labor, desirous of locating almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfitted mentally or morally for good citizenship.”¹²⁰ His conception of the undesirable immigrant was influenced by Social Darwinian arguments of the time:

We owe our present civilization and standing amongst nations chiefly to people of a type widely different from that of those now coming here in such numbers. The wildest enthusiast on the subject of unrestricted immigration would hardly claim that the United States could be socially, politically, or industrially what it is to-day, had it been peopled exclusively the races of Russia, Austria, and Southern Italy, and particularly from the poorer elements of such races, which races, furthermore, have failed to place their own countries in the front rank of nations.¹²¹

Williams’ restrictionist beliefs were no secret.

Williams strongly believed that restrictionist immigration laws were in the best interest of the country. “I plead guilty,” he wrote, “to the charge that I am looking only to the [best interests of the people of the United States], and I insist that we should cut off

¹¹⁸ Williams, William. "The Sifting of Immigrants." *Journal of Social Science*, September 1906, 29.

¹¹⁹ *Ibid*, 29.

¹²⁰ *Ibid*, 31-32.

¹²¹ *Ibid*, 42.

the supply of those we do not want, and not intensify our already difficult social and municipal problems.”¹²² Exhibiting nativist sentiments, he often sounded rather unforgiving: “...[H]owever deep our sympathy may be for the oppressed of other countries, it should not stand in the way of legislating primarily in the interest of our own people.”¹²³ The intensity with which he approached his job and the zeal with which he oversaw the strict execution of the laws did not soften people’s perception of him as a heartless restrictionist.

Williams arrived at Ellis Island during a tide of exclusionary immigration legislation. Some legislation—such as the Chinese Exclusion Act of 1882, which was renewed several times including in 1902—though contemptible and overtly racist, was easier to apply than others. Most excludable categories of immigrants were more abstract, though, in theory as well as in the letter of the law. The Page Act of 1875—the first instance of direct federal immigration regulation and the first prohibition of the entrance of “undesirable” immigrants—provided for the exclusion of criminals and prostitutes. The Immigration Act of 1882 further broadened restrictions on immigration by adding to the classes of inadmissible aliens those “persons likely to become a public charge.” The Immigration Act of March 1891 expanded these restrictions even further, adding the following inadmissible classes: persons suffering contagious diseases, felons, persons convicted of any crimes or misdemeanors, polygamists, and aliens assisted by others by payment of passage. Not just a place to process new arrivals, Ellis Island functioned as a colander through which to sift through the stream of immigrants, turning away those

¹²² Williams, 41-42.

¹²³ Ibid, 43.

prohibited by the aforementioned statutes. Thus, with the expansion of exclusionary immigration legislation and the vague language its drafters employed, the administrative power of the Commissioner of Immigration was augmented vastly.

Some provisions of these laws were easier to apply than others. For example, a diseased person could be identified so by a doctor, or an immigrant who had been aided in the payment of his passage could be revealed as such by investigation. However, most of the excludable classes, such as polygamists and prostitutes, required a great deal of subjectivity. Stereotypes—such as that Asian women traveling alone were prostitutes—often informed assignments. By far and away the most problematic of the excludable categories were those “likely to become a public charge.” This provision and Williams’ implementation of it affected thousands of immigrants. The table below exhibits the number of immigrants excluded for being likely to become a public charge, as well as the numbers of those excluded for other reasons and total number of excluded aliens for context.¹²⁴

	Number Excluded Under Category “Likely to Become a Public Charge”	Number Excluded for Loathsome or Contagious Diseases	Convicts	Assisted Immigrants	Total Number Excluded
1902	3,944	709	9	0	4,974
1903	5,812	1,773	51	9	8,769
1904	4,798	1,560	35	38	7,994
1905	7,898	2,198	39	19	11,480

By 1915, 64 percent of immigrants who were excluded or deported were done so under the LPC clause.¹²⁵ The law made no specific provisions for how to identify an immigrant as excludable under the likely to become a public charge class, and the task was left to

¹²⁴ USCIS. *Annual Reports of the Immigration Bureau*. Digital file.

¹²⁵ Moloney, Deirdre M. *National Insecurities*. Chapel Hill, NC: UNC Press, 2012. 82.

Commissioner Williams and his judgment and discretion. Williams himself called the LPC clause “an indefinite test to apply which correctly is constantly taxing the judgment and skill of a large corps of able and conscientious officials.”¹²⁶ Williams was compelled to set his own guidelines in order to create a means of enforcement for the law.

In order to enforce the likely to become a public charge provision, Williams was forced to set more specific guidelines of his own. The need for this was compounded by the influx of immigrants at this time. Williams could not feasibly decide the fate of every alien who arrived at Ellis Island and had to delegate to his employees. He himself said: “...when you come to the expression ‘likely to become a public charge’ ... you have [cases] which can not be administered without the exercise of a great deal of judgment.”¹²⁷ In order to establish at least a semblance of uniformity in this judgment, he needed to set guidelines for its application. Thus, he issued the following statement to his inspectors:

In determining whether or not an alien is a pauper or likely to become a public charge, inspectors must consider amongst other matters his occupation, his proficiency in the same (including, where relevant, his physical ability to pursue it and his mental aptitude therefor), the demand for labor or services of the kind he is able to render at the place to which he intends to go, the number of persons who may be dependent upon him for support either here or abroad, and the value of his property. The vital question in these cases usually is whether or not he will be able to secure profitable employment and be self-supporting before his funds are exhausted.

In the absence of statutory provision, no hard and fast rule can be laid down as to the amount of money an alien must have, but he should be held for special inquiry where his funds are not deemed adequate for his maintenance until such time as he is likely to find profitable employment.

¹²⁶ Williams, 39-40.

¹²⁷ *House Resolution No. 166- Authorizing the Committee on Immigration and Naturalization to Investigate the Office of Immigration Commissioner at the Port of New York and Other Ports: Hearings Before the H. Comm. on Immigration and Naturalization*, 62d Cong. 59-63 (1911) (statement of Commissioner William Williams).

Cases of wives and minor children going to persons as to whom the examining inspector is satisfied that they are able, willing and legally bound to support them may constitute exceptions to this rule.¹²⁸

Immigration regulation is a complex task, and the challenge to balance equity of application with recognition of the uniqueness of every case is evident in these directions. Even still, Williams felt compelled to give further instructions to his inspectors that immigrants usually should have at least twenty-five dollars with them in order to make them likely to not become a public charge.¹²⁹ This was a move that would garner significant controversy.

The twenty-five dollar rule incensed many. According to the U.S. Bureau of Labor Statistics, \$25 in 1913 had the same buying power as nearly \$600 today. This was no small amount of money and had the potential affect many immigrants. It is important to understand that the twenty-five dollar rule was never codified into law and was presented to the Ellis Island immigration inspectors by Commissioner Williams as a general guideline. In fact, in his 1911 official memo summarizing the immigration law and how it was to be applied, Williams does not mention a specific amount of money, but rather uses even more vague language about how much money an immigrant ought to be carrying in order to be deemed no likely to become a public charge. Even though it was just a guideline, the immigration inspectors interpreted it as an order.¹³⁰ Thus, the disapproval of the twenty-five dollar rule was as much about Williams' administrative

¹²⁸ For Commissioner Williams' full instructions to his inspectors regarding the immigration laws and their execution, see Appendix 2.

¹²⁹ During his first term and after the passage of the Immigration Act of 1903, Williams had suggested to immigration inspectors that an immigrant ought to possess at least \$10 upon arrival. (Neuringer, 60) The Jewish lobby had convinced Secretary Nagel to instruct Commissioner Williams to remove the ten-dollar rule, but, since there was no enforcement mechanism for the order, the practice continued. (Cohen, 103)

¹³⁰ Cohen, 105-106.

latitude that he was using to further make immigration exclusionary as it was about the rule itself.

Private citizens and newspapers alike criticized Williams. One angry citizen sent the following hand-written, menacing letter to Commissioner Williams:

Williams,

You black hearted imp of Hell if you value your life rescind your order requiring \$25 for landing of the immigrants. Do it and do it damned quick or we will send your rotten soul to the care of His Satanic majesty before you are 30 days older.

First and last notice.¹³¹

Newspapers, too, conveyed their displeasure about the rule. Image 1 is a cartoon of



Image 1.

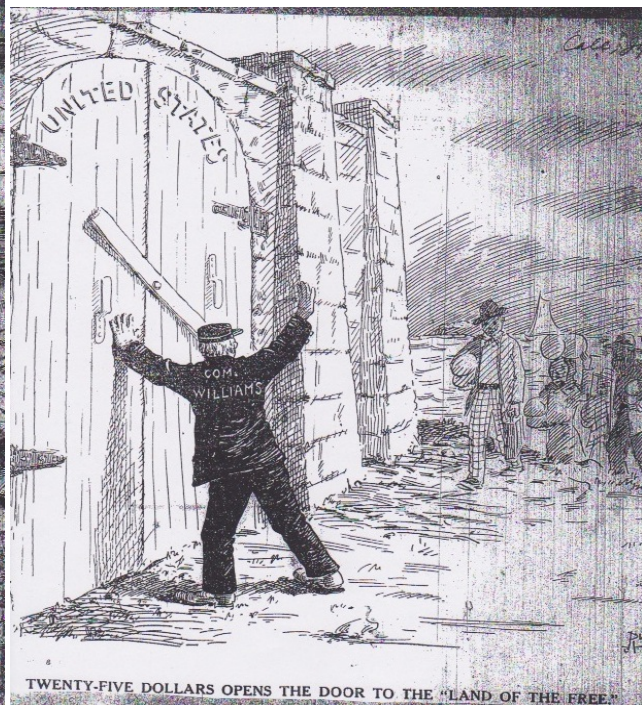


Image 2.

President Taft, a supporter of Williams, blocking the gates of Ellis Island with his portly figure. Commissioner Williams is perched upon the wall with his hand extended, waiting

¹³¹ Williams Papers.

to collect the immigrant's money. The heading reads, "Pay as you enter, Christopher!," alluding to Christopher Columbus. The cartoon calls attention to the potential of immigrants being lost because of the financially burdensome rule. Image 2 depicts Commissioner Williams holding one hand on the door of Ellis Island and the other motioning for a family of immigrants looking tired and weighed down with luggage to stop.¹³² He is telling them: "Twenty-five dollars opens the door to the 'Land of the Free.'" In the same spirit, the *New York World* wrote: "In this country a \$25 rule would have kept the great West a wilderness; would have preserved the Great American Desert to this day; would have deprived the Pacific Coast of its forty-nine and the railroad builders; would have kept Benjamin Franklin out of Philadelphia."¹³³

Closely related to the LPC clause were medical examinations. Immigration was thought about in terms of its effects on commerce and labor. In fact, a year after Williams took office in 1902, immigration was transferred from the Treasury Department to the newly established Department of Commerce and Labor.¹³⁴ This shift indicates the view of immigrants as future laborers in the American work force. Over time, the physical vitality and economic viability of immigrants were linked, with those whose health fell short of perfection being deemed undesirable. Restrictionists wanted to weed out those immigrants from the stream entering the United States and found that they were able to do so through medical inspections and the use of the LPC clause. The evolution of the LPC clause language exemplifies this development. The 1891 Act replaced the phrase "unable to take care of himself or herself without becoming a public charge with "likely

¹³² Williams Papers.

¹³³ Cohen, 108.

¹³⁴ Kraut, Alan M. "Silent Travelers: Germs, Genes, and American Efficiency, 1890-1924." *Social Science History* 12, no. 4 (Winter 1988): 380.

to become a public charge” [emphasis added]. The 1907 law further burdened immigrants by requiring a medical certificate stating whether he or she was “mentally or physically defective, such mental or physical defect being of a nature which *may affect* the ability of such alien to earn a living”¹³⁵ [emphasis added]. The lines between “physical health, moral and mental health, and social health became increasingly less distinct.”¹³⁶ Science and medicine were being used to legitimize prejudice, and the results were complex and problematic. “At Ellis Island, the Progressives’ twin deities, science and bureaucratic efficiency, became the bulwark of the nation’s defense of its physical health and social vitality.”¹³⁷ The medical inspection was key to identifying those who fell into excludable classes, yet the sheer volume of immigrants—thousands a day with fewer than two dozen inspectors—made the process challenging.

New York State health inspectors would board ships for a cursory inspection of the newly arrived immigrants. First- and second-class passengers were given the privilege of being inspected in their cabins. Third class and steerage passengers, however, would be ferried to the island to be examined by U.S. Public Health Service physicians and then interrogated by Immigration Bureau officials. This particular scrutiny of those who could not afford higher-class tickets exemplifies the contemporaneous attitude that the undesirability of an immigrant was directly linked to his or her economic means. After being ferried to the immigration station, third class and steerage passengers went through a line inspection. Immigrants would have to ascend a flight of stairs carrying their luggage and belongings, during which time a physician would observe them for physical

¹³⁵ Baynton, Douglas C. "Defectives in the Land: Disability and American Immigration Policy, 1882-1924." *Journal of American Ethnic History* 24, no. 3 (Spring 2005): 33.

¹³⁶ Moloney, 108.

¹³⁷ Kraut, 379.

deficiencies or illness. The newcomers were then separated into lines for examination by teams of two physicians. The inspectors would hand each immigrant a stamped identification card and then observe him or her read it, checking for defective eyesight. Next, the immigrant's eyelids were lifted to check for trachoma, and his scalp was examined for lice and favus. Next, the immigrant would be instructed to turn his head so the inspector could view his profile. Physicians believed that certain facial expressions and characteristics were indicative of mental and physical disorders.¹³⁸ Dr. Grover Kempf, an Ellis Island physician from 1912 to 1914, recalled: "[T]he mental examinations of immigrants [were] always haphazard. It couldn't be any other way because of the time given to pass the immigrants along the line."¹³⁹ The inspectors would mark immigrants with chalk after evaluating them. On this, one of the island's Public Health Service physicians said: "These methods, crude as they seem, had to be used because of the great number [of immigrants] and the language difficulties."¹⁴⁰ Those immigrants who failed to pass the line inspection—approximately 15 to 20 percent—were detained for closer examination.¹⁴¹ The vast majority of immigrants passed through Ellis Island into the country without delay, some were sent to the island hospital for treatment, and some were deported.¹⁴²

The efficiency of the medical inspections at Ellis Island did not lend itself to objectivity. Indeed, the medical inspectors were tasked with a duty that stretched far beyond their expertise in diagnosing clear-cut illness. Even before the 1907 Act and its

¹³⁸ Kraut, 380-382.

¹³⁹ Ibid, 386.

¹⁴⁰ Guzda, 30.

¹⁴¹ Moloney, 115.

¹⁴² Between 1890 and 1924, those immigrants returned to their home countries because of health reasons never exceeded three percent of new arrivals in any given year. The average for the entire period was below 1 percent. (Kraut, 384)

provision for medical certificates indicating each immigrant's likelihood of becoming a public charge, the medical examinations at the immigration station had become less a practice of reputable science and more an exercise of prejudicial exclusion. The "poor physique" and "low vitality" categories—created and advocated for by Robert DeCourcy Ward, co-founder of the Immigration Restriction League—became grounds for exclusion by administrative action beginning in 1905.¹⁴³ The diagnosis of these two new bases for exclusion "would be cast as a physical manifestation of the LPC provision."¹⁴⁴ The Public Health Service defined immigrants of poor physique as those "who have frail frame, flat chest, and are generally deficient in muscular development" or who are "undersized—markedly of short stature—dwarf."¹⁴⁵ It is evident, however, that the immigration physicians understood that they were not meant to diagnose the immigrants' health but their potential economic contributions to the country. One inspector described how the poor physique and low vitality provisions were applied: "[The] immigrant of poor physique is not able to perform rough labor, and *even if he were able*, employers would not hire him"¹⁴⁶ [emphasis added]. Appearance mattered; immigrants not only had to be healthy, but also appear healthy in order to gain entry.¹⁴⁷ Another medical inspector

¹⁴³ The Immigration Restriction League (IRL) was founded in May 1894 but three Harvard graduates: Prescott Hall, Charles Warren, and Robert Decourcy Ward. The league's goal was the "limitation of immigration and a more careful selection, to the end that we shall receive no more aliens than can be properly assimilated." (King, Desmond. *Making Americans*. Cambridge, MA: Harvard University Press, 2000.)

¹⁴⁴ Moloney, 124.

¹⁴⁵ Baynton, 35.

¹⁴⁶ McLaughlin, Allan. "The Problem of Immigration." *Popular Science Monthly* 66 (April 1905): 532.

¹⁴⁷ For more on the ideology of able-bodiedness and immigration, see: Galusca, Roxana. "From Fictive Ability to National Identity: Disability, Medical Inspection, and Public Health Regulations on Ellis Island." *Cultural Critique*, no. 72 (Spring 2009): 137-63.

recalled in his memoir that his job at Ellis Island was “to detect poorly built, defective or broken down human beings.”¹⁴⁸

The application of the LPC clause—including its, albeit unofficial, low vitality and poor physique provisions—was uneven, subjective, and discriminatory. For example, officials used the mechanism to exclude those suspected of sexual deviance, including homosexuals.¹⁴⁹ Women, particularly those who traveled without a male companion, also fell victim to exclusion on LPC grounds, because of the sexist notion that women were not physically able to provide for themselves or others financially.¹⁵⁰ Jews also fell disproportionately victim to such exclusions.¹⁵¹ According to Max Kohler, a Jewish lobbyist and opponent of immigration restriction, in 1910 two-thirds of Jewish exclusions were based on LPC provisions.¹⁵² This would be one of the central grievances of Jewish immigrant advocates, who will be discussed more thoroughly later. The appeals process was as problematic as the application of the LPC clause.

The boards of special inquiry, also known as the Star Chamber, constituted an independent judicial system in which the fate of thousands of immigrants was determined. If an immigrant were deemed inadmissible by the medical examiners upon arrival, he or she was brought before a board, which consisted of 3-4 immigration inspectors. The board members would ask the immigrant a litany of questions, about his age, occupation, health, and plans. If family or friends had come to meet the immigrant, the board would sometimes call them to testify on the immigrant’s behalf. Regardless of

¹⁴⁸ Baynton, 34.

¹⁴⁹ Canaday, Margot. "The Straight State: Sexuality and American Citizenship, 1900-1969." PhD diss., University of Minnesota, 2004. 29-30.

¹⁵⁰ Moloney, 79.

¹⁵¹ Ibid, 126-127.

¹⁵² Ibid, 83.

the board's decision, the case could be appealed to the Secretary of the Treasury (later the Secretary of Commerce and Labor) in Washington, D.C.¹⁵³ This was a mechanism that Commissioner Williams frequently used when a board decided an immigrant should be admitted and he believed he or she should be excluded. Immigrants were not empowered



Postcard of Ellis Island's Board of Special Inquiry Hearing Room, 1925 (*Historisches Museum Bremerhaven*)

to be their own advocates or to seek those to effectively represent them within these proceedings. This substantiated the arguments of pro-immigration activists that the boards of special inquiry were

illegitimate because they violated the rights of immigrants and contradicted the American values of a fair and equitable judicial system. A 1911 Supreme Court decision, however, legitimated the decisions of the boards of special inquiry, frustrating the pro-immigrant cause further. The Court wrote:

A series of decisions in this court has settled that such hearings before executive officers may be made conclusive when fairly conducted. In order to successfully attack by judicial proceedings the conclusions and orders made upon such hearings, it must be shown that the proceeding were manifestly unfair, that the action of the executive officers was such as to prevent a fair investigation, or that there was a manifest abuse of the

¹⁵³ Shawn P. Aubitz, *Records of the Special Boards of Inquiry, District No. 4 (Philadelphia), Immigration and Naturalization Services, 1893-1909: National Archives Microfilm Publications Pamphlet Describing M1500* (Washington: National Archives and Records Administration, 1987).

discretion committed to them by the statute. In other cases, the order of the executive officers within the authority of the statute is final.¹⁵⁴

Pro-immigrant advocates continued to argue that the hearing board proceedings were indeed “manifestly unfair.” The cards were stacked against any immigrant who faced such a board, as the system was designed for the further exclusion of immigrants. In a 1903 directive to all inspectors, Commissioner General of Immigration Frank Sargent’s first guideline was: “All doubtful points shall be determined in favor of the exclusion of the alien.”¹⁵⁵ Commissioner Williams was of the same mindset.

Williams took a hard stance on hearing board cases, favoring a strict enforcement of the immigration laws. At times, he appeared ruthless. About a case in which a mother and her young son were both going to be deported because the latter was a deaf-mute, he supported the deportation order because “her child will always be physically defective.”¹⁵⁶ This attitude was in sharp contrast to that of other high-level immigration officials who were more sympathetic to the plight of the immigrant, particularly Secretary Oscar Straus. Straus was appointed Secretary of Commerce and Labor in 1906, making him the first Jewish person to serve in the presidential cabinet. He was a proponent of an open-door policy for immigration and believed the immigration laws should be applied with charity and leniency.¹⁵⁷ In his memoir, Straus explained his approach to his job overseeing immigration and making the final, appellate decisions on hearing board cases:

¹⁵⁴ *Low Wah Suey v. Backus* (1911), 225 U.S. 468.

¹⁵⁵ Rules of Government of United States Immigrant Inspectors and Boards of Special Inquiry, January 20, 1903, file 52,495/018, Entry 9, Record Group 85, Bureau of Immigration Papers, National Archives, Washington, DC.

¹⁵⁶ Baynton, 32.

¹⁵⁷ Guzda, 31.

The right of the immigrant to land, after his medical examination, was based upon the decision of a board of inquiry. This board often made hurried and ill-considered decisions, especially when the immigration was large. In the case of exclusion, the immigrant has the right to appeal to the Secretary of the Department of Commerce and Labor. Of course, cases coming under certain portions of the exclusion provisions, such as contract labor, mental deficiency, affliction with loathsome and contagious diseases, were easily enough disposed of; but under the provision "Likely to become a public charge" there was room for the personal attitude of the members of the board, and the fate of the immigrant then depended on whether or not these men were restrictionists. I felt that there was a domestic tragedy involved in every one of these cases, and as the law placed the ultimate decision upon the Secretary, I decided this responsibility was one that should not be delegated; so day by day I took up these decisions myself, frequently taking the papers home with me and carefully reviewing them before retiring.¹⁵⁸

Straus's sympathy for immigrants exacerbated the negative image of Williams and his administration.

The LPC clause, hearing boards, and Williams' reputation as a ruthless restrictionist formed the basis for criticism of immigration regulation at Ellis Island. Ethnic societies, primarily Jewish and also German groups, mobilized during Williams' second term to publicly advocate for a pro-immigration policy.

In the nineteenth century, American Jews themselves were restrictionists. Yet, when Commissioner Williams entered office in 1902, he began applying the immigration laws far more stringently than they had ever been applied before. The Jewish community began to be concerned about this and the potentially negative effect it would have on future Jewish immigrants. A Yiddish journalist wrote: "The present rigor at Ellis Island is a sneer at the torch-bearing woman down by the bay."¹⁵⁹ In response, Jewish spokesmen appealed to the B'nai B'rith, an American Jewish fraternal society, to bring about more

¹⁵⁸ Straus, Oscar S. *Under Four Administrations*. Cambridge, MA: The Riverside Press, 1922. 217.

¹⁵⁹ Neuringer, 58.

leniency at Ellis Island.¹⁶⁰ The leaders of the society arranged a meeting with the Commissioner General of Immigration, Frank P. Sargent, who himself had a restrictionist bent approving of Williams' administration. The conference was held in January 1903, in Philadelphia, with B'nai B'rith representatives and other Jewish immigration advocates like Cyrus L. Sulzberger and Simon Wolf present.¹⁶¹ No tangible results came about from the meeting, but the widespread discontent amongst the Jewish community was quelled. This was continued when Williams left office in 1905 and was succeeded by Robert Watchorn, who was sympathetic to immigrants. The *American Hebrew* reported: "Since Mr. Watchorn entered upon his duties as Commissioner... at Ellis Island, there is an entirely different atmosphere about the place. The immigrant is no longer looked upon as one to be kept out, if the law is strained to do so."¹⁶² Satisfaction with U.S. immigration regulation and its administration would not last long, though.

Two factors reignited the zeal with which Jewish groups protested restrictionist legislation in the middle of the decade. First was the Immigration Act of 1907. Although the literacy test did not become law, it was dangerously close to becoming so, reminding Jewish leaders how vulnerable their immigrating coreligionists were to being excluded. Furthermore, they were incensed by what did become law, particularly the provision requiring that every immigrant be issued a medical certificate that he or she was mentally and physically able enough to be unlikely to become a public charge; those who were not certified to that effect would be turned away. Jewish activists were concerned that the provision would disproportionately and unfairly affect Jewish immigrants, many of whom were coming from impoverished, oppressive conditions and declined to eat non-

¹⁶⁰ Neuringer, 58-59.

¹⁶¹ Ibid, 59.

¹⁶² Ibid, 60.

Kosher food during their passage, causing them to arrive appearing malnourished and emaciated.¹⁶³ The 1905 pogroms throughout the Russian Empire also spurred action, stimulating “American Jews into unprecedented action on behalf of a liberal immigration policy.”¹⁶⁴ Keeping open America’s doors became a matter of life and death. With two-thirds of Jewish immigrants arriving at Ellis Island during this time, Jewish activists turned their attention upon the New York immigration station and its commissioner.¹⁶⁵

Several Jewish pro-immigration groups coalesced at this time. In response to the efforts to pass the literacy test, the National Liberal Immigration League was formed, the only such all-encompassing group since the short-lived Immigrant Protective League of 1898.¹⁶⁶ The other main groups included the B’nai B’rith, the Board of Delegates, and the Hebrew Sheltering and Immigrant Aid Society (HIAS). The American Jewish Committee, which began its work in 1905 and was formally launched in 1906, was the most prominent and effective. This was because it was constituted by prominent men in American Jewry, including Louis Marshall, Jacob Schiff, and Oscar Straus, who themselves were active in the politically dominant Republican Party.”¹⁶⁷

These organizations, constituting the Jewish lobby, effectively drew attention to the restrictionist immigration regulation. They lobbied legislators, supported anti-restriction candidate, made speeches, printed articles, and diligently followed federal immigration law and procedure.¹⁶⁸ In the summer of 1909, the foreign-language press was coordinated to launch a renewed campaign against Commissioner Williams, which

¹⁶³ Neuringer, 94.

¹⁶⁴ Ibid, 84.

¹⁶⁵ Moloney, 83.

¹⁶⁶ Neuringer, 92.

¹⁶⁷ Ibid, 86.

¹⁶⁸ Cohen, 101.

widely circulated papers in New York soon picked up.¹⁶⁹The kindest of the critiques was that he was a “strict disciplinarian.”¹⁷⁰ He was more frequently portrayed as tyrannical, though. One article about him was entitled: “Williams Accused of Terrorizing Men.”¹⁷¹ Another reported “brutality at Ellis Island.”¹⁷² These cries of outrage did not go unheard.

Calls for an official investigation began in 1909 when Jacob Saphirstein, editor of the *Jewish Morning Journal*, pled with President Taft to investigate Commissioner Williams and Ellis Island.¹⁷³ In response, a closed hearing was held in Williams’ office on September 27, 1909. Charles Dushkind, an attorney who had previously represented Yiddish dailies in immigrants’ appeals at Ellis Island (before Williams’ tenure), was the primary speaker at the closed hearing. He argued that Williams had intentionally misinterpreted and violated the immigration law, thus acting in a legislative capacity that extended beyond his dutiful role as an administrator.¹⁷⁴ Nothing became of the closed hearing, signaling to the immigrant advocates that a solution would not be reached from within the immigration bureaucracy. The ethnic groups switched tactics and began to seek change by lobbying Congress, bringing their discontent with immigration restriction and Williams into the political and public arena.¹⁷⁵

On May 12, 1911, New York Congressman William Sulzer introduced House Resolution No. 166, calling for a congressional hearing to investigate the office of the immigration commissioner at New York. Representative Sulzer did so “in response to

¹⁶⁹ Cohen, 108.

¹⁷⁰ *The New York Times* (New York, NY). "Williams to Quit Ellis Island Post." June 5, 1913.

¹⁷¹ *The New York Times* (New York, NY). "Williams Accused of Terrorizing Men." July 16, 1909.

¹⁷² *The New York Evening Journal* (New York, NY). "Brutality at Ellis Island." May 24, 1911.

¹⁷³ Cohen, 108.

¹⁷⁴ *Ibid*, 109.

¹⁷⁵ *Ibid*, 110.

what [he] believe[d] to be an urgent demand of the press and the people.”¹⁷⁶ In actuality, Sulzer had been effectively lobbied to take such action by the National German-American Alliance, United German Societies of the State of New York, and the Federation of Jewish Organizations of the United States. Their primary complaints were about the hearing boards and the LPC clause. Aaron Levy, an activist for unrestricted legislation and advocate for Jewish immigrants, testified about the boards of inquiry:

The conditions surrounding the holding of meetings of the board of special are such as to make for the exercise of almost despotic power. Star chamber proceedings... are indulged in, it seems to me, and it seems to be the feeling of the people widely affected by these rulings that such an institution is un-American, is opposed to all principles of justice and fairness, and that these great United States should not be for a moment placed in the position of standing at the door and ruthlessly shutting people out by the use of unfair and unjustifiable means.¹⁷⁷

Levy expressed a wide-held frustration about the discriminatory nature of immigration regulation and the arbitrariness of its application. While immigrant advocates recognized the flaws of the system, however, they identified the implementation component as a particular problem. A great deal of complaints, thus, was about Commissioner Williams himself.

Williams was portrayed as merciless in his application of the immigration laws. Jacob Schiff testified: “... [Williams’ actions] are largely influenced by his evident restrictionist tendencies, and that instead of tempering justice with mercy, he does the reverse, and seeks to apply the law in as extreme a manner as he can stretch it.”¹⁷⁸

Another witness questioned his personal and political motives, asking why a

¹⁷⁶ "Ellis Island, regarding William Williams, Commissioner of Immigration." Records of the INS, Series A: Subject Correspondence Files, Part 3: Ellis Island, 1900-1933. National Archives, Washington, DC. Accessed October 22, 2013. <http://search.proquest.com/histvault?q=001739-011-0242>.

¹⁷⁷ *Hearings on House Resolution No. 166, Hearings Held Before the Committee on Rules, House of Representatives* (Washington, DC, 1911), 29 May 1911, 16-21, 28-35.

¹⁷⁸ Cohen, 116.

multimillionaire would “clamor to have the unpleasant job on Ellis Island...unless he wants to keep out the foreigners as much as possible?”¹⁷⁹ Aaron Levy, sharing the same opinion as Max Kohler, argued that Williams had overextended his authority: “Let us not forget that... a man vested with a little brief authority may do things that he has no right to do under the mandate of the people whose representative he is, and we are here to demand a compliance with the existing law...”¹⁸⁰ Here, perhaps most illustratively, the conflation of the immigration policy and Williams’ implementation is evident.

The lobbyists saw Williams as the problem, not the law. Levy claimed that he and his fellow lobbyists were not seeking to change the law, but rather to have it enforced more judicially, which to them meant more leniently. There is no doubt that Williams was a restrictionist, but the laws he was entrusted to enforce were themselves both exclusionary and vague in nature. The commissioners of immigration were given a great deal of administrative latitude, which Williams had to use in order to apply the laws that themselves did not provide specific implementation guidelines. The administrator effectively became the lawmaker.

Furthermore, Williams, whose position was an appointed one, was accountable only to the Commissioner-General of Immigration and, ultimately, the Secretary of Commerce and Labor. A consequence of the newly sprawling bureaucracy, Williams and his administration was not directly accountable to the public. This was further exaggerated by the uniqueness of the realm of immigration. At Ellis Island—and the other immigration stations—American laws were being applied by citizens upon non-citizens, placing immigration regulation on the outskirts of the American political and

¹⁷⁹ *Hearings on House Resolution No. 166*, 29 May 1911, 27.

¹⁸⁰ *Ibid.*, 10-11.

judicial system. “Since those who interpreted and administered the law made the final judgment, the fate of the immigrants at Ellis Island rested in the hands of the faceless immigrant inspectors and Williams.”¹⁸¹ The pro-immigration lobbyists and their supporters saw an injustice in this and believed that immigrants were not being given a fair chance to enter the country.

The Jewish lobby thus misplaced its dissatisfaction with immigration regulation in their criticisms of Commissioner Williams instead of the laws he was charged with enforcing. A sharp debater from his law career, Williams tactfully responded to the testimony about the tales of hardship that numerous immigrants had endured. In the course of his own testimony to the committee, he addressed each account and complaint, specifically drawing attention to the facts of the cases that had been left out. Williams prefaced his systematic response by suggesting that the complainants were not addressing the root of the problem by attacking him:

We all know that deportation is a horrible thing. I have not come here to try to persuade you that it is not. But when deportation occurs as a result of giving effect to a law which others have enacted, I like to see responsibility for the resulting hardship placed where it belongs and not on the executive officers.¹⁸²

Williams was acting within the bounds of authority, vast as they were, that he had been given. Given this, as well as the support the commissioner had from prominent restrictionists, nothing became of the 1911 hearing. The committee took no action, and the resolution died.¹⁸³

Tensions between Commissioner Williams and the anti-restrictionists did not end, however. The Dillingham Commission published its report in 1911, the same year as the

¹⁸¹ Cohen, 102-3.

¹⁸² *Hearings on House Resolution No. 166*, 29 May 1911, 52.

¹⁸³ Cohen, 112.

congressional hearing. Its findings were decidedly restrictionist. The Commission recommended a literacy test, which reinvigorated the restrictionists in their pursuit to make such a test law. Another bill was proposed in August 1911 to that effect. Although the bill failed to become law, it reignited the literacy test debate in the public arena.¹⁸⁴ The Commission further concluded that the new immigrants were not fit for assimilation into the American population.¹⁸⁵ The report also found that the new immigrants were less intelligent than the old immigrants:

[T]he new immigration as a class is far less intelligent than the old, approximately one-third of all those over 14 years of age when admitted being illiterate. Racially they are for the most part essentially unlike the British, German and other peoples who came during the period prior to 1880, and generally speaking they are actuated in coming for different ideals, for the old immigration came to be a part of the country, while the new, in a large measure, comes with the intention of profiting, in a pecuniary way, by the superior advantages of the new world and then returning to the old country.¹⁸⁶

This disparaging view of immigrants was not a new one. Yet the fact that a government organized and sanctioned commission published a report—that it claimed to be based on reputable research—to that effect was a significant victory for restrictionists. Pro-immigration advocates were compelled to redouble their efforts in keeping the nation's gate open for immigrants.

During this time, the issue of immigration regulation had become a partisan one. The Republicans, including President Taft, were being challenged by the Progressives and were losing their hold on power. Meanwhile, the Democrats seized upon the issue of immigration, which “aroused strong popular emotions,” in order to gain support for the

¹⁸⁴ Neuringer, 105.

¹⁸⁵ Ibid, 98.

¹⁸⁶ King, 61.

elections of 1912.¹⁸⁷ In this context, Congressman Sabath, a Jew from Chicago, inserted a file into the *Congressional Record* in August 1912 that included immigration statistics, testimony from the 1911 hearing, and a petition from the Jewish district of New York City's Lower East Side.¹⁸⁸ Sabath wrote that it was an "evil day" when Commissioner Williams was appointed by President Taft in 1909. Further, he accused Williams' administration of being "inexcusably harsh and arbitrary."¹⁸⁹ As he had in the 1911 hearing, Williams responded to the claims made against him. He wrote a reply to Sabath, accusing him of selectively including testimony to present a one-sided, unfavorable view of Ellis Island and its commissioner. Furthermore, he conjectured that Sabath had inserted his claims into the appendix of the *Congressional Record* rather than presented them on the House floor because he knew his colleagues would rise to Williams' defense. The exchange between Sabath and the commissioner was widely circulated and publicized, and, as Williams predicted, many restrictionists rose to his support. Just as before, the showdown between restrictionists and their pro-immigration opponents was a draw, and Williams was not compelled to make any changes in his administration.

Unable to win the support of his critics, Commissioner Williams retired from his post in 1913 with his administration still the subject of controversy, as the debate over immigration regulation continued.¹⁹⁰

¹⁸⁷ Cohen, 110.

¹⁸⁸ *Ibid.*, 118.

¹⁸⁹ *Congressional Record, Appendix*, 62 Cong. 2 Sess., 790–805 (23 August 1912).

¹⁹⁰ In 1914, William Williams was appointed by NYC Mayor John Purroy Mitchel to serve as Commissioner of Water Supply, Gas, and Electricity. He served there until 1917, when he returned to his law practice. He died on February 8, 1947. One obituary recalled of him: "As a lawyer he was clear-headed and forceful; as a public servant most industrious and of high administrative capacity. He was a wise adviser, esteemed by all who knew him." (Coudert, 662-63)

CHAPTER VI: CONCLUSION

Ellis Island was not immune from the socio-political currents traveling through American society and culture. The Progressive Movement, at the instigation of its political proprietor, Theodore Roosevelt, led to the series of reforms that defined William Williams' first term as Commissioner of Immigration in New York. Ellis Island had become notorious for its graft and corruption, making these reforms much needed. That Williams was able to so successfully eradicate the ills of the island and change the reputation of the station in just a few years is remarkable.

The immigration restrictionist lobby, with its incorporation of nativism and Social Darwinism, also influenced the New York immigration station. The debate between the restrictionists and pro-immigration advocates, primarily the Jewish Lobby, centered itself around the practices at Ellis Island. The revelation that Ellis Island served as the apparatus by which the U.S.'s restrictive immigration policy was being implemented garnered the station and its administrators significant negative attention, which came to define Commissioner Williams' second term. Given the intensity of the debate, it is surprising that, between 1900 and 1920, only 1.5 percent of immigrants were excluded from the United States.¹⁹¹ This suggests that the controversy over American immigration policy and its administration was more about the principle than the practice. Even still, that any immigrant was excluded from the country at Ellis Island because of the biased subjectivity of immigration administrators—that was permitted by the law and bureaucratic structure—is problematic.

¹⁹¹ Guzda, 31.

The Ellis Island illustrated in this paper complicates the myth of the immigration station being the welcome center through which all immigrants passed on their way to the land of opportunity. Given that the corruption and controversial processes by which immigrants were excluded are noticeably missing in comprehensive histories of Ellis Island, these nuanced aspects of the immigration station's past have yet to be grappled with. This paper should serve as a starting point for broader academic discourse about this topic. Judicious historical practice includes the good, the bad, and the ugly. It is time that Ellis Island is studied with fitting academic rigor to situate it in its rightful place in American immigration history.

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APPENDIX 1

1820	8,385	1852	371,603	1884	518,592
1821	9,127	1853	368,645	1885	395,346
1822	6,911	1854	427,833	1886	334,203
1823	6,354	1855	200,877	1887	490,109
1824	7,912	1856	200,436	1888	546,889
1825	10,199	1857	251,306	1889	444,427
1826	10,837	1858	123,126	1890	455,302
1827	18,875	1859	121,282	1891	560,319
1828	27,382	1860	153,640	1892	579,663
1829	22,520	1861	91,918	1893	439,730
1830	23,322	1862	91,985	1894	285,631
1831	22,633	1863	176,282	1895	258,536
1832	60,482	1864	193,418	1896	343,267
1833	58,640	1865	248,120	1897	230,832
1834	65,365	1866	318,568	1898	229,299
1835	45,374	1867	315,722	1899	311,715
1836	76,242	1868	138,840	1900	448,572
1837	79,340	1869	352,768	1901	487,918
1838	38,914	1870	387,203	1902	648,743
1839	68,069	1871	321,350	1903	857,046
1840	84,066	1872	404,806	1904	812,870
1841	80,289	1873	459,803	1905	1,026,499
1842	104,565	1874	313,339	1906	1,100,735
1843	52,496	1875	227,498	1907	1,285,349
1844	78,615	1876	169,986	1908	782,870
1845	114,371	1877	141,857	1909	751,786
1846	154,416	1878	138,469	1910	1,041,570
1847	234,968	1879	177,826	1911	878,587
1848	226,527	1880	457,257	1912	838,172
1849	297,024	1881	669,431	1913	1,197,892
1850	369,980	1882	788,992	1914	1,218,480
1851	379,466	1883	603,322	1915	326,700

¹⁹² United States. Department of Homeland Security. Yearbook of Immigration Statistics: 2011. Washington, D.C.: U.S. Department of Homeland Security, Office of Immigration Statistics, 2012.

APPENDIX 2

Number of Immigrants Arriving at Ellis Island versus All Ports of Entry ¹⁹³		
Year	Ellis Island	All Ports of Entry
1903	631,835	857,046
1904	606,019	812,870
1905	788,219	1,026,499
1906	880,036	1,100,735
1907	1,004,756	1,285,349
1908	585,970	782,870
1909	580,617	751,786
1910	786,094	1,041,570
1911	637,003	878,587
1912	605,151	838,172
1913	892,653	1,197,892

¹⁹³ Guzda, 30-36.

APPENDIX 3

INFORMATION AS TO THE IMMIGRATION LAWS AND THEIR EXECUTION¹⁹⁴

Department of Commerce and Labor
IMMIGRATION SERVICE

Office of the Commissioner of Immigration,
Ellis Island, New York Harbor, N.Y.
September, 1911.

1. The immigration authorities decline to determine whether or not an immigrant is qualified to land until after he has arrived and submitted himself for inspection.
2. The immigrations laws apply to all aliens, whether they have previously resided in the United States or not. Alien residents who go abroad, though with the intention of returning, are upon their return nevertheless subject to inspection, and the \$4 head tax is payable on their account. A person who has not yet obtained final citizenship papers, though he may have declared his intention of becoming a citizen, is still an alien.
3. The immigration laws apply to all aliens, irrespective of whether they travel in cabin quarters or in the steerage. All steerage aliens are brought to Ellis Island for inspection as a matter of course. Cabin aliens are usually inspected on board between quarantine and the pier and only those brought to Ellis Island whose right to land is not clear.
4. The law provides that every alien who does not appear to the examining inspector to be "clearly and beyond a doubt" entitled to land shall be detained for "special inquiry." Such inquiry occurs before boards composed of three officials with power to admit or exclude.
5. The principle excluded classes are as follows:
 - Idiots, imbeciles, feeble-minded persons, and epileptics.
 - Insane persons and those who have been insane within five years.
 - Persons who at any time have had two or more attacks of insanity.
 - Paupers and persons likely to become a public charge. (See pars. 8 and 9.)
 - Persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease (including trachoma.)
 - Persons suffering from any mental or physical defect which may affect their ability to earn a living. (See par. 10.)
 - Criminals, polygamists, and anarchists.
 - Prostitutes, procurers, and "persons who are supported by or receive in whole or in part the proceeds of prostitution."
 - Persons coming to perform manual labor under contract made abroad. (See par. 11.)
 - Persons whose ticket or passage has been paid for by any association, municipality, or foreign government.

¹⁹⁴ Williams Papers.

Children under 16 unaccompanied by either parent, except in the discretion of the Secretary of Commerce and Labor. (See par. 12.)

6. Immigrants should come here qualified to land and not expect to qualify after arrival through gifts of money from persons under no legal obligation to make them. The Government considers that they have little bearing on the question of admissibility, even after the immigrant has been placed in possession thereof, especially when made after detention or exclusion.
7. The Government is under no obligation to receive or deliver to detained immigrants remittances sent them in its care. It does so only as a matter of convenience, at the sender's risk, and to the extent of its ability to transact this business without interference with official work. Oftentimes, through the pressure of official work, delay in delivery is unavoidable.
8. In determining whether or not an immigrant is a pauper or likely to become a public charge the immigration authorities consider among other matters his occupation, his proficiency in the same (including where relevant his physical ability to pursue it and his mental aptitude therefore), the number of persons who may be dependent upon him for support either here or abroad, his chances of securing and holding employment, and the amount of money in his possession.
9. In the absence of a statutory provision no hard and fast rule can be laid down as to the amount of money an immigrant must bring with him, but he should have enough to provide for his reasonable wants and those of accompanying persons dependent upon him until such time as he is likely to find employment; also, when bound for an interior point, railroad ticket or funds with which to purchase the same.
10. Some of the physical defects considered in connection with the provision excluding persons suffering from any physical defect which may affect their ability to earn a living are: Ankylosis of various joints, arterio sclerosis, atrophy of extremities, chronic progressive diseases of central nervous system, chronic inflammation of lymph glands of neck, dislocation of hip joints with shortening and lameness, double hernia, goiter, poor physical development, locomotor ataxia, psoriasis and lupus (chronic skin diseases), valvular disease of heart, and well-marked varicose veins. Such physical defects are not per se grounds for exclusion (as are idiocy, insanity, and loathsome or dangerous contagious diseases), but when present in aggravated form they usually affect the immigrant's ability to earn a living—in fact, they frequently render him incapable to do so—and thus operate to exclude him, irrespective of whether in addition he is a person likely to become a public charge.
11. The contract labor law as interpreted by the Attorney General applies only to persons coming here to perform labor (skilled or unskilled) that is essentially manual. Furthermore, this law specifically excepts professional actors, artists, lecturers, singers, ministers of any religious denomination, professors of colleges or seminaries, persons belonging to any recognized learned profession, and persons employed strictly as personal or domestic servants; also skilled labor, where labor of like kind unemployed can not be found in this country. To satisfy the immigration authorities that a given kind of skilled labor can not be found unemployed, it is usually necessary to prove to them that proper advertisements

- for such labor have been published in a paper with a good circulation and that either no responses at all or no adequate responses have been received. Such proof must be presented in a clear and convincing form and must be sworn to. See, however, paragraph 1 hereof, which still applies to such cases.
12. Children under 16 unaccompanied by either parent may be excluded at the discretion of the Secretary of Commerce and Labor. Where admission is to occur, the minimum requirements are that the children shall enjoy good health, shall be going to close relative who are able and willing to support and properly care for them, shall be sent to school until 16, and shall not be put at work unsuited to their years. Frequently a bond is required as a condition of admission. Where it is claimed that the parents of such children are in the United States, the latter will usually be held until the parents have been heard from.
 13. All detention expenses at Ellis Island are payable by the steamship company concerned, irrespective of whether the immigrant is subsequently admitted or deported, except in the few instances covered by the provisos of section 19 or by section 37 of the immigration law and where deportation is stayed at the request of a relative or friend.
 14. Immigrants suffering upon arrival from what are known as “quarantinable diseases” are removed from the vessel by the quarantine authorities of the State of New York and remain in their custody (usually at Hoffman and Swinburne Islands) until cure has been effected, when they are sent to Ellis Island for inspection. Requests for information concerning such immigrants must be addressed to “Health Officer of the Port, Quarantine Station, Staten Island, N.Y.” Quarantinable diseases at the port of New York now include not only cholera, yellow fever, smallpox, typhus fever, leprosy, and plague, but also such acute contagious and infectious diseases as measles, scarlet fever, diphtheria, erysipelas, etc.
 15. An alien may be deported at any time within three years of his arrival in case either (1) he entered the United States in violation of law, or (2) he entered without inspection, or (3) he has become a public charge from a cause existing prior to landing. An alien has entered the United States in violation of law if in fact he belonged to one of the excluded classes, although such fact may at the time of entry have escaped attention. Usual instances in which an alien becomes a public charge are where he enters a public almshouse or a hospital or is sent to jail. What may be a “cause existing prior to landing” depends somewhat on the circumstances of each case. Where the alien is found in a public almshouse or a hospital the proof usually required to show that his presence there is due to a “cause existing prior to landing” is a medical certificate establishing the existence of some mental or physical disability prior to the time when he entered the country. Alien prostitutes and procurers may be deported at any time.
 16. It is usually impracticable to answer inquiries concerning immigrants who are detained or expected to arrive, or to consider evidence submitted on their behalf, unless there are furnished the name of the vessel bringing them and its approximate date of arrival. Where such name is unknown the port and date of departure should be given.

William Williams,
Commissioner.