

# Sovereign Mercy: The Legalization of the White Russian Refugees and the Politics of Immigration Relief

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***Abstract.** At the height of the Great Depression, the Immigration and Naturalization Service (INS) legalized nearly two thousand undocumented Russian immigrants under the Act of June 8, 1934. Based on a random sample of their two thousand case files, “Sovereign Mercy: The Legalization of the White Russian Refugees and the Politics of Immigration Relief” narrates a forgotten moment in the history of undocumented immigration, immigration legalization, and refugee law and policy in the United States. The article specifically argues that even though these Russians were defined as refugees under international law and perceived as such by the public, their American defenders deliberately recast them as undocumented immigrants to halt their deportations to the Soviet Union and give them a pathway to citizenship. This history of the Russian refugees illuminates the conditions under which various forms of immigration relief, such as legalization and the grant of refugee status, emerged in American immigration law. As such, it fills a major gap in the scholarly literature that, to date, has provided few accounts of the history of immigration relief.*

IN 1934, THE IMMIGRATION AND NATURALIZATION SERVICE (INS) legalized the illegal immigration status of Nicholas Krivitsky, a native of Russia. When he was nineteen, Krivitsky deserted his ship, the S.S. Polonia, where he served as a crew member.<sup>1</sup> Like Krivitsky, Percy Wolinsky was an undocumented immigrant. In 1921, Wolinsky, a Russian Jew, crossed the US–Canadian border without an official immigration inspection. Yet, by November of 1934, the INS adjusted Wolinsky’s status.<sup>2</sup> In a similar vein, the immigration agency legalized Aksinia Dorofeevna Timofeeff, who evaded inspection by mingling with a “big crowd” as she crossed the line in 1925 San Ysidro.<sup>3</sup> Krivitsky, Wolinsky, and Timofeeff were only a few of the nearly two thousand undocumented immigrants who were the beneficiaries of a federal

law—the Act of June 8, 1934—that halted their deportations, adjusted their immigration status, and gave them a pathway to US citizenship.<sup>4</sup>

Drawing upon the nearly two thousand case files of the so-called White Russian<sup>5</sup> beneficiaries of the Act of June 8, 1934, this article supplies a new history of undocumented migration, immigration legalization, and refugee law and policy in the United States.<sup>6</sup> The history of these Russian émigrés resides at the intersection of these themes insofar as they were defined under law simultaneously as refugees and as undocumented immigrants. With the collapse of the Russian empire and the rise of Soviet Russia, hundreds of thousands of soldiers and civilians fled political persecution and crossed multiple national borders in search of safety, shelter, and sustenance.<sup>7</sup> By 1921, the League of Nations implemented a series of measures that offered the exiles some degree of protection and mobility and subsequently designated them as refugees under international law. Although their refugee status enabled them to resettle in countries throughout the world, many others believed that a better life was to be found in the United States. Through illicit crossings of the nation's northern and southern borders and as visa overstays and stowaways, they made their way into the country and rebuilt their families and livelihoods.

While most lived untroubled by the immigration authorities, the onset of official diplomatic relations between the United States and the Soviet Union in 1933 raised the possibility that these once stateless persons could be deported to the USSR. In response, their American advocates assiduously refused to pursue a domestic refugee law on their behalf. During the Great Depression, they recognized that widespread anti-Semitism and anti-immigrant sentiment had already vitiated attempts to pass refugee measures, particularly for the benefit of European Jews fleeing Nazi Germany, that might open the gates to new immigrant inflows.<sup>8</sup> As a result, the defenders of the White Russians made the tactical choice to stress their identity as undocumented immigrants who deserved legalization and US citizenship. In short, the rescue of the Russian refugees hinged on their recasting as undocumented immigrants under law.

This history of the Russian refugees illuminates the conditions under which various forms of immigration relief, such as legalization and the grant of refugee status, emerged in American immigration law.<sup>9</sup> Grants of relief from the restrictions and penalties imposed by immigration laws have a long history. Indeed, the Alien and Sedition Acts of 1798, one of the very first federal immigration statutes, authorized the president to exercise their discretion to stay the deportation of suspected enemy aliens.<sup>10</sup> Since the late eighteenth

century, additional types of relief became available to non-citizens at each stage of the immigration process, including admissions at the nation's land and sea ports of entry and deportation from its interior spaces.<sup>11</sup> These relief provisions, as legal historian Allison Brownell Tirres explains, were analogous to the exercise of "sovereign mercy" in American criminal law. Designed to "relieve suffering in some form," official acts of mercy were a familiar feature of the legal landscape and included the dispensation of pardons and clemency.<sup>12</sup> Sovereign mercy was no less essential to immigration laws; its manifestations reflected the ways that altruism and humanitarian norms have resided "at the core of the nation's immigration system."<sup>13</sup>

Although legal scholars have supplied much important commentary on the kinds of relief available to immigrants today, we know very little about their history or the social, economic, cultural, and political forces that led to their incorporation into our immigration system.<sup>14</sup> The few historical references to acts of immigration relief frame them as adjuncts or exceptions to the immigration exclusion laws, antecedents of US refugee and asylum policies, or as expressions of resistance by immigrants and their advocates.<sup>15</sup> Although this essay builds upon these interpretations, it also departs from them by centering the history of immigration relief and piecing together the specific conditions under which forms of relief made their way into the immigration laws. In the case of the Russian refugees, I demonstrate how they leveraged the ambiguities surrounding conceptions of asylees, refugees, and illegality to win passage of the June 8 law. I further conclude that they succeeded where others failed because the measure simultaneously met their humanitarian needs and the geo-political interests of the American state.

In narrating this account of immigration relief, my aim is not to dispute the widely accepted view that restrictionist principles drove the shaping of American immigration law from the founding to the present. Instead, I ask how migrants and their advocates sought reprieve and refuge when confronted with the harsh realities of immigration restrictionism. In addressing this question, my work bridges the scholarly divide between the study of refugee and immigration law by revealing how these two bodies of law developed in tandem during the debates about the Russians. In this regard, I join a small but growing group of scholars who have blurred the lines between immigration and refugee history to shift our understanding of refugee law development.<sup>16</sup> This endeavor has shown how varieties of refugee protection, such as the June 8 law, emerged from the language of the immigration statute in an era when legal definitions of asylees and refugees had not been fixed domestically. More broadly, our research has stretched the timeline of refugee

policy history by recounting how lawmakers deliberated the very meaning of a refugee and their legal status in the United States for decades prior to the passage of the 1948 Displaced Persons Act.<sup>17</sup>

The June 8 law was a product of a little-known movement to reform the harsh impacts of immigration law enforcement and, as such, further illustrates the joint development of immigration and refugee relief. During the campaign, policymakers advocated for European refugees by publishing a broad critique of the civil and criminal penalties for undocumented immigration and sponsoring bills that would suspend their deportations and adjust their immigration status. Yet as they fought to prevent the deportation of the Russians, they facilitated the removal of hundreds of thousands of ethnic Mexicans and barred the admission of Jews fleeing Nazi Germany. Undocumented Europeans were largely characterized as innocents who had made a careless error that was deserving of forgiveness; non-white migrants were perceived as lawbreakers who constituted a threat to the nation and merited imprisonment and/or expulsion. In short, the Russian legalization serves as a stark reminder of the profound contingencies underlying conceptions of legality and illegality and the provision of immigration relief for undocumented immigrants.<sup>18</sup>

Finally, this essay draws upon the work of legal, immigration, and human rights scholars to conclude that like other forms of humanitarianism, the mercy dispensed by the June 8 law did not “transcend state and nation” but instead served the state’s interests in border making and nation building.<sup>19</sup> The law specifically enabled policymakers to maintain control over the nation’s external boundaries by forestalling the creation of a formal refugee policy. At the same time, the measure reinforced multiple social boundaries—or the dividing lines between non-European and European undocumented immigrants, white and non-white immigrants, so-called red and white Russians living in the United States, and poor and well-to-do Russian émigrés. The regularization measure defined white, anti-communist, middle-class Russians as quintessential insiders and made quite clear that individuals lacking these racial, ideological, and class characteristics fell outside the bounds of the polity and even merited removal from the nation altogether.

Since the political, legal, and social identities of the Russian migrants changed across time and space, this article begins by tracing the journeys of the Russian émigrés from Soviet Russia to the United States in the 1920s. I then discuss how a humanitarian movement to reform or soften the penalties against undocumented European immigrants laid the political and rhetorical groundwork for the passage of the Act of June 8, 1934. The next section

relates how the congressional debates on the measure redefined the Russian migrants as undocumented immigrants. In so doing, sympathetic policymakers ensured that any immigration relief afforded the Russians served the border control interests of the state as well as the humanitarian needs of the immigrants themselves. Finally, I end by describing INS implementation of the Act and how the process worked to erase the Russians' identities as exiles and ethnics so as to transform them into Americans.

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The history of the Russian refugees is complex and even troubling; over the course of the twentieth century, they would be the victors and the vanquished and the persecutors and the persecuted. While the term "White Russian" principally refers to the military units that remained loyal to the tsar during the March Revolution and then opposed the Bolsheviks during the Russian Civil War, it also refers to a broader group, mainly the nobility and the propertied classes, who shared the anti-Bolshevik orientation of the military.<sup>20</sup> They, especially the officers and infantrymen, also were intensely anti-Semitic; their racist attitudes found terrible expression in the 1919 massacre of approximately 100,000 Jews in Ukraine.<sup>21</sup> Many members of the White Russian military would go on to join the Nazis and participate in the genocide of the Jews.<sup>22</sup> Yet, with the defeat of the White armies in 1923, they, as well as anti-Bolsheviks more generally, became enemies of the Soviet Union and the targets of state-sanctioned repression and violence. Hundreds of thousands of soldiers and civilians fled the new Soviet state seeking refuge primarily in Europe and Asia; by the mid-1930s, it was estimated that there were 315,000 Russian refugees in Europe and 130,000 in the Far East.<sup>23</sup> For much of the 1920s, many clung to the hope that the new Soviet state would be short-lived and that they would be able to return home. This aspiration led the Russians to resist defining themselves as immigrants and refugees. Even if it no longer existed on paper, Russia endured in their memories as many planned their repatriations and the reconstitution of Russia from abroad.<sup>24</sup>

While nostalgia and loss informed the Russians' self-perception as exiles, their humanitarian plight led the international community to define them as refugees. To meet their immediate subsistence needs, international organizations and European nations tried to provide the Russians with shelter and sustenance.<sup>25</sup> But the scope of the emergency exceeded the ability of these organizations and states to assist them. As a result, the League of Nations intervened by appointing Dr. Fridtjof Nansen, a Polar explorer and humanitarian, as the High Commissioner for Refugees on June 27, 1921.<sup>26</sup>

Initially, Nansen tried to work with the Soviet government to repatriate or return the refugees. But although there is some recent debate on this effort, the standard historical interpretation is that it failed.<sup>27</sup> One reason is that by the end of 1921, the Soviet government had passed a set of migration-related decrees that revoked Soviet citizenship for those who lived abroad for more than five years and those who left Russia after November 7, 1917, without the authorization of the USSR.<sup>28</sup> As a result, the Russians were rendered stateless peoples.

In response to the 1921 decrees, Nansen and the League created an International Certificate of Identity, or what became known as the Nansen Passport.<sup>29</sup> The document specifically defined refugees as “any person of Russian origin who does not enjoy the protection of the Government of the Union of Soviet Socialist Republics and who has not acquired any other nationality.”<sup>30</sup> Accepted by 54 countries by the end of the decade, it was valid for only a year and allowed the bearer to cross the growing number of national borders that had emerged after World War I and, in turn, find work and reunite with family members. It also gave signatories a means of keeping track of Russian refugees in their midst, whether for the purposes of removal or refugee recognition.<sup>31</sup> Nansen’s own goal with respect to the passport was to enable the Russian (and later Armenian and Assyrian) refugees to cross national borders as they searched for jobs; in so doing, he hoped to spread the burden of supporting the Russians among the member states of the League of Nations.<sup>32</sup> Although many problems would emerge with the passport, it is credited with laying the foundation for an international refugee law regime.<sup>33</sup>

For more than a decade after the Civil War, Russians led a peripatetic existence, repeatedly relocating and resettling throughout the world.<sup>34</sup> For many the United States “represent[ed] the promised land.”<sup>35</sup> Here, they hoped to achieve greater social mobility and escape the political and economic discrimination they encountered in their countries of first flight.<sup>36</sup> Others had tired of being perpetual refugees; as Michael Honig (formerly Mendel Honigman) observed, “It was very difficult to become a citizen [of Romania] and being a refugee it was hard . . . so I decided to come to the United States.”<sup>37</sup>

Yet, for all the exiles, the passage of the 1921 and 1924 quota systems created significant barriers to their admission. Reflecting contemporary American biases against southern and eastern Europeans, the system decreased the quotas for immigrants from these nations while increasing them for arrivals from northern and western Europe.<sup>38</sup> As one Russian journalist wrote in a Russian-language newspaper published in Harbin, China—where Russian

refugees thirsted for news about Russian immigrant life in the United States and any loosening of its immigration laws: “[Russians, Poles, and Italians] are the nationalities which assimilate poorly and who give few or poor “Americans.” For British, Germans, and Scandinavians, who easily come under the influence of Americanism, the respective quotas have been lowered but slightly. America does not fear these.”<sup>39</sup> For the hundreds of thousands of Russian refugees around the world, the reduction of the quota from twenty thousand to approximately two thousand effectively closed the gates to America; for example, in 1926, a Russian refugee seeking a quota visa would need to wait ten to fifteen years for eighteen thousand other applicants to receive their visas first.<sup>40</sup>

Instead of waiting, most Russians pursued alternative modes of entry. According to one 1934 estimate, half of the Russian refugees in the United States managed to gain admission as visitors, entertainers, and students on temporary visas.<sup>41</sup> The other half made the conscious choice to enter in violation of the immigration laws as deserting seamen or through a surreptitious border crossing from Canada or Mexico.<sup>42</sup> Many of the former, however, eventually became unauthorized immigrants by failing to renew their temporary visas. In short, as they themselves would openly admit to immigration inspectors during their legalization proceedings, they were undocumented immigrants in America.<sup>43</sup> The casefiles attest to the relative ease of their illicit entries. Russians crossing the nation’s land borders with Canada and Mexico explained that they simply walked past immigration officials at the border inspection stations.<sup>44</sup> Others recalled how they escaped detection by crossing the line with large crowds<sup>45</sup> or walking around, rather than through, the immigration inspection office.<sup>46</sup> Some accepted rides casually offered by American tourists in exchange for a few dollars.<sup>47</sup> Russians who took jobs as seamen or stowed away on ships recounted their anxieties about being discovered but consistently reported few difficulties in deserting ship upon reaching dock in the United States.<sup>48</sup>

Other Russian refugees adopted a more risk-averse approach to their crossings and took great pains to plan them in advance. Some tried to dress and speak like American nationals to pass as ordinary border crossers along the nation’s southern line.<sup>49</sup> The migrants also relied on established smuggling rings that accompanied them as they walked,<sup>50</sup> drove,<sup>51</sup> or rode trains<sup>52</sup> across the Canadian and Mexican borders; or stowed them away on small boats that crossed the Rio Grande,<sup>53</sup> the Niagara River,<sup>54</sup> or the waters between Cuba and Florida.<sup>55</sup> Due to immigration inspectors’ gender biases, single and divorced women also carefully planned their journeys.<sup>56</sup> To evade the

scrutiny of immigration officials, they adopted various ways of posing as dependents of men: Aniela Perechadk, a Polish Russian, explained that she remained silent during her immigration inspection as “the priest with me did the talking for both of us.”<sup>57</sup> Divorcee Jenny Turchin (formerly Jenny Chechelnitzkaia) and her daughter posed as the US citizen wife and child of a marine captain. Taking the names of the captain’s actual wife and child—Celestina and Catalina—the three left Cuba together on the SS *Parismina* and were admitted in New Orleans as US citizens.<sup>58</sup>

Yet, despite their illicit migrations, the Russian exiles largely escaped the stigmas applied to other undocumented immigrant groups. In the mind of the American public, their flight from political and religious persecution rendered them refugees, or humanitarian migrants deserving of aid and forbearance, rather than economic migrants or lawbreakers. By 1934, this view was largely accepted due to the extensive humanitarian aid that had been supplied to Russians abroad by the US government, advocacy organizations, and ordinary individuals in the 1920s.<sup>59</sup> The press generated further sympathy for the Russians by publishing engaging accounts about the danger and drama surrounding their global journeys—their secret escapes from the Soviet Union, temporary residence in cosmopolitan communities in Europe, Asia, Canada, and Mexico, and surreptitious entries into the United States.<sup>60</sup> Neglecting to mention the atrocities committed by the anti-Bolshevik Russian armies in Europe, these narratives enabled the migrants to paper over any troubling elements of their past, present themselves as stateless persons, and generate American support for their cause.<sup>61</sup>

Perhaps most important, the American press, policymakers, and public embraced the refugees for their anti-communist political ideologies.<sup>62</sup> Even though the formation of the Popular Front and FDR’s New Deal softened animosities toward collectivist ideologies, anxieties regarding the rise of the Soviet Union and communism at home continued to be an undercurrent in American life and politics.<sup>63</sup> Indeed, the Act of June 8, 1934 was passed in the same year that federal officials first attempted to deport labor leader Harry Bridges.<sup>64</sup> Moreover, at the very same time that Department of Labor and INS officials lobbied for the legalization of the Russian exiles, they initiated talks with Moscow regarding the deportation of nine hundred Russians who failed to demonstrate the same political ideals.<sup>65</sup> Described as “undesirables” and “political ‘agitators,’” they lived in the United States under orders of deportation but enjoyed “free harbor” because of the lack of diplomatic relations between the United States and Soviet Union until 1933.<sup>66</sup> Underscoring the distinction between these Russians and those they frequently dubbed “the



Whites,” the INS informed the *New York Times* that among this group of deportees, “there were no “‘White Russian’ refugees nor others who might face political persecution in Russia.”<sup>67</sup>

The Russians also won acceptance due to their social status. Although most had lost everything in their flight from the Soviet Union, by the time they applied for registry in 1934, the majority had climbed the socio-economic ladder to become members of the lower middle and middle classes.<sup>68</sup> Living in the United States for an average of 7.7 years, the applicants rarely faced scrutiny and surveillance by immigration officials; in other words, their undocumented immigration status did not prevent them from attending school, finding jobs, purchasing homes, raising families, and becoming well-respected members of their communities. By external standards, the Russians appeared no different from many Americans; indeed, during the economic crisis, they—insofar as almost all were employed, rented, or owned their own homes, and held bank accounts and insurance policies—were faring better than the average American.

Given the perceived positive qualities of the Russians—their structural integration and even cultural assimilation into American society, several immigration advocacy organizations came to their aid as panic spread through many Russian immigrant communities with the news that the United States and Soviet Union would commence diplomatic relations.<sup>69</sup> In its March 1933 plea to President Roosevelt, the Consolidated Committee of the Russian National Organizations in California (CCRNO) stressed that the Russians were different from other immigrants insofar as they were political and religious refugees forced to leave their homes. If deported to the Soviet Union, the CCRNO continued, the refugees would most likely be executed. This outcome, the organization exhorted, would vitiate the nation’s reputation as a “friend to the Political Refugees.”<sup>70</sup>

In the early 1930s, domestic policymakers might have drawn upon the work of Nansen and the League of Nations to fashion a refugee policy that would aid the Russian exiles. Indeed, according to Sir John Hope Simpson, a contemporary who penned the definitive account of the Russian displacement, the Russian refugees had created “what may be called the jurisprudence of refugeedom and contributed to political philosophy and practice a concept of [a] refugee.”<sup>71</sup> Although the Russians were recognized as refugees under international law and conceived as such in the popular imagination in the United States and abroad, American policymakers declined to sign the 1933 Convention Relating to the International Status of Refugees that formalized the refugee status of the Russians<sup>72</sup> and successfully defeated all efforts to

create a domestic refugee policy writ large. As a result, Simpson concluded that the United States, unlike Europe, made no distinctions between the immigrant and the refugee.<sup>73</sup> Yet while a domestic policy would not materialize until mid-century, in 1933, questions surrounding the immigration status of the Russians led policymakers and the public to debate the very creation of a refugee policy and to articulate a set of preferences that would drive the shaping of refugee law for the rest of the century.

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For much of the nineteenth and twentieth centuries, refugees, like immigrants, faced significant hurdles to their admission into the United States.<sup>74</sup> Indeed, in Europe and North America, the grant of refugee status was seen as exceptional, requiring nation-states to loosen their grip over their sovereign borders and admit strangers and nativists to disavow the racism that informed their support of restrictionist immigration policies.<sup>75</sup> Despite these obstacles to refugee admissions, over the course of the century, advocates at home and abroad lobbied for humanitarian measures.<sup>76</sup> Prior to 1948, their efforts resulted in the passage of makeshift forms of relief. To skirt the opposition of congressional restrictionists, these measures were not designed as refugee policies per se but instead were typically carved out of immigration laws as exceptions to exclusion and deportation.<sup>77</sup> For example, in one of the most familiar workarounds to the immigration laws, Congress exempted victims of religious persecution, specifically survivors of the Armenian genocide, from the literacy test of 1917.<sup>78</sup> Faced with ongoing objections to the creation of an American refugee policy, advocates for the Russians highlighted their status as undocumented immigrants and thereby created a more propitious context for Congress to devise another exception to the rule—the Act of June 8, 1934.

In the campaign to legalize the Russian exiles, federal policymakers, including the INS, served as one of their most powerful advocates. In the 1930s, the immigration agency launched internal and external investigations into the nation's immigration system in response to the widespread criticism of the Hoover-era deportation drives.<sup>79</sup> Conducted by a group of prominent citizens known as the Ellis Island Committee, one of these inquiries called for a more humanitarian approach to deportation.<sup>80</sup> As part of this call, the Committee urged legislators to protect racial and religious refugees and stateless persons and reminded them of the nation's asylum tradition: "Asylum for those who flee from religious, racial, and political persecution is one of the oldest and most valued of American traditions. From the time of the

Pilgrims this country has been built up by immigrants who came here to escape oppression and enjoy liberty.”<sup>81</sup> The apparent breadth of the Committee’s reform proposals drew the excited attention of the press as headlines pronounced “Urge Refugees Be Admitted” and “Ask Immigrant Bars Be Lifted for Refugees.”<sup>82</sup>

Yet these glowing media reports misconstrued the Committee’s very cautious approach to refugee relief. Although it stressed the importance of asylum, it also recognized that widespread anti-immigrant sentiment would make it politically impossible to amend immigration laws for refugees abroad. Thus, the Committee argued that refugee admissions ought to be governed by immigration restriction laws, specifically the numerical limits established by the national origins quota system.<sup>83</sup> If, however, the Committee recognized the difficulties surrounding the admission of refugees, it actively searched for ways to prevent the deportation of stateless persons and religious and political refugees in the United States. In the process, its *Report* reframed popular conceptions of unauthorized European migrants and articulated a powerful set of arguments for their legalization.

These arguments drew attention not only to the halting development of American refugee policy but also to the arbitrariness surrounding conceptions of illegality. As the INS lobbied for the legalization of the Russians, it continued to deport undocumented European and Mexican immigrants.<sup>84</sup> Meanwhile, states and localities, inspired by the Hoover administration and frustrated by the perceived weakness of the Roosevelt administration on the issue of undocumented immigration, undertook their own mass removal drives. Perhaps most famously, the city of Los Angeles planned a so-called repatriation drive that resulted in the forced departure of nearly a half million ethnic Mexicans during the 1930s.<sup>85</sup> On both sides of the Canadian border, as historian Ashley Johnson Bavery has emphasized, Windsor and Detroit officials took the initiative to deport unwanted Europeans.<sup>86</sup> Taken together, these local, state, and federal campaigns powerfully reinforced emerging conceptions of illicit entry as a crime that merited harsh punishments such as detention and deportation.<sup>87</sup> More broadly, they conveyed the message that undocumented immigrants, in Mae Ngai’s famous formulation, were the quintessential impossible subjects.<sup>88</sup>

Yet the Ellis Island Committee and the INS began to characterize other groups of undocumented immigrants in much different terms and singled them out for immigration relief.<sup>89</sup> To this end, the Committee firmly defended the importance of immigration law enforcement but, at the same time, directly challenged the conflation of illegality with crime. Repeatedly characterizing

illegal entry as a benign infraction, the Committee wrote, “illegal entry is not an offense which can be classified as *malum in se*”<sup>90</sup>—that is, “a wrong in itself . . . [or] inherently and essentially evil.”<sup>91</sup> Such a designation was reserved for acts, such as murder, considered to be immoral regardless of their definition under law. In contrast, undocumented entry was often the product of administrative error; for instance, the Committee observed that for decades along the Canadian border, Bureau of Immigration and, later, INS officials failed to keep thorough admission records. On many other occasions, individuals were unable to produce evidence of their legal entry because immigration officials incorrectly recorded their names on manifest sheets. In sum, the Committee concluded, “Aliens who entered at such points during these years have suffered consequently through no fault of their own but as a result of the negligence of the Government.”<sup>92</sup>

In those cases where illegal entry was the result of human error, the Committee argued that many immigrants simply did not know that they were violating immigration laws. Pleading on behalf of immigrant sailors, the Committee explained, “Thousands of seamen had left their ships in American ports and remained there, often without realizing they were guilty of illegal entry.”<sup>93</sup> Moreover, the very complexity of the nation’s immigration laws and the fact that the laws had changed several times in the 1920s made it difficult for ordinary immigrants to understand when they were breaking the law.<sup>94</sup> From the perspective of the Ellis Island Committee, illegal immigration bore none of the hallmarks of crime but rather administrative error and human ignorance.

The Committee went on to argue that the punishments for illegal entry were out of proportion to the infraction itself. Its 1934 report posed a direct challenge to the Act of March 4, 1929, one of the first federal measures to criminalize illicit entry.<sup>95</sup> It argued that the offense of a first illicit entry did not merit the penalty—a \$1,000 fine and a one-year prison term—dictated by the 1929 law. The prison term was especially reprehensible because the INS detained violators in local prisons that, as the *Report* explained, “have no facilities for segregating prisoners according to sex, age or type of criminal offense, and are unsuited for detention of these aliens, many of whom enter illegally through ignorance of the law or because of youth and recklessness.”<sup>96</sup> In a move that likely raised the ire of nativists, the Committee recommended that *no criminal penalties* be applied to first-time offenders.<sup>97</sup>

The Committee’s final report also scrutinized the civil, as well as criminal, penalties for illegal entry. In so doing, it called for the reinstatement of a statute of limitations on deportation. Under the 1917 immigration law,

immigration officials could only deport individuals within five years of their entry into the United States.<sup>98</sup> By 1924, Congress eliminated this time limit, making it possible for individuals to be deported at any point after their entry into the country. To highlight the unfairness of the new deportation provisions, the Committee reminded readers of the relatively harmless character of illegal entry: “Deportation without time limit seems too harsh a penalty for an act which is not wrong in itself . . . We are dealing, after all, with human beings—men and women who in most cases have been promoted to come here against our law, either to join relatives or family, to escape persecution, or to find some better answer to the economic riddle which confronts us all.”<sup>99</sup> Yet without a statute of limitations on deportation, undocumented immigrants would live in “perpetual jeopardy.”<sup>100</sup> Both the criminal and civil penalties for undocumented immigration were overly harsh. Just as worrisome to the Committee, the laws also prevented too many of these undocumented immigrants from becoming citizens.

According to one estimate, in 1929 there were 1.3 million undocumented immigrants in the United States.<sup>101</sup> In order to provide these migrants an opportunity to become citizens, Congress passed the Act of March 2, 1929, popularly known as the Registry Act of 1929.<sup>102</sup> The measure was specifically designed to benefit two groups of undocumented immigrants: first, those who lacked an official record of entry due to an administrative error; and second, undocumented persons deemed to be of good moral character.<sup>103</sup> The benefits of the Registry Act and the Act of June 8, 1934, however, were not universal but instead reserved for those who were not racially ineligible to citizenship.<sup>104</sup> As such, these measures would extend the racial dividing lines that informed the admission of legal immigrants at the borders to the legalization of undocumented immigrants within the nation itself.

In its 1934 report, the Ellis Island Committee revisited the Registry Act of 1929. In so doing, it called not only for the softening of the nation’s laws with respect to deportation and illegal entry but also for an expansion of immigration legalization—an expansion of the Registry Act of 1929. It specifically asked Congress to amend the 1929 law so that more undocumented European immigrants could be eligible for an adjustment of status. Among these individuals were stateless persons or those migrants who, due to shifts in national boundaries, could not return to their homelands.<sup>105</sup> Citing the case of the Russian refugees, it also recommended that those who faced political or religious persecution upon their deportation to their home countries have the opportunity to regularize their status. Without these amendments, these undocumented immigrants would be “condemn[ed] to a permanent state

of alienage,” creating an underclass that “profits neither the country nor the alien and his family. It hinders his assimilation. It bars him from many professions and vocations. It exposes him and his family to all the disabilities and prejudice to which aliens are subject, to discriminations in respect to employment, old age pensions, the benefits of public works legislation. It excludes him from the fullest and most useful participation in the life of the country.”<sup>106</sup>

Based on the findings of the Ellis Island Committee, the INS, with the approval of Secretary of Labor Frances Perkins, prepared five bills pertaining to deportation and undocumented immigration.<sup>107</sup> Closely following the letter and spirit of the Ellis Island Committee *Report*, one of the bills, H.R. 9364, proposed a revision of the nation’s registry laws in the name of “common sense, justice, and the good of the country.”<sup>108</sup> If passed, it would adjust the status of undocumented immigrants deemed stateless persons; documented and undocumented temporary visitors who would be subject to political or religious persecution if removed to their home countries; and individuals who had lived in the country for at least ten years, could establish good moral character, and were not subject to deportation. H.R. 9364, however, pleased no one. The Committee claimed that it did not go far in enough in “humanizing” immigration law.<sup>109</sup> In contrast, anti-immigrant forces, particularly labor union representatives and patriotic societies, charged that the bills would undermine the restrictionist spirit of the nation’s immigration laws by increasing immigrant admissions.<sup>110</sup> They also argued that the bills weakened the nation’s deportation power and, through the expansion of registry, would “further encourage aliens to break our laws by illegal entry.”<sup>111</sup>

Ultimately, none of the five bills passed congressional muster. Yet, along with the final report of the Ellis Island Committee, they supplied the rhetorical framework for the numerous legalization bills that were proposed in the 1930s.<sup>112</sup> Perhaps most prominently, as explained by historian Madalena Marinari, the sponsors of the Kerr-Coolidge bill articulated a cautious defense of legalization by stressing that it would preserve family unity without compromising the restrictionist tenets underlying US immigration policy. The opposition of congressional restrictionists, however, proved too strong, and the Kerr-Coolidge bill failed to pass.<sup>113</sup> The Act of June 8, 1934 was one of the few legalization measures to survive the scrutiny of Congress in the 1930s. Unlike the Kerr-Coolidge bill, the Act of June 8, 1934 proposed to assist a group of migrants whose race, class, and, in particular, political ideology more clearly served the geo-political interests of the American state. Underscoring the extensive support for the Russians, the *Washington Post*, in

a story about the work of the Ellis Island Committee, explained that changes to US deportation law were necessary because “Upon no class of immigrant perhaps, has the mailed fist [of deportation law] fallen harder than it has upon the White Russian.”<sup>114</sup> Only a few months after the publication of the *Report*, Congress passed the Act of June 8, 1934.

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The Ellis Island Committee *Report* articulated a sweeping challenge to conceptions of illegal alienage, proposed fundamental changes to the criminal and civil penalties for undocumented entry, and envisioned immigration legalization under the terms of the 1929 registry act as a form of relief for European refugees. Yet Congress failed to share the Committee’s vision of immigration relief. Debates regarding legalization measures such as H.R. 9364 exposed the many obstacles to the creation of asylum, refugee, and adjustment of status policies. Keenly aware of these challenges, congressional sponsors of S. 2692 (Act of June 8, 1934) persistently downplayed its impact, representing it as a mere legalization measure that would assist a small group of Russian exiles to the exclusion of all other refugees in the United States and abroad. At the same time, the bill’s drafters continued the work of the Ellis Island Committee by casting the Russian refugees as undocumented immigrants who merited inclusion and belonging in the polity.

Two noted immigration liberals, Sen. Royal Copeland (D-NY) and Rep. Samuel Dickstein (D-NY) led the fight for the passage of S. 2692. Both had staunchly opposed the discrimination against southern and eastern Europeans wrought by the 1921 and 1924 quota systems and, over the course of their congressional careers, worked to mitigate the impacts of these laws. For the benefit of European migrants, Copeland sponsored the Act of March 2, 1929 and strongly supported the Kerr-Coolidge Bill.<sup>115</sup> Meanwhile, Dickstein succeeded Rep. Albert Johnson (R-IL), the author of the 1924 Immigration and Nationality Act and one of the most zealous xenophobes of his day, as the chair of the House Committee on Immigration and Naturalization. In this role, Dickstein was unable to overcome the opposition of anti-immigration forces to pass major immigration reforms but, nevertheless, managed to block the release of even more restrictive bills.<sup>116</sup> As the son of Russian orthodox Jews who emigrated to America when he was two, Dickstein also championed the cause of Jewish migrants and refugees abroad and served as the most vocal defender of the Russian exiles during the debates on S. 2692.<sup>117</sup>

When the debates began in the spring of 1934, Copeland and Dickstein drew attention to the plight faced by the exiles: without some form of legal

relief, the Russians might be deported to the Soviet Union where, by law, they would be subject to the death penalty. In introducing S. 2692 on the floor of the Senate, Copeland explained: "Mr. President, this is a bill to take care of certain Russian refugees who are in this country and who were promised that they would not be interfered with in the arrangements we have made with Russia. But they cannot go back to Russia. They would meet death, I suppose, if they did so."<sup>118</sup>

As further evidence of their humanitarian plight, Dickstein recounted the hardships faced by these Russian refugees: ". . . Helen Haritonoff, who is a widow, her husband having been killed in the Russian Army at the beginning of the World War. Two of her brothers perished during the civil war in Russia and her parents died of starvation during the revolution. She herself escaped with her life during the anti-Bolshevik revolts of 1921–22; and after walking for several miles across ice to Finland, she picked up two of her nieces, the daughters of her brothers who perished during the civil war."<sup>119</sup> Yet both Copeland and Dickstein recognized that their appeals to compassion would not sway restrictionist lawmakers. Indeed, the very representation of the Russians as refugees created an opening for their opponents to argue that the exiles demanded assistance when the nation had to prioritize native-born citizens in the provision of Depression-era relief.

In anticipation of these objections, lawmakers minimized their characterization of the Russians as refugees and, instead, foregrounded their identity as undocumented immigrants. Dickstein, for example, repeatedly insisted that the measure only legalized a small group of migrants<sup>120</sup> after one member threatened, "we will oppose the bill" because it "confus[ed] the question of granting favors to a few hundred Russians whose lives may be at stake with a far-reaching question of who might be political or religious refugees."<sup>121</sup> Moreover, in classifying the Russians as undocumented immigrants, the sponsors of S. 2692 adopted the tone of the Ellis Island Committee *Report* and held harmless the Russians. As Rep. Cochran (D-MO) explained, their undocumented presence was a result not of any ill intent but instead of circumstances beyond their control.<sup>122</sup>

To win further support for the undocumented Russian exiles, Dickstein stressed their affinity for citizenship by describing how many had already integrated both culturally and socio-economically into American society. On the floor of the House, he praised the Russians as "people who speak the English language perfectly. Some of them are professors in our colleges, some of them in our universities, some of them experts in airplanes and some of them are in our Coast Guard."<sup>123</sup> As a further indicator of their adjustment,



Dickstein noted that many had spouses and children who were US citizens: “Ninety-five percent of these aliens are of a high type and are good prospective citizens. In most cases the men have married American women and have American children.”<sup>124</sup> Dickstein also promoted the achievements of the so-called Russian Battery of the New York National Guard; composed of at least thirty undocumented Russians, it had received a prize from the War Department for its “discipline and morale.”<sup>125</sup> Finally, in an argument that reflected contemporary eugenicist thought, Dickstein referred to their biology: “And, as I said a moment ago, in 95 percent of the cases, many . . . were found to be all fine specimens of manhood.”<sup>126</sup>

Dickstein’s attempt to Americanize the Russians also constituted one moment in a longer effort to win for southern and eastern Europeans the same forms of racial inclusion and acceptance accorded to northern and western Europeans. In other words, by stressing their “Americanness,” Dickstein aimed to “whiten” the Russian émigrés.<sup>127</sup> His strategy, however, entailed the reproduction of racial dividing lines. As he lobbied on behalf of the Russian exiles, he also called for the repatriation of Filipinos and Hawaiians and Puerto Ricans living on the US mainland.<sup>128</sup> A decade earlier, he had backed the exclusion of Japanese immigrants under the Immigration Act of 1924.<sup>129</sup> As historian Gary Gerstle explains, the congressman from New York elected to “play America’s racial game” because “Whenever talk focused on the Japanese, the racial standing of the southern and eastern Europeans seemed to rise. The latter were no longer racially despised peoples, but simply Europeans, racially and culturally indistinguishable from the Germans, English, and Scandinavians.”<sup>130</sup>

Further reflecting the complexities and contradictions of immigration policy formation, two longstanding restrictionists, Rep. Thomas A. Jenkins (R-OH) and Rep. Thomas L. Blanton (D-TX), joined congressional liberals in urging the embrace of the Russian exiles. Jenkins supported the national origins quota system of 1924,<sup>131</sup> and by the late 1930s, he would call for the detention of unauthorized immigrants in “camps where their liberty would be restricted drastically.” These deprivations, Jenkins argued, would drive undocumented immigrants out of the country.<sup>132</sup> Yet, in the case of the Russian émigrés, their anti-communist ideology seemed to erase all his anxieties about their alleged racial inferiority and illegality. Indeed, during the debates, Jenkins differentiated the Russian refugees not only from other southern and eastern Europeans but also from other Russians, declaring “It is a bill to run the Reds out of the United States and keep the “white people” in, and by ‘white people’ is meant those people who are not Reds, but people who

believe in orderly government, people who believe that the Government of the United States ought to be run according to a constitution and not according to anarchy and force under a red flag. That appeals to me.”<sup>133</sup> Despite the paradoxes in Jenkins’s defense, it foreshadowed the posture immigration restrictionists would take in their own advocacy of anti-communist refugees after World War II and during the Cold War.<sup>134</sup>

Blanton also staunchly supported the 1924 Act and the application of severe civil and criminal penalties to undocumented Mexican migrants.<sup>135</sup> Yet, like Jenkins, he spoke in favor of S. 2692 for ideological reasons and pronounced, “It is a bill for Americanism and against bolshevism. It is a bill for lovers of constitutional government instead of Russian Bolsheviks, and this is why I am for it.”<sup>136</sup> Recent events, moreover, imbued his defense of the Russians with racial significance. Only months before, a group of Howard University students protested to end the segregation of the public restaurants inside the US Capitol; Blanton accused them of being communists and demanded their expulsion from Howard.<sup>137</sup> Through this incident, Blanton fused together arguments about ideology and race to define insiders and outsiders within the body politic.<sup>138</sup> For the congressman, loyal Americans did not challenge the racial status quo as did the Howard University students. Instead, they, like the Russian exiles, helped to maintain it, leading politically quiescent lives that exemplified the putative virtues of American democracy and conformed to mythic notions of immigrant incorporation in the United States.

Throughout the debates on S. 2692, both its liberal and conservative backers insisted that it would not alter the nation’s restrictionist approach to immigration law. On this point, Dickstein repeatedly promised that the beneficiaries of the measure would be few and far between. Although the actual figures cited by Dickstein fluctuated during the course of his testimony, he ultimately stated there were “approximately 1,000” undocumented Russians who would take advantage of this bill.<sup>139</sup> These figures were particularly important in addressing the concerns of congressmen who worried about “open[ing] the doors to everybody when millions of our people are out of work.”<sup>140</sup> Emphasizing the limited nature of the bill, Dickstein exhorted, “This bill does not open the immigration law. It does not change the act of 1924. It simply does a humane thing to a number of people who are qualified for prospective citizenship.”<sup>141</sup>

Finally, even though Congress recognized that the White Russians were refugees and made the determination of their “bona fide” refugee status a requirement of the 1934 law,<sup>142</sup> they consciously drafted the measure in ways

that avoided the creation of a general refugee policy. Thus, there was much opposition when the bill was amended to include the following phrase: ““or (b) who was in the United States as a bona fide political or religious refugee.””<sup>143</sup> Jenkins objected to the change, arguing that it could be read as creating a formal refugee policy:

Now, this opens up a field that is interminable. Talk about political and religious refugees. Ask the question, Who or what is a political or religious refugee? To find the answer to this question, we might be required to solve complicated and serious questions. Anybody who might come here surrepticiously [*sic*] might claim that he is a political refugee, and he thereby would come within the provisions of the bill. Anyone who could steal his way into the country and could successfully claim to be a refugee would be entitled to the priceless heritage of American citizenship. To pass such legislation today is not wise. If you want to take care of the White Russians who are here, that is all right. . . . If we want to reach them, the proper way to do it would be to amend the deportation law to exempt from deportation certain individuals under certain conditions, making the exemption fit the case of these White Russians.<sup>144</sup>

Concurring with Jenkins, Rep. McFadden (R-PA) argued that the wording resulted in the “establishment of a new principle that was proposed here to let into the United States political and religious refugees.” In response, the Senate adopted another amendment that ensured that the law would apply only to the Russians.<sup>145</sup> To further diminish the number of beneficiaries of the law, it expired after only one calendar year (June 8, 1935).

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Given widespread support for the Russians and the rapidly approaching expiration of the law, INS officials expedited its implementation despite its burdensome requirements. The legalization procedure required the payment of a \$10 fee, the completion of many forms, investigations into the migrants’ criminal, employment, property, and immigration records, correspondence with foreign officials regarding applicants’ claims to refugee status, and interviews with the applicants and their witnesses. In its intricacies, this process resembled those the agency applied to other classes of immigrants seeking entry into the United States. Yet whereas the INS, particularly in its administration of the Chinese exclusion laws, had earned a reputation for presuming that immigrants were excludable rather than admissible, in the case of the Russians, immigration inspectors adopted the opposite approach.<sup>146</sup>

Approving 83 percent of the applications, INS inspectors chose not to probe too deeply into any problematic features of the files and, instead, sought every possible reason to adjust the Russians' status.

In this effort, the INS continued the work begun by immigration advocates, the Ellis Island Committee, and congressional lawmakers of transforming the Russians into Americans. Even though the refugees provided rich accounts of their lives, immigration inspectors ignored these nuances and compressed the voluminous details of their life stories to ensure that they met the requirements of the law. Thus, for example, immigration inspectors asked the Russians to enumerate their "color" and their "race" on several forms included in the registry application.<sup>147</sup> Some Russians struggled to respond, filling the blanks with answers such as "White Russian,"<sup>148</sup> or "Russia."<sup>149</sup> Their uncertainty demonstrated not only the instability surrounding notions of race but also Russians' lack of familiarity with American approaches to race thinking. As scholars have emphasized, their displacement introduced the Russians to different forms of racialization during their sojourns in Europe, Asia, Africa, and Latin America and, in turn, destabilized their sense of ethnic, racial, and national identities.<sup>150</sup>

Despite their confusion regarding American ideas of race, the Russians, in ways both witting and unwitting, facilitated the work of the INS in reshaping their national identities. With respect to the latter, when asked to list their places of birth and nationality, nearly all the applicants used an older, pre-Soviet nomenclature. They uniformly wrote "St. Petersburg," rather than "Petrograd" or "Leningrad" and "Russia" rather than the "Soviet Union."<sup>151</sup> Throughout the casefiles, anonymous editors, likely immigration inspectors, crossed out the defunct place names and penciled in the Soviet-era designations. So many national boundaries and place names had shifted after World War I and the Civil War that immigration inspectors working on registry cases from Eastern Europe and Russia asked for the latest version of a world atlas so that they could properly correct the application forms.<sup>152</sup> Even though the INS brought the files into conformity with contemporary world maps, they must have recognized that the émigrés' responses, grounded in their own cartographic memories of Tsarist Russia, signaled their longstanding antipathies toward the Soviet Union and, perhaps, their ideological affinity for American citizenship.

Keenly aware that they were supplicants of a sovereign, the Russians also made a conscious effort to present themselves as Americans. In particular, the vast majority carefully chose their words when answering questions regarding their political loyalties. Almost all knew that it was in their best interest to say "no" when immigration inspectors asked whether they adhered to communist

forms of government. Many more also expressed their admiration of American democracy; Nicolas Grushko, for instance, shrewdly declared, "I think it is the best government. I traveled all over Europe."<sup>153</sup> Often, the Russians and their witnesses described their commitment to the United States in very strong and even nationalistic terms. Thus, for example, even though Vadim Fedoolov, as the son of a high-ranking government official in imperial Russia, was more likely than not to obtain registry, the CCRNO testified that he was "a person inherently loyal to the best political, religious and civil traditions of our national past and entirely devoid of any red subversive influences and private convictions."<sup>154</sup>

As they proclaimed their suitability for US citizenship, the refugees rarely discussed their identity as ethnics at home and abroad, even though voluminous evidence of their ethnicity appeared in their case files. In the United States, for example, Russian nationals received the support of ethnic advocacy groups such as the CCRNO, launched anti-Bolshevik organizations, worked for and even founded Russian-language newspapers, joined ethnic veterans' organizations, attended ethnic Russian churches and synagogues, and lived in Russian immigrant neighborhoods, which provided a plentiful supply of naturalized Russians who often served as witnesses for the registry applicants.<sup>155</sup> Prior to becoming Russian Americans, many, as indicated in their case files, self-identified as members of ethnic and national minorities, specifically Jews, Germans, Poles, Latvians, Lithuanians, Ukrainians, and Armenians, who had been absorbed into the Russian Empire over the course of two centuries of war and conquest.<sup>156</sup>

Immigration inspectors openly expressed their preferences for those they dubbed "desirable" migrants, specifically those applicants who met the racial, ideological, economic, and social requirements of the law. They were especially effusive in their admiration of Russians who had enrolled at elite schools such as Harvard, Columbia, Bryn Mawr, and Yale and became university professors.<sup>157</sup> The agency also defined as "desirable" those migrants able to support themselves financially. These included Princess Stephanie, a member of the Russian nobility who managed to retain her wealth and, during her immigration inspection, talked about the founding of her interior design company and the imminent launch of her eponymously named cosmetics line.<sup>158</sup> Inspectors also praised applicants for displaying their loyalty to the United States and, in contrast to the Reds, remaining politically quiescent. As they wrote of Nigoghos Nigoghosian, an Armenian Russian, "He is alert, pleasing in appearance and manner, has continued to earn his living and has conducted himself in a manner not objectionable to his neighbors."<sup>159</sup>

Yet, in pursuing an adjustment of their immigration status, the Russians did not have to be perfect. During his inspection, Samuel Brody (originally Zabrodsky) took few pains to establish his refugee status and blithely admitted that he wanted to stay in the United States simply because he liked it here; his application was approved.<sup>160</sup> Many who openly admitted entering without inspection across the Canadian and Mexican borders were permitted to adjust their status.<sup>161</sup> Despite his fraudulent documents and fake name, Serge Nikolaievitch Borisoff faced little difficulty in gaining registry.<sup>162</sup> Walter Kostein (originally Wadin de Kostin) was fined for wrestling on the beach at Coney Island and committed numerous traffic violations while working as a chauffeur at a school for girls.<sup>163</sup> His application was approved. As further evidence of the solicitude demonstrated toward these applicants, the INS suspended the arrest and deportation warrants, as well as deportation orders, of those Russians whose registry cases were pending.<sup>164</sup>

Commissioner General MacCormack was the final arbiter of the White Russian applications. He reviewed all the files and overruled 58 percent of the denials issued by local immigration inspectors. In so doing, MacCormack ensured that the agency decided the cases in a uniform manner and facilitated the legalization of additional White Russians. Ultimately, MacCormack sustained the denials of those applicants who did not realize that they were legal immigrants; having crossed the border with her parents when she was a child, Pearl Yaker never knew that the entire family had been admitted as permanent residents.<sup>165</sup> MacCormack also sanctioned an even larger set of denials applied to those migrants deemed likely to become a public charge under the Immigration Act of 1917.<sup>166</sup> His decision in these cases reflected his own belief that, during the economic crisis, the nation's exclusion laws were critical to the protection of the domestic labor force.<sup>167</sup>

Like his contemporaries, MacCormack's position on immigration was complex. Despite his own personal sympathies for the plight of European refugees, he firmly defended the restrictionist principles underlying the nation's immigration laws and opposed modifications of the laws for German Jews. The scope of contemporary xenophobia and racism, MacCormack argued, made it likely that any attempt to liberalize the national origins quota system on their behalf would "backfire"; anti-immigrant legislators would only create more restrictions on immigration admissions.<sup>168</sup> In 1934, the politics of immigration policy would shape MacCormack's views once again. Faced with the moral dilemma of assisting a group of German Jewish children abroad or the White Russians at home, he chose to prioritize the latter. Fearing that a restrictionist Congress would not pass a White Russian bill if it were known

that the INS admitted several hundred German Jewish children, MacCormack, in April 1934, decided to delay for a year the implementation of a measure that would bring the children to the United States.<sup>169</sup> MacCormack's choice poignantly illustrates the limits of sovereign mercy and the many challenges to the creation of enduring and robust forms of immigration relief.

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In 1939, John Hope Simpson famously observed, "There is no Russian refugee problem in the United States of America."<sup>170</sup> Yet, in the 1930s, there was a so-called Russian refugee problem that advocates and policymakers tried to solve. Their efforts led lawmakers to formulate an approach to immigration relief that culminated in the Act of June 8, 1934. Passed during a high point in the history of American xenophobia, the law marks a significant moment in the history of immigration relief. While other immigration advocates failed to win passage of relief measures for Jewish refugees abroad and thousands of ethnic Mexicans faced deportation from the United States, policymakers took advantage of the fluidity surrounding contemporary notions of illegality and refugees and chose to represent the Russian exiles as undocumented immigrants. In this guise, they managed to overcome the objections of congressional restrictionists and gain acceptance as migrants worthy of protection, legalization, and, in turn, US citizenship.

By sparing thousands of Russians from an uncertain fate in the Soviet Union, the Act of June 8, 1934 constituted a significant humanitarian gesture. But the measure also clearly delineated the limits of sovereign mercy. The legalization of the Russian refugees was less a reflection of the nation's adherence to abstract humanitarian norms and more a demonstration of the power of the state to dispense compassion in the interests of control. The June 8 law maintained the state's interests in immigration exclusion at the borders and social control within the interior spaces of the nation. The measure upheld the restrictionist principles underlying American immigration law, specifically those enshrined in the 1924 national origins quota system that limited the admission of new immigrants to the United States. It also preserved the law's racism by reinforcing the racial typologies articulated by the 1924 act and retaining the racial requisites for registry. Finally, the law drew hard ideological dividing lines between communist sympathizers and anti-Bolsheviks and underscored the importance of class status to belonging and membership in the polity.

Even though its impact was small and largely forgotten, the June 8 law served as a harbinger of the trajectory that US refugee policy would follow

upon its formalization in 1948. The White Russians constituted the first of many migrants fleeing communist countries whom the United States would prioritize for refugee admissions.<sup>171</sup> Thus, for example, policymakers sought and won protections for Soviet Jews and political dissidents under the Jackson-Vanik amendment to the Trade Act of 1974 and the Lautenberg Amendment of 1990.<sup>172</sup> In the intervening period, American officials went to great lengths to obtain relief for Russians who served the nation's Cold War agenda. These included Alexander Albov, a self-described White Russian and illegal alien who worked in secret for US Army intelligence at Fort Hunt, supplying them with information based on his years as the leader of an anti-comintern propaganda organization in the Nazi regime. As compensation, the US Army flew him to Ft. Bliss in November 1947 where the American consul general in Ciudad Juárez shuttled him across the US–Mexico border and back again to legalize his immigration status.<sup>173</sup>

Although the Cold War has ended, its echoes have recently shaped immigration policy once again. In response to the Russian invasion of Ukraine, the United States, with uncommon speed, extended various forms of relief to Ukrainian refugees and asylum seekers. Despite the prevalence of racism and xenophobia and the languishing of immigration and refugee relief in the United States—as attested by the uncertain status of Deferred Action for Childhood Arrivals (DACA) and the erosion of refugee and asylum protections for migrants from the Global South—the experience of the Ukrainians demonstrates that the dispensation of sovereign mercy remains well within the capacities of the American state.<sup>174</sup> Yet, as in the 1930s, the grant of asylum and refugee status remains highly contingent on America's foreign policy interests and racialized conceptions of membership and belonging.<sup>175</sup> In light of these enduring inequities, immigrants and their advocates, much like the Ellis Island Committee, have called for the softening of civil and criminal penalties for undocumented immigration and the expansion of immigration and refugee relief. For reformers past and present, the stakes could not be higher; as the Committee explained, “we are dealing, after all, with human beings” seeking refuge from privation and persecution.<sup>176</sup>

## NOTES

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1. RE-18, Entry 12, RG 85, National Archives, Washington, DC. I have replicated the names of the Russian refugees as they were recorded by the INS and recognize that agency officials adopted unconventional and erroneous spellings in many cases.

2. RE-127.

3. RE-181.

4. An Act Relating to the Record of Registry of Certain Aliens, Pub. L. 73-299, 48 Stat. 926 (1934). (Hereinafter referred to as the "Act of June 8, 1934" or the "registry act of 1934.")

5. Policymakers, the press, and the American public routinely referred to the exiles as the "White Russians." Yet, to avoid confusing the refugees with Belarusians, who are also called "White Russians" (since the prefix "bela" derived from "belyi," the Russian word for "white"), I will largely refer to the Russians as émigrés, exiles, or refugees.

6. In 2019, I took two random samples of the casefiles at the National Archives. For this essay, I relied upon a random sample of the entire population, which is composed of 350 casefiles.

7. Sir John Hope Simpson, *The Refugee Problem: Report of a Survey* (London: Oxford University Press, 1939).

8. Richard Breitman and Alan Kraut, for example, have shown how anti-Semitism generated a deep-seated reluctance to modify the national origins quota system or create special administrative measures on behalf of German Jewish refugees. Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington: Indiana University Press, 1987); Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press, 2002): 150-75; Maddalena Marinari, *Italian and Jewish Mobilization against Restrictive Immigration Laws, 1883-1965* (Chapel Hill: University of North Carolina Press, 2020), 83-88. But see Stephen R. Porter, *Benevolent Empire: U.S. Power, Humanitarianism, and the World's Dispossessed* (Philadelphia: University of Pennsylvania Press, 2017), 50-74, for an account of how advocacy organizations worked with state officials to create a channel for the entry of German Jews during the 1930s.

9. Allison Brownell Tirres, "Mercy in Immigration Law," *BYU Law Review* 2013, no. 6 (2014): 1563-1612.

10. *Ibid.*, 1563 (citing Act of June 1798, 1 Stat. 570).

11. *Ibid.*, 1569-89.

12. *Ibid.*, 1570, 1582.

13. Hiroshi Motomura, *Immigration Outside the Law* (New York: Oxford University Press, 2014), 191.

14. On the legal scholarship regarding humanitarian norms in immigration law, see for example, Tirres, "Mercy in Immigration Law"; Richard Boswell, "Crafting an Amnesty with Traditional Tools: Registration and Cancellation," *Harvard Journal on Legislation* 47,

no. 1 (2010): 175–208; Hiroshi Motomura, “Immigration Law after a Century of Plenary Power: Phantom Constitutional Norms and Statutory Interpretation,” *Yale Law Journal* 100, no. 3 (1990): 545–614; Linda Bosniak, “Membership, Equality, and the Difference that Alienage Makes,” *New York University Law Review* 69, no. 6 (1994): 1047–149; Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2010).

15. See, for example, Paul Kramer, “Imperial Openings: Civilization, Exemption, and the Geopolitics of Mobility in the History of Chinese Exclusion, 1868–1910,” *The Journal of the Gilded Age and Progressive Era* 14, no. 3 (2015): 317–47; Madeline Yuan-Yin Hsu, *The Good Immigrants: How the Yellow Peril Became the Model Minority* (Princeton, NJ: Princeton University Press, 2015); Marinari, *Italian and Jewish Mobilization*; Danielle Battisti, *Whom We Shall Welcome: Italian Americans and Immigration Reform, 1945–1965* (New York: Fordham University Press, 2019); Libby Garland, *After They Closed the Gates: Jewish Illegal Immigration to the United States, 1921–1965* (Chicago: University of Chicago Press, 2014); Julian Lim, “Immigration, Asylum, and Citizenship: A More Holistic Approach,” *California Law Review* 101, no. 4 (2013): 1013–78; Yael Schacher, “Exceptions to Exclusion: A Prehistory of Asylum in the United States, 1880–1980” (PhD diss., Harvard University, 2015).

16. Lim, “Immigration, Asylum, and Citizenship”; Schacher, “Exceptions to Exclusion”; Evan Taparata, “‘Refugees as You Call Them’: The Politics of Refugee Recognition in the Nineteenth-Century United States,” *Journal of American Ethnic History* 38, no. 2 (2019): 9–35; Rebecca Hamlin, *Crossing: How We Label and React to People on the Move* (Stanford, CA: Stanford University Press, 2021).

17. On early debates regarding the meanings of statelessness and the refugee as well as the development of refugee protections, see Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft* (Minneapolis: University of Minnesota Press, 1999), 57–100; Emma Haddad, *The Refugee in International Society: Between Sovereigns* (Cambridge: Cambridge University Press, 2008); Mira L. Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020); E. Kyle Romero, “Moving People: Refugee Politics, Foreign Aid, and the Emergence of American Humanitarianism in the Twentieth Century” (PhD diss., Vanderbilt University, 2020); Taparata, “‘Refugees as You Call Them’”; Lim, “Immigration, Asylum, and Citizenship”; Schacher, “Exceptions to Exclusion.”

18. On the instability surrounding the meanings of illegality in the United States, see Nicholas De Genova, “The Legal Production of Mexican/Migrant ‘Illegality,’” *Latino Studies* 2004, no. 2 (2004): 160–85; Garland, *After they Closed the Gates*; Motomura, *Immigration Outside the Law*; Mae Ngai, “The Strange Career of the Illegal Alien: Immigration Restriction and Deportation Policy in the United States, 1921–1965,” *Law and History Review* 21, no. 1 (2003): 69–107; Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004): 56–90; Natalia Molina, “Deportable Citizens: The Decoupling of Race and Citizenship in the Construction of the ‘Anchor Baby,’” in *Deportation in the Americas: Histories of Exclusion and Resistance*, ed. Kenyon Zimmer and Cristina Salinas (College Station: Texas A & M University Press, 2018), Chap. 6, Kindle; Yuki Oda, “Family Unity in U.S. Immigration Policy, 1921–1978” (PhD diss., Columbia University, 2014), 167–206.

19. For an account of how conceptions of human rights developed in service to the modern nation state, see Samuel Moyn, *The Last Utopia: Human Rights History* (Cambridge, MA: Belknap Press, 2010), (quote, 12). For a history of humanitarianism in the interwar period, see Keith David Watenpaugh, “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927,” *American Historical Review* 115, no. 5 (December 2010): 1315–39; Barbara Metzger, “Towards an International Human Rights Regime during the Inter-war Years: The League of Nations’ Combat of Traffic in Women and Children,” in *Beyond Sovereignty: Britain, Empire, and Transnationalism*, ed. Kevin Grant et al. (New York: Palgrave MacMillan, 2007), 54–79. On the history of humanitarianism in the contexts of international refugee law and US immigration law, see Haddad, *The Refugee in International Society*; Soguk, *States and Strangers*; Alexander Aleinikoff and Leah Zamore, *The Arc of Protection: Reforming the International Refugee Regime* (Stanford, CA: Stanford University Press, 2019); Romero, “Moving People”; Deirdre M. Moloney, *National Insecurities: Immigrants and U.S. Deportation Policy since 1882* (Chapel Hill: University of North Carolina Press, 2012).

20. Taken together, the anti-Bolshevik forces during this period are sometimes referred to as the “White Russian Movement” or the “White Movement.” Peter Kenez, “The Ideology of the White Movement,” *Soviet Studies*, 32, no. 1 (1980): 58–83.

21. *Ibid.*, 79.

22. Kenez, “The Ideology of the White Movement,” 79; Simpson, *The Refugee Problem*, 90, 92.

23. If one includes the Russians displaced by World War I, it is estimated that there were 1 to 1.5 million Russian refugees by 1921. Isabel Kaprielian-Churchill, “Rejecting ‘Misfits’: Canada and the Nansen Passport,” *The International Migration Review* 28, no. 2 (1994): 283; Peter Gatrell, *A Whole Empire Walking: Refugees in Russia During World War I* (Bloomington: Indiana University Press, 1999).

The literature on the Russian diaspora is voluminous and fascinating. See Simpson, *The Refugee Problem*; James E. Hassell, “Russian Refugees in France and the United States between the World Wars,” *Transactions of the American Philosophical Society* 81, no. 7 (1991): 1–96. On the military forces in exile, see Paul Robinson, *The White Russian Army in Exile, 1920–1941* (New York: Oxford University Press, 2017); John A. Hutchins, Jr., “The Wrangel Refugees: A Study of General Baron Peter N. Wrangel’s Defeated White Russian Forces, Both Military and Civilian, in Exile” (MA thesis, University of Louisville, 1972).

On an attempt to repatriate the Russians from Constantinople to the Soviet Union, see Martyn Housden, “White Russians Crossing the Black Sea: Fridtjof Nansen, Constantinople and the First Modern Repatriation of Refugees Displaced by Civil Conflict, 1922–23,” *The Slavonic and East European Review* 88, no. 3 (2010): 495–524. On the Russians in Harbin, China, see Olga Bakich, “Emigré Identity: The Case of Harbin,” *The South Atlantic Quarterly* 99, no. 1 (2000): 51–73; Laurie Manchester, “Colonial Impulses among First-wave Russian Émigrés in Africa, China and South America,” (Seattle: NCEES Working Paper, 2013): 5. On the Russians in Shanghai, see Szu-wei Chen, “The Rise and Generic Features of Shanghai Popular Songs in the 1930s,” *Popular Music* 24, no. 1 (2005): 107–25; Frederick Wakeman, Jr., “Licensing Leisure: The Chinese Nationalists’ Attempt to Regulate Shanghai, 1927–1949,” *The Journal of Asian Studies* 54, no. 1 (1995): 19–42. On the representation of the Russian exiles in popular culture, see Arthur Waldron and

Nicholas J. Cull, "Modern Warfare in China in 1924–1924: Soviet Film Propaganda to Support Chinese Militarist Zhang Zuolin," *Historical Journal of Film, Radio and Television* 15, no. 3 (1995): 407–24.

24. Simpson, *The Refugee Problem*, 62, 107–8. On the formation of Russians' ethnic, racial, and national identities as well as history of the Russia Abroad movement, see Marc Raeff, *Russia Abroad: A Cultural History of the Russian Emigration, 1919–1939* (New York: Oxford University Press, 1990); Laurie Manchester, "How Statelessness Can Force Refugees to Redefine Their Ethnicity: What Can Be Learned from Russian Émigrés Dispersed to Six Continents in the Inter-War Period?" *Immigrants & Minorities* 34, no. 1 (2016): 70–91; Manchester, "Colonial Impulses."

25. On the numerous humanitarian organizations that assisted the Russian refugees, see A. Balawyder, "Russian Refugees from Constantinople and Harbin, Manchuria Enter Canada (1923–1936)," *Canadian Slavonic Papers/Revue Canadienne des Slavistes* 14, no. 1 (1972): 15–30; Hutchins, "The Wrangel Refugees," 45; Romero, "Moving People." On the efforts of various states to provide the Russian refugees with forms of relief and legal status, see Louise W. Holborn, "The Legal Status of Political Refugees, 1920–1938," *American Journal of International Law* 32, no. 4 (1938): 680–703; Hassell, "Russian Refugees in France and the United States between the World Wars," 22–31; Peter Gatrell, *The Making of the Modern Refugee* (Oxford, UK: Oxford University Press, 2015), 50, 54–55, 57, 76; Simpson, *The Refugee Problem*, 180–84.

26. On Nansen and the Russian refugees, see Tatiana Schaufuss, "The White Russian Refugees," *The Annals of the American Academy of Political and Social Science* 203 (May 1939): 45–54; Simpson, *The Refugee Problem*, 200.

27. Housden, "White Russians Crossing the Black Sea." See also Hutchins, "The Wrangel Refugees," 177–78; Simpson, *The Refugee Problem*, 202.

28. Kaprielian-Churchill, "Rejecting 'Misfits,'" 283; George Ginsburgs, "The Soviet Union and the Problem of Refugees and Displaced Persons, 1917–1956," *The American Journal of International Law* 51, no. 2 (1957): 332, 336; John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (New York: Cambridge University Press, 2000), 124–25; Gatrell, *Whole Empire Walking*, 188–96.

29. Torpey, *Invention of the Passport*, 127–29; Simpson, *The Refugee Problem*, 239–43.

30. Kaprielian-Churchill, "Rejecting 'Misfits,'" 283–84.

31. Kaprielian-Churchill, "Rejecting 'Misfits,'" 283, 285. Torpey, *Invention of the Passport*, 128. On the ways the certificate met the needs of member states, see Holborn, "The Legal Status of Political Refugees," 684.

32. Peter Gatrell, *The Making of the Modern Refugee*, 56. On Nansen's efforts to help refugees find work, particularly under the aegis of the International Labor Organization, see Simpson, *The Refugee Problem*, 203–5. By 1926, the League agreed to create a Nansen stamp. Paid for by non-destitute refugees, the stamp, which was affixed to the Nansen passport, would help the League to cover the growing costs of refugee relief and settlement. Simpson, *The Refugee Problem*, 205–9.

33. Torpey, *Invention of the Passport*, 129; Holborn, 684–85.

34. Simpson, *The Refugee Problem*, 84. As the casefiles indicate, they often did so with the assistance of advocacy organizations. The Hebrew Immigrant Aid Society (HIAS), for example, helped Russian refugees in Romania resettle in Canada and the United States. (RE-105, RE-592) Other organizations included the American Friends Service Committee

and the Russian Methodist Mission in Manchuria, China both of which helped Russians obtain US student visas (RE-405, RE-1231).

35. Gatrell, *The Making of the Modern Refugee*, 52.

36. For the Russians seeking greater socio-economic mobility, see, RE-159, RE-177, RE-1615, RE-763. For those seeking to escape discrimination, see RE-153, RE-154, RE-155, RE-156, RE-159.

37. RE-191.

38. John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New Brunswick, NJ: Rutgers University Press, 1955); Ngai, *Impossible Subjects*; Katherine Benton-Cohen, *Inventing the Immigration Problem: The Dillingham Commission and Its Legacy* (Cambridge, MA: Harvard University Press, 2018); Garland, *After They Closed the Gates*; Joel Perlmann, *America Classifies the Immigrants: From Ellis Island to the 2020 Census* (Cambridge, MA: Harvard University Press, 2018).

39. G. C. Hanson, American Consul, Harbin, China to Secretary of State, July 7, 1924, RG 59, Box 140, 150.616/290 (enclosing “America for Russians: Impressions of one who returned,” *Novosti Zhizni*, July 3, 1924). See also RE-1361.

40. Letter from J. Butler Wright, Assistant Secretary of State, to Senator Jesse H. Metcalf [Rhode Island], August 25, 1926, RG 59, Box 140, 150.616./297; Unsigned, undated memo, “Irene Roudakoff’s Case,” RG 174, Folder 2, Immigration General, 1933, 1934, 1935; see also Marinari, *Unwanted*, 80.

41. Letter from Read Lewis, Foreign Language Information Service, to Colonel McCormack, March 20, 1934, RG 59, Box 140, 150.616/355.

42. Letter from Read Lewis, Foreign Language Information Service, to Colonel McCormack, March 20, 1934, RG 59, Box 140, 150.616/355. My own analysis roughly corresponds to Lewis’s conclusions. Based on the 350 case files reviewed, 35 percent of the Russians overstayed their visitor or student visas, 30 percent entered without inspection, 15 percent deserted their service as seamen, and 4 percent stowed away on ships. Approximately 7 percent of the registry applicants were legal immigrants, having renewed their temporary visas; of this group, three were unaware that they had gained admission to the United States as permanent residents. The immigration status of the remaining cases is unknown for one of three reasons: 1) the files selected through a random sampling method were converted into “A” (or alien) files and “C” (or citizenship) files and removed from the record group; 2) the files were withdrawn or charged out and never returned; and 3) the files were missing.

43. Letter from Serge M. Iserguin, President, and Basil P. Antonenko, Executive Secretary, Russian National Organizations in California, to the president, March 31, 1933, RG 59, Box 140, 150.616/340.

44. See, for example, RE-127, RE-249, RE-429, RE-645, RE-924, RE-1321, and RE-1615. On the weaknesses of border enforcement more generally, see Patrick Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882–1930* (Austin: University of Texas Press, 2010); Garland, *After they Closed the Gates*; Rachel St. John, *Line in the Sand: A History of the Western U.S.–Mexico Border* (Princeton, NJ: Princeton University Press, 2011); S. Deborah Kang, *The INS on the Line: Making Immigration Law on the U.S.–Mexico Border* (New York: Oxford University Press, 2017).

45. RE-181.

46. RE-485 and RE-360.

47. RE-1510. In general, regular border crossers, whether Mexican nationals, Mexican Americans, or Anglo Americans, appear to have assisted the Russians. See RE-1242 and RE-360.

48. See, for example, RE-41, RE-298, RE-312, RE-380, and RE-479.

49. RE-302.

50. RE-177, RE-439.

51. RE-662.

52. RE-47, RE-1130, RE-374, RE-1361.

53. RE-298.

54. RE-233.

55. RE-1473, RE-592.

56. On the gender biases of immigration inspectors, see Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882–1943* (Chapel Hill: University of North Carolina Press, 2003); Erika Lee and Judy Yung, *Angel Island: Immigrant Gateway to America* (New York: Oxford University Press, 2010); Martha Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870–1965* (Princeton, NJ: Princeton University Press, 2009); Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2011).

57. RE-425.

58. RE-498. See also RE-1627 and RE-1628.

59. The charitable work undertaken by US citizens and organizations created personal networks that led to a wide array of commercial, cultural, and intellectual exchanges between Americans and Soviets from the early 1920s to the early 1930s. Until the late 1930s, when Stalin adopted a series of anti-foreign policies and signed the German-Soviet Nonaggression Pact, these ties made possible some degree of openness and understanding between Americans and the Soviets. Jimmy Dwain Parks, "Culture, Conflict and Coexistence: American-Soviet Cultural Relations, 1917–1958" (PhD diss., University of Oklahoma, 1988), 6–22. For US philanthropy in post-World War I Europe, see also Porter, *Benevolent Empire*, 13–49; Romero, "Moving People."

60. "Bill Permitting Russians Here to Stay Urged: Deporting 4,000 Royalists would Mean Execution, Committee Told," *Washington Post*, March 23, 1934, 9; "Russian Exiles, Others Lands Barred, Told to Quit Baltimore," *The Washington Post*, May 16, 1934, 15; Florence Finch Kelly, "Refugees from Russia's Revolution: SANDRIK: Child of Russia," *New York Times*, September 30, 1934, BR5; "Refugees from Russia Ask for Sanctuary Here," *Los Angeles Times*, October 22, 1934, A3; "Refugee of Noble Birth Here: Young Princess Retells her Escape from Reds," *Los Angeles Times*, May 29, 1935, A3; Helen Yakobson, *Crossing Borders: From Revolutionary Russia to China to America* (Tenafly, NJ: Hermitage Publishers, 1994). See also RE-342, RE-348, RE-333, RE-405, and RE-424.

61. On the importance of narratives to shaping the very concept of a refugee, see Gatrell, *A Whole Empire Walking*, 73–114.

62. On the aversion to leftist political parties among the Russian refugees in the United States, see Hassell, "Russian Refugees in France and the United States between the World Wars," 37–38, 63–64.

63. Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton, NJ: Princeton University Press, 2001), 129–86. See also Seymour Martin Lipset and Earl Raab, *The Politics of Unreason: Right-Wing Extremism in America*,

1790–1970 (New York: Harper and Row, 1970), 151–55; Charles Williams, “Americanism and Anti-communism: The UAW and Repressive Liberalism before the Red Scare,” *Labor History* 53, no. 4 (2012): 495–515; Jennifer Luff, “Covert and Overt Operations: Interwar Political Policing in the United States and the United Kingdom,” *The American Historical Review* 22, no. 3 (June 2017): 727–57; Jennifer Luff, “Labor Anticommunism in the United States of America and the United Kingdom, 1920–1949,” *Journal of Contemporary History* 53, no. 1 (2018): 109–33; Ashley Johnson Bavery, *Bootlegged Aliens: Immigration Politics on America’s Northern Border* (Philadelphia: University of Pennsylvania Press, 2020).

64. Deirdre M. Moloney, *National Insecurities: Immigrants and U.S. Deportation Policy since 1882* (Chapel Hill: University of North Carolina Press, 2012), loc. 3826 of 6979, Kindle; Kanstroom, *Deportation Nation*, 186–206; Stanley Kutler, *American Inquisition: Justice and Injustice in the Cold War* (New York: Farrar, Straus & Giroux, 1984).

65. Telegram from Department of State to American Embassy, Moscow, July 27, 1934, RG 59, Box 140, 150.616/358SA. See also letter from John Farr Simmons, Chief, Visa Division, State Department to C. D. Beebe, August 27, 1934, RG 59, Box 140, 150.616/361. It appears that by August 1934, the State Department sent W. W. Husband, the former Commissioner General of the Bureau of Immigration and former Assistant Secretary of Labor to the Soviet Union, to conduct these talks (letter from J. F. Simmons to the Secretary of State, August 13, 1934, RG 59, Box 140, 150.616/366). The two agencies even conducted a confidential survey of whether and how several European and Latin American states managed to deport Russians to the Soviet Union. Letter from D. W. MacCormack, Commissioner General, Immigration and Naturalization Service to Secretary of State, August 1, 1934, RG 59, Box 140, 150.616/362. See also Emily Pope-Obeda, “Expelling the Foreign-Born Menace: Immigrant Dissent, the Early Deportation State, and the First American Red Scare,” *Journal of the Gilded Age and Progressive Era* 18, no. 1 (2019): 49–51 on INS efforts to deport suspected radicals in the 1930s.

66. “U.S. to Ask Soviet to Take Back Reds: We Seek Pact to Permit the Expulsion of ‘Undesirables’ Now in This Country,” *New York Times*, August 1, 1934, 4. For a longer history of antipathies toward suspected Bolsheviks in the United States, see William Preston, *Aliens and Dissenters: Federal Suppression of Radicals, 1903–1933* (New York: Harper Torchbooks, 1963); Kenyon Zimmer, “The Voyage of the *Buford*: Political Deportations and the Making and Unmaking of America’s First Red Scare”; Gerstle, *American Crucible*, 99. For recent accounts of Russian deportations to the Soviet Union between 1919 and 1921, see Torrie Hester, *Deportation: The Origins of U.S. Policy* (Philadelphia: University of Pennsylvania Press, 2017); Pope-Obeda, “Expelling the Foreign-Born Menace.” For Depression-era Russian American memories of the Palmer Raids, see Hassell, “Russian Refugees in France and the United States,” 35–36.

67. “U.S. to Ask Soviet to Take Back Reds,” 4.

68. The case files undermine stereotypes that the Russians were members of the nobility. They hailed from a variety of social classes, including the nobility, military, upper middle, middle, and working classes. No matter what their class standing in Russia, however, most arrived in the United States with few material resources. On the class status of the Russian expatriate community more generally, see Svetlana V. Onegina, “Postrevolutionary Political Movements in the Russian Expatriate Community in the 1920s and the 1930s (Toward a History of Ideology),” *Russian Studies History* 41, no. 1 (2002): 38–39.

69. Letter from James Grafton Rogers, Dean, School of Law, University of Colorado at Boulder to Hon. Cordell Hull, Secretary of State October 25, 1933, RG 59, Box 140, 150.616/343. On Russian advocacy organizations in the United States, see Hassell, "Russian Refugees in France and the United States," 36, 61.

70. Letter from Serge M. Iserguin, President, and Basil P. Antonenko, Executive Secretary, Russian National Organizations in California, to the president, March 31, 1933, RG 59, Box 140, 150.616/340. Formed in 1926 by members of the so-called Russian colony in San Francisco, the CCRNO functioned as an umbrella organization for at least twenty different Russian associations in the city. More broadly, it served as the community's representative in cultural, social, and political matters, especially since the non-Soviets among them had no consular support. Antonina von Arnold, "Organization of the Russian Community in San Francisco," April 29, 1938, 9–14, Antonina R. von Arnold Papers, Box 12, Folder 13, Hoover Institution Library and Archives, Stanford University, Stanford, California.

71. Simpson, *The Refugee Problem*, 108. Simpson also prepared reports on migrants and refugees for other institutions such as the League of Nations, the Republic of China, and the British government. For the latter, he generated research that informed a temporary shift in policy for the British Mandate for Palestine and triggered the opposition of Zionists and their supporters. For a recent account of this debate, see Charles Anderson, "The British Mandate and the crisis of Palestinian landlessness, 1929–1936," *Middle Eastern Studies* 54, no. 2 (2018): 171–215.

72. The drafting of the Convention was informed by the recognition that the repatriation of the Russians to the Soviet Union would be impossible and that their refugee status was a permanent, rather than temporary, condition. Simpson, *The Refugee Problem*, 244.

73. Simpson, *The Refugee Problem*, 465. See also Hassell, "Russian Refugees in France and the United States between the World Wars," 33.

74. Tichenor, *Dividing Lines*, 159.

75. Aleinikoff and Zamore, *The Arc of Protection*, 8.

76. Schacher, "Exceptions to Exclusion." On the ways that such exceptions served the colonial impulses of modern nation states, see Hamlin, *Crossing*, 65.

77. E. P. Hutchison, *Legislative History of American Immigration Policy, 1798–1965* (Philadelphia: University of Pennsylvania Press, 1981), 531; Porter, *Benevolent Empire*; Schacher, "Exceptions to Exclusion."

78. Hutchison, *Legislative History*, 524. See also Marinari, who explains that anxieties regarding the entry of Mexican revolutionaries prevented Congress from expanding this exemption to political refugees. Marinari, *Unwanted*, 39.

79. Ngai, *Impossible Subjects*; Kang, *INS on the Line*.

80. Ngai, *Impossible Subjects*; Kang, *INS on the Line*.

81. Ellis Island Committee, *Report of the Ellis Island Committee* (New York, 1934), 5, 98–99, <https://hdl.handle.net/2027/uiug.30112056692970>.

82. See, for example, "Urge Refugees Be Admitted," *The Des Moines Register* (Des Moines, IA), April 29, 1934: 8; "Ask Immigrant Bars Be Lifted for Refugees," *The Brooklyn Daily Eagle*, April 29, 1934: 4; "U.S. Urged to take Racial Refugees," *Evening Star* (Washington, DC), April 29, 1934: 2.

83. Ellis Island Committee, *Report*, 5.

84. Abraham Hoffman, "Stimulus to Repatriation: The 1931 Federal Deportation Drive and the Los Angeles Mexican Community," *Pacific Historical Review* 42 (May



1975): 205–19; Chris Gratien and Emily K. Pope-Obeda, “The Second Exchange: Ottoman Greeks and the American Deportation State during the 1930s,” *Journal of Migration History* 6, no. 1 (2020): 104–28.

85. Francisco Balderrama and Raymond Rodríguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995); Camille Guérin-Gonzales, *Mexican Workers and American Dreams: Immigration, Repatriation, and California Farm Labor, 1900–1939* (New Brunswick, NJ: Rutgers University Press, 1994); Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929–1939* (Tucson: University of Arizona Press, 1974); George Sanchez, “Where is Home?: The Dilemma of Repatriation,” in *Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900–1945* (New York: Oxford University Press, 1993), 209–26; Adam Goodman, *The Deportation Machine: America’s Long History of Expelling Immigrants* (Princeton, NJ: Princeton University Press, 2020); Bavery, *Bootlegged Aliens*.

86. Bavery, *Bootlegged Aliens*.

87. Ngai, *Impossible Subjects*; Kelly Lytle-Hernández, *Migra! A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010); Kelly Lytle-Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017).

88. Ngai, *Impossible Subjects*.

89. Oda, “Family Unity in U.S. Immigration Policy,” 174.

90. Ellis Island Committee, *Report*, 97.

91. “Malum in se,” *Black’s Law Dictionary* (St. Paul, MN: West Publishing Co., 1990), 959.

92. Ellis Island Committee, *Report*, 92.

93. *Ibid.*, 92.

94. *Ibid.*, 97.

95. Kelly Lytle Hernández, “How Crossing the US–Mexico Border became a Crime,” *The Conversation*, April 30, 2017, accessed February 7, 2019, <http://theconversation.com/how-crossing-the-us-mexico-border-became-a-crime-74604>.

96. Ellis Island Committee, *Report*, 87–88.

97. Emphasis added. *Ibid.*, 88.

98. An Act to Regulate the Immigration of Aliens to, and the Residence of Aliens in, the United States, Pub. L. 64–301, 39 Stat. 874 (1917). Undocumented Russians who applied for registry were governed by at least three different legal regimes with respect to deportation. If they entered after 1917 but before 1921, they were subject to deportation for three years after their entry. If they entered after 1921 but before 1924, their deportation was possible within five years of their entry. Upon the passage of the Immigration Act of 1924, undocumented Russians could be deported at any point after entry. By 1934, those undocumented Russians who had entered under the 1917 and 1921 legal regimes were most likely not subject to deportation, particularly if they could demonstrate continuous residence in the United States for three or five years. Yet, they still applied for registry under the 1934 law because their undocumented status prevented them from becoming naturalized citizens. Ellis Island Committee, *Report*, 96; “Russian Exiles, Other Lands Barred, Told to Quit Baltimore,” *The Washington Post*, May 16, 1934: 15.

99. Ellis Island Committee, *Report*, 97.

100. *Ibid.*, 97.

101. By mid-1933, applications for registry fell far short of the initial projections; although Congress anticipated 1.3 million applicants, only 55,200 certificates of registry had been issued. Ellis Island Committee, *Report*, 92.

102. An Act to Supplement the Naturalization Laws, and for Other Purposes, Pub. L. 70-962, 45 Stat. 1512 (1929). On the role of Jewish and Italian immigrants in lobbying for the passage of the measure, see Marinari, *Unwanted*, 89–91.

103. In both cases, individuals had to have entered the country before June 1921 and lived continuously in the United States since their entry. Over the course of the twentieth century, the entry deadline date was advanced to allow more undocumented immigrants to regularize their status. Elizabeth F. Cohen, *Illegal: How America's Lawless Immigration Regime Threatens Us All* (New York: Basic Books, 2020), 104, 122; Ellis Island Committee, *Report*, 92.

104. On the complex and changing racial requisites of the nation's naturalization and immigration laws and the frequently contradictory implementation of those laws by the nation's naturalization and immigration agencies, see Marian L. Smith, "Race, Nationality, and Reality: INS Administration of Racial Provisions in U.S. Immigration and Nationality Law since 1898," *Prologue Magazine* 34, no. 2 (Summer 2002) and Perlmann, *America Classifies the Immigrants*. Since, by 1929, Mexican Americans were defined as white under law, they were not formally excluded from the registry procedure. Nevertheless, the 1929 Act benefited Europeans to a greater extent than Mexican migrants, as historian Mae Ngai explains: "The law did not formally favor Europeans over Mexicans. But, of the 115,000 immigrants who registered their prior entries into the country between 1930 and 1940, eighty percent were European or Canadian. According to Berkeley economist Paul S. Taylor, many Mexicans qualified for an adjustment of status under the Registry Act but few knew about it, understood it, or could afford the fee." Ngai, "The Strange Career," 98.

105. Ellis Island Committee, *Report*, 99.

106. *Ibid.*, 96.

107. These bills included: To clarify the provisions of section 19 of the Immigration Act of February 5, 1917, to authorize the deportation of the habitual criminal, to guard against the separation from their families of aliens of the noncriminal classes, and for other purposes, H.R. 9518, 73d Cong. (1934); To Provide for legalizing the residence in the United States of certain classes of aliens, H.R. 9364, 73d Cong. (1934); To extend nonquota status to certain relatives and to limit the class of aliens entitled to first preference in the issuance of immigration visas, H.R. 9365, 73d Cong. (1934); To amend section 8 of the Immigration Act of February 5, 1917 (39 Stat. 874), H.R. 9366, 73d (1934); To provide a penalty upon vessels arriving in the United States having on board stowaways, H.R. 9367, 73d Cong. (1934). On Perkins's reform of immigration enforcement policies, see Kang, *INS on the Line*, 62–86; Reed Abrahamson, "'The Idea of Administrative Justice': Reforming Deportation at the Department of Labor, 1938–1940," *Georgetown Immigration Law Journal* 29, no. 3 (2015): 321–50.

108. United States, Department of Labor, Immigration and Naturalization Service, "Memorandum of Commissioner General of Immigration and Naturalization to the Committee on Immigration of the Senate and the Committee on Immigration and Naturalization of the House of Representatives Relative to Certain Proposed Changes in the Immigration Law" (Washington, DC: USGPO, 1934), 8, <https://hdl.handle.net/2027/hvd.32044097838221>.

109. *Amendments to the Immigration Laws as Recommended by the Department of Labor and by the Secretary's Ellis Island Committee, Hearings on H.R. 9518, H.R. 9364, H.R. 9365, H.R. 9366, H.R. 9367, May 8, 9, 10, 1934*, House Committee on Immigration and Naturalization, 73d Cong. (1934) (statement of Carleton H. Palmer, Chairman of the Ellis Island Committee of Citizens Designated by the Secretary of Labor).

110. These groups included the American Federation of Labor, the American Legion, the Allied Patriotic Societies, the Immigration Restriction League of New York, the Junior Order of the United Mechanics of the State of New York, the Patriotic Civic American Alliance, and the Patriotic Order of Sons of America.

111. *Amendments to the Immigration Laws* (statement of Amos A. Fries, Major General, United States Army, retired).

112. According to Molina, “forty-one other bills were introduced in the 74th Congress (1935–36) and 75th Congress (1937–38) that were some variation of the Kerr Bill and the Coolidge Bill (the counterpart bill in the Senate).” Molina, “Deportable Citizens,” loc. 3719 of 5514, Kindle. It is important to note that these legalization proposals constituted one of many challenges to European restriction that had been initiated since the late nineteenth century. See, for example, Marinari, *Unwanted*; Garland, *After they Closed the Gates*; Britt Tevis, “‘The Hebrews are Appearing in Court in Great Numbers’: Toward a Reassessment of Early Twentieth-Century American Jewish Immigration History,” *American Jewish History* 100, no. 3 (2016): 319–47; Rachel Ida Buff, *Against the Deportation Terror: Organizing for Immigrant Rights in the Twentieth Century* (Philadelphia, PA: Temple University Press, 2018); Battisti, *Whom Shall We Welcome*.

113. Marinari, *Unwanted*, 93.

114. Robert T. DeVore, “Congress Asked to Revise Abusive Deportation Laws,” *Washington Post*, May 13, 1934: B1.

115. Marinari, *Unwanted*, 90, 93.

116. Oda, “Family Unity,” 67. Like Copeland, he also advocated for the passage of family reunification measures to redress the harms of the 1924 law on southern and eastern European immigrants. Marinari, *Unwanted*, 83.

117. Samuel Dickstein, interview by Professor Allan Nevins and Dean Albertson, December 1949–June 1950, transcript, Columbia University Oral History Collection, Columbia University, New York, 19–21; Marinari, *Unwanted*, 83, 87. On the subsequent discovery of Dickstein’s role as a Soviet spy, see Peter Duffy, “The Congressman Who Spied for Russia,” *Politico Magazine*, October 6, 2014, <https://www.politico.com/magazine/story/2014/10/samuel-dickstein-congressman-russian-spy-111641/>.

118. 78 Cong. Rec. 7286 (1934).

119. 78 Cong. Rec. 10434.

120. Dickstein specifically stated, “this bill does not do anything except to enable a number of Russian refugees who are in this country, to adjust their status under our immigration laws through registration under the act of March 2, 1929.” 78 Cong. Rec. 10433.

121. *Ibid.*

122. 78 Cong. Rec. 10435.

123. 78 Cong. Rec. 10433.

124. *Ibid.*

125. 78 Cong. Rec. 10434.

126. 78 Cong. Rec. 10433.

127. Some scholars have observed that Russians were deemed to be of “questionable Whiteness” well into the 1950s. Susan L. Carruthers, “Between Camps: Eastern Bloc ‘Escapees’ and Cold War Borderlands,” *American Quarterly* 57, no. 3 (2005): 928. But see Cybelle Fox and Thomas Guglielmo, “Defining America’s Racial Boundaries: Blacks, Mexicans, and European Immigrants, 1890–1945,” *American Journal of Sociology* 118, no. 2 (2012): 327–79. They write that “wherever white was a meaningful category, SEEs were almost always included within it, even if they were simultaneously positioned below NWEs” (364).

128. Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004), 71. In this period, he also advocated for the passage of a naturalization law that barred foreign-born children of Asian American parents from the receipt of *jus sanguinis* citizenship. Ultimately, the ban was struck from the bill. Oda, “Family Unity,” 113–36; 78 Cong. Rec. 7330.

129. Oda, “Family Unity, 119; Gerstle, *American Crucible*, 120.

130. Gerstle, *American Crucible*, 120–21.

131. For Jenkins’s restrictionist views, see “Immigration Cut Favored: House Votes to Cut Immigration Ninety Per Cent for Two Years,” *Marysville Journal-Tribune* (Marysville, Ohio), March 2, 1931: 1; “Plug Holes in Immigration Laws: Congressman Advises Reunion Association—Too Many Foreigners Come In, Jenkins Says,” *The Cincinnati Enquirer*, November 17, 1933: 12; “Immigration Plank Sought by Jenkins,” *The Akron Beacon Journal*, June 9, 1936: 8; On Jenkins’s call for a Mexican quota, see “Urges Limit on Mexican Aliens,” *The Evening Independent* (Massillon, Ohio), June 11, 1930. On his support of Filipino exclusion, see “Philippines Freedom Legislation Sure to Pass Senate,” *The Honolulu Advertiser*, April 5, 1932: 8.

132. “To Urge Enforcement: To Drive to Restrict Immigration at Junior Order Meeting Today—Aliens to be Discussed,” *The Cincinnati Enquirer*, August 30, 1939: 24.

133. 78 Cong. Rec. 10437.

134. See, for example, Tichenor, *Dividing Lines*, 150–75; Carl J. Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War* (Princeton, NJ: Princeton University Press, 2008); Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America’s Half-Open Door, 1945–Present* (New York: Free Press, 1986).

135. Eric S. Fish, “Race, History and Immigration Crimes,” *Iowa Law Review* 107, no. 3 (2022): 1051–106 .

136. 78 Cong. Rec. 10437.

137. Making his allegations on the floor of the House, he declared: “We saw a bunch of them [communists] right here in this Capitol last Saturday, when 20 or 25 colored students from Howard University marched on this Capitol in a body insisting on violating the rules and regulations.” 78 Cong. Rec. 4939–40; Elliott W. Rudwick, “Oscar DePriest and the Jim Crow Restaurant in the U.S. House of Representatives,” *The Journal of Negro Education* 35, no. 1 (1966): 77–82; “Blanton Wants President of Howard Dismissed with 30 Students,” *The New York Age*, March 31, 1934: 1.

138. In the 1930s, negative racial stereotypes were often applied to adherents of radical ideologies. This was often the case with respect to American communists, due to the Communist Party’s advocacy on behalf of African Americans in the 1930s. Gerstle, *American Crucible*, 162–63. At the same time, the links made between American anti-communism and anti-Semitism by public figures such as Father Charles Coughlin further racialized the

anti-communist/communist binary. Michael Kazin, *The Populist Persuasion: An American History* (Ithaca, NY: Cornell University Press, 1995), 131.

139. 78 Cong. Rec. 10434.

140. 78 Cong. Rec. 10436.

141. 78 Cong. Rec. 10433.

142. Act of June 8, 1934, §(b).

143. 78 Cong. Rec. 7286.

144. 78 Cong. Rec. 10436.

145. Proposed by Blanton, the language of the amendment was altered by striking the word “or” and inserting the word “and” at the beginning of the amendment. This small change would make clear that the measure, in Blanton’s words, “referred only to White Russians.” 78 Cong. Rec. 10436. Despite this clarification, after the law’s passage, Labor Department officials drafted operations instructions that would have authorized the admission of refugees from abroad. INS leaders promptly caught the error and stressed that the June 8 law aimed only to lift the obstacles to the registry of the Russians. Yet confusion abounded once again among the among the immigration inspectors who implemented the measure. They rubber stamped the cover sheets of many case files with the word “REFUGEE” in bright red capital letters and asked supervisors about the criteria for the determination of a “bona fide refugee.” Frequently, inspectors failed to receive a response and, perhaps as a result, conducted refugee determinations in a cursory manner. L. Paul Winings and Joseph Savoretti, Memorandum for Mr. Shaughnessy, July 5, 1934, file 55598/496D, RG 85.

146. Lee, *At America’s Gates*; Lee and Yung, *Angel Island*.

147. On the changing and byzantine ways that federal agencies defined race, see Perlmann, *America Classifies the Immigrants*.

148. RE-865.

149. RE-1159, RE-1212, RE-1515, RE-1020.

150. Manchester, “How Statelessness Can Force Refugees to Redefine Their Ethnicity”; Manchester, “Colonial Impulses.”

151. RE-926, RE-927, RE-953.

152. Letter from Byron H. Uhl, Assistant Commissioner of Immigration, Ellis Island to Commissioner General, February 16, 1931, file 55598/496B, RG 85. Letter from P. A. Baker, Acting Commissioner of Immigration, New York District to Commissioner General, February 26, 1931, file 55598/496B, RG 85.

153. See, for example, RE-26 and RE-311.

154. RE-509 (citing letter from G. A. Ilyin, President, and M. K. Vostroll, Business Manager to D. W. MacCormack, Commissioner General of Immigration and Naturalization, May 3, 1935.)

155. On ethnic Russian newspapers, see RE-112, RE-114, RE-811 and, in particular, RE-365 and RE-366. On an anti-Soviet White Russian group called the “Black Ring,” see RE-1079. For a brief reference to the Russian Naval Officers Club in New York City, see RE-1714.

156. A handful of applicants declined to identify themselves as members of any nation and instead drew attention to their refugee status by declaring that they were citizens of the world or citizens of no country. See RE-24, RE-137, RE-194, and RE-253.

157. See, for example, RE-20, RE-29, RE-31, RE-123, RE-298, RE-345, RE-391, and RE-427.

158. RE-263.

159. RE-253.

160. RE-123.

161. See for example, RE-29, RE-23, RE-105, RE-127, RE-161, RE-177, RE-181, RE-182, RE-191, RE-253, RE-298, RE-302, RE-201, RE-387, RE-425, RE-429, RE-439, RE-463, and RE-471.

162. RE-970. Borisoff used at least two aliases: Sarkis der Kevorkian and Serge Jean de La Scase.

163. RE-280.

164. RE-112, RE-114.

165. RE-282. See also RE-483.

166. Yet it appears that some of these individuals continued to seek alternative ways of remaining in the country. See, for example, RE-285, who tried to adjust his status via pre-examination.

167. “Change Opposed in Alien Quotas: MacCormack Says Liberalized Immigration Policy would Cause Racial Troubles,” *New York Times*, March 4, 1935: 4.

168. Breitman and Kraut, *American Refugee Policy*, 225.

169. Breitman and Kraut, *American Refugee Policy*, 223–24.

170. Simpson, *The Refugee Problem*, 471.

171. As historian Maria Cristina García observes of US refugee policy after World War II, “The majority of all Cold War refugees came from communist countries, especially the Soviet Union, Vietnam, and Cuba.” Maria Cristina García, *The Refugee Challenge in Post-Cold War America* (New York: Oxford University Press, 2020), 15.

172. García, *The Refugee Challenge*, 19, 32.

173. Alexander Albov, dictated memoir transcribed by Professor Richard A. Pierce, 1986, Bancroft Library, Regional Oral History Office, University of California at Berkeley, 504.

174. On the status of DACA, see National Immigration Law Center, “DACA,” accessed July 6, 2022, <https://www.nilc.org/issues/daca/>. On the erosion of asylum and refugee rights, see Carl Lindskoog, *Detain and Punish: Haitian Refugees and the Rise of the World’s Largest Immigration Detention System* (Gainesville: University of Florida Press, 2018); Jenna M. Loyd and Alison Mountz, *Boats, Borders, and Bases: Race, the Cold War, and the Rise of Migration Detention in the United States* (Berkeley: University of California Press, 2018); Jana K. Lipman, “‘The Fish Trusts the Water, and It Is in the Water That It Is Cooked’: The Caribbean Origins of the Krome Detention Center,” *Radical History Review* 115 (Winter 2013): 115–41; Jana Lipman, “A Refugee Camp in America: Fort Chaffee and Vietnamese and Cuban Refugees, 1975–1982,” *Journal of American Ethnic History* 33, no. 2 (2014): 57–87.

175. Russell Berman, “Why the Right Went Quiet on Ukrainian Refugees, and What That Reveals about Attitudes toward Afghan Refugees,” *The Atlantic*, May 13, 2022, <https://www.theatlantic.com/politics/archive/2022/05/silence-right-ukrainian-refugees/629841/>.

176. Ellis Island Committee, *Report*, 97.