



Tracking Dangerous Aliens Among Us, Then and Now

By Libby Garland

On November 1, 2001, I read in the *Washington Post* that "[\[to\] date, 1,087 people have been arrested or detained in the investigations of the Sept. 11 attacks, including 182 charged with immigration violations, the Justice Department said yesterday.](#)"

I am a historian. In the course of my dissertation research about illegal Jewish immigration to the United States during the interwar years, I read through the crumbling contents of dead people's desks and newspaper reports of long-forgotten events. When I stop for the day, I often feel disoriented, like a scuba diver coming up out of the ocean to the dry land of the present.

These days, though, as I devour the daily papers to try to understand these weird and startling times in which we live, immersion in past and present has felt more of a piece. This is because the reading I do in my historian's life-in-the-past, as it happens, concerns the same issues that have suddenly become central for what *The New York Times* has dubbed "A Nation Challenged." In the part of my project I am working on these days, I have been researching a controversial law passed almost unanimously by the Michigan state legislature in 1931, decreeing that all aliens—all unnaturalized foreigners—living in Michigan would have to register with the government. All aliens would have to submit to fingerprinting and photographing, the law stated, and would henceforth be required to obtain government-issued "certificates of legal residence" proving they had entered the country legally. Any alien without the certificate could not work or live in, or even enter, Michigan. Police officers would be required to arrest any alien without the certificate. Any alien who had entered the state illegally was to be deported.

If this doesn't seem terribly shocking in our age of social security numbers and green cards, it was shocking at the time. It was an unprecedented move to track vast numbers of foreigners living in the country, and it raised a storm of controversy and protest from Jewish and other ethnic groups. A number of other states, including California and New Jersey, poised to pass their own versions of the law, waited to see what would happen.

In my life-in-the-present, meanwhile, I, like everyone else, have been reading about our newfound mission of Homeland Security. I have been reading about anthrax, Islamic fundamentalists, the call for national identification cards, the

crackdown on visa violations as part of the hunt for terrorists in our midst, and the debates over when national security should trump civil liberties—and whose civil liberties those should be.

As I shuttle back and forth between newspapers from then and now, I am struck by the similarity of the questions that ricochet between the past and the present: What information should the government keep on immigrants, and why? What sort of danger does the government believe immigrants present? Should immigrants be subjected to different scrutiny from everyone else? What effect do crackdowns intended to catch dangerous aliens have on the broader immigrant community and on the nation's attitude toward immigrants? Do the technologies of identification inevitably lead to government abuse and curtailment of liberties? Do they make people feel like criminals?

Below, I offer representative quotes from those days and these that seem to me—eerily and, perhaps, ahistorically—to be speaking to each other. I should apologize in advance for the fact that I do not tie these snippets together with definitive conclusions about the present based on parallels with the past. Not only that, but I am not concluding much about the past here either. For the moment, in fact, I am disregarding the Historian's Secret Code, the one that says you shouldn't just compare past and present willy-nilly, that historians are supposed to tread carefully through that minefield of false similarities, hidden differences, and near-invisible causal links that bind and separate Now and Then.

In a concession to my discipline, though, let me first give some historical context for how alien identification had come to be an issue “back then.” In 1921 and 1924, Congress passed restrictive immigration quotas that drastically reduced the number of Europeans allowed to enter the U.S. legally--especially from Southern and Eastern Europe--and that made permanent the near-total bar on migration from Asia. The hope was to keep out dangerous “Bolsheviks” or others who might foment political unrest, as well as to stem the influx of poor “racial stock” that threatened the physical and civic fitness of the nation. But despite tighter watch on borders and heightened visa requirements, many “undesirable” immigrants—including Eastern European Jews, Italians, Armenians, and others—made their way to the United States in violation of the new laws. It was impossible to catch all those who crossed borders surreptitiously, and when immigrants entered the country in disguise or with forged papers, it was hard even for experienced inspectors to tell who was who. The new illegal immigration thus challenged government attempts to shore up the nation's physical and demographic borders, to sort desirable nationalities and races from undesirable ones.

The climate of national crisis that came with the onset of the Depression brought a sharp spike in anti-immigrant sentiment. Government reports that more than a million aliens had entered the country illegally gave the issue of immigration new

urgency. Throughout the 1920s, Congress had debated proposed legislation mandating registration and fingerprinting of the millions of aliens in the country, but never passed any. Then nativists turned to state governments. This was the context in which, in May 1931, Michigan passed its alien registration law.

Here's the statement Governor Brucker of Michigan made on signing the alien registration bill in May 1931:

While all who are not citizens of the United States are required to register, only those who are here illegally need be concerned. Those aliens who are here legally need do nothing beyond registering. Nothing in the bill reflects in the slightest upon anyone here lawfully.

This is Max Kohler, prominent Jewish civil liberties lawyer, in a letter to Governor Brucker, May 1931, protesting the alien registration bill:

Such measures. . . tend to segregate resident aliens from citizens, causing them to be viewed with suspicion and hostility, and reciprocally arouse bitterness and ill-will on their part.

In September 2001, Cheryl Little, director of the Florida Immigrant Advocacy Center, echoed Kohler's concerns. The *Miami Herald* wrote:

[She fears the new regulations will be used to keep hundreds or thousands of immigrants in indefinite detention as well as to apprehend and detain others who have nothing to do with terrorism.](#)

And, again, Governor Brucker of Michigan in May 1931, making a case for the need to protect the nation from dangerous aliens:

We have too long suffered from the criminal and seditious conduct of those who have no right in this country. . . . It is time for the application of a common sense attitude of self- protection, when undesirable aliens who are here illegally are prominent among those urging the overthrow of our government. We should support any gesture in the direction of purging our state and country of these men who carry on this subversive activity.

On October 31, 2001, U.S. Attorney General John Ashcroft made a statement, widely quoted by print, radio, and television news, about dangerous aliens these days:

[As a nation of immigrants, America welcomes friends from other countries. . . . But as September 11 vividly illustrates, aliens also come to our country with the intent to do great evil.](#)

On July 8, 1931, the *Nation* asserted that the Michigan alien registration act was

the product of an emotional response to crisis:

“Fear and rage are twins, born of the same necessity.” The twins are stalking through Michigan.

Jeanne Butterfield, executive director of the American Immigration Lawyers Association, quoted by the *Village Voice* of October 3-8, 2000, on the subject of new INS authority to detain suspected terrorists indefinitely, spoke of the consequences of policy grounded in such emotions:

[“If suspicion and fear are enough grounds to lock people up forever, that makes us a police state.”](#)

Her historical colleague Theodore Levin, one of the attorneys in the court case against the Michigan alien registration law and President of the Detroit Jewish Social Service Bureau, was quoted in the *Detroit Jewish Chronicle* of July 3, 1931, similarly worried about the implications of ratcheting up the government crackdowns:

It is no exaggeration to say that the country will take on the appearance of 48 armed camps with officials and inspectors at every state line.

On September 25, 2001, *Wired* ran an article on the subject of universal identification cards that put such concerns in international context:

[. . .in many countries that have adopted a national ID system, people who fail to produce their cards on demand are regarded with suspicion, according to a report by \[Privacy International, which is based in England\]. In Greece and Argentina, for example, being caught cardless in public could land you at the local precinct, where the police will attempt to establish your identity using other methods, the report said. The cards have also been employed by certain regimes to repress segments of the population that are seen as “troublesome.” In apartheid South Africa, the cards were used to exclude blacks from voting and other activities.](#)

In June 1931, an editorial in the *Detroit Jewish Chronicle* also considered international precedent:

. . .[I]t is natural that Jews should be in the lead in a fight against oppressive legislation of the type of the Cheeney Alien Registration bill because we recall with horror the passport system of the Russia of the days of the Czars. Having tasted the . . .cruelties of a system which placed every citizen at the

mercy of the police, we seek to prevent the American communities from becoming infected with the germs of hate and oppression and Czarism.

The *Cincinnati Enquirer* of October 12, 2001 reported on the difficulty, from the government's end, of deploying identification technology at all:

We have been unable to find any records related to [six of the hijackers] because their names don't appear anywhere," said Mr. Ziglar [Immigration and Naturalization Service Commissioner] Some lawmakers were outraged the INS had such limited knowledge of the hijackers' immigration status. Mr. Ziglar's disclosure came at the end of a hearing in which he said the INS was improving its technological capability to track the entry and exit of millions of foreign visitors to the United States. But the INS is having trouble keeping track of its own technology projects, let alone integrating them with other federal agencies . . . said Glenn Fine, the Justice Department's inspector general. He said the IDENT system, which scans and records fingerprints of illegal immigrants and criminal aliens into a database, was not being used effectively.

In 1931, Fred Butzel, Detroit Jewish activist and sociologist, also spoke about the obstacles to effective identification technology, though he was more worried about its effect on those required to be identified. He was quoted in the *Detroit Jewish Chronicle* of June 5, 1931:

Even when such proof is available, the certificates can very seldom be obtained within 60 days—six months to a year is usually necessary for all the governmental red tape to unwind itself sufficiently to provide the certificates that prevent one who is legally resident in this country from becoming a pariah There can, of course, be little objection to the use of fingerprints for purposes of identification. But, up to the present, fingerprints have been used principally for the identification of criminals. Now the next extensive use is to be for identification of persons who are legally in the United States. This would appear to be an unnecessary humiliation.

Finally, one last item from the *Washington Post*, November 1, 2001:

["We have the best system in the world," \[Mary Ryan, head of the State Department's Bureau of Consular Affairs\] said, referring to her department's automated computer system of criminal and terrorist suspects. But the system, she said, is only as good as the information in it.](#)

Where does this unshakable feeling that past and present are in a whole new dialogue really get me, though? My dual reading gives me a glimpse into the origins of the present debate: the battles over aliens' precarious legal status here, and over government efforts to control the nation's borders by means of better data. But mostly what I feel is haunted, rather than enlightened. This is not

to say that I don't have a political take—I am very worried about the implications of visa crackdowns and the increased latitude government officials now have to detain suspected terrorists. But though my reading of the past informs my concerns about the present, it's possible to arrive at the same concerns without reference to the 1920s and 1930s.

If the past and present are giving me insight into each other right now, it is largely about how complicated and powerful the emotions driving such issues are—the fear immigrant and ethnic communities can have of government power and knowledge, and of systematic discrimination; the widespread public sense of invisible menace from within that must be found and expelled, and the suspicion of dangerous aliens; government officials' desire for control over the space of the nation during a time of crisis; everyone's desire for safety.

The Michigan law, by the way, was ultimately declared unconstitutional. In 1940, however, the federal government instituted alien registration for the entire country. Since then, the technologies of identification have multiplied, and there is more data out there about most people—alien and citizen—than folks in 1931 might have believed possible.