Index

Act of Settlement (1701, Great Britain), 35
Adams, John, 50
affirmative action, 189, 217
African Americans. See back to Africa movements; blacks; free blacks
Afroyim v. Rusk (1967), 198–99
Afroyim, Beys, 198
Aid to Families with Dependent Children (AFDC) program, 195
al-Awlaki, Anwar, 220
Aleinikoff, T. Alexander, 190
Alexander, Michelle, 218
Alien and Sedition Acts (1798), 53, 54, 67–70
alien contract labor laws, 123
Alien Enemies Act (1798), 67, 166
Alien Friends Act (1798), 67–70
Alien Land Act (1913, California), 161
alien land laws, 128, 161–62, 211.
See also property rights; territorial restrictions
alien legal disabilities, 3, 10, 159, 222. See also deportation; exclusion; poor laws; property rights; territorial restrictions; voting rights; welfare benefits
Afroyim v. Rusk (1967), 198–99
in early 20th century, 150, 160–63
federal control of in late 18th and early 19th centuries, 64–65, 70
imposed upon free blacks in antebellum period, 6, 8, 98–99
Native Americans in antebellum period, 89–90
Native Americans in colonial period, 36–37
New Deal benefits and, 163
paupers and pauperism in antebellum period, 108–13
state control of in late 18th and early 19th centuries, 65–66, 70
state control of in late 19th century, 128
state variation in antebellum period, 100–1
welfare reform in 1996, 215–16, 218
Alien Nation, Common Sense about America’s Immigration Disaster (Brimelow), 213
alien wives, 7, 87–88, 144, 178, 200
American Colonization Society, 6, 78, 97, 117, 191
American Federation of Labor, 164
American Revolution and early Republic, 18, 49, 50–54, 80
back to Africa movements in, 78
British subjecthood vs. new American citizenship during, 50–51

American Revolution and early Republic (cont.)

denial of jus soli citizenship to Native Americans in, 60–61

territorial restrictions on free blacks in, 76–77, 80

territorial restrictions on free blacks in, 1790s, 66–70

Loyalists and, 54–57

national citizenship for free blacks, 94–95

immigrant vs. native born paupers in Massachusetts, 108–10

native Americans in, 88–93

paupers in, 86

territorial restrictions on free blacks, 95–97

variations in legal statuses for native-born, 82, 85

women in, 86–88

anti-Chinese sentiment, 120–21

Antiterrorism and Effective Death Penalty Act (AEDPA, 1996), 215–16

Arizona, 161, 211, 226

Arizona v. United States (2010), 227–28

Asian Americans, 7, 16. See also Chinese Americans; Japanese Americans

citizen rights and loss of citizenship, 178

immigration raids and, 7, 139, 179

immigration and citizenship; Indian immigrants; Japanese immigrants

alien land laws and, 128, 161–62, 211

alien legal disabilities and, 159

Asiatic Exclusion League and, 155

immigration Act of 1924 and, 157

LPC provision (likely to become a public charge) and, 154

racial science and, 151–53, 154–55

restricted economic opportunities in early 20th century and, 161–62

virgin birth in nativity cases, 124, 151–53

Asiatic Exclusion League, 154

Blackstone, Sir William, 28, 31
Bolshevik Revolution, 168
Booth, John Wilkes, 116
border controls, 3, 7, 131, 139, 140, 174.
See also poor laws
Enhanced Border Security and Visa
Entry Reform Act (2002), 216
in 1920s, 157
in 1930s, 158
in 1990s, 214
racial profiling along Mexican
border, 219
U.S. Border Patrol, 157, 158, 179
bracero program, 201–3, 208
Bradwell v. Illinois (1873), 143
Bredbenner, Candice, 177
Brewer, Justice, 139
Brimelow, Peter, 213
British subjecthood, 18
Calvin’s Case and, 26–27
Cokean theories of birthright
citizenship and allegiance, 26–27, 50
legal disabilities and, 22–32
Lockean theories of consent and
contract and, 27–28, 50
Native Americans and, 36–38
vs. new American citizenship during
revolutionary period, 50–51
restrictions on mobility and presence
and, 29–42
slaves and free blacks and, 38–41
women and, 28–29
Brown v. Board of Education
(1954), 189
Buchanan v. Warley (1917), 175
Burke Act (1906), 135
Burlingame Treaty (1868), 120, 126
Butler, Senator Mathew, 138
Cabell v. Chavez-Salido (1982), 212–13
Cable Act (1922), 178
Calhoun, John C., 106
California, 209
Alien Land Act (1913), 161
anti-Filipino racial violence in, 182
border patrols in, 174
bracero program, 201–3
calls for Filipino exclusion in, 182–83
Edwards v. California (1941), 195–95
legislation against Asians, 115, 211
Native American population decline in
(1845–55), 100
property rights for aliens in, 128
Proposition 187 in, 215
racial segregation against Asians
in, 140–41
undocumented aliens in, 203, 209
welfare benefits in, 196
California Supreme Court, 174
Calvin’s Case, 26–27, 52, 59
Cardozo, Justice, 153
Catholics
anti-Catholicism in antebellum
period, 101–2
immigration laws against in colonial
period, 42
Ursuline Convent burning (1834,
Charlestown, Mass.), 101–2
Chae Chan Ping v. United States
(1889), 126
Chandler, Peleg, 112–13
Cherokee Nation v. Georgia
(1831), 91–92
Cherokee Nation v. Hitchcock
(1902), 134
Chinese American Equal Rights
League, 141–42
Chinese Americans, 19
citizenship rights in late 19th
century, 139–40
Gandolfo v. Hartman (1892), 141
In re Lee Sing (1890), 141
In re Sing Tuck (1904), 139–40
jus soli citizenship and, 125–26
restrictions on returning to the United
States, 139–40
territorial restrictions and violence
against, 140–41
United States v. Ju Toy (1905), 140
United States v. Wong Kim Ark (1898),
125–26, 139
Chinese immigrants, 19, 115, 146, 147
anti-Chinese sentiment in late 19th
century and, 120–21
Chae Chan Ping v. United States
(1889), 126
Chinese exclusion laws, 19,
122, 126–30
Fong Yue Ting v. United States
(1893), 127
Geary Act (1892), 127
In re Ah Yup (1878), 124, 151–52
male-female ratio, 130
### Index

- **Chinese immigrants (cont.)**
  - naturalization law of 1870 and, 123–24
  - Page Law (1875), 122, 130
  - plenary power, 126–30
  - rejection rates of, 123
  - *Wong Wing v. United States* (1896), 128
  - *Yick Wo v. Hopkins* (1886), 128

- **Citizenship laws.** See also *jus sanguinis*; *jus soli* citizenship; naturalization conventional historiographical approaches to, 12–15
  - *Civic Ideals* (Smith), 13
  - *Civil Rights Act of 1866*, 131
  - *Civil Rights Act of 1964*, 207
  - *Cleveland, Sarah*, 134
  - *Clinton Administration*, 214
  - *Coke, Sir Edward*, 26–27, 50
  - *Colden, Governor Cadwallader*, 34
  - colonial period, 17, 18, 64
  - convicts from Great Britain, 42
  - easy naturalizations for propertied European migrants, 33–36
  - enslaved and free blacks, 38–41
  - Irish Catholics and French Neutrals, 42–43
  - Native Americans, 36–38, 41, 45
  - paupers from Great Britain, 42
  - poor laws, 7, 32, 43–47
  - town splitting in New England, 45–47
  - women in, 33

- **Colorado**
  - border controls in, 174
  - *Common Sense* (Paine), 1
  - *Communists*, 188, 204, 205
  - *Connecticut*, 36, 65, 75
  - convicts, 73
  - English shipment of to New World, 31–32
  - late 20th century backlash against, 218, 219
  - *Corfield v. Coryell* (1823), 81
  - covertage, 7, 29, 43, 52, 62, 87, 189
  - *Coxe, Trench*, 72
  - *Crandall v. Nevada* (1867), 117
  - *Crèvecoeur, Hector St. John de*, 71–72, 78

- **Dallas, Alexander**, 51, 52, 59

- **Damer, Carl August**, 169

- **Davis, James E.,** 174

- **Dawes Act (1887),** 133

- **de Vattel, Emmerich,** 15, 31

- **Deferred Action for Childhood Arrivals, 229**

- **Delaney, Martin,** 97

- **Denationalization Act (1944),** 180

- **denaturalization, 4, 150**
  - deportation and, 169
  - ideological grounds for, 204–5
  - in early 20th century, 169–71
  - of Emma Goldman, 170
  - of German immigrants, 169–70
  - of former Communists, 205
  - of Marcus Garvey, 176
  - of Mark Lyttle, 219–20
  - of Mexican immigrants in 1930s, 8, 167–68, 179
  - of Native Americans, 14, 92
  - Obama administration and, 228
  - Operation Wetback (1954), 204
  - procedural rights of aliens subject to, 129, 167, 211
  - statistics, 4, 166, 169, 216, 219
  - terrorism and, 216
  - of undocumented aliens under
    - *McCarran-Walter Act*, 203
    - *Development, Relief and Education for Alien Minors (DREAM)*
  - of undocumented aliens under
    - *McCarran-Walter Act*, 203

- **DREAMers, 229–30**

- **DeWitt, General John,** 179

- **Dickstein, Samuel,** 183

- **Dictionary of Races or Peoples, 154**

- **Dillingham Commission (1910–1911), 154**

© in this web service Cambridge University Press  www.cambridge.org
Displaced Persons Act (1948), 200
Douglas, Stephen A., 96
Edwards v. California (1941), 193–95
Elk v. Wilkins (1884), 131–33
Elk, John, 131–32
Ellsworth, Chief Justice, 58
employment opportunities. See trades and professions
Enemy Aliens Act (1798). See Alien Enemies Act (1798)
Enhanced Border Security and Visa Entry Reform Act (2002), 216
entertainment statutes (colonial Massachusetts), 44
Index

federal immigration regime (20th century) (cont.)
deporation and, 166–69
deporation of former Communists, 205
deporation of undocumented aliens under McCarran-Walter Act, 203
exploitation of undocumented workers, 204–4, 224
grounds for exclusion in early 20th century, 153–57
Hart-Celler Act (1965) and, 207–8
immigration law enforcement increase since 1990s, 214, 216, 219
Immigration Reform and Control Act (1986) and, 209
involuntary expatriation, 197–99, 223
legislation in 1996, 213–16
McCarran-Walter Act (1952), 200–1
nativist backlash and border protection in 1990s, 213–14
naturalization, 149, 151–53, 159–60
numerical quota regimes, 153–59, 199–200, 206–7, 223
Operation Wetback (1954), 204
Puerto Rican citizenship, 181–82
racial science in early 20th century, 148–50, 151–53, 156–57
federal immigration regime (21st century), 226–27, 229
constitutional law, 227–28
Deferred Action for Childhood Arrivals, 229
deporations under Obama administration, 228
Development, Relief and Education for Alien Minors (DREAM) Act, 229–30
DREAMers, 229–30
legalization plan of 2014, 229–30
territorial restrictions on in early 20th century, 128
Florida, 173order controls in, 174
Fourteenth Amendment, 6, 19
Birthright Citizenship Clause, 117
Equal Protection Clause, 189, 210, 211, 212
Privileges and Immunities Clause, 144, 194
territorial inside/outside distinction and, 128
Franklin, Benjamin, 42, 72
free blacks, 6, 222. See also back to Africa movements; blacks alien legal status of in antebellum period, 98–99
British subjecthood and, 39, 40
in colonial period, 38–41
denial of national citizenship for in antebellum period, 94–95
jus soli citizenship for in early Republic, 61–62
territorial restrictions on in antebellum period, 95–98
territorial restrictions on in early Republic, 6, 76–78, 80
voting rights in antebellum period, 93
voting rights in early Republic, 6, 61–62
Free Negroes and Mulattoes (Massachusetts report), 95
Gallatin, Albert, 68
Galsan v. Press (1954), 205
Gandolfo v. Hartman (1892), 141
Gardner, Henry, 111
Garvey, Marcus, 176
Geary Act (1892), 127, 139, 141
Gentlemen’s Agreement of 1907 (Japan-U.S.), 134
Georgia, 35, 73, 77, 90, 97
German Americans
Americanization efforts, 165
denaturalization of, 169–70
German immigrants, 102, 114–15
Goldman, Emma, 170
Gompers, Samuel, 164
Gonzales v. Williams (1904), 181–82
Goodell v. Jackson (1823), 89
Graham v. Richardson (1904), 211
Grant, Madison, 149
Grant, Ulysses S, 145
Index

Grayson Allen, David, 45
Great Depression, 20, 158, 167
territorial restrictions and spatial
controls during, 172–74
Great Society programs, 192
Gual, Florence Bain, 177–78
Hakluyt the Elder, Richard, 31
Hamilton, Alexander, 57
Hand, Judge Learned, 169
Harkisades v. Shaughnessy
(1952), 205
Harkisades, Peter, 205
Harris, Judge, 95
Harrison, Benjamin, 138
Harrison, Earl G., 199
Hart-Celler Act of 1965, 207–8
Hartsfield, William, 190
Hein v. Bridault (1859), 98–99
Henderson v. New York (1875), 121–22
Herndon, Ruth, 44
highly-skilled immigrants, 214
Hirabayashi v. United States
(1943), 180
Hoffman Plastic Compounds, Inc. v.
NLRB (2002), 209
Homestead Act of 1862, 123
homosexuals, 153, 201
Hoover, J. Edgar, 166, 176
Howe, Daniel Walker, 78
Illegal Immigration Reform and
Immigrant Responsibility Act
(IIRIRA, 1996), 215–16
immigrant labor
alien contract labor laws, 123
bracero program, 201–3
Chinese immigrants, 120
in early 20th century agriculture,
157–58
nativist complaints against in
antebellum period, 103
immigrant pauperism. See also poor;
poor laws; LPC provision; welfare
benefits
in antebellum period, 102–8
vs. native born paupers in antebellum
period, 108–13
immigrants, terminology used to describe
over long span of U.S. history, 17
Immigration Act of 1882, 122
Immigration Act of 1917, 154
Immigration Act of 1921, 155–56
Immigration Act of 1924, 146–57
Immigration Act of 1990, 214
Immigration and Nationality Act (1952),
210. See also McCarran-Walter
Act (1952)
1986 amendment of, 199
Immigration and Naturalization Service
(INS), 202–3
immigration laws. See also alien legal
disabilities; deportation; exclusion;
expatriation; federal immigration
regime; naturalization; state level
immigration policy
conventional historiographical
approaches to, 12–15
openness and universal values rhetoric
of, 1–3
reality of vs. rhetoric, 3–4
immigration raids, 7, 139, 179
Immigration Reform and Control Act
(IRCA, 1986), 209
Immigration Restriction League, 147
immigration statistics
in early 21st century, 2, 4
1830–1835, 83
1871–1901, 118
European immigrant percentages
1914–1923, 156
in 1930s, 158–59
1900–1914, 148
percentage of world’s immigrants in
U.S. (early 19th century–early 20th), 2
1781–1819, 43
In re Ah Yup (1878), 124, 151–52
In re Alverto (1912), 182
In re Lee Sing (1890), 141
In re Sing Tuck (1904), 139–40
indentured servitude, 70
Indian immigrants, 154, 155
United States v. Thind (1923), 152–53
denaturalization of, 170–71
Indian Removal Act (1830), 90
Information to Those Who Would
Remove to America (Franklin), 72
Insular Cases, 181
internment camps, 8, 20, 179–180. See
also Japanese Americans; Japanese
immigrants
involuntary expatriation, 20, 131,
144–45, 176–78, 197–99, 223. See
also expatriation
Index

Irish immigrants, 114–15, 214
anti-Irish sentiment, 83, 102–3
colonial immigration laws, 42
Irish famine migration, 111
Jackson v. Wood (1810), 60
Jackson, Andrew, 78, 90, 92
Jacksonian democracy, 82, 86
Jacksonian era, 5, 65, 84, 133
Japanese Americans internment camps, 8, 9, 20, 166, 179–80
renouncing of citizenship by, 180–81
Japanese immigrants, 157, 166
enemy alien status and, 166
Gentlemen’s Agreement of 1907 and, 154
internment camps, 20, 166, 179–80
Ozawa v. United States (1922), 152–53
Jasanoﬀ, Maya, 56
Jay’s Treaty, 67
Jefferson, Thomas, 57, 69, 78
Johnson Administration, 207
Johnson v. Eisentrager (1950), 204
Johnson v. McIntosh (1823), 89
Johnson, Andrew, 116
Johnson, Lyndon, 192, 208
Jones Act of 1917, 182
jus sanguinis (citizenship transmitted through blood), 62, 94, 178, 210
jus soli citizenship, 18, 223
for blacks in antebellum period, 94–95
for blacks in early Republic, 61–62
Calvin’s Case and, 26–27, 52, 59
Chinese immigrants and United States v. Wong Kim Ark (1898), 125–26, 139
Elk v. Wilkins (1884), 131–33
Native Americans in antebellum period, 88–93
Native Americans in colonial period, 36–38
Native Americans in early Republic, 60–61
Native Americans in late 19th century, 131–33
native-born blacks and Fourteenth Amendment and, 117
Scott v. Sandford (1857), 6, 94–95
Kansas, 137
Kanstroom, Daniel, 216, 225
Kawashima, Yasuhide, 36
Kennedy, John F., 2
Kennedy, Robert, 208
Kent, James, 60, 89
Commentaries on American Law, 101
Kentucky
residential segregation ordinance, 175
voluntary expatriation in, 58
Keyssar, Alexander, 86, 100
Know-Nothings, 107–8, 111, 114
Knox, William, 39
Korematsu v. United States (1944), 180
Kruse, Kevin, 190
Land Ordinances of 1784 and 1785, 65
Latino Americans, 7, 16. See also Mexican Americans; Puerto Ricans
Lazarus, Emma, 1
Leet, Andrew, 54
Legal Permanent Resident (LPR) status, 2
Letters to an American Farmer (Crèvecoeur), 71–72
Liberia, 97, 138
Lincoln, Abraham, 116
literacy test, 147
Immigration Act of 1917, 155
Livingston, Edward, 69, 70
Locke, John, 27–28, 30
Locke, John (of Massachusetts), 113
Lodge, Henry Cabot, 147
Lone Wolf v. Hitchcock (1903), 134–35
Los Angeles, 163, 168, 174, 227
Loyalists, 51, 54–57
LPC provision (likely to become a public charge), 153, 154, 167, 168
Mexican immigration (1929–1930) and, 139
lynchings
of blacks, 137
of German Americans, 165
Lytte, Mark, 219–20
Mackenzie v. Hare (1945), 177, 197
Major Crimes Act (1885), 133
Mandel, Ernest, 210
Marceau, Marcelette, 98
Married Women’s Property Acts, 87, 144
Marshall, Chief Justice, 64
Martin v. Commonwealth (1805), 62–63
Index

Massachusetts. See also immigrant pauperism, Know-Nothing party

Confiscation Act, 63

entertainment statues in colonial, 44

immigrant paupers vs. native born paupers, 108–13

Martin v. Commonwealth (1805), 62–63

Native Americans in colonial, 36–38, 41, 42

poor laws in colonial, 43–47

territorial restrictions on free blacks in, 77

town splitting in colonial, 45–47

Ursuline Convent burning in Charlestown (1834), 101

Mathews v. Díaz (1976), 210

Mayor of the City of New York v. Miln (1837). See New York v. Miln (1837)

McCarran-Walter Act (1952), 200–1

See also Immigration and Nationality Act (1952) deportation and, 203

McDowell, Representative Joseph, 67

McGavin, Representative Charles, 177

McLean, Justice, 99

McWilliams, Carey, 180

Medicine Lodge Treaty of 1867, 135

Melting Pot (play, Zangwill), 2

Melville, Herman, 1

Mexican Americans, 20, 179
deportation of in 1930s, 8, 179

formal vs. substantive citizenship and, 142

New Mexico, 119, 142–43

segregation in 20th century, 174–75

Treaty of Guadalupe Hidalgo (1848), 99–100, 124, 142

Mexican immigrants, 179

bracero program and, 201–3, 208
deportation of in 1930s, 8, 167–68, 179

vs. European immigrants in 1920s and 1930s, 159–60, 162–63

immigration law in 1920s and 1930s, 157–59

Immigration Reform and Control Act (1986) and, 209

matrículas consulares in early 21st century and, 226

naturalization laws in late 19th century and, 124–25

New Deal benefits and, 162–63

Operation Wetback (1954) and, 204

restricted economic opportunities in early 20th century and, 162

segregation in 20th century, 174–75

Mezei, Ignatz, 206

Miller, Justice, 133

Minor, Virginia, 144

minorities. See also blacks; free blacks; Chinese Americans; Japanese Americans; Mexican Americans; Native Americans; poor; women

Moore v. Illinois (1852), 95

Muddy River (Massachusetts), 46–47

Murguia, Janet, 228

Nation by Design (Zolberg), 14

Nation of Immigrants (Kennedy), 2

National Association for the Advancement of Colored People (NAACP), 175

National Council of La Raza, 228

national origins quota system, 155–59, 199–200, 223

calculation of quotas, 155–57

exemption of Western Hemisphere from, 157–58, 200, 207–8

Filipinos and, 183

Hart-Celler Act of 1965 and, 207–8

McCarran-Walter Act (1952) and, 200–1

post-WWII rights revolution and, 206–7

Nationality Act of 1940, 197

Native Americans, 5–6, 16, 222

in antebellum period, 88–93

British subjecthood and, 36, 38

Cherokee Nation v. Georgia (1831) and, 91–92

Cherokee Nation v. Hitchcock (1902) and, 134

in colonial period, 36–38, 41, 45

Dawes Act (1887) and, 133
denial of jus soli citizenship in antebellum period, 89–90
denial of jus soli citizenship in early Republic, 60–61
denial of jus soli citizenship in late 19th century, 119, 131–33
Native Americans (cont.)
deportation of, 54, 92
Elk v. Wilkins (1884) and, 131–33
Goodell v. Jackson (1823) and, 89
Jackson v. Wood (1810) and, 60
Johnson v. M’Intosh (1823) and, 89
Lone Wolf v. Hitchcock (1903) and, 134–35
naturalization of Abimelech, 36
plenary power and, 6, 119, 133–35
population decline in California (1845–55), 100
rights revolution post-WWII and, 189–90
Royal Proclamation of 1763 (Great Britain) and, 48
segregation and, 174–75
territorial restrictions on in early Republic, 78–80
Trade and Intercourse Acts and, 60, 79
United States v. Kagama (1886), 133–34
voting rights in colonial period, 38
voting rights in late 19th century, 131
nativism. See also anti-Catholicism
Americanization, 163–66
in antebellum period, 101–4
anti-Chinese nativism in late 19th century, 120–21
border protection in 1990s and, 214
in early 20th century, 148–50, 154–57
Federation for American Immigration Reform, 213
Know-Nothing Party and, 107–8
in late 20th century, 213–17
numerical quota regime of 1920s and, 154–57
naturalization, 19. See also plenary power
Asian immigrants and, 123–24, 151–53, 159, 162, 181–84
Chinese immigrants and, 123–24, 130
colonial period easing naturalizations for propertied European migrants, 33–36
married women, 87–88
McCarran-Walter Act (1952) and, 200–1
Mexican immigrants eligibility for in late 19th century, 124–25
of Native Americans in colonial period, 36
of Native Americans in early Republic, 60–61
parliamentary acts of naturalization, 27
race and, 3, 64, 94, 123–24, 151–53, 200–1, 224
Naturalization Act of 1790, 64, 66
Naturalization Act of 1795, 67, 69
Naturalization Act of 1798, 67, 69
naturalization law of 1870, 123–24
naturalization law of 1906, 163
New Colossus (poem, Lazarus), 1
New Deal benefits. See also welfare benefits
blacks and, 172
for Mexican vs. European immigrants, 162–63
women and, 172
New Jersey, 170
women’s voting rights in, 62
New Mexico, 119, 142–43
New York, 73–74, 75–76, 108
New York City alien legal disabilities in late 18th century, 65–66
New York v. Miln (1837), 15, 104–5, 106, 117, 194
Ngui, Mac, 17
Nguyen v. INS (2001), 210
North American Civil League, 163
Northwest Ordinance of 1787, 65
Obama, Barack
Americans’ skepticism of birth on U.S. soil of, 228–29
deportations and, 228
legalization plan of 2014, 229–30
Oneida tribe, 89
Operation Wetback (1954), 204
Ozawa v. United States (1922), 152–53
Page Law (1875), 122, 130
Paine, Thomas, 1, 71
Palmer raids, 169, 176
Palmer, Mitchell, 168–69
Pamphlet for the Virginia Enterprise (1585, Hakluyt the Elder), 31
Passenger Cases (1849), 105–8, 111, 117
Passing of the Great Race, or the Racial Basis of European History (Grant), 149
paupers and pauperism. See also poor; poor laws; LPC provision; welfare benefits
in antebellum period, 86, 102–13
in colonial period, 23, 29, 32, 42, 43–47
in early Republic, 73–76
shipment of British to New World, 32
Pennsylvania, 160–61, 211
Loyalists in, 56
Pérez, Clemente Martínez, 197
perpetual allegiance, 18, 26, 56, 57, 58
Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, 1996), 215–16
plenary power, 222–24
Chinese immigrants and, 126–29
in early 20th century, 149, 153, 167
inside/outside distinction, 128
in late 19th century, 126–29, 133–35, 146, 147
limitations on in late 19th century, 128–29
Native Americans and, 6, 119, 135–36
post-WWII rights revolution and, 186–87, 204–6, 209–11
substance-procedure distinction, 129
in 21st century, 217
Plessy v. Ferguson (1896), 137, 189
Plyler v. Doe (1982), 212, 213, 215, 229
poor. See also paupers and pauperism; poor laws; right to travel; welfare benefits
mobility and residence restrictions in Great Britain, 32
territorial restrictions during Great Depression, 172–74
territorial restrictions in antebellum period, 86, 128–13
territorial restrictions in colonial period, 43–45
territorial restrictions in early
Republic, 73–76
territorial restrictions in late 19th century, 145–46
voting rights in antebellum period, 86
voting rights in colonial period, 33
voting rights in early Republic, 62
voting rights in late 19th century, 145
voting rights in 20th century, 7, 192
welfare reform of 1996 and, 218
poor laws. See also paupers and pauperism; poor; right to travel; welfare benefits
immigration restriction in antebellum period and, 103–113
immigration restriction in colonial period and, 43–47
immigration restriction in early Republic and, 73–76
town splitting in colonial period, 45–47
Proclamation of 1635 (Great Britain), 30n5
property rights. See also alien legal disabilities
Alien Land Act (California, 1913) and, 161
federal immigration policy in late 18th and early 19th centuries, 64–65
free blacks and, 6
Native Americans in antebellum period, 88–90
Native Americans in colonial period, 36, 48
restrictions on alien in colonial period, 25, 33–35
state restrictions on alien in early 20th century, 161–62
state restrictions on alien in late 18th and early 19th centuries, 65
state restrictions on alien in late 19th century, 128
state variation in for aliens in antebellum period, 100–1
of women, 7, 29, 61, 65, 86–87, 88, 144, 178
Proposition, 187, 215
Puerto Rican immigration and citizenship, 151, 181–82
Quay, Senator Matthew, 135
race and racism. See also Asian immigrants; blacks; European immigrants; free blacks; Irish immigrants; Mexican immigrants; national origins quota system; Native Americans; racial science; segregation; white immigration and settlement naturalization and, 3, 64, 94, 123–24, 151–53, 200–1, 224
rationalization and, 135
reservation in colonial period, 128–29
restrictions on alien in
state restrictions on alien in early 20th century, 161–62
state restrictions on alien in late 18th and early 19th centuries, 65
state restrictions on alien in late 19th century, 128
state variation in for aliens in antebellum period, 100–1
of women, 7, 29, 61, 65, 86–87, 88, 144, 178
Proposition, 187, 215
Puerto Rican immigration and citizenship, 151, 181–82
Quay, Senator Matthew, 135
race and racism. See also Asian immigrants; blacks; European immigrants; free blacks; Irish immigrants; Mexican immigrants; national origins quota system; Native Americans; racial science; segregation; white immigration and settlement naturalization and, 3, 64, 94, 123–24, 151–53, 200–1, 224
rationalization and, 135
race and racism (cont.)
racial profiling along Mexican border, 219
racially restrictive covenants, 141, 175, 176, 189
state alienage laws and, 128, 161–62, 211
Index

in antebellum period, 81–85, 95–99, 100–1, 103–13
in early Republic, 53–54, 65–66, 72–77
Equal Protection Clause attacks on, 128, 160–62, 211–13 vs. federal in 1790s, 66–70 in late 19th century, 128, 147
Stevens, Jacqueline, 219
Stewart, Senator William, 124
Sumner, Senator Charles, 123, 143
Takahashi v. Fish & Game Commission (1948), 211
Tanton, Dr. John, 213
Taylor, Congressman Edward, 158
Tenth Amendment, 68
Terrace v. Thompson (1923), 162
territorial restrictions, 5, 10, 131


U.S. Border Patrol, 158, 179, 214
Index

undocumented aliens (cont.)
 Proposition, 187, 215
 public services and benefits and, 215
 U.S. Border Patrol and, 157, 214
 United Negro Improvement Association (UNIA), 176
 United States v. Carolene Products (1934), 211
 United States v. Ju Toy (1905), 140
 United States v. Kagama (1886), 133–34
 United States v. Mazurie (1975), 190
 United States v. Thind (1923), 152–53, 170
 United States v. Williams (1799), 58
 United States v. Wong Kim Ark (1898), 125–26, 139
 Ursuline Convent burning (1834, Charlestown, Mass.), 101–2
 USA Patriot Act (2001), 216
 Van Buren, Martin, 92
 Van Shaack, Peter, 35
 Virginia, 40
 Charter of Virginia (1606), 30
 voluntary expatriation in, 56–57, 58
 volitional citizenship, 51, 56–59, 114
 voluntary departure, 4, 216
 voluntary expatriation. See also expatriation; involuntary expatriation; volitional citizenship in early Republic, 57–59
ing voting rights, 10, 147
 for blacks during post-WWII rights revolution, 188–89
 for blacks in late 19th century, 136
 federal immigration policy in late 18th and early 19th centuries, 64–65
 for free blacks in antebellum period, 93
 for free blacks in early Republic, 61
 for incarcerated black males in late 20th century, 218, 224
 for minorities in early 20th century, 171
 of resident immigrants in 1920s, 159
 Nineteenth Amendment and, 171
 of Native Americans in colonial period, 38
 of Native Americans in late 19th century, 131
 of poor in antebellum period, 86
 of poor in colonial period, 33
 of poor in early Republic, 62
 of poor in late 19th century, 145
 of poor in 20th century, 7, 192
 state restriction on aliens in early 18th and early 19th centuries, 65
 state variation in alien voting rights in antebellum period, 100
 for white men in early Republic, 62
 for white men in antebellum period, 85–86
 of women in colonial period, 33
 of women in early Republic, 62
 of women in late 19th century, 144
 of women in 20th century, 171
 Voting Rights Act of 1965, 188, 207
 Walker, Francis A., 147
 Walzer, Michael, 15
 War Brides Act of 1945, 200
 Warren, Chief Justice, 198
 Warren, Governor Earl, 203
 Washington, Justice Bushrod, 81–82
 Weil, Patrick, 176
 Welch, Congressman Richard, 183
 welfare benefits, 210, 211. See also New Deal benefits; poor; poor laws
demonization of recipients of in late 20th century, 218
 Personal Responsibility and Work Opportunity Reconciliation Act (1996) and, 215–16
 undocumented aliens under
 Proposition 187 (California), 215
 welfare reform of 1996 and, 218
 white flight, 191–92
 white immigration and settlement, 54, 99, 105, 123
 white males, 52, 62, 82, 85, 222
 whiteness
 in naturalization cases, 20,
 124, 151–53
 in racial trials in antebellum period, 98–99
 Williams v. Lee (1959), 190
 Wilson, Governor Pete, 215
 Wilson, Woodrow, 164

© in this web service Cambridge University Press 
www.cambridge.org
<table>
<thead>
<tr>
<th>Index</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>women, 6–7, 222. See also coverture</td>
<td>259</td>
</tr>
<tr>
<td>in antebellum period, 86–88</td>
<td></td>
</tr>
<tr>
<td>Bradwell v. Illinois (1873), 143</td>
<td></td>
</tr>
<tr>
<td>British women’s legal disabilities, 28–29</td>
<td></td>
</tr>
<tr>
<td>in early Republic, 62–63</td>
<td></td>
</tr>
<tr>
<td>employment opportunities for in early 20th century, 172</td>
<td></td>
</tr>
<tr>
<td>exclusion from public entitlements in early 20th century, 172</td>
<td></td>
</tr>
<tr>
<td>in late 19th century, 143–45</td>
<td></td>
</tr>
<tr>
<td>involuntary expatriation of in early 20th century, 176–78, 223</td>
<td></td>
</tr>
<tr>
<td>Mackenzie v. Hare (1915), 197</td>
<td></td>
</tr>
<tr>
<td>Married Women’s Property Acts, 87, 144</td>
<td></td>
</tr>
<tr>
<td>Martin v. Massachusetts (1805), 62–63</td>
<td></td>
</tr>
<tr>
<td>naturalization law of 1790 and, 64</td>
<td></td>
</tr>
<tr>
<td>naturalization of married women, 86–88</td>
<td></td>
</tr>
<tr>
<td>rights revolution post-WWII and, 189</td>
<td></td>
</tr>
<tr>
<td>Shanks v. Dupont (1830), 87, 144</td>
<td></td>
</tr>
<tr>
<td>in 20th century, 171–72, 189</td>
<td></td>
</tr>
<tr>
<td>voting rights of in colonial period, 33</td>
<td></td>
</tr>
<tr>
<td>voting rights of in early Republic, 62</td>
<td></td>
</tr>
<tr>
<td>voting rights of in late 19th century, 144</td>
<td></td>
</tr>
<tr>
<td>Wong Wing v. United States (1896), 128</td>
<td></td>
</tr>
<tr>
<td>Wool, Brigadier General John E., 92</td>
<td></td>
</tr>
<tr>
<td>World War I, 154</td>
<td></td>
</tr>
<tr>
<td>World War II, 166, 183</td>
<td></td>
</tr>
<tr>
<td>abolition of immigration and naturalization bars for allies, 199</td>
<td></td>
</tr>
<tr>
<td>Yamataya v. Fisher (1903), 129</td>
<td></td>
</tr>
<tr>
<td>Yick Wo v. Hopkins (1886), 128</td>
<td></td>
</tr>
<tr>
<td>Zangwill, Israel, 1</td>
<td></td>
</tr>
<tr>
<td>Zolberg, Aristide, 14, 114, 130</td>
<td></td>
</tr>
</tbody>
</table>