

ROBIN DALE JACOBSON AND DANIEL TICHENOR

States of Immigration: Making Immigration Policy from Above and Below, 1875–1924

Abstract: For nearly 150 years, the Supreme Court has denounced jurisdictional ambiguities in immigration policy, regularly striking down state laws as unconstitutional intrusions on the federal government’s “broad, undoubted power.” Most scholarship on the historical evolution of US immigration policy has followed suit, rendering invisible the role of state governments and federalism in immigration policy during the crucial, transformative decades of the Gilded Age and the Progressive Era. This article redresses these silences by spotlighting the aggressive state policy activism and critical intergovernmental negotiations over how to control immigration and noncitizens from the 1870s to the 1920s. Focusing on two older, eastern seaboard states—Maryland and Virginia—and two newer, southwestern states—Arizona and New Mexico—these historical case studies show how subnational immigration initiatives were fueled by distinctive local and regional labor need and racial landscapes. This article also identifies and illuminates distinct forms of autonomous, interdependent, insistent, and validated activism by states in immigration federalism.

Keywords: US immigration policy, state regulation of immigrants, evolution of immigration policy, the Supreme Court and immigration policy

Federalism provides a powerful—if not indispensable—lens for understanding the history and development of immigration policy in the United States. Although the Constitution made the federal government unequivocally pre-eminent in this policy realm, national officials were exceptionally slow to

The authors would like to thank the anonymous reviewers for their constructive feedback and the National Endowment for the Humanities for a Collaborative grant that funded research for this article.

assert their authority and granted to state and local governments enormous power to regulate the entry and lives of immigrants from the nation's founding to the Gilded Age.¹ According to most studies of US immigration policy making over time, this all changed with landmark Supreme Court rulings in the 1870s that established federal supremacy over immigration for 150 years to follow.² This inflection point is regularly described as turning a fragmented and scattered system of immigration control into a more coherent and centralized policy—at least until recent decades when the US entered a period of immigration devolution and divergence.³ This pervasive account of “federal primacy” from 1875 to the 1990s focuses intently on the formation and implementation of immigration policies by national officials in these years. If, however, we turn our attention to the states during the crucial transitional period of the late-nineteenth and early-twentieth centuries, a decidedly different picture emerges. Our research of immigration politics and policy in four states during these crucial decades—two older mid-Atlantic states, Maryland and Virginia, and two younger Southwestern states, Arizona and New Mexico—reveals active and vibrant state activity addressing local conditions, pursuing independent goals on immigration in multiple venues, and responding creatively to the new power-sharing relationships. What emerges is not a centralized, uniform system for governing immigration but rather the prominence of distinct *subnational* political landscapes fueling diverse, regionally variegated policy responses to immigration. That is the focus of this article.

Scholarship on immigration federalism notes that the federal government did not regulate immigration for most of the nineteenth century, leaving it to states and localities who through inspections, taxes, and other laws governed the entrance, expulsion, and lives of immigrants in the United States.⁴ This period is described as one where “these myriad state laws ultimately established disparate, even contradictory rules, designed to serve local interests rather than a national agenda.”⁵ During the post-Civil War decades, so the story goes, two landmark Supreme Court decisions in 1876—*Henderson v. Mayor of New York* and *Chy Lung v. Freeman*—shifted immigration authority decisively, and exclusively, to the federal government. Although scholars note the emergence of “alienage law”—state and local attempts to gain some control over immigration by regulating the everyday lives of immigrants in areas of employment, property ownership, and enforcement—the multiple ways states continued to influence, implement, and contest immigration policy, both through politics around immigration and “alienage law,” is often ignored to the detriment of a more capacious and accurate understanding of this transitional period of immigration politics and immigration federalism.⁶

Despite the Supreme Court's firm assertion of federal plenary authority over immigration in 1875, states were active in immigration and immigrant policy by forcefully shaping federal policy, collaborating with the federal government, and through enacting independent state and local measures. As the federal government gradually assumed control over formerly decentralized tasks such as immigrant admissions, states emerged as important drivers and lobbyists of federal policies in this venue. The federal government borrowed heavily from existing state structures and rules, relied on continuing state administration, and shared funds from a federal tax to support state systems that were now deprived of taxing immigrants directly themselves.⁷ Additionally, regional issues increasingly became national ones. Indeed, issues and concerns that were once raised and resolved at the local or state levels now resulted in local actors applying pressure to the federal government. States also continued to act and develop new avenues for addressing immigration and immigrant's life that seemed consonant with the new federal control established by the courts. These included alienage laws targeting political and economic citizenship, deciding who could vote or be full participants in all kinds of markets and professions. Recruitment campaigns, assimilation services, and laws around language were other examples of how states continued to act in attempts to exert control over immigrants in their state and decisions on where immigrants would live.

Renewed attention to the states during this period demands a reconsideration of current periodization of immigration federalism and points away from a notion of a single American immigrant experience during this time. As we illuminate in the pages that follow, regional and state-level variation on immigration is as compelling and revealing as any uniform national story. Some areas of the country during this period felt overwhelmed with either the number or type of immigrants, spurring nativist, anti-immigrant campaigns in response. Other areas, such as the South and Southwest, began actively recruiting immigrants.⁸ Some regions of the countries were consumed with concerns about assimilation of "new" southern and eastern Europeans during this time, others were fixated on the Asian immigrants and labor competition, and still others were interested in attracting immigrants to help develop or redevelop after the ravages of civil war. Although white supremacy characterized racial landscapes across the United States, there were significant variations in how it was interpreted and enacted, differences that directed state action on immigration and immigrant reception.

By looking between and across different regions, we can see how market and migration forces turned heads differently toward particular issues. We

gain insight into the types of issues related to immigration that were contested or pursued by state actors, how the pursuit of those was shaped fundamentally by regional or local racial landscapes, and how they found their way up to the federal level. We will show how states were one of the drivers of policies that created immigrant flows and immigrant pathways in an era associated with emergent federal primacy. More specifically, our research spotlights how labor needs filtered through local and regional racial landscapes are central to understanding the policy activism of states and, with it, the broader contours of US immigration politics and governance in this period.

In this article, we look at pairs of states in two regions facing very different immigration patterns, market forces, and historical racial terrains at two critical stages of the nationalization of immigration policy from 1875 to 1924. First, we focus on the Chesapeake region, studying how two original, eastern seaboard states, Maryland and Virginia, struggled with reception and recruitment of immigrants from the 1870s to the 1910s. We then look to the Southwest at the then two most recently admitted states, Arizona and New Mexico, from the 1910s to the 1930s. As we hope to show, these paired comparisons offer fresh and important insights about the immigration and immigrant policies of neighboring states in regions with very different ethnic, racial, economic, and characteristics. Moreover, the immigration policy histories of Maryland, Virginia, Arizona, and New Mexico are regularly less studied than are those of the largest immigrant-receiving states.⁹ It is a neglected political and policy narrative that reveals how states, aware of and contesting shared power relations, found multiple ways to exert their wills, sometimes through exerting pressure on the federal government, sometimes through using doors opened by federal policy, and sometimes through action at the margins of federal control.

To better understand the nature and evolution of immigration federalism, we identify four specific kinds of state activism in US immigration policy during these years. First, *interdependent activism* entails partnership between state and federal officials in pursuit of shared policy goals, with different levels of government cooperating in areas such as migrant labor recruitment or the denial of needed state cooperation when goals diverged. Second, *insistent activism* comprises efforts by state governments to lobby and pressure national policy makers, turning regional issues into national initiatives, which is precisely what the major receiving states did when Congress was slow to act after the *Henderson* and *Chy Lung* decisions. Third, *validated activism* reflects state-level immigration personnel, laws, and practices that are nationalized over time, something that was a significant feature of late nineteenth-century

policy making. Finally, *autonomous activism* captures both resourceful efforts by state governments to take advantage of policy openings not proscribed by the federal government and defiant actions by states to directly resist national laws and directions. As we demonstrate in the pages that follow, these four forms of policy activism show that during a period of presumed national supremacy, state governments exhibited significant leadership in the politics of immigration. There was not one uncontested center of power; there also was not a quick and aggressive centralization of immigration policies or experiences. As the political histories below show, it is impossible to discuss a uniform American immigrant experience in this period; it depended on not only where an immigrant came from but also where in the United States an immigrant settled and was governed. State and regional variations were the norm, producing distinct political and policy landscapes during the transformative late nineteenth and early twentieth centuries.

THE CHESAPEAKE STATES: RECEPTION, RECRUITMENT, AND ADAPTATION

From the 1870s through the 1910s, a time when the federal government only gradually took the lead on immigration control, Maryland and Virginia devoted considerable attention, resources, and political effort to shaping their own futures with immigration. Indeed, during this crucial transitional period for US immigration federalism, both states alternately pressured, followed, and ignored the federal government on immigration matters. Yet despite their common origins as Chesapeake Bay colonies preoccupied with securing both forced and voluntary migrant labor,¹⁰ Maryland and Virginia during these decades advanced different policy goals on immigration that ultimately translated into distinctive interactions with the federal government. Maryland's interests and actions often aligned with other key gateway states with important ports of entry, whereas Virginia pursued goals consistent with the majority of Southern states that were not significant immigrant gateways. These contrasting vantages, as we elucidate below, produced varied forms of collaboration and conflict with the federal government on how to regulate the admission and rights of newcomers during these years.

With national policy makers largely ceding immigration control to the states for much of the nineteenth century, Maryland adopted its own regulations to govern the entry and integration of newcomers. Like other Atlantic seaboard states receiving European immigrants, Maryland gradually developed a system of bonds and head taxes on new arrivals to raise funds to

support reception and integration costs while also adopting legislation directed at excluding, regulating, and removing the noncitizen poor.¹¹ The Supreme Court's *Henderson* decision (1875) decisively nullified state-required bonds and head taxes that shipmasters routinely paid for their immigrant passengers, but the Court's more sweeping verdict was that state regulations in this field were an "unconstitutional usurpation of exclusive congressional power to regulate foreign commerce." Its opinion urged national uniformity: "The laws which govern the right to land passengers in the United States from other countries ought to be the same in New York, Boston, New Orleans, and San Francisco."¹² Incoming ships to Baltimore, New York, Boston, and other port cities immediately stopped paying fees for their immigrant passengers, even as state commissioners of emigration in Maryland and other gateway states continued to meet the obligation of screening and providing services to newcomers.¹³ Consequently, *Henderson's* most immediate effect was to deprive Maryland (and other maritime states with major ports of entry, where nearly all immigrants arrived) of revenues used to finance the screening process, immigrant poor relief, and other assistance. Despite this loss of revenues, Maryland's decades-old immigration machinery continued to screen and provide services to European arrivals in Baltimore.

Faced with new financial burdens of receiving immigrants, *insistent activism* became a defining feature of Maryland's engagement in immigration politics during the late nineteenth century, joining other frontline immigration states demanding congressional relief. In particular, Maryland faced the prospect of raising taxes or realigning their budgets to offset the financial burdens of receiving and providing public benefits to record numbers of immigrants. This fiscal challenge was shared by all major immigrant-receiving seaboard states, yet Maryland's problem was distinctive. Although Baltimore, a city of merchants, was a major port of entry, Maryland was not a major place of settlement for arriving immigrants, who typically moved on to other states with the encouragement of the B&O Railroad. This was reflected in Baltimore as well. The city's population did grow steadily during the late nineteenth century from 169,000 in 1850 to 450,000 in 1890—much of the increase due to immigrants.¹⁴ Although large numbers of Germans arrived and settled in Baltimore, the proportion of Irish, Italian, and Russian who did so paled in comparison to those in Boston, Philadelphia, and New York in the Gilded Age. One primary factor was that new immigrants faced significant competition for jobs and housing with Baltimore's Black population, the highest of any US city except Washington, DC.¹⁵ Maryland, then, carried the cost for immediate arrival and care of immigrants, especially those who were not well enough to

move on, but generally did not reap the rewards of immigrant labor building the state—a problem that was addressed both through direct lobbying of the federal government and, in the future, through campaigns to persuade immigrants to settle in Maryland.

In their *insistent activism*, Maryland officials, along with other major receiving-state governors, lawmakers, immigration commissioners, and immigration boards, lobbied Congress with petitions, resolutions, and reports highlighting the need for federal relief from the costs of administration and immigrant care. Consistent with their existing subnational bars on European immigrants they deemed undesirable, these gateway states also demanded federal legislation to exclude convicts and “confirmed paupers.”¹⁶ Despite the challenges faced by gateway states that were denied revenues to continue processing and assisting the large numbers of immigrants entering their ports, neither Republican nor Democratic members of Congress were eager to establish new federal regulations on immigration or national administrative capacities for screening new arrivals. Many national politicians were reluctant to enact any new federal policies that might slow European inflows or offend immigrant voters. Others were responsive to steamship companies, who celebrated their liberation from a bonding and head tax system that reduced profits. As a result, Congress was content in the years following the *Henderson* decision to let gateway states like Maryland, New York, and Massachusetts shoulder the responsibilities of processing and regulating the flow of immigrants into the country without the earlier revenues once provided by bonds and head taxes.¹⁷ Maryland and other states with major ports of entry, with the help of philanthropic organizations, grudgingly continued to fill the regulatory and administrative void left by congressional silence in the years after *Henderson*. Meanwhile, states and territories to the west of the eastern seaboard welcomed the inflow of new immigrants to fuel expansion and economic development; whereas, southern states like Virginia hoped European newcomers might aid their own economic growth as well as solidify white electoral supremacy.¹⁸

Disgruntled by a post-*Henderson* system of immigration federalism that imposed what they considered unfair financial burdens on them, eastern gateway states launched a political offensive in the early 1880s. Their insistent activism as intergovernmental pressure groups stepped up considerably as the uncompensated costs of immigrant screening and reception mounted. Political leaders, Boards of Emigration Commissioners, and Boards of Charity from northeastern seaboard states—including Maryland, New York, Pennsylvania, and Massachusetts—urged Congress during these years to impose a

small head tax directly on immigrants to pay for administration and relief. If national lawmakers failed to do so, they warned, gateway states would be unable to guard the country from immigrant “pauperism and crime”—the “most fearful element with which society has to contend.”¹⁹ In 1881, eastern seaboard states also threatened to close down immigrant reception in Baltimore, Castle Garden, Boston, and elsewhere. “The Federal courts have decided that the business of regulating immigration does not belong to the State,” they told the public. “Congress has had ample time and opportunity to deal with the subject... [S]trenuous efforts have been made to secure action from that sluggish body, but it has treated its obvious duty with perverse neglect... The present situation is disgraceful and cannot last.”²⁰ In the face of this pressure from gateway states, Congress relented by adopting the Immigration Act of 1882, which gave the US Secretary of the Treasury executive control over immigration but continued to delegate immigrant processing to state agencies in seaboard states like Maryland, New York, Massachusetts, and Pennsylvania. The new legislation nationalized and validated the decades of immigration policy activism by frontline states before the Court invalidated their regulations. Crucially, in the eyes of gateway states, the new federal law initiated a system of funding immigrant inspections and providing for immigrant welfare by assessing a head tax of 50 cents per newcomer. The 1882 legislation also borrowed and validated language from state statutes to restrict admission of “any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge.”²¹ In short, the new federal law reinforced the central administrative role of state agencies in screening and assisting European immigrants at ports of entry while establishing a new funding method for these activities and nationalizing state restrictions on migrant paupers and convicts.²² “Under the Immigration Act of 1882, state agencies retained a significant level of involvement in immigration regulation,” as Hiredeta Hirota observes, “The federalization of immigration control was therefore a gradual process at best.”²³

For nearly a decade after the 1882 law was codified, immigrant reception in the United States continued to be run at ports of entry by state agencies under supervision of the federal Treasury Department. In fact, under this mixed federal–state system, no national bureau charged with overseeing immigration matters existed in Washington, DC. Instead, the Treasury Department maintained contracts with state agencies at the ports of Baltimore, Boston, Galveston, Key West, New Orleans, New York, Philadelphia, Portland (ME), and San Francisco.²⁴ In 1887, Joseph Pulitzer’s *New York World* published sensational stories about mismanagement and lax enforcement at eastern

ports of entry, prompting congressional investigations that concluded that “it was almost impossible to properly inspect the large numbers of persons who arrive daily during the immigrant season with the facilities afforded.”²⁵ State and federal officials collaborated on ways to enhance these reception facilities and to strengthen the ranks of inspection personnel. In 1891, Congress passed a new immigration law that created a Superintendent of Immigration and a new federal Bureau of Immigration in the Treasury Department. Federal commissioners of immigration were installed at every major port of entry, where they oversaw a newly federalized corps of US immigration inspectors (many of whom were former state immigrant examiners and employees). The act also prescribed methods for compelling steamship companies to return rejected passengers to Europe and contained a provision for deporting noncitizens already residing in the US. In addition, migrants suffering from contagious diseases and polygamists were now deemed legally excludable.²⁶ As the federal government became the locus of supporting and managing ports of entries, gateway states continued to lobby and collaborate with national counterparts in the decades to follow on ways to strengthen port facilities and resources. After the turn of the century, for instance, Maryland leaders urged new federal investment in Baltimore’s port of entry on a par with its support for improvements in Boston and Philadelphia. “The Governor and Mayor should appoint a committee of leading citizens, the Legislature take action, and with the support of the various business organizations, the claims of Baltimore should be pressed,” the Baltimore *Sun* noted, “until Congress consent to give this city the facilities to which the leading Southern port is entitled.”²⁷

At the same time as states like Maryland maintained a prominent role in regulating and receiving immigrants in the transitional period of the Gilded Age, they also pursued autonomous activism by seizing on other ways in which to act in spaces left untouched by the Supreme Court ruling, particularly in the area of recruiting immigrants. As much as Maryland pressured the federal government to do its part to control immigration at the Baltimore port, and later collaborated in a mixed federal–state system of administration, it also advanced an independent agenda for recruiting migrant labor to serve state interests. In particular, political and business leaders in Maryland saw new immigration as crucial to the state’s economic development, and they established new structures to recruit European immigrants to settle permanently within its borders. These efforts began in the Reconstruction era as state leaders lamented the loss of tractable Black labor. The state’s Senate Committee on Labor and Immigration, for instance, explained during this period that recruiting European workers—especially agricultural labor—was essential for

two reasons. The first was the end of slavery, or what committee members called “the sudden abrogation of our hereditary and patriarchal system of involuntary servitude.” The second was that former slaves were preoccupied “with ideas of learning and literature, and social and political equality” rather than being “taught that *work*—honest, faithful work—was the first great lesson of life.”²⁸ Over time, Maryland’s state legislature established a commissioner of immigration, and this work grew and eventually culminated in a State Bureau of Immigration. State business, academic, and political leaders also organized Maryland Immigration Conventions in the 1880s and 1890s, which pursued “all legitimate means” to recruit immigrants.²⁹ Supported by Maryland officials, academic experts, and business interests, the state’s Bureau of Immigration during the late nineteenth century implemented a plan for European recruitment to yield “a stream of immigration to fill up our sparse rural population—sufficient to occupy and improve every county and neighborhood in the State.”³⁰

During this transitional period of immigration federalism, states like Maryland continued to pursue independent immigration plans, focusing on European newcomers who they hoped would maximize their labor supply and reshape the size and composition of their populations. The federal government during these years indicated little interest in impeding these state-level recruitment efforts, with minor exceptions such as an 1885 prohibition on states and businesses encouraging the importation of foreign contract labor.³¹ Because Baltimore’s global port at Locust Point was a major immigrant gateway, Maryland had a distinctive advantage in its recruitment efforts. A total of 1.2 million European immigrants arrived at Locust Point piers from 1868 to 1914, making Baltimore the third busiest port of entry in the United States and the largest south of the Mason–Dixon line.³² International cooperation between transportation companies also fueled European immigration to Maryland. During the Gilded Age, for example, the North German Steamship Line maintained a contract with the Baltimore and Ohio Railroad that allowed immigrants to buy a single ticket to travel across the Atlantic by ship to Baltimore and then farther west by train. The challenge for the state’s Bureau of Immigration and other recruiters was to convince European newcomers to remain in Maryland upon arrival, as the Baltimore and Ohio Railroad hoped to sell “millions of acres of land” farther west, and even employed company agents to “decry the lands of Maryland” as “high in price” and “worn out by cultivation of tobacco.”³³

Maryland’s Bureau and private companies during these decades directly challenged the railroads and rival recruiters by encouraging European

immigrants to remain in the state, aggressively advertising the abundance of desirable farm land and reliable jobs for those who settled there.³⁴ In the end, the state's European immigrant population represented 8 percent of Maryland's population of roughly 1.3 million by 1910, with most claiming German, Russian, Irish, English, Austrian, and Italian origins.³⁵ A significant portion of Baltimore's population during these years was foreign-born, mostly Irish and German, a pattern similar to that in New York, Philadelphia, and Boston. Irish immigrants who settled in Maryland generally arrived with limited education, skills, and capital, and they gravitated to work in foundries and mills and established an early presence in city and state politics. In contrast, German immigrants were wealthier, more agrarian and educated, and settled in larger numbers in Maryland. Successive waves of German immigrants organized successful German-English schools, vibrant social clubs, and a network of community associations. Although nativist movements sometimes gained traction in Maryland's social and political life during this period, the state's political machines, robust party competition in the state, and large urban population made first- and second-generation European immigrants an electoral force that often cut against anti-immigrant campaigns and policies.³⁶ By 1909, the state's Bureau on Immigration pointed to the 104,000 European immigrants living in Maryland at the time as a notable success. The Bureau also focused resources on the integration of new European residents, assisting immigrants with naturalization, helping individuals secure inheritances from their countries of origin, and intervening on behalf of European newcomers when they encountered discrimination.³⁷ When Congress debated a literacy test targeting southern and eastern European immigration during this period, Maryland's delegation tellingly rejected new restrictions on familiar capitalist grounds that newcomers performed necessary tasks like digging ditches and cleaning streets—work that most Americans refused to do.³⁸

Virginia, like Maryland, worked hard to recruit immigrants to their state from the 1860s to the early twentieth century. Both of the Chesapeake states desired labor but more importantly white settlers, and during this important transitional period in US immigration federalism, they exploited the latitude provided by slow federal engagement to pursue independent designs for peopling their states. Yet whereas Maryland had a more established and diverse immigrant population with economic and political clout even before the Gilded Age, Virginia had neither a sizeable immigrant population nor much ethnic diversity. Indeed, economic conditions and persistent nativism made the Old Dominion unappealing to most immigrants—especially from new source countries of southern and eastern Europe. During this era of mass

immigration and policy innovation, the variation between states was pronounced.

Undaunted by Virginia's struggles to attract new European immigrants to settle within its borders since the nation's founding, prominent political and business leaders in the state looked to the recruitment of European immigrants during the late nineteenth century as potentially valuable to the state's development. Virginia's economy was devastated by the Civil War, and by 1870 it remained the only state unable to regain antebellum levels of production.³⁹ In particular, wartime casualties, the end of slavery, and the exodus of significant numbers of young white men to the West also enervated one of the Old Dominion's greatest economic assets before the war: a large and reliable labor force. By the US Census of 1880, demographic data showed that nearly 700,000 of 2.1 million people born in Virginia had left to settle in other states or territories, whereas only 200,000 from other states replaced these losses.⁴⁰ Responding to economic and population decline, Virginia's major industrial interests, transportation companies, planters, and politicians targeted new policies, personnel, and resources for recruiting European settlers both overseas and at major US ports of entry.⁴¹ During the 1860s and 1870s, the General Assembly created a state board of immigration that published recruitment literature and stationed agents in Northern port cities and European cities to attract prospective settlers.⁴² A variety of private interests also maintained immigration agents to attract European newcomers to Virginia and joined in printing brochures designed to entice new arrivals. Southern railroads were among these private interests, eager to encourage travel and population growth. Land speculators hoped to profit from selling plots to immigrants seeking to establish independent farms.⁴³ Taking note of the hundreds of thousands of new immigrants who came through the docks of New York City (3,376, 207 in the 1860s and 1870s,⁴⁴ even with the dampening effects of the Civil War from 1861 to 1865), Virginia's political and business elites briefly envisioned Norfolk as a vibrant alternative port of entry for newcomers.⁴⁵

Despite these extensive recruitment efforts, few European immigrants chose to become Virginians. Plans for Norfolk to become a major port of entry for new arrivals also failed as steamship companies focused on other locations; fewer than 2,500 immigrants entered the US at Norfolk's port in the 1870s.⁴⁶ The state's elected officials responded to these disappointments in 1878 by dismantling its immigration board⁴⁷ but decided one year later to try again with "an ACT to provide for the creation of a commissioner and bureau of immigration."⁴⁸ By 1888, when immigrants comprised 15 percent of the nation's population but only 1 percent of Virginia's population, the General

Assembly again defunded its recruitment efforts.⁴⁹ Yet in the same year, Virginia Governor Fitzhugh Lee joined leaders of eleven other states in forming a Southern Immigration Association, a regional organization fueled by industrial companies, railroads, and Chambers of Commerce determined to settle European immigrants in the South.

Even as the primary political and economic elites remained hopeful about immigrant recruitment, nativist forces in the state and region gained momentum during the late nineteenth century. For example, the *Manufacturer's Record*, a major exponent of Southern industrial development, urged the Southern Immigration Association to "avoid the evils" associated with "the hordes who are coming by thousands weekly from European ports." New southern and eastern European immigrants, it predicted, "will be opposed by nine-tenths of the Southern people."⁵⁰ Similar views had a strong hold in Virginia. The *Richmond Dispatch* noted in 1892 that it was "disgraceful that we should have allowed America to become Europe's dumping ground."⁵¹ A year later, the *Richmond State* went so far as to praise the citizens of New Orleans for lynching eight Italians who had been found innocent of a crime. "It certainly was terrible that an organized band of murderers should exist in a civilized community," the *State* editorialized, "and the community was justified in ridding itself of them."⁵² Much of the hostility directed by Virginia opinion leaders to new immigration from southern and eastern European immigration was generated by their fears of Northern industrial unrest and political radicalism that they associated with mass immigration to that region. "The South did not and does not now want a labor class of immigrants," the *Richmond Dispatch* proclaimed, while the *Norfolk Virginian-Pilot* urged that the state "have no socialist agitators, no anarchists—none, native or imported of the foul brood that threatens to debase or overturn society and destroy orderly government."⁵³

Despite these nativist impulses, Virginia political leaders in the early 1890s continued to join with organized railroad and industrial interests in immigrant recruitment efforts. In this vein, the state hosted an 1893 Southern Governors' Conference in Richmond, with the explicit goal of making the region "a home for the immigrant of small means." The Conference's final resolution called on the region to welcome every European immigrant "without regard to his religion, his politics, or his nativity."⁵⁴ One year later, Virginia's Governor Charles O'Ferrall attended a similar conference that pledged "to attract a few million new settlers."⁵⁵ By 1894, however, most of Virginia's political and economic leaders conceded that campaigns to attract European immigrants were doomed to fail. At a State Immigration

Convention in October of 1894, most delegates coalesced around nativist arguments for suspending recruitment efforts on the grounds that southern and eastern Europeans were unfit for Virginia. “We do not believe that the nations of the Latin race in Western and Southwestern Europe, or that those of the Slavonic race in the East and Southeast of that continent ought to be encouraged to immigrate into our beautiful State,” one German American delegate proclaimed.⁵⁶ Governor O’Ferrall echoed these views in his Convention address, highlighting the need to balance yearnings for desirable immigrants with caution toward those unfit for Virginia society. “While a cordial greeting will be extended to all whose citizenship will add to our wealth in money, brain or muscle, we do not intend that Virginia shall become a Botany Bay, nor the abode of the vile and vicious,” he declared. “Neither have we a welcome for the laggard or idler, for he is a poor and dangerous citizen.”⁵⁷

A number of northern newspapers and magazines took notice of these recruitment campaigns and concluded that few immigrants wanted to endure southern nativism. The *Washington Post* blamed “short-sighted bigotry,” the New York *World* noted that “immigrants venturing South ... are scarcely even tolerated,” and *Harper’s Weekly* observed that Southerners “treat newcomers living among them as strangers, as intruders, who really do not ‘belong’ there.”⁵⁸ Back in Virginia, the Richmond *Dispatch* found that the state was ultimately unwilling to accept “the idea of bringing immigrants into the state in droves ..., of seeking quantity instead of quality.” And for Virginia’s social, economic, and political elites who favored immigration, like other Southern leaders, quality meant northern and western European farmers with some means. The goal was “to attract settlers from the North and West,” and “of the better class of farmers from Germany, Great Britain, Sweden, and Norway,” the *Manufacturer’s Record* clarified. “No one interested in the advancement of the South wants to see that section overrun by the worst class of foreign immigrants.”⁵⁹

Some Virginians considered the failure of the state to recruit large numbers of European immigrants to be a blessing. The Leesburg *Washingtonian* observed in 1897 that the language, ideals, and practices of “the American fathers” were best preserved in Virginia where “anarchy and other foreign teaching have received the least encouragement.” By failing to attract large-scale immigrant settlement to revitalize the state’s economy, Anglo-Saxon homogeneity was preserved: “The day will come when every civilized citizen of the United States with Anglo-Saxon blood in his veins and the love the enlightened free institutions in his heart will be glad that [Virginia] has changed in nothing.”⁶⁰ When 1897 literacy test legislation

was proposed in Congress to filter out unwanted southern and eastern European immigrants, all but one of Virginia's senators and representatives voted in favor (the measure ultimately failed to be enacted). Newspapers throughout the state praised Congressional efforts to restrict new immigration, which "debased, defiled, and poisoned our population and threatened to pollute the very sources of our citizenship."⁶¹ When literacy test bills targeting new immigration resurfaced in Congress in 1912, all of Virginia's House representatives and both of its US Senators voted for the measure.⁶²

The political difficulty of straddling business interests and nativistic political constraints is captured in the last attempt to create a Virginia state immigration bureau in 1914. Supporters used the enabling legislation of the Maryland bureau as a model. The concern is about not only encouraging importation from out of the country but also luring settlers from other parts of the country. Despite that, the inclusion of recruitment of new immigrants led to concerns. One example included discussions of Slav colonies in the Southside counties. Newspapers reported people's concerns and residents asking "who are the Slavs?" Such concerns generated lengthy discussions of the origins of Slavs, including information from professors and discussions of their physical characteristics, conversations that mirrored the emerging race eugenics: "Anthropologically, the Slavs are characterized by a most rounded head, good cranial capacity, medium stature, and a good physical development. In complexion they range from brunette to blonde, the former predominating among the southern Slavs, while blonds are more numerous among the northern part of the stock."⁶³ Other replies to concerns include naturalization rates, which are said to be high among the Slavs, and arguments that literacy among foreign-born immigrants is higher than that among native-born whites and significantly higher than that among African Americans. The comparison continues with noting that 74 percent of the children of the Slavs go to school, whereas 73 percent of children of native-born white residents and 60 percent of African American children attend school. They conclude, "What further evidence is required to prove the need of an efficient State bureau of immigration?" Despite this enthusiasm and the support of the Governor Stuart, who is so interested in promoting immigration that he wanted to "to make a specialty of it, as I feel that there is a great opportunity for important work in this direction" the bill failed. Nativist concerns ultimately won out.⁶⁴ Whether through Southern or independent state efforts, Virginia's efforts to recruit European immigrant residents became less urgent once white supremacist structures made freed Blacks a terrorized and subjugated labor force. In the end, whenever private, state, and regional campaigns

to bring European newcomers to Virginia failed, it strengthened the reach and power of nativist forces favoring new immigration restrictions.

In Maryland, on the other hand, nativist forces were formidable but ultimately did not win the day in debates on immigration during this period. In the northern Chesapeake state, efforts of inclusion were made easier by existing immigrant organizing and the political landscape. In particular, immigrants were drawn into a highly competitive and contentious party politics driven by postslavery battles, as new European voters exercised influence in struggles between Republicans and new and old Democrats. In addition, a more active and organized Black community in Maryland allowed for occasional alliances to be drawn with naturalized European voters. In 1904, for example, the Democratic majorities in the state legislature endorsed an amendment to the state constitution, the Poe Amendment, which imposed stringent new civics knowledge tests on anyone who was not eligible to vote (or did not have male descendants who were eligible) before the passage of the 15th Amendment. Understanding the Poe amendment was designed to disenfranchise many Black and immigrant voters, a “Maryland League of Foreign-Born Citizens” joined with a well-organized Black mobilization effort to fight the amendment. Additional immigrant leaders, like Jewish ward bosses and Catholic clergy, mobilized supporters in opposition as well. In the end, the combination of immigrant and Black resistance thwarted efforts entered into contentious Maryland party politics where party bosses and outsiders collided and the amendment was defeated by the voters of Maryland.⁶⁵

In the decades following the Supreme Court’s 1875 declaration of federal primacy over immigration policy, Maryland and Virginia were anything but quiescent or deferential on immigration matters. Joining with other gateway states of the Atlantic seaboard in their insistent activism, Maryland was instrumental in pressing Congress to adopt a regulatory regime for immigrant inspection and entry that began at the state level. Both of the Chesapeake states also exercised considerable autonomy in immigration policy making, operating assertively within the considerable space available for state-level action during this transitional period of immigration federalism. Indeed, they devoted considerable resources in these years to recruiting European immigrants who were viewed as advantageous to economic development and to sustained white supremacy—thereby pursuing state immigration policies quite independent of the national state. Revealingly, when these recruitment efforts yielded few returns for Virginia, it joined with other Southern states in vigorously lobbying Congress in favor of significant new restrictions designed

to preserve racial and ethnic hierarchy, with northern and western Europeans deemed the most desirable. Meanwhile, across the country new states of the Southwest also pushed and pulled the levers of intergovernmental power sharing, regularly asserting themselves in ways that again challenge the notion of a federal primacy on immigration in this era.

SOUTHWEST: LABOR AND EXCLUSION

At the time the Court established federal plenary power over immigration in 1875, Arizona and New Mexico were in their third decade as US territories forcefully annexed in 1848. Both became states in 1912, and each found ways to exercise voice and exert independent influence on immigration matters rather than simply defer to federal control. As southwestern territories and later as young states, Arizona and New Mexico were strikingly aggressive in their efforts to populate and develop their lands through migrant labor while also seeking to exclude immigrants who they deemed unfit for their societies. This led these states to insist on limits to federal immigration restrictions when migrant labor was in demand while also imposing their own barriers to property ownership, employment, and other aspects of membership for immigrant groups they considered undesirable.

Relegated to territorial status by Congress for decades because of its sizeable Spanish-speaking population of Mexican descent, Arizona eventually won statehood with a strategy of promised white supremacy from white political and economic elites who came to dominate the state's power structures.⁶⁶ In keeping with this strategy, Arizona lawmakers drafted nativist policies that targeted certain immigrant groups for exclusion as a means of ensuring Anglo superiority. This autonomous activism by Arizona helped shape intergovernmental relations on immigration for the nation by testing boundaries between alienage and immigration law, adopting restrictions on immigrant rights that showed how states could use their own policy levers to affect immigration by harming the lives and livelihoods of newcomers.

In 1913, for example, Arizona adopted a law the same year as California, barring those “ineligible for citizenship”—namely Asian and other nonwhite immigrants—from owning land. These alien land laws targeted Japanese immigrants, attempting to both reduce competition for white farmers, and to discourage Asian migration to the state. Arizona enhanced the restriction with harsher legislation in 1917 and continued to enforce the measures throughout the 1930s.⁶⁷ New Mexico also gained statehood in 1912 by contending that most of its population had Spanish-European origins—rather

than Mexican lineage that most members of Congress deemed racially untenable for the union. New Mexico imposed its own property restrictions for noncitizens in 1921 with a state constitutional amendment banning individuals ineligible for citizenship from owning land.

By enacting alien land laws, states like Arizona and New Mexico exploited federal naturalization categories to impose harsh restrictions on Asian immigrants who faced hostility across the western region. Because these laws relied upon federal immigrant and citizenship policies, the courts ruled that many state-level barriers to alien land ownership passed constitutional muster. For instance, in its *Terence v. Thompson* (1923) ruling on a Washington state alien land law, the Court reasoned that an immigrant ineligible for citizenship “lacks an interest in, and the power to effectually work for the welfare of, the state, and so lacking, the state may rightfully deny him the right to own and lease real estate within its boundaries.”⁶⁸ And, according to the Court, the 14th Amendment did not provide any protection for immigrants wanting to access citizenship: “Congress is not trammled, and it may grant or withhold the privilege of naturalization upon any grounds or without any reason, as it sees fit.”⁶⁹ Therefore, the states’ alien land laws were able to target a specific racial group without violating the 14th Amendment, precisely because they relied on the federal bars to citizenship for nonwhite immigrants. With states able to create different regimes by building on naturalization laws, when those state choices created international pressures, foreign representatives and US federal officials were left to negotiate with governors. When tensions around the enforcement of Alien Land Laws arose in Arizona, the Japanese and British consulates pleaded with the governor of Arizona to intervene through frequent and urgent telegrams. The US secretary of state also had to turn to the governor of to request his assistance to try to navigate the diplomatic pressures. Alien land laws put state officials at the center of US foreign policy in ways that challenge a notion of federal supremacy during this time. By seizing upon an opening provided by federal naturalization rules, Arizona and New Mexico joined other western states in leaving their mark on national immigration politics and immigration federalism through anti-Asian land laws.

Arizona’s elected leaders found themselves, again, responding to requests from the secretary of state and international officials around a 1914 state initiative directed at restricting immigrant access to the labor market. In particular, the new law required that 80% of the employees hired by companies be US citizens.⁷⁰ Such restrictions on foreign labor had been on the agenda of western states and in national debate for years.⁷¹ Arizona entered the political fray using the progressive elements of its recently passed constitution, the

initiative system, to create controversial workplace barriers, ones that fueled national debate. Arizona's autonomous activism pushed back against any sense of a federal monopoly on immigration through restrictive policy innovation, eliciting strong responses from both national officials and foreign governments. The state's nativist governor, Democrat George Hunt, was urged by US Secretary of State William Jennings Bryan to delay implementation of the law that had been passed by the voters amidst protests from nations like Great Britain and Italy. Yet Hunt also received a burst of letters fervently backing Arizona's stand against foreign-born workers, describing it as a matter of national sovereignty—even as federal officials called for moderation. As one supporter noted, Arizona ought not be asked to “set aside your own laws because England and Italy don't like it,” adding that Italian workers represented unfair job competition for the native-born “white man.”⁷² Most supporters applauded Arizona's law as a means of encouraging unwanted immigrants to leave. Governor Hunt himself argued that the law was a crucial way for the state to guard the interests of US workers against unscrupulous employers and servile migrant laborers. “It should be remembered that many years ago some of the largest camps in the State were populated by industrious dependable American workingmen,” wrote Hunt in a letter to business leaders who hired Mexican noncitizens. “[B]ut in more recent years the policy of certain large companies in seeking to decrease the cost of operation at all hazards, has driven the American workingman from his rightful place in the State's industries, and has supplanted him with different types of aliens, which are almost no benefit whatever to the State, and which, in some ways, impose upon the taxpaying public an irksome burden.”⁷³

The controversy that Arizona's nativist labor law inspired was ultimately resolved by the Supreme Court, which ruled that it violated the 14th Amendment. “A State may not, in order to protect citizens of the United States, in their employment against noncitizens of the United States in that State, require that employers only employ a specified percentage of alien employees,” the majority opinion declared. “Such a statute denies to alien inhabitants the equal protection of the law.” The Court also acknowledged the connection between such alienage laws and the goals of immigration regulation. “The power to control immigration—to admit or exclude aliens—is vested solely in the Federal Government, and the States may not deprive aliens so admitted of the right to earn a livelihood, as that would be tantamount to denying their entrance and abode.”⁷⁴ Although it was ruled unconstitutional, this autonomous activism exerted influence on the immigration debate within the state, nationally, and on immigrants directly.⁷⁵

Arizonans could not legislate their way to an 80% citizen workforce, but police power was used to those exact ends. In 1917, during major labor unrest in Jerome, Arizona, mining operations, local authorities rounded up roughly 75 men believed to be associated with the Industrial Workers of the World and escorted them out of town. Shortly thereafter, the town of Bisbee had its own much larger “deportation.” In June, Bisbee miners associated with the Industrial Workers of the World presented a list of demands to copper mining companies leading to a strike, including calls to raise wages and create greater equality between jobs occupied by mostly by Mexican or Eastern European workers and those occupied by white, mostly English-speaking white men. The Bisbee workforce was made up of a large number of Mexican, Finnish, and Slavic workers. Mine owners had switched from challenging nativism, when they opposed the 80% law, to drawing on those very concerns about “enemy aliens.” Amidst rumors that the “foreign element” was under the influence of “Prussians,” organizations like the Citizen’s Protective League and the Workman’s Loyalty League joined with the town Sheriff to seize striking workers at the Bisbee mines.⁷⁶ Sheriff Wheeler, once opposed by mine owners precisely because of his reputation for fairness and honesty, played a critical role in the deportation and deputized men in Bisbee, something he said “had they not convinced him that there was German influence behind the strike he would have died rather than deputize men to take sides against labor.”⁷⁷ Sheriff Wheeler deputized men from Bisbee and Douglas, creating a posse of about 1,500 men. Over 1,200 people were violently rounded up at gunpoint and put on a train. It was nativism not the labor dispute that led toward key public officials being involved in the deportation. In explaining his participation, Sheriff Wheeler said “it became a question of ‘Are you American, or are you not?’”⁷⁸ He also noted that “We intend to make this an American camp where American working men may enjoy life, liberty, and the pursuit of happiness unmolested by any alien enemies of whatever breed.”⁷⁹ It seems they did just that. In 1918, the state senator from Bisbee told the Arizona Senate, “and what are the results in Bisbee since the Deportation? They are ... a practically one hundred per cent American Camp. A foreigner to get a job there today has to give a pretty good account of himself.”⁸⁰ If an individual who was deported wanted to return to Bisbee they needed to provide letters from supporters and sign an oath of national loyalty (as well as to the company). These materials were reviewed by the “Vigilance Committee,” a reinvention of the Loyalty League. By 1920, then, over 80% of the employees in the Copper Queen Mine in Bisbee were American citizens. The deportations served not just to make workers more compliant but also to shift immigrants out of the area, reducing

the proportion of immigrants in the workforce despite what the court had ruled a few years earlier in *Truax v. Raich*. Elizabeth Benton-Cohen, in an important work on the implications of the deportation for local racial terrain and national politics, characterizes the immigrant communities in the area as “devastated” and “purged.”⁸¹ This town in Arizona, both through deportation and then through regulation of readmittance, effectively controlled immigration at their own border, challenging the primacy of the federal border.

Remarkably, the actions to seize, detain, and remove immigrant workers went unchecked by the federal government. The federal government held hearings on the Bisbee deportations and dubiously declared the actions illegal. The Department of Justice indicted 21 individuals; however, the courts found that no federal law had been broken and therefore any accountability must be through the state courts. State legislators were split on the issue, with some taking to the floor of the Senate to defend the deportations. Despite Governor Hunt being pro-union, he took no action around the deportation.⁸² It is another telling example of local activism during the early twentieth century in a realm of immigration policy theoretically reserved for national authorities.

By the 1920s, state officials from Arizona and New Mexico continued to assert themselves in the politics of immigration and labor regulation in the region. Yet during these formative decades for American immigration federalism, their activism and expectations of the federal government reflected contrasting approaches and agendas. In Arizona, the state’s long-serving Governor George Hunt never wavered in defending “American” workers and in challenging national policies that he argued brought unfit immigrant laborers to his state on behalf of craven corporate interests. As Hunt complained in 1923 to US Secretary of Labor,

For many years the immigration to this country has been determined by the United States Steel Corporation, mining companies, etc. who are interested chiefly in securing cheap and docile labor. It is doubtful whether the adoption of this policy by gigantic corporations, has been helpful to our civilization. There is a situation—a grave situation—developing here in Arizona. The foreign-born population outnumber American citizens. This might not be so bad if there were any chance of making American citizens out of these aliens, but there is no intention or desire on the part of the probably ninety per cent of the aliens in this State to become citizens.⁸³

Hunt chastised the Labor Secretary and other federal administration officials for doing little to address unauthorized immigrants residing in his state. Labor Secretary James Davis sympathized with Hunt's central desire to "keep ... America American."⁸⁴ Although Hunt and Davis shared nativist goals, they disagreed on what should be done, and at the base of that disagreement were different visions of federalism and federal power. Davis was pushing for an Americanization and alien registration plan led by the federal government, with state and local agencies playing a necessary cooperative role. Hunt, distrustful of any federal government growth, was resistant to the idea of federal involvement in interior immigration enforcement or federal programs targeting assimilation. Davis attempted to assuage Hunt's concerns in part by noting the authority that states would retain to resist any overreach or misuse of the registry: "As to the espionage in America, you know that would be impossible; in Arizona you would not permit it and I do not know of a Governor in any other state who would."⁸⁵ Davis also tried to appeal to Hunt's basic nativist goals: "You cannot stop the bootlegging of aliens without enrollment in Arizona."⁸⁶

Such assurances and attempts to illuminate similar goals failed, and Hunt indicated he would never sanction such a program: "I cannot, honestly or conscientiously approve the registration feature of your program... . I am absolutely, definitely and irrevocably opposed to the setting up of any elaborate system of governmental espionage in the United States."⁸⁷ Davis took umbrage at the assertion that his registration plan opened up the doorway to espionage and tyranny. In a letter responding to this accusation, Davis noted the multiple registries run by cities, counties, and states that already track people for a variety of purposes such as voting and taxes. Davis argued that his plan would not necessitate a growth in government, as the agencies already existed if he could secure the cooperation of various levels of government: "The plan for the enrollment of the alien as such does not necessarily involve the creation of a single additional government officer. It can readily be accomplished if necessary by existing agencies created by town, cities, counties, states and nation." And if there was any small growth needed in federal personnel, "why should it be suspected that these officers would be less in harmony with the spirit of American institutions than are other officers of the government or are Governors of states and their assistants?" Davis recognized that at base, Hunt distrusted not a growth in government power but *federal* government authority on this matter. Hunt confirmed this in his reply when he noted that although he does "want to see immigration bars up and the flow of immigration stopped ... if permanent residence can be

established for aliens, I believe it possible and probable that we can meet and solve the problem through action of the states. This may not seem adequate to you. On the other hand, I candidly and honestly believe that your registration idea is a distinct menace and would eventually result in untold harm to American institutions.”⁸⁸ Hunt and Davis, two men with nativist goals, could not reach agreement because of different normative assumptions on federalism. The Arizona governor through a declaration of noncooperation, a form of interdependent activism, would make any national registration plan difficult to pursue.

In New Mexico, we see a contrast with the understanding of intergovernmental relations on issues of immigration and labor and a turn to insistent activism. Although Arizona leaders preferred to go it alone and often sought to keep the federal government out of its affairs, their New Mexican counterparts regularly pressed the federal government to become more involved with problems stemming from immigration. When the Bisbee deportees arrived unexpectedly in New Mexico, some were released, but most were detained for months in Columbus. In response to this unanticipated problem, the Luna County Council of Defense called on the governor and the State Council of Defense to coordinate a response to the Bisbee deportees, worrying that these men might introduce labor unrest to New Mexico. The County Council of Defense asserted local autonomy over local affairs, but with power-sharing arrangements that deferred to state or even federal power to help enforce local control: “We believe that each community has a right to regulate its local affairs and that such right should not unlawfully be infringed upon and that it is the duty of the State Government, to see that such rights are properly protected.” After making their case for the danger the Bisbee deportation has caused for their community, they continued, “If this County had the power and could rightly and legally dispose of this matter, we would immediately take steps to do so without calling upon the State authorities. But you know that we have not this power and we do not intend to exercise any authority with which we are not lawfully invested.”⁸⁹ A few days later, the chairman of the Council warned state officials that violence might erupt between the deportees and Columbus citizens. Urging the state to remove the deportees to Mexico, the Council warned that labor agitators and union members in their number were “disloyal to the State and Government and their chief aim in life at present is to try and cause some trouble or out break that would involve the State or Government.”⁹⁰

During the early twentieth century, officials in New Mexico were vexed by their own labor unrest that they associated with radical “foreign” workers—a

challenge they saw as resulting from flawed national immigration policies. They thus turned to the federal government to solve the problem. During a 1922 coal strike in Gallup that turned violent, for example, Governor Merritt Mechem responded by mobilizing the National Guard and declaring martial law. Mechem, military officers, and other officials ultimately concluded that the strike and its associated threats to the state's coal supply and railroads were the products of dangerous foreign-born workers and laborers from the "native population" posed no threat.⁹¹ Presaging state arguments to come in the late twentieth century,⁹² Governor Mechem suggested it was the federal government who should solve the problem they created in New Mexico by faulty federal immigration policies. "The strikers are over 80% foreigners," he told Congressional representatives, "and it seems to me that the United States is in some degree responsible for their presence here and should be willing to assume, in some part, the burden that has fallen on the state in controlling them."⁹³ Significantly, reports on the Gallup strike to the governor include sympathetic information on "old Mexico Mexicans" who were arrested or detained unjustly. In large part, this conclusion reflected an understanding that Mexican workers kept their distance from European immigrant agitators.⁹⁴ In the final analysis, Hunt and Arizona leaders acted independently as they assailed most new immigrants, whereas Mechem and other New Mexico officials focused more narrowly on "radical" immigrants and demanded federal partnership in resolving labor unrest.

CONCLUSION

For nearly 150 years, the Supreme Court has denounced jurisdictional ambiguities in immigration policy, regularly striking down state laws as unconstitutional intrusions on the federal government's "broad, undoubted power over the subject of immigration and the status of aliens."⁹⁵ Most scholarship on the historical evolution of US immigration policy has followed suit, citing the Court's 1876 *Henderson* and *Chy Lung* cases⁹⁶ as decisive in extinguishing state power in the immigration sphere and concentrating their attention on federal policy developments from the Gilded Age onward.⁹⁷ Some astute observers, such as Gerald Neumann, Hidetaka Hirota, Anna Law, Pratheepan Gulasekaram, and S. Karthick Ramakrishnan, have recognized openings for subnational policy making on immigrants and immigration during the late nineteenth and early twentieth centuries, but their own research has not focused on this period of policy struggle and change.⁹⁸ Finally, most work on US immigration politics and policy since the 1970s highlights the

significance of state-level policy innovations and frequent intergovernmental conflict but generally sees both as contemporary developments without notable historical roots.⁹⁹ This growing and important literature illuminates the significance of immigration policy making at the state and local levels over time. Yet this work has largely neglected the role of state governments and federalism in immigration policy during the crucial, transformative decades of the Gilded Age and the Progressive Era. One of our chief goals in this article has been to redress these silences by spotlighting the prominence and diverse forms of regional, state, and local policy activism during these decades. The Court's landmark *Henderson* decision, did not instantly establish federal primacy over immigration but rather introduced a period of critical intergovernmental negotiation, collaboration, and competition over how to control immigration and noncitizens from the 1870s to the 1920s.

Maryland, Virginia, Arizona, and New Mexico may be routinely less studied than the usual lineup of larger immigrant-receiving states (such as California, Florida, Illinois, New York, and Texas), but they provide decidedly fresh perspectives on subnational policy interests, demands, and innovations during a crucial transitional period. As we have shown, the older, eastern seaboard states of Maryland and Virginia—the original Chesapeake colonies—found immigrant reception and recruitment to be quite challenging from the 1870s to the 1910s. Although their immigration interests and experiences were anything but identical, Maryland and Virginia followed comparable trajectories in terms of advancing policies at the state and national levels designed first to facilitate robust European immigration and later to severely restrict it. In both cases, these states saw themselves as important independent actors on immigration policy well after the Court declared it an exclusive realm of federal control.

These findings of tenacious state activism on immigration matters during decades of purported national dominance may be even more compelling when evidenced in Arizona and New Mexico—two of the nation's youngest states. Neither of these southwestern states routinely deferred to federal authorities on regulating immigrants or immigration in the early twentieth century. Like their counterparts in many older states, political and economic leaders in Arizona and New Mexico pressed to populate and develop their lands through migrant labor, viewing new European settlers and pliant Mexican workers as particularly desirable. When federal policies threatened to stymie this flow of migrant labor, both states pushed hard and often effectively to guard the interests of growers, ranchers, and other employers. Arizona and New Mexico also were undaunted in pursuing exclusionary policies designed not only to

limit the rights of immigrants who they considered unfit for their societies but also to discourage unwanted groups from immigrating in the first place including Chinese, Japanese, and southern and eastern European immigrants. From an audacious law prohibiting employers from hiring large numbers of foreign-born workers, to alien land laws, to the brazen deportation of hundreds of immigrant miners striking in Bisbee, Arizona's political leaders confidently took independent actions that they thought best served their constituents, with little concern for input or permission from federal authorities. In contrast, New Mexico's elected leadership saw instances of labor unrest as the handiwork of specific foreign-born "radicals" rather than entire immigrant groups. These leaders also responded to strikes and labor agitation that they found unsettling by applying pressure on federal authorities to help resolve the problem, arguing that national policies were fundamentally at fault for introducing foreign radicalism to New Mexico. Even as new states long marginalized on the national stage, Arizona and New Mexico tellingly had no qualms about testing—if not disregarding—federal authority over immigration and forcefully enacting and implementing their own policy agendas.

By illuminating research findings from two established eastern states (Maryland and Virginia) and two younger southwestern states (Arizona and New Mexico) during these years, we gained valuable comparative insights about how the realities of governing immigrants and immigration on the ground were quite different from what either court doctrines or Washington-centric policy histories presume. Strikingly, all four of the states we studied were undaunted by assertions of federal plenary power by the courts, Congress, or executive officials. In addition to gradually collaborating with national authorities, these states advanced independent policy agendas and negotiated protean power-sharing relationships with confidence despite *de jure* federal supremacy. The prominence of distinctive *subnational* political environments driving state- and regionally oriented policy responses to new immigration is unmistakable during the late nineteenth and early twentieth centuries.

*University of Puget Sound
University of Oregon*

NOTES

1. See, for example, Hidetaka Hirota, "The Moment of Transition: State Officials, the Federal Government, and the Formation of American Immigration Policy," *Journal of American History* 99, no. 4 (March 2013): 1092–1108; Anna Law, "Lunatics, Idiots, Paupers,

and Negro Seamen—Immigration Federalism and the Early American State,” *Studies in American Political Development* 28 (October 2014): 107–28; Gerald Neuman, “The Lost Century of U.S. Immigration Law (1776–1875),” *Columbia Law Review* 93 (December 1993): 1833–1901; Benjamin J. Klebaner, “State and Local Immigration Regulation in the United States before 1882,” *International Review of Social History* 3, no. 2 (1958): 271–86.

2. Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage, 2006); Susan Martin, *A Nation of Immigrants* (New York: Russell Sage, 2011); William S. Bernard, “Immigration: History of U.S. Policy,” in *Harvard Encyclopedia of American Ethnic Groups*, ed. Stephen Thernstrom, Ann Orlov, and Oscar Handlin (Cambridge, MA: Harvard University Press, 1980), 482–97; Maldwyn Jones, *American Immigration* (Chicago: University of Chicago Press, 1960); Edward Prince Hutchison, *Legislative History of American Immigration Policy* (Philadelphia: University of Pennsylvania Press, 1981).

3. Jorge M. Chavez and Doris Marie Provine, “Race and the Response of State Legislatures to Unauthorized Immigrants,” *Annals of the American Academy of Political and Social Sciences* 623 (May 2009): 78–92; Muzaffar A. Chishti, “The Role of States in U.S. Immigration Policy,” *New York University Annual Survey of American Law* 58, no. 3 (2002): 371–76; Mathew Coleman, “The ‘Local’ Migration State: The Site-Specific Devolution of Immigration Enforcement in the U.S. South,” *Law & Policy* 34, no. 2 (2012): 159–90; Paul G. Lewis and S. Karthick Ramakrishnan, “Police Practices in Immigrant-Destination Cities: Political Control or Bureaucratic Professionalism?” *Urban Affairs Review* 42, no. 6 (2007): 874–900; Lina Newton and Brian E. Adams, “State Immigration Policies: Innovation, Cooperation or Conflict?” *Publius: The Journal of Federalism* 39, no. 3 (2009): 408–31; Peter Schuck, “Taking Immigration Federalism Seriously,” *University of Chicago Legal Forum*, 2007, 57–92; Monica Varsanyi, ed., *Taking Local Control: Immigration Policy Activism in U.S. Cities and States* (Redwood City, CA: Stanford University Press, 2010).

4. Neuman, “The Lost Century of U.S. Immigration Law”; Zolberg, *A Nation by Design*; Hutchison, *Legislative History of American Immigration Policy*.

5. Adam Cox and Cristina Rodríguez, *The President and Immigration Law* (New York: Oxford University Press, 2020), 22.

6. Pratheepan Gulasekaram and S. Karthick Ramakrishnan, *The New Immigration Federalism*, (New York: Cambridge University Press, 2015), 25.

7. Gulasekaram and Ramakrishnan, 24–27.

8. In the country as a whole, this was a time of a rapid rise in immigration. In 1850 there were over two million immigrants in the nation, or 9.7 percent of the total population. By 1910 there were thirteen and half million immigrants living in the United States, or 14.7 percent. These newcomers however were concentrated in certain areas of the country and resulted in contestation over a range of political, cultural, and economic issues that varied by region. In the Northeast, immigration increased from 15.4 to 25.8 percent, or from 1.3 million foreign-born to 6.7 million. Whereas in the South Atlantic, the percentage of immigrants in the population fluctuated two and three percent, adding 200,000 foreign born between the 1850 census and the 1910 census. In California, the percentage of immigrants hovered around 38 percent in 1860 and 1870. Although double the absolute number of immigrants by 1910, they were only 25 percent of the population of the state.

9. The “big five” in immigration history are New York, Texas, California, Florida, and Illinois. We hope to be able to add to the historical record of other, less well-studied states, with the comparisons we offer here. As Colbern and Ramakrishnan note in *Citizenship Reimagined*, there is a need for additional in-depth historical studies of immigration in other states. Although they employ “a historical institutional approach” to study shifts from anti-immigrant legislation to immigrant rights in California (12–13, 18), they note they were “unable to conduct a similarly detailed, historical institutional analysis for all fifty states” (302). Clearly, an analysis of a state as crucial as California provides an important foundation, as do numerous works on comparable historical developments in New York. Yet equally important is to explore how immigration federalism has played out over time in other states, such as we do here.

10. William Gaines, Jr., “New Blood for the Old Dominion,” *Virginia Calvalcade* 2 (Summer 1952): 40–54; Bernard Bailyn, *The Peopling of British North America* (New York: Alfred A. Knopf, 1986), 98–109; and Alan Taylor, *American Colonies: The Settling of North America* (New York: Penguin, 2001), 138–86.

11. E. P. Hutchinson, *Legislative History of American Immigration Policy, 1798–1965* (Philadelphia: University of Pennsylvania Press, 1981), 388–404; and Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the 19th-Century Origins of American Immigration Policy* (New York: Oxford University Press, 2017).

12. *Henderson et al. v. Mayor of New York et al.*, 92 U.S. 259 (1875); see also *Chy Lung v. U.S.* 275 (1875).

13. F. Tuerk, “The Supreme Court and Public Policy: the Regulation of Immigration, 1820–1882” (Master’s thesis, University of Chicago, 1951), 58–63; Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press, 2002); 68–69; Zolberg, *A Nation by Design*, 189–91.

14. James B. Crooks, *Politics and Progress: The Rise of Urban Progressivism in Baltimore, 1895–1911* (Baton Rouge: Louisiana State University Press, 1968), 4.

15. Crooks, *Politics and Progress*, 7; Sherry Olson, *Baltimore: The Building of an American City* (Baltimore: Johns Hopkins University Press); Gary Browne, *Baltimore in the Nation* (Chapel Hill: University of North Carolina Press).

16. Hutchinson, *Legislative History of American Immigration Policy*, 396–404; Tichenor, *Dividing Lines*, 68; and on resistance of eastern seaboard states to poor European immigrants in general, see Hidetaka Hirota, *Expelling the Poor*.

17. Maldwyn Allen Jones, *American Immigration* (Chicago: University of Chicago Press, 1960), 250–51; John Higham, *Strangers in the Land* (New York: Atheneum, 1974), 44–48; Tichenor, *Dividing Lines*, 68–69.

18. Tichenor, *Dividing Lines*, 68–69; Rowland Berthoff, “Southern Attitudes Toward Immigration, 1865–1910,” *Journal of Southern History* 17, no. 3 (August 1951): 329–36.

19. Quoted in Higham, *Strangers in the Land*, 44.

20. “The Care of Immigrants,” *New York Times*, June 19, 1882, 1.

21. Immigration Act of 1882, ch. 376, § 2, 22 Stat. 214; Roy Garis, *Immigration Restriction: A Study of the Opposition to and Regulation of Immigration into the United States* (New York: Macmillan, 1927), 88–89.

22. Higham, *Strangers in the Land*, 44; Tichenor, *Dividing Lines*, 68–70; Zolberg, *A Nation By Design*, 189–91.

23. Hirota, *Expelling the Poor*, 201.
24. Thomas Pitkiin, *Keepers of the Gate* (New York: New York University Press, 1975), 8–11; Marian Smith, “Overview of INS History,” in *A Historical Guide to the U.S. Government*, ed. George Kurian (New York: Oxford University Press, 1998), 22–23.
25. Quoted in Pitkiin, *Keepers of the Gate*, 11.
26. Higham, *Strangers in the Land*, 99–100; Pitkin, *Keepers of the Gate*, 14–15; Tichenor, *Dividing Lines*, 70.
27. “Maryland’s Part in the Immigration Movement,” *The Baltimore Sun*, February 22, 1912, 6.
28. Maryland General Assembly, Senate, “Report of the Committee on Labor and Immigration,” in *Journal on the Proceedings of the Senate of the State of Maryland* (Annapolis: H. A. Lucas, printer, 1867), 3.
29. For example, see “Maryland Immigration Convention,” *The American Farmer*, March 1, 1891, 55.
30. See, for example, “Report of the Committee on Labor and Immigration”; “Promoting Immigration to Maryland and Virginia,” *The American Farmer*, March 1881, 86.
31. Zolberg, *A Nation by Design*, 193–95.
32. Ron Cassie, “How Baltimore Became the New York of the South” (Master’s thesis, Georgetown University, 2016).
33. “Promoting Immigration to Maryland and Virginia.”
34. Dean Esslinger, “Immigration through Baltimore,” in *Forgotten Doors: The Other Ports of Entry to the United States*, ed. M. Mark Stolarik (Philadelphia: The Balch Institute Press, 1988), 63–66.
35. Department of Commerce and Labor, Bureau of the Census, “Statistics for Maryland” in *Thirteenth Census of the United States Taken in 1910* (Washington, DC: Government Printing Office, 1913).
36. Alan Kraut, “Comment on Immigration through Baltimore,” in *Forgotten Doors*, 74–76; Ernest Becker, “History of English-German Schools in Baltimore,” in *Society for the History of Germans in Maryland Reports 25* (1942): 13–17; Dieter Cunz, *The Maryland Germans* (Princeton, NJ: Princeton University Press, 1948).
37. Maryland Bureau of Immigration, *Report: Volumes 7–8, 1909* (Baltimore: The Maryland Bureau of Immigration, 1909).
38. 54 Cong. Rec. 1935 (1917).
39. Hodding Carter, *The Angry Scar: The Story of Reconstruction* (Garden City, NY: Doubleday and Company, 1959), 32; Virginius Dabney, *Virginia: The New Dominion* (Charlottesville: University of Virginia Press, 1983), 353; James D. Smith, “Virginia during Reconstruction, 1865–1870: A Political, Economic, and Social Study” (PhD diss., University of Virginia, May, 1960), 223–24; Abraham Berglund, Frank Devyuer, and George Starnes, *Labor in the Industrial South* (Charlottesville, VA: The Michie Company, 1930), 1–2.
40. United States Department of the Interior, *Compendium of the Tenth Census of the United States, 1880: Population*, Vol. 1 (Washington, DC: Government Printing Office), 468.
41. William Gaines, Jr., “New Blood for the Old Dominion,” *Virginia Cavalcade* 2 (Summer, 1952): 39–43; Gaspar Tochman, *Emigration to the United States: Organization of the State Board of Immigration in the State of Virginia* (New York: Batchelar Publisher, 1869). At the regional level, the classic treatments are provided by Rowland Berthoff,

“Southern Attitudes toward Immigration, 1865-1914,” *Journal of Southern History* 17, no. 3 (1951): 328–42; and John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New York: Atheneum, 1963), 110–28.

42. United States Immigration Commission, *Immigration Legislation* (Washington, DC: Government Printing Office, 1911), 898–901.

43. Tochman, *Emigration to the United States*; and Florence Edith Johnson, *The Background of Swedish Immigration, 1840-1930* (New York: Arno Press and The New York Times, 1970), 253.

44. Niles Carpenter, *Immigrants and Their Children* (New York: Arno Press and The New York Times, 1963), 29.

45. *Virginian* (Norfolk), April 19, 1872, 2.

46. Gains, “New Blood for the Old Dominion,” 42–43.

47. *Acts and Joint Resolutions of the General Assembly of the State of Virginia during the Session of 1877-1878* (Richmond: R. F. Walker, Superintendent of Publishing, 1878), 242.

48. *Acts and Joint Resolutions of the General Assembly of the State of Virginia during the Session of 1879-1880* (Richmond: R. F. Walker, Superintendent of Publishing, 1880), 342–43.

49. United States Immigration Commission, *Abstracts and Reports of the Immigration Commission* (Washington, DC: Government Printing Office, 1911), 126.

50. *Manufacturers’ Record* 13 (1888), 11; Richard Mayo-Smith, *Emigration and Immigration* (New York: Charles Scribner’s Sons, 1895), 195–96.

51. *Dispatch* (Richmond), September 29, 1892, 2.

52. *State* (Richmond), April 19, 1893, 3.

53. *Dispatch* (Richmond), April 9, 1893, 12; and *Virginian-Pilot* (Norfolk), January 14, 1897, 4.

54. *Dispatch* (Richmond), April 12, 1893, 1; and *State* (Richmond), April 14, 1893, 2.

55. *Atlanta Constitution*, May 28, 1894, 3.

56. *Dispatch*, October 18, 1894, 1, 3.

57. *State* (Richmond), October 16, 1894, 2.

58. *Washington Post*, April 6, 1894, 6; the *New York World* is quoted in *Manufacturers’ Record*, 28 (1893), 380; and “The Development of the South,” *Harper’s Weekly* 38 (1894): 914.

59. *Manufacturers’ Record* 27 (1894): 1.

60. *Washingtonian* (Leesburg), January 16, 1897, 2.

61. *Virginian-Pilot*, March 10, 1899, 4.

62. John Higham, *Strangers in the Land* (New York: Atheneum, 1974), 163–64.

63. “Our Slaves” *Daily Index-Appeal* (Petersburg, VA), February 25, 1914, Immigration 1913–1914, box 20, folder 4, Henry C. Stuart Executive Papers, 1857–1914, Library of Virginia, Richmond.

64. Henry Stuart to Mr. W. W. Stockwell, March 3, 1914, box 20, folder 4, Henry C. Stuart Executive Papers.

65. Robert J. Brugger, *Maryland: A Middle Temperament 1634-1980* (Baltimore: Johns Hopkins University Press, 1988), 420–24.

66. Robin Jacobson, Daniel Tichenor, and T. Elizabeth Durden, “The Southwest’s Uneven Welcome: Immigrant Inclusion and Exclusion in Arizona and New Mexico,” *Journal of American Ethnic History* 37, no. 3 (Spring 2018): 5–36.

67. "The Southwest's Uneven Welcome," 18–22.
68. Maurice E. Harrison "Legal Aspects of Alien Land Legislation on the Pacific Coast," *American Bar Association Journal* 8, no. 8 (August 1922): 469.
69. *Terrace v. Thompson*, 263 U.S. 197 (1923), at 220.
70. The law targeted companies that had more than five employees. Of interest, the Arizona state legislature passed a law requiring all persons working in hazardous jobs to speak English in 1915.
71. Astrid Norvelle, "80 Percent Bill, Court Injunctions, and Arizona Labor: Billy Truax's Two Supreme Court Cases," *Western Legal History* 17, no. 2 (Summer/Fall, 2004): 185.
72. Lee Dawson to Governor Hunt, December 14, 1914, "80% Law 1914-1915," Governor's Office RG1, Governor Hunt SG 8, box 01A 1905-1916, Arizona Department of Library, Archives, and Public Records (hereafter referred to as Hunt letters).
73. Hunt to Mr. N. L. Amster, January 16, 1915, box 01A 1905-1916, Hunt letters.
74. Interestingly, the Court specifically noted that it was not considering the question of conflict with treaties, a move providing greater latitude for states unrestrained by federal actions. Of note, the court also chose to rule based on equal protection not preemption alone. *Truax v. Raich*, 239 U.S. 33 (1915). This is a contrast to a federal court ruling 80 years later on Proposition 187, the California voter initiative to deny social services to the undocumented immigrants. In 1995, the courts "skirted the equal protection issue by resting its decision on preemption grounds alone." Joshua Fox, "Challenging Proposition 187's Constitutionality: *League of United Latin American Citizens v Wilson*," *New Mexico Law Review* 27, no. 1 (1997): 247. The jurisprudence on immigration federalism and definitions of immigration regulation and alienage laws are variable and state autonomous activism is critical to the process of defining these legal terms in any moment.
75. Novelle, 188.
76. Katherine Benton-Cohen, *Borderline Americans* (Cambridge, MA: Harvard University Press, (2009), 217.
77. *Borderline Americans*, 220.
78. Mark D. Ramirez and David A. M. Peterson, *Ignored Racism: White Animus toward Latinos* (Cambridge, Cambridge University Press, 2020), 18.
79. *Ignored Racism*, 221.
80. Fred Sutter, quoted in Benton-Cohen, 230.
81. Fred Sutter, quoted in Benton-Cohen, 227–29.
82. In Arizona, the few attempts both with civil and criminal cases failed to hold anyone accountable (Benton-Cohen, 234); Wes Patience and Judy Tritz, "About the Bisbee Deportation Documents," *Bisbee Deportation Documents*, Conchise County Clerk, Arizona Memory Project, <https://azmemory.azlibrary.gov/digital/collection/ccobisb>.
83. Hunt to James J. Davis, November 2, 1923, "Aliens. 1923-1925," box 2A, 2.5.9, Hunt letters.
84. Davis to Governor George Hunt, November 13, 1923, Hunt letters.
85. Davis to Governor George Hunt, November 13, 1923.
86. Davis to Governor George Hunt, November 13, 1923, p. 2
87. Hunt to James Davis, December 3, 1923, Hunt letters.
88. Hunt to James Davis, December 28, 1923, Hunt letters.

89. A. W. Pollard to W. E. Lindsay, August 1, 1917, "Labor Disputes in Gallup Region: Attempt Deportation 1917," folder 181, W. E. Lindsey Papers, New Mexico State Records Center and Archive, Santa Fe, New Mexico (hereafter referred to as LP-NMRA).

90. A. W. Pollard to W. E. Lindsay, August 4, 1917, "Labor Disputes in Gallup Region: Attempt Deportation 1917," folder 181, LP-NMRA.

91. "Are the Natives going back to work in any large numbers? I have felt all along if they were assured protection that they would go back to work." Governor Mechem to General Henry Rolf Brown, April 30, 1922, Gallup Strike, Orders and Correspondence, folder 221, Merrit C. Mechem Papers, New Mexico State Records Center and Archive, Santa Fe, New Mexico (hereafter referred to as MM-NMRA).

92. State arguments, lawsuits, and subsequent action on immigration beginning in the late 1980 onward frequently call for federal remedy or compensation for costs state officials see as having emerged from federal mistakes on immigration. States have sued the federal government for everything from the costs of incarceration of immigrants, to education of immigrants, to border costs. Similarly, many state actions that intrude on federal immigration powers such as Proposition 187 in California and Arizona's 1070 were grounded in arguments about the necessity of state action due to the failure of federal policy and were often framed as a way to spur the federal government to act.

93. Mechem to H. O. Bursum, April 11, 1922, Gallup Strike, folder 220, MM-NMRA. In addition, Governor Mechem solicits the US district attorney to bring federal antitrust charges against two secret societies to which immigrant workers belonged, the Slavonica of Illinois and the Croatia Benevolent Society, two groups the governor understood as central to the unrest. Mechem to George R. Craig, April 17, 1922, Gallup Strike, folder 220, MM-NMRA.

94. "Headquarters Military Police Camp Mechem, Gallup, New Mexico," April 30, 1922, folder 221, MM-NMRA.

95. *Arizona et al. v. United States*, 567 U.S. 387 (2012).

96. *Henderson v. Mayor of New York*, 92 U.S. 259 (1876), at 384; *Chy Lung v. Freeman*, 92 U.S. 275 (1876), at 277.

97. See, for example, John Higham, "American Immigration Policy in Historical Perspective," *Law and Contemporary Problems* 21 (Spring 1956): 213–18; John Higham, *Strangers in the Land* (New Brunswick, NJ: Rutgers University Press, 2011), 42–45; Zolberg, *A Nation by Design*, 187–92; E. P. Hutchinson, *Legislative History*, 47–83; William Bernard, "A History of U.S. Immigration Policy," in *Immigration*, ed. Richard Easterlin, David Ward, William S. Bernard, and Reed Ueda (Cambridge, MA: Harvard University Press, 1982), 75–94.

98. Neuman, "The Lost Century of U.S. Immigration Law (1776–1875)"; Hidetaka Hirota, *Expelling the Poor*; A. Law, "Lunatics, Idiots, Paupers, and Negro Seamen—Immigration Federalism and the Early American State," *Studies in American Political Development* 28, no. 2 (October 2014): 107–28; Gulasekaram and Ramakrishnan, *The New Immigration Federalism*, 18–27.

99. For instance, see Coleman, "The 'Local' Migration State"; Varsanyi, *Taking Local Control*; Yalidy Matos, "Geographies of Exclusion," *American Behavioral Scientist* 61, no. 8 (2017): 808–31; Rick Su, "The First Anti Sanctuary Law: Proposition 187 and the Transformation of Immigration Enforcement," *University of California Davis Law Review* 53 (2020): 1991; Monica Versanyi, ed., *Immigration Policy Activism in U.S. Cities and States* (Redwood City, CA: Stanford University Press, 2010).