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Zachary Lavoie
zlavoie@umass.edu

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THE ABSENCE OF CLARITY AND THE EFFECTS ON MINORITIES

ZACHARY LAVOIE

ABSTRACT

This paper involves discovering how the lack of clarity in the American refugee policy post-World War II affected members of multiple minorities: namely Jews, suspected Communists, and homosexuals. The goal is to show that the lack of clarity in American policy and pre-established prejudice were factors that encouraged nativism and xenophobia within the American people. This has been done by examining secondary sources of analyses given by historians like Carl Bon Tempo and Torrie Hester, and by also drawing on primary news articles written from 1948 to 1980. Upon examination of these sources, it became clear that the uncertain refugee policy had a negative impact on the American public sphere and led to tension between foreign Communist nations. Through showing the effects of unclear policy, this research highlights the importance of decisive laws and a need for humanitarian support over self-serving American image.

THE ABSENCE OF CLARITY

In 1928, Chaim Listopad, a Jewish carpenter, was detained after departing the SS *Iroquois*. He was questioned for smuggling Jews from Warsaw, Poland to the United States because his papers identified him as Sam Weisstein, a known smuggler. He might have not purchased these fake papers if he had known that the Bureau of Immigration “already had a thick file on the real Samuel Weisstein.”¹ This showed the desperation of a refugee from Eastern Europe, and his willingness to resort to illegal means in order to enter the United States.

As American legislators defined refugee policy post World War II, national security and foreign policy concerns played a larger role in defining policy than humanitarian needs. The labeling of refugees as “dangerous” demonstrated that the American government went to great lengths to protect their image while also appearing to be kind and forgiving. The ideal American image was to be the protector of democracy, and the savior of suffering peoples under oppressive regimes. This was what led America to intervene in many foreign affairs. The absence of a solid definition led to discrepancies in the treatment of refugees. There were many different kinds of refugees and “subversives,” less desirables, who were treated differently from each other. Jews were cast as socialist troublemakers, homosexuals were security leaks, and Hungarians and other Eastern European refugees were spies from Communist Russia. Factors such as World War II, the presence of the Communist Party, and the emergence of homosexuals in the American government, impacted the term and treatment of refugees.

An American President that was influential to immigration policy and the international image of the United States was Franklin Roosevelt. Roosevelt and his administration turned

¹ Libby Garland, *After They Closed the Gates: Jewish Illegal Immigration to the United States, 1921-1965* (Chicago, University of Chicago Press, 2014), 1.

away thousands of Jewish refugees that had survived the concentration camps, which tarnished his reputation among the American public and on the world stage. His reputation was sullied further by the fact that he was blamed for being the cause of moral degeneration during the Lavender Scare, the singling out of homosexual government workers in the 1930-1950s. It led to many homosexuals being targeted by police force, and political figures used the scare to their advantage to gain an upper hand over their political opponents.

During the 1940's the term "refugee" was being defined. The Displaced Person Act of 1948, proposed during Truman's presidency, brought forth the question: what constitutes a refugee? The Displaced Person Act of 1948 was passed to help victims of Nazi persecution and of racial, religious, and political persecution by giving refugees a place in the United States to turn to in their time of need. The Act established that countries like the United States would offer a permanent home for refugees and their families. Truman's legislation referred to Annex I of the Constitution of the International Refugee Organization which defined a "refugee" or "displaced person" as, "... applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality..."² The term was defined very loosely, and it covered a wide scope of people who had been persecuted for religious, political, and social reasons. These countries would also find jobs for refugees so long as they would stay out of jail, and so long as the insertion of refugees in the workplace would not affect the chance for Americans to have jobs.

Truman was also responsible for encouraging anti-Communist immigrants to come to America in an effort to weaken the global Communist presence. The Immigration and

² "Constitution of the International Refugee Organization," opened for signature December 15, 1946, *Treaties and Other International Acts Series 1846*, 297, <https://www.loc.gov/law/help/us-treaties/bevans/m-ust00004-0284.pdf>

Nationality Act of 1952, otherwise known as the McCarran Act, established a preference system which determined certain ethnic groups as more desirable immigrants. Under this Act, immigrants needed to petition for naturalization; the Act targeted subversives, the most common group being Communists, even inactive Communists. Then, in 1953, Eisenhower requested emergency admission of Southern European refugees. The Emergency Migration Act of 1953 took in over 200,000 immigrants of Greek, Italian and Dutch descent - the same immigrants that were excluded from quotas placed in the McCarran Act in 1952. Eisenhower described a refugee in 1953 as, “older people, they are women; they are children—and many of them are suffering wounds inflicted by the guns of Imperialist Communism.”³ This created a connection between anti-Communist and “worthy” refugee or a refugee that would be wanted in America.

Finally, the Refugee Act in 1980, passed by Jimmy Carter was an amendment of the earlier Immigration and Nationality Act and Migration Act. This refugee act provided a clear cut definition of a refugee and established a permanent procedure for the admission of refugees into the United States. This act defined a refugee as:

... any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.⁴

Similar to the United States’ refugee definition, the United Nations’ definition of a refugee included all types of refugees that had been uprooted from World War II and Cold War terror.

³ Carl Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War* (Princeton: Princeton University Press, 2008), 67.

⁴ 96th U.S. Congress, *Public Law 96-212- March 17, 1980*, 94 STAT. 102 (Washington, DC, 1980), 1, <https://www.gpo.gov/fdsys/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf>

The continuously complicated path of policy in America is first seen in literature by historian Carl Bon Tempo.

Carl Bon Tempo discussed the buildup to World War II and America's constantly changing immigration policy in *Americans At the Gate*. He argued that American immigration policy was based on the American government's own needs in order to support their image, economy and safety, rather than focusing on the humanitarian needs of refugees. For example, Bon Tempo discussed the Hungarian crisis, the shocking event that occurred immediately after World War II, where Hungarians revolted against their Soviet tyrants and were crushed. He also referenced the admission of Hungarian refugees through the Red Scare lens, the point in history that allowed the most Hungarians to enter the United States. Tempo cited the Refugee Relief Act of 1953, which defined a refugee as anyone, "who, because of persecution or fear of persecution on account of race, religion, or political opinion fled' from the U.S.S.R or communist eastern Europe and 'cannot return because of fear of persecution on account of race, religion, or political opinion.'"⁵ This definition of refugee focused on a connection between being anti-Communist, and being viewed as perfect American refugee. The US government fabricated this dangerous presence of espionage, which suddenly polluted the American public, in order to incite fear and anti-Communist sentiment throughout the country. This affected the Hungarian immigration because it made Americans very skeptical about the political standing of the immigrants around them.

Bon Tempo also discussed the obsession of American leadership with crippling Communism through admittance of refugees, deporting active Communists, and even supporting

⁵ Bon Tempo, *Americans*, 67.

violent anti-communist groups during Reagan's era. Turkish, Greek and eastern European immigrants were seen as ideal for refugee admissions because they “fought and suffered under Communism.” The United States argued that because of their clash with Communism that these immigrants “exhibited the respect for and understanding of American ideals like liberty, freedom, and democracy that all good Americans displayed.”⁶ The government tended to favor these immigrants because they too had conflict with Communism. The US government increased quotas from these places in order to strengthen its own anti-Communist cause. The American government continued to shape refugee policy into the later twentieth century in order to promote the American image and foreign policy.

In *Calculated Kindness*, Gil Loescher discussed the later aspects of refugee policy and the savior complex the United States developed in the 1950's. The Truman administration was responsible for the inclusion of displaced persons into the construction of foreign policy. It stated that refugees, “had become part of the political landscape overseas... They had to be dealt with if the United States was to forge an effective foreign policy in the postwar world.”⁷ The administration meant that the inclusion and support of displaced persons was essential because it would benefit the United States by creating the image of the United States as the refugees' saviors. Truman's boldest move was the Truman Doctrine in 1947; his legislation said that American foreign policy was to counter the expansion of the Soviet Union and Communism, especially through the intervention with Greek and Turkish nationalists. The savior model continued with President Gerald Ford. President Ford is quoted while pushing for Operation New Life, the care and processing of Guam and Vietnam refugees post-Vietnam War, saying, “Now

⁶ Bon Tempo, *Americans*, 30

⁷ Gil Loescher, *Calculated Kindness: Refugees and America's Half-Open Door 1945-Present* (New York: The Free Press, 1986), 14.

other refugees have fled from the Communist takeover in Vietnam. These refugees chose freedom. They do not ask that we be their keepers, but only... that we be their helpers.”⁸ Loescher included this quote by President Ford to demonstrate that the United States was acting as a savior, just like it did for the refugees of World War II and the Hungarian revolution prior. The important ideology stressed during the 1950’s and 1960’s was American foreign policy and the international humanitarian image towards the victims of Communism. Though the American government wanted to portray itself as the guardian angels of refugees, the truth was vastly different.

Libby Garland discussed the perils of Jewish immigration from a global lens in *After They Closed the Gates*. She focused on legislation between the years of 1790, when control legislation began up until the 1940’s, when aliens were required to be registered on a nationwide level. She argued that immigration law passed in the United States was compiled due to interactions between many groups of people: Congressmen, Jewish smugglers, Jewish Social Groups, and the Jewish immigrants themselves. The actions of these groups caused rifts between the groups opposing them. For example, laws passed to lower the number of immigrants accepted caused business in smuggling to rise. This resulted in an increase in legislation, border patrol, and immigrant surveillance. Garland encompassed a vast amount of immigration laws, supportive Jewish American organizations, and personal anecdotes that helped support her argument. She also included the statistics of the many waves of Jewish immigration throughout American history to demonstrate the fluctuation of quotas during the 1920’s to 30’s. She described the quota laws as the primary cause of Jewish immigration, arguing that they were,

⁸ Loescher, *Calculated*, 113.

“the cause of the sudden influx of Jewish immigrants across the Rio Grande... news of the potential closing gates had reached Europe... as did the rumor that Mexico was an easy backdoor...”⁹ The quotas were imperative to Garland’s argument because they were the main causes that forced Jewish immigrants into America by legal and illegal methods. Jewish refugees were not the only minority to face huge obstacles from the American government; homosexuals in the federal sphere also faced great prejudice.

In *The Lavender Scare*, David Johnson discussed the conflict between homosexuals and government officials. Government officials, including multiple presidents and department heads fabricated and enforced a connection between Communism and homosexuality. They accused all homosexuals of being traitors and security risks, “Although ‘security risk’ covered a variety of offenses, it often functioned as euphemism for homosexual.”¹⁰ Homosexuals were classified as security risks, just like Communists. One piece of unclear legislation was President Eisenhower’s Executive Order 10450, which forbade government officials with “immoral” conduct and sexual perversion. This allowed government officials to limit jobs for homosexuals because their lifestyle was immoral. This caused fear in the government which spread rapidly throughout the public sphere, similar to the Communist Scare. This resulted in many innocent men and women losing their jobs, and as a result, caused great hysteria in the American federal sphere. This hysteria also bled into the public sphere, as homosexuals became afraid to congregate in public places like Lafayette Park. Johnson also includes many anecdotes, some about gay rights activists like Frank Kamney and even some about one of the biggest homophobes, Scott McLeod, to emphasize the drastically different sides of this issue. One of the more powerful anecdotes was

⁹ Garland, *After*, 61.

¹⁰ David Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago, University of Chicago Press, 2004), 8.

about Lester Hunt, a Democrat from Wyoming. His son was gay and he received blackmail during his reelection. This took a huge toll on his father and led to him withdrawing from the race, and he “shot himself with a .22 caliber shotgun.” Newspapers like *The New York Times* covered this tragedy, and later a novel, *Advise and Consent*, demonstrated that the “hunt for homosexuals... was less about national security than about partisan politics.”¹¹ Johnson included this anecdote to demonstrate that the witch hunt for homosexuals which started out as a national security became something much more destructive. The hunt was used for blackmail, cleansing the government of all “immoral” people, and out of discrimination. Discrimination was seen across a multitude of government positions, and extended into judicial behavior and decision making.

Torrie Hester argued that deportation was a form of punishment used against immigrants by the United States Judicial Court System in *Protection and Punishment*. Hester discussed two court cases, *Fong Yue Ting v. U.S.* and *Turner v. Williams*, that pertained to immigrants who were under investigation. In particular, the second court case, *Turner v. Williams*, was about the possible deportation of a self-proclaimed Anarchist from Britain named William Turner. This case was monumental because he was one of the first anarchists to be affected by the Immigration Act of 1903, which allowed for immigrants to be deported on political grounds. According to Hester, immigrants under suspicion were stripped of their rights and treated like traitors. She also mentioned some very key elements of the case, one being the court’s definition of deportation and the Immigration Act of 1903, which added Anarchists and Communists to the list of un-American labels. The court’s statement on deportation was as followed, “Because

¹¹ Johnson, *Lavender*, 141.

deportation was not a punishment, the Court reasoned, a deportee was not ‘deprived of life, liberty, or property...’¹² The court was defending its judgement that deportation was not a punishment by ensuring that immigrants were not deprived of their constitutional rights. The court supported deportation as a security measure for the country to protect the lives of its citizens. This was a method of social engineering, efforts to influence attitudes and social behaviors on a domestic scale, and denaturalization, used to revoke someone’s citizenship, usually a criminal or someone who procured citizenship illegally. The court was able to control the immigrant population easily through the constant fear of deportation. The actions of the government created enough hysteria that newspapers of the time became essential in portraying and spreading the tension between the United States and Soviet Russia.

The Daily Boston Globe released an article on April 22, 1950 entitled: “ACHESON BLASTS RUSSIA.” In this article, the author, Blair Moody discussed Cold War tension between Russia and the United States. Russia claimed that a B-29 was shot down over the Baltic Sea. This claim caused American officials to want to pull ambassadors from Russia and close any international relations. The article then quoted Representative Vinson asking for an increase in the military budget, “We must maintain sufficient force to insure Russian respect... or we will race pell-mell into another war...”¹³ Vinson’s greatest worry was to keep the image of the American military strong to ward off any chance of another war starting. The article continued by citing Dean Acheson, Secretary of State to Truman. He declared that the Soviet Union was “trying to stir up trouble.” Russia stuck to its excuse that it shot down an armed B-29, and Acheson commented that it was as if Russia “has made no attempt to institute a real

¹² Torie Hester, *Protection, not Punishment: Legislative and Judicial Formation of U.S. Deportation Policy, 1882-1904* (University of Illinois Press, 2010), 20.

¹³ Blair Moody, *Acheson Blasts Russia* (Daily Boston Globe, 1950), 1.

investigation... with our request,” inferring that the Soviets ignored the American government. This came as a contrast to the United Nations’ definition of a political asylum which protected refugees from persecution and threats from dominant militant and rogue guerrilla groups.

Finally, Acheson finished with advice to American government, “It seems to me that the time has arrived when we should either call back our Ambassadors for a long period... or completely break off our diplomatic relations with the Soviet Union.”¹⁴ Acheson portrayed the utter frustration the American government felt when dealing with the Soviet Union. This caused a strong aversion towards Russians, Communists, and other immigrants and minority groups related to Communism to emerge. When these anti-Communist sentiments grew, newspapers like *The Daily Boston Globe* preached the advice of government officials.

“The Chance of War and Scare Propaganda” was published on May 30, 1950 by *The Daily Boston Globe*. In this article, author Walter Lippman, famous for introducing the idea of the Cold War and coining the term “stereotype,” discussed hypotheticals, if indeed they go to war with Russia. The article discussed the juxtaposing views of General MacArthur and the Air Force. McArthur believed that Russia had no intent in starting another world war because “No world war could be won by Russia unless the United States had been defeated.” The Air Force believed that during this Cold War Era, the military should act on high alert. They proposed to Congress for an increase in the Air Force to “make the effort necessary to have adequate military preparedness.”¹⁵ This demonstrated a divide in the government with one side taking the Communist threat seriously and the other not. The government officials who agreed with the Air Force claimed that the atomic bomb “revolutionized warfare between great nations,” and that it

¹⁴ Moody, *Acheson*, 2.

¹⁵ Walter Lippman, *The Chance of War and Scare Propaganda* (Daily Boston Globe, 1950), 1.

placed industrial cities like “Detroit on the front line of combat.”¹⁶ Cities that mass produce anything beneficial to a country’s war effort would become a primary target of an enemy country. The atomic bomb increased the range and threat level of countries like Russia. Papers like *The Daily Boston Globe* and *The New York Times* revitalized the Red Scare aspect that had plagued the public and led to denaturalization sentiments towards refugees.

The New York Times released an article on August 25, 1957 entitled: “US WILL DEPORT REFUGEES AS REDS.” In this article, the author discussed the fate of a Hungarian refugee and his family. He claimed that he was a refugee that escaped Hungary after the October Revolution, a revolt where to people of Hungary stood up against the Soviet control in their government. The riot started as a student demonstration and quickly received the attention and support of workers across the country. Militias grew and eventually the Soviets sent in more troops and crushed the revolution, causing 200,000 Hungarians to flee as refugees in need of a home. His name was Jyula Paktorovich, a former Russian Army captain who posed as a Hungarian freedom fighter. He quickly became a hardworking immigrant, hiding under the government’s nose, but was discovered to be a Communist by the Federal Bureau of Investigation. The investigation was set off based on a tip from an immigration spokesman, who had a very substantial amount of power. Paktorovich and his family were under parole, meaning that the United States government was observing them because they were considered suspicious. Because his family was under parole, the government did not need any formal criminal charge in order to investigate and arrest him. This showed how little doubt the American legal system needed to go after an immigrant. The American government was actively looking for excuses to

¹⁶ Lippman, *Chance*, 1.

remove suspected Communists from the United States, and to keep the scare of Communism alive. The scare that was present in the American public fed power into the government because they could control people and force them to trust the government's decisions. Although the government was able to control the outcome of most subversive trials, they were not always successful.

“RUSSIAN SEIZED AS SPY BRINGS SUIT AGAINST US” was published on September 15, 1957 by *The Daily Boston Globe*. In this article, the author covered the unconstitutional methods used by the FBI to obtain damning information from Rudolf Abel, a Soviet intelligence officer who was a member of a spy ring stationed in New York. The FBI agents charged Abel with three counts of conspiracy and withheld his constitutional right to a lawyer until he pleaded guilty on all charges. The article emphasized how persistent the FBI officials were in acquiring a confession. While Abel was in custody, agents found evidence of his Russian affiliation--including shortwave radios, cipher pads, and a Russian codebook--which they used to indict him as a suspected spy. Abel's lawyer, James Brown, cited constitutional rights and stated that sticking to America's ideals of civil rights would lead to “self destruction.” Then Brown mentioned that America needs to be faithful “to its own moral code,” or there “remains no society.”¹⁷ Brown meant that if the judicial system did not protect the civil rights of Abel, then they would not be withholding the standard predetermined for this country. The verdict for *Abel v United States* determined that the FBI found evidence to indict him after they broke his rights under the fourth amendment, thus the evidence was removed from the case. Abel's attorney referenced the humanitarian aspects that the United States were built upon and

¹⁷ *Russian Seized as a Spy Brings Suit Against US* (Daily Boston Globe, 1957), 1.

the need to stand by those aspects. *The New York Times*, however, wrote an article that displayed the opposite, how the United States slowly responded to the genocide created by the Nazi's.

Their article, published on February 6, 1980 was entitled: "Moscow Pledges Help in War Crimes Cases in U.S." In this article, the author, David Shipler, discussed the nation's late reaction to the atrocities committed by the Nazi's, and its connection to the anti-Communist rhetoric in America during the 1950's. Allan Ryan, director of the Justice Department's Office of Special Investigation, stated the reason for America's delayed partnership with Soviet Russia was due to the "anti-Communist mood that long prevailed in the United States." He continued by saying that the persecution of the Nazi's was long overdue. Due to these sentiments, the worthiness of refugees as citizens was "on the basis of their anti-Communism."¹⁸ This caused a great emphasis on anti-Communism, prejudice and suspicion against sympathizers, and promoted a preference toward like-minded people. The *China Weekly Review* showed a more softened view on the Communist Scare. This article below proposed a counterargument, but also highlighted the fact that the government was still divided about the concern and threat of Communism.

"Modern Espionage" was published on November 20, 1948 by *The China Weekly Review*. In this article, the author discussed that the possibility of China going Communist and the Communist spy threat should be seen as comical. The American author mentioned the possibility of China going Communist and emphasized the importance of American tolerance. The need for America and Communist China to get along was paramount. For both sides to coexist, they would have to moderate their programs and meet in the middle. Contrary to their

¹⁸ David Shipler, *Moscow Pledges Help in War Crimes in U.S.* (New York Times, 1980), 1.

mediation ideals mentioned before, the author wrote, “With these thoughts in mind it is particularly discouraging to read of Chinese Communist statements which at the very least are the products of highly unrealistic thinking...”¹⁹ The author of this news article insulted the ideology of the very party that the United States would have to coexist with. The author concluded that the rumor of a Communist spy network was ludicrous. They admitted that all countries participated in some form of monitoring, thus the idea of a spy network for the sake of gathering information was unrealistic.

Refugees from World War II and the Cold War were driven out of their home, and faced considerable tension and troubles once arriving in America. The absence of a definition for refugee allowed for the term to be bent and twisted to fit the needs of the American government and its image. In present day, refugees are still exploited and experience prejudice from the American government. The current president, Donald Trump has enacted legislation to restrict immigration from Muslim countries in the East, his campaign emphasized the construction of a wall to keep immigrants from the South out, and he wants to lower the set cap of refugees admitted into the United States to 45,000 next year - which is considerably lower than Obama’s 110,000 cap set in his last few weeks in office. Based on the information derived from the analysis of primary and secondary documents and their relation to present day, historians need to focus on the formation of refugee policy through a more humanitarian lens. Historians also need to reevaluate the definition of “refugee,” and the consequences of policies based on American fears that affected different refugee minority groups.

¹⁹ *Modern Espionage* (China Weekly Review, 1948), 1.

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