

THE “DEATH SHIP” *NORMANNIA*, FEDERAL POWER IN 1892, AND IMMIGRATION TO
AMERICA IN A TIME OF CHOLERA

by

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TABLE OF CONTENTS

Acknowledgements	3
Introduction	4
Historiographical Review of Immigration Scholarship	7
Immigration and Disease in the Late Nineteenth Century	13
Nineteenth-Century New York City Politics	16
Chapter 1: Immigration Restriction Politics and the Tool of Quarantine	18
The Science of Cholera and the Link Between Cholera and Poor Hygiene	18
The 1892 Cholera Epidemic in New York City and the Quarantine	21
President Harrison’s Assertion of Power	25
The <i>Normannia</i> and the Stigmatizing Logic of Quarantine	29
Chapter 2: Nationalism and the Quarantine’s Dysfunction	37
The Quarantine in the Cabin and the Responsibilities of Governance	38
Long Island’s Resistance and the Legitimacy of Governance	42
Putting Down the Mob	49
Chapter 3: The Quarantine Act and Nationalism in Policy	54
The Beginning of the Legislative Debate	56
Chandler’s Nationalist Immigration Restriction Proposal	59
The Compromise Quarantine Bill and the Mixture of Immigration and Health Policy	65
Epilogue	72
Bibliography	77
Primary Sources	77
Secondary Sources	86

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INTRODUCTION

It was September 1, 1892, and on the high seas off the eastern seaboard of the United States of America, Jacob Heynemann and Willie Horn died aboard the S.S. *Normannia*.¹ Though both presented with symptoms suspiciously similar to those of cholera and had embarked temporarily aboard the same ocean liner taking passengers from Hamburg to New York City, they came from entirely different worlds.² Heynemann was a 46-year-old American citizen travelling home in the luxuries of first class, while the 3-year-old Willie Horn was a Russian Jewish toddler travelling in steerage with his family, who were emigrating to America.³ Heynemann and Horn were not the only passengers to die aboard the *Normannia*, and by the time the ship reached New York on September 3, five passengers in total were dead from what was likely cholera: three of whom were steerage immigrants.⁴ Along with other ships carrying cholera that arrived at the same time, the *Normannia*'s arrival created a panic, as New Yorkers feared that cholera would spread throughout the city. Over the next few weeks, the *Normannia* became the centre of a conflict not just over the lives of its passengers, but over the much broader questions of public health, immigration across the Atlantic, and the nation itself, with the stark contrast in the treatment of American passengers, like Heynemann, and the treatment of immigrants, like Horn, resulting in a series of disagreements between state, federal, and local government officials.

¹ "SS Normannia—List of Passengers: District of the City of New York, Port of New York," available at SS Normannia Passenger Manifest, September 22, 1892, frames 484, 497, online by *Statue of Liberty—Ellis Island Foundation*, accessed March 3, 2019, <https://www.libertyellisfoundation.org/>. See the entries for steerage passenger #20 and cabin passenger #12.

² "Two More Cholera Ships," *New York Times*, September 4, 1892; William T. Jenkins, "Report of the Health Officer," in *Annual Report of the Commissioners of Quarantine, 1887-1898* (Albany: James B. Lyon, State Printer, 1893), 61.

³ "SS Normannia—List of Passengers," frames 484, 497; Howard Markel, *Quarantine!: East European Jewish Immigrants and the New York City Epidemics of 1892* (Baltimore: John Hopkins University Press, 1997), 103.

⁴ Jenkins, "Report of the Health Officer," 48.

The *Normannia* was not the only ship carrying cholera, but it garnered the most attention from the press and from the city and state governments. The ship carried a roughly equal amount of first- and second-class passengers, who were predominantly upper-class Americans, and steerage passengers, who were predominantly lower-class foreigners.⁵ Physicians observed cholera symptoms among both classes but treated each class differently. After the ship was put in quarantine, the steerage passengers were transferred to poor conditions while the others were left aboard the ship in better lodging.⁶ Amid a press outcry, state and city officials quarreled among themselves over how to manage the situation, focusing on the treatment of the upper-class passengers while largely stigmatizing the predominantly foreign steerage passengers, viewing them as unhygienic and undeserving of American help.⁷

The management of the epidemic was beset by conflicts between state, city, and federal officials, who disagreed on how to treat the epidemic, as well as nationalist beliefs surrounding the supposed link between immigrants and cholera. Seizing jurisdiction over quarantine policy, President Benjamin Harrison issued a quarantine order that blocked immigrants from foreign ports from entering the nation, resulting in conflict between him and William T. Jenkins, New York City's Health Officer, the official in whom power over the city's quarantines was vested. City, state, and federal officials also fought among themselves and against two rural Long Island towns over the quarantine of the *Normannia*'s passengers, in conflicts that were again influenced by nationalist beliefs. These jurisdictional conflicts revealed the dysfunctionality that could result from the separation of powers over quarantine and immigration policy and led to calls for change.

⁵ "SS Normannia—List of Passengers," frames 481–506.

⁶ Jenkins, "Report of the Health Officer," 48–9.

⁷ "A Reign of Unreason," *New York Tribune*, editorial, September 13, 1892; "Stories of Their Sufferings," *New York Times*, September 15, 1892.

After the cholera and the quarantine had ended, federal politicians felt that the epidemic and the treatment of the *Normannia*'s cabin passengers showed that control over public health and immigration needed to be placed securely in the hands of the federal government to avoid the kind of conflicts between state and federal officials that had marked the *Normannia* passengers' experiences in quarantine. However, the debate was also influenced by proponents of limiting immigration who saw the cholera outbreak as an opportunity; they argued that the cholera outbreak had been started by immigrants, which proved that immigration needed to be reduced. They were unable to gain enough support to pass sweeping restrictions. However, they obtained a concession; in February 1893, Congress passed the Quarantine Act, which gave the federal government increased control over quarantines and contained a clause allowing the president to suspend immigration from foreign countries experiencing an outbreak of disease. This clause was premised on nationalist beliefs holding that members of the nation were innately superior to foreigners, who represented a threat to the nation. The elevation of these sentiments into law marked the growing strength of both nationalism and nativism during the last decade of the nineteenth century.

The 1892 cholera outbreak and the Quarantine Act have largely been relegated to a footnote in immigration history, if discussed at all. However, when placed into context with other developments in American immigration politics at the time, these events reveal the broader shifts in immigration politics occurring in the 1890s, as federal policymakers came to see immigration as a national issue. The Act marked another step forward in two major trends in late nineteenth-century immigration politics: the movement toward a consensus among lawmakers that all immigration to America needed to be restricted in some form, and the federalization of immigration policy, as Congress and the courts began to expand the federal government's jurisdiction over it. With nationalism an ascendant force in both the federal government and across the nation in general, the

Act reflected the growing consensus in Congress that certain classes of immigrants needed to be barred from the nation, that immigration needed to be uniformly regulated, and that the implementation of such policies required a centralized bureaucratic apparatus.

Historiographical Review of Immigration Scholarship

Traditional immigration scholarship on the late nineteenth century has tended to focus on the effects of and the motivations behind legislative restrictions on immigrants in this period, but scholarship from the past 15 years has begun to examine more closely how state, federal, and law enforcement officials implemented and enforced these restrictions.⁸ Recent works on immigration in the late nineteenth century have focused on issues such as illegal immigration and deportation, showing how the nation enforced its immigration laws to keep certain classes of immigrants out. Moreover, these scholars have shown that the creation and evolution of a centralized state bureaucracy aimed at regulating immigration laid the groundwork for the implementation of future restrictions.⁹ This focus on the apparatuses that carried out immigration policy—both centralized and decentralized in this period—has resulted largely from shifts in twenty-first century immigration politics. Presidents George W. Bush, Barack Obama, and Donald Trump have controversially used the mechanisms of the state to control and respond to the continuing influx of immigrants into America, and these recent developments have led immigration scholars to examine the implementation of historical policies more closely.¹⁰ It is this body of scholarship to which this thesis will primarily contribute.

⁸ For an example of a work espousing this traditional focus, see Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004), 3–26.

⁹ As an example, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).

¹⁰ Katherine Unterman, “Guardian at The Gate: Immigration Law on the State, Federal, and Local Levels,” *Journal of the Gilded Age and Progressive Era* 17, no. 4 (2018): 719.

Two histories published in 2017 provide an example of the works investigating the implementation of immigration policy with which this thesis will engage. Hidetaka Hirota argues that before Congress passed federal legislation restricting immigration, control over regulating immigration was left to individual states, with New York playing an outsized role since thousands of immigrants entered the country through New York City each year.¹¹ He shows that the New York and other coastal state officials responsible for managing these immigrants “laid the foundations for American immigration policy,” since their wide, almost unlimited purview over immigration in this period functioned as a precursor to the rise of the plenary power doctrine.¹² Hirota and other legal scholars define this doctrine as the notion that Congress and the executive branch should have exclusive, unlimited control over immigration that is not subject to judicial review.¹³ Torrie Hester shows that the Supreme Court’s formulation of plenary power paved the way for the federal government to establish a centralized immigration enforcement regime during the 1880s and 1890s.¹⁴ My thesis will converse with both works, by examining a moment when Congress chose to increase federal power over immigration, as well as the motivations behind this choice.

The 1892 cholera epidemic and the 1893 Act have not been examined extensively in the secondary literature, but there are two notable works I will discuss in my thesis. Howard Markel’s 1999 work focuses on the experiences of Eastern European Jewish immigrants during 1892 and the evolution of America’s public health policy. Comparing the cholera outbreak to an earlier typhus epidemic that struck New York in January 1892, he uses the *Normannia* as a case study and argues that cholera was “closely associated with newly arriving East European Jewish immigrants”

¹¹ Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy* (New York: Oxford University Press, 2017), 2

¹² *Ibid.*, 3–6.

¹³ *Ibid.*, 5.

¹⁴ Torrie Hester, *Deportation: The Origins of U.S. Policy* (Philadelphia: University of Pennsylvania, 2017), 1–9.

whom the press and the city government turned into scapegoats and portrayed as “less than human and a decided health threat to New York City and beyond.”¹⁵ He claims that the fear that immigrants, Russian Jews in particular, would bring cholera across America’s borders in the future functioned as a driving force behind the 1893 legislation, which was a compromise between nativist lawmakers pushing for immigration restrictions and more moderate lawmakers who were primarily concerned with updating America’s public health laws.¹⁶

The second, more recent work is cultural geographer Paul S. B. Jackson’s 2012 transnational history of the 1892 cholera epidemic, which documents the spread of ideas surrounding the epidemic from Europe to New York City to Canada. He takes a more theoretical approach than either Markel or I, using poststructuralist and cultural theory to explain the genesis of ideas that drove the fear of cholera. He writes that though the cholera was successfully contained in New York, in North America “fear became assembled into a geographic imagination of a speculative future” as policymakers, doctors, and the press circulated visions of a catastrophic future where cholera devastated North American cities as a result of cholera-bringing immigrants entering New York.¹⁷ These visions ultimately had real, material consequences since they influenced New York’s response to the cholera.¹⁸

In contrast to Markel and Jackson, the scope of my thesis is focused on immigration as a whole, rather than a single group or the genesis of ideas surrounding the outbreak. I will place the outbreak and the 1893 legislation primarily in context with the shift towards immigration restrictions and federal control over immigration, rather than changes in America’s public health

¹⁵ Markel, 11–12.

¹⁶ *Ibid.*, 168.

¹⁷ Paul S. B. Jackson, “Fearing Future Epidemics: The Cholera Crisis of 1892,” *Cultural Geographies* 20, no. 1 (2012): 57–8.

¹⁸ *Ibid.*, 52–6.

laws and America's history of anti-Semitism. Additionally, I argue that the 1893 Quarantine Act and the debate leading up to it was informed by a multitude of "ideologies of discrimination," which I define as the belief systems encoded in policy and political platforms that portrayed specific classes of people as inferior to other classes. Anti-Semitic views towards Eastern European Jews played a role in the outbreak and the legislative debate, but it was not the ideology of discrimination that primarily motivated the politicians and officials pushing for immigration restrictions; rather, it was one of many ideologies that influenced their motives. I also highlight the role of nationalism, as these ideologies of discrimination interacted and combined with each other to influence ideas of national supremacy and determine which classes of people were singled out as being particularly "foreign," and harmful to the nation. Building off immigration scholars—Mae Ngai in particular—I define nationalism an ideology premised on the belief that a nation must possess absolute control over its borders and who is allowed entry to protect and strengthen itself, coupled with the belief in the essential superiority of members of the nation.¹⁹ In the late nineteenth century, simply possessing national citizenship was not enough to be considered a member of the nation; American nationalism was informed by multiple ideologies of discrimination that contributed to the assumption that some classes were essentially and culturally less genuinely "American" than others.²⁰

I will also build off Jackson's work by connecting the speculative, fearful futures that 1892 commentators promoted to the fears surrounding immigration in this period, as nativists argued that unrestricted immigrations posed dangerous, catastrophic consequences for the nation. My

¹⁹ Ngai, 10–12. Ngai highlights the role the principle of sovereignty plays in shaping nationalist principles and immigration policy, and I center the principle she highlights in my definition of nationalism.

²⁰ As a socially constructed ideology, American nationalism often portrayed certain classes as being unsuitable or ineligible for membership in the "American nation," regardless of their actual citizenship. In the late nineteenth century, non-whites were most often seen as unsuitable for national membership, being both biologically and culturally deficient, although certain other classes were also seen as unsuitable for citizenship. See Noah M. Pickus, *True Faith and Allegiance: Immigration and American Civic Nationalism* (Princeton: Princeton University Press, 2009), 2–13.

work will centre immigration above other issues in contrast to Jackson and Markel; although both discuss immigration in extensive detail, neither explicitly connects the outbreak and the 1893 legislation to the federalization of control over immigration and America's legislative history of immigration restrictions.

There is one more historiographical question which I will discuss as I engage with the issues of race, ethnicity, and religion raised by Markel and other scholars of immigration in this period: to what extent did nativism based on racist ideas drive the movement toward immigration restrictions? The past three decades have marked a kind of "racial turn" within immigration historiography, with the influence of fields such as whiteness studies and critical race theory on immigration histories, as well as the rise of non-white immigration after 1965.²¹ Beginning in the 1990s, scholars such as David Roediger and Matthew Frye Jacobson argued that Eastern European, Southern European, and Irish immigrants were seen as "both white *and* racially distinct from other whites," and that this discrimination formed the impetus behind the 1924 restrictions.²² However, in the last 15 years, the claim that some European ethnic groups were not initially seen as white has received considerable pushback.²³ Though whiteness scholars helped to centralize the role of race in nativism and immigration restrictions during the late nineteenth century, I will not use their framework to discuss discrimination against European immigrants.

²¹ Allison Varzally, "Reflections on the Racial Turn in Immigration History," *Journal of American Ethnic History* 36, no. 2 (2017): 62.

²² See David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, (New York: Verso, 2007); Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1999), 6–7.

²³ The conceptualization of whiteness these scholars advanced was initially lauded by many immigration historians, and some scholars writing in the 2010s continue to build upon this argument. As an example of recent scholarship that uses this paradigm, see Nell Irvin Painter, *The History of White People* (New York: W. W. Norton, 2010). Over the past 15 years, historians such as Eric Arnesen, Peter Kolchin, and Cian T. McMahon have criticized the use of whiteness as an analytical tool to describe the experiences of European immigrants as lacking nuance, using an unchanging conception of race, and for eliding the structural advantages European immigrants had over non-white immigrants, such as the Chinese, as well as non-white native-born Americans. I generally agree with these critiques.

In contrast, scholars like Roger Daniels and Erika Lee emphasise the role of racism towards non-white, non-Europeans—anti-Chinese racism in particular—in motivating Congress to pass restrictions between 1882 and 1924. Lee writes that the Chinese Exclusion Act “transformed the ways in which Americans viewed and thought about race [and] immigration” by establishing “the need to restrict, exclude, and deport ‘undesirable’ and excludable immigrants.”²⁴ These historians highlight the fact that non-white Asian and Mexican immigrants were seen as racially inferior to European immigrants and were singled out for harsher treatment under law.²⁵ Their work has contributed to the twenty-first century scholarly understanding of immigration restrictions as being motivated primarily by racism towards non-white immigrants.

Though I generally agree with this view, my thesis aims to complicate this argument in regards to the 1893 Quarantine Act, as I believe that the anti-immigrant animus behind the Act was generally motivated by a form of nationalism that sought to exclude immigrants perceived to be a burden to the nation. Though some classes of immigrants were more strongly identified with disease by policymakers during the 1892 epidemic, in general the restrictions proposed by lawmakers during the post-cholera debate targeted a variety of classes and were motivated by multiple forms of discrimination. In recent years, some historians such as Hidetaka Hirota and Brian Gratton have pushed back on the notion that the immigration restrictions implemented between 1882 and 1924 were primarily motivated by racism, with Gratton arguing that “[t]he roots of restrictionism lay in working-class opposition to immigrant competition; the roots of ethnic distinctions lay in divisions among workers competing for jobs and wages.”²⁶ Though I find both of their studies

²⁴ Erika Lee, “American Gatekeeping: Race and Immigration Law in the Twentieth Century,” in *Not Just Black and White: Historical and Contemporary Perspectives on Immigration, Race, and Ethnicity in the United States*, ed. Nancy Foner and George M. Fredrickson (New York: Russell Sage Foundation, 2004), 123–4. See also Daniels, 3.

²⁵ See Lee, 124.

²⁶ Brian Gratton, “Race or Politics? Henry Cabot Lodge and the Origins of the Immigration Restriction Movement in the United States,” *Journal of Policy History* 30, no. 1 (2018): 148. Hirota emphasizes the role of anti-Irish discrimination as well as economic discrimination; see Hirota, 2–6.

useful, I do not generally agree with Gratton and Hirota on the motivations behind immigration restrictions, as both downplay racism in favour of the role of economic concerns. I believe that racism and economic discrimination that sought to exclude the poor influenced, interacted, and overlapped with each other, as well as with other forms of discrimination in defining which classes of immigrants were seen as a burden to the nation rather than an advantage.

I do not mean to downplay the significance of race in forming much of the motivation behind the regime of restriction that was instituted during the late nineteenth century, but rather to highlight some of the ways in which fears around disease and other forms of discrimination worked in tandem with, influenced, and interacted with racism in forming the nationalistic impulses that informed the debate over how to legislatively respond to the cholera crisis. By “interact,” I mean that, as an example, the stereotype of certain races and ethnicities as being more economically harmful to the nation than others shows that there were no clear boundaries between racial and economic discrimination: instead, they combined with each other to form a strong, nationalistic animus towards certain classes of immigrants.²⁷ Crucially, my thesis shows that the notion that immigrants had poor hygiene and thus a stronger, natural predisposition towards disease was central in forming the motivations behind the Act, as well as the other immigration restrictions lawmakers considered during the debate in Congress. My research will complicate some of the arguments advanced by scholars writing on the motivations behind restrictive immigration policies.

Immigration and Disease in the Late Nineteenth Century

In the last three decades of the nineteenth century, the composition of immigration to America underwent a few major shifts that are important for understanding the context behind the

²⁷ For example, negative portrayals of the Chinese singled them out as being particularly economically harmful. See Daniels, 16–18.

spread of cholera to New York in 1892 as well as the 1893 Act. In the decades prior to 1892, the number of immigrants reaching American shores increased rapidly; in the 1870s, 2.8 million immigrants entered America, while 5.2 million came in the 1880s.²⁸ The national origins and religious makeup of these immigrants had also shifted. Beginning in the 1870s, immigrants from Eastern and Southern Europe landed on America's East Coast in increasing numbers, while the rate of Chinese immigration to the West Coast escalated simultaneously.²⁹ In comparison to Northern and Western European immigrants, Eastern and Southern Europeans were predominantly Catholic and Jewish instead of Protestant.³⁰ In addition, as steam travel became more efficient, the reduced cost of steerage fares made it possible for poorer immigrants of both Asian and European origin to cross the seas.³¹

Historians of health and disease have documented the association between commerce, immigration, foreigners, and disease. In one of the first comprehensive discussions of immigration and disease, Alan Kraut observes that after the 1832 cholera epidemic in America, nativists came to believe that immigrants, especially the Irish, had poor hygiene, which made them filthy.³² Physicians and other public health officials generally thought that cholera and other diseases were transmitted by filth and contaminated, dirty air, so they believed that the Irish and other immigrants perceived to be unhygienic were carriers of disease, and needed to be scrutinized closely upon

²⁸ Daniels, 5.

²⁹ Daniels, 9–12; John Higham, *Strangers in the Land: Patterns of American Nativism 1860-1925* (Atheneum: New York, 1978), 65. Though Higham's work was first published in 1955 and revised several times (most recently in 2002), I reference his work for context since *Strangers in the Land* was one of the first works to document some of the trends in immigration during the late nineteenth century. His work has been critiqued for Eurocentrism, but immigration historians still hold him in high regard since his work helped define the field of immigration history. Maddalena Marinari has argued that every time scholars revisit his text, it generates new unexplored avenues of research. See Maddalena Marinari, "'An Acrid Odor of the 1920s is Again in the Air': The Strange Career of American Nativism and the Ongoing Relevance of John Higham's 'Strangers in the Land,'" *Journal of the Gilded Age and Progressive Era* 11, no. 2 (2012): 258–22.

³⁰ Higham, 87.

³¹ Ibid.

³² Alan M. Kraut, *Silent Travelers: Germs, Genes, and the "Immigrant Menace"* (New York: Basic-Books, 1994), 4–5.

arrival.³³ Building off of Kraut and other earlier historians, in his study of quarantines in the nineteenth century, David Barnes argues that maritime health officials saw shipping cargo as the locus of contagion and based their quarantines upon whether a ship's cargo was contaminated, rather than whether its people were contaminated, since cargo's potential to decay made cargo especially prone to filth.³⁴ However, he shows that the late nineteenth-century influx of immigrants seen as more culturally undesirable and unclean than other immigrants (Eastern and Southern Europeans, Catholics, Jews) to America, along with advances in bacteriology, led maritime and health agencies to more closely associate the contagion of disease with immigrant bodies perceived to be dirty.³⁵

Additionally, the historian Christopher Hamlin argues that American officials, physicians, and other commentators discussed cholera in terms of dirt, danger, and invasion, which made cholera “less a disease in real persons and more a representation of horror.”³⁶ By referring to cholera in such terms, the bodies of those associated with cholera became stigmatized in the eyes of the American public, and cholera became associated with an immigrant “invasion.”³⁷ These authors show how immigrants came to be associated with disease through the stereotypes that saw immigrants of certain religions and ethnic groups as unhygienic, and demonstrate that as a result of this association, health authorities increasingly aimed quarantines at barring people, rather than cargo. My thesis will rely on the work these historians have done in documenting the link between cholera and immigration, as I demonstrate how this link turned the debate in all branches of the American government over how to respond to the cholera outbreak into a debate over immigration.

³³ Ibid; David S. Barnes, “Cargo, ‘Infection,’ and the Logic of Quarantine in the Nineteenth Century,” *Bulletin of the History of Medicine* 88, no. 1 (2014): 75–7.

³⁴ Barnes, 75–76.

³⁵ Ibid, 99–101.

³⁶ Christopher Hamlin, *Cholera: The Biography* (New York: Oxford University Press, 2009), 13–14.

³⁷ Ibid.

Nineteenth-Century New York City Politics

Historical context on the politics of New York City in the 1890s helps to understand how the association between immigrants, poor hygiene, and disease influenced policy responses towards the introduction of cholera in 1892, as well as how conflicts between state, city, and federal officials arose. New York was the landing point for thousands of immigrants sailing across the Atlantic Ocean as well as cargo central to America's trade networks with Europe. As a result, the maritime, commerce, and health authorities overseeing the port (New York City's Health Officer especially) exercised a significant degree of control over commerce and the immigrants entering the port.³⁸ Regulation of immigration was mostly left up to state and city officials in this period, since there was no centralized federal agency intended to oversee immigration.³⁹ Already, Congress was beginning to create federal institutions intended to regulate immigration; in January 1892, Ellis Island opened at Congress's direction.⁴⁰ That Congress and the federal government were increasingly taking steps towards expansively regulating immigration, coupled with state and city officials' historical purview over immigration, set up the potential for clashes over jurisdiction in the future.

Immigration complicated New York City's politics throughout the nineteenth century. The city was dominated by Tammany Hall, which was a political machine made up of Irish-Americans and recent Irish immigrants that essentially controlled New York's Democratic Policy and the city's government through notoriously corrupt practices, such as patronage appointments, which

³⁸ Hirota, 2–4.

³⁹ Daniels, 20.

⁴⁰ *Ibid*, 25.

Tammany handed out to political allies and businessmen in return for their support.⁴¹ The Democratic Party was less hostile to immigrants than the Republican Party in this period, largely because the party's base was comprised of many recent immigrants, as well as the descendants of previous immigrants.⁴² Since many of these immigrants lived in New York, the New York Democratic Party, and by extension, Tammany Hall, virtually exercised unchallenged control over the city in the late nineteenth century; from 1874 to 1894, every single mayor of New York was a Democrat.⁴³ In contrast, the rest of New York State had a much smaller immigrant population, and Republicans dominated state politics, although the city still remained a juggernaut, since increasing urbanization and the constant influx of immigrants had swelled its population and increased its representation in the state assemblies.⁴⁴ Politicians and other residents of the state outside New York harboured resentments towards the city and especially towards its immigrants, feeling that the city was fundamentally different from the rest of the state, and that its corrupt governance made its outsize influence in state politics illegitimate.⁴⁵ The early 1890s were marked by attempts on the part of Republican state lawmakers to reduce the electoral power of immigrant voters in New York City; as an example, one effort gerrymandered rural districts to preserve rural influence in the state assemblies, even though the state's rural population had decreased.⁴⁶ These deep-seated, simmering tensions set the stage for the future conflicts of governance that defined the management of the epidemic, when cholera was discovered among the passengers of incoming ships in New York harbour.

⁴¹ Richard F. Welch, *King of the Bowery: Big Tim Sullivan, Tammany Hall, and New York City from the Gilded Age to the Progressive Era* (Madison: Fairleigh Dickinson University Press, 2008), 23.

⁴² Chris McNickle, *To Be Mayor of New York: Ethnic Politics in the City* (New York: Columbia University Press, 1993), 6–7.

⁴³ *Ibid.*, 12.

⁴⁴ Joanne Reitano, *New York State: Peoples, Places, and Priorities* (New York: Routledge, 2015), 145–6.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, 148–9.

CHAPTER 1: IMMIGRATION RESTRICTION POLITICS AND QUARANTINE AS A TOOL

How did a debate over how to handle a cholera outbreak in fall of 1892 turn into a debate over immigration? To answer this question, it is necessary to examine the beginnings of the epidemic. When port officials discovered cholera aboard liners entering New York's harbour, city officials had to spring to immediate action to stop its spread into the city. The initial quarantine was defined by a clash over authority between the Health Officer of the Port of New York, William T. Jenkins, and President Benjamin Harrison, who issued competing quarantine orders. These orders were influenced to differing degrees by the belief that immigrants in the steerage holds of incoming liners from Europe were almost certainly cholera-ridden, and that it was unlikely native-born Americans would introduce cholera to America, since Americans tended to have better hygiene than foreigners. In addition, Harrison's choice to issue an order regulating a problem that had traditionally been left up to the states represented another step towards the federal government and Congress assuming the responsibility for regulating immigration and public health. Both orders, along with the treatment of the *Normannia*'s steerage passengers during quarantine, showed how immigration and quarantine were considered as the same question, and that the mechanisms of quarantine were primarily used to stigmatize immigrant bodies and prevent immigrants from entering America. As a result, the nationalist view that immigrants were choleric and dangerous to the nation defined to a large extent the management of the outbreak.

The Science of Cholera and the Link Between Cholera and Poor Hygiene

To understand the urgency of official reaction to the 1892 cholera epidemic, it is necessary to understand cholera. Cholera is an especially odious disease. Symptoms usually begin showing about three days after the victim contracts the disease, the first of which is frequent diarrhea the colour of rice water.⁴⁷ The disease then progresses rapidly. Consider the case of an eight-year-old Russian immigrant girl who contracted cholera during the fall 1892 outbreak in New York, arriving on a steamer—the *Bohemia*—from the same port as the *Normannia*. At the crack of dawn, she began having rice-water diarrhea and vomiting, and was taken to the hospital treating steerage passengers in the quarantine camp on Swinburne Island in New York’s harbour.⁴⁸ Her eyes were sunken and discoloured, her skin purple and red. Barely breathing, she became unconscious soon after being admitted. Though she was treated with injections of a solution of water, salt, and whiskey, she died a few hours later, 24 hours after the symptoms of the disease became apparent.⁴⁹

Despite bacteriological advances in the last decades of the nineteenth century, cholera was not well understood among medical professionals, and it was associated with the travel of foreigners. Physicians greatly feared cholera, since during previous epidemics around half of the infected died.⁵⁰ European and American medical professionals believed that cholera was endemic to India. One British surgeon, for instance, argued that all cholera epidemics in Europe and North America originated in India and were always introduced by foreigners who entered Western countries.⁵¹ Because medical professionals believed that cholera always entered America from abroad in contrast to other diseases, they termed it “Asiatic cholera.”⁵²

⁴⁷ Kraut, 32; Donatella Lippi and Eduardo Gotuzzo, “The Greatest Steps Towards the Discovery of *Vibrio Cholerae*,” *Clinical Microbiology and Infection* 20, no. 3 (2014): 191.

⁴⁸ John M. Byron, “Appendix E to Report of the Health Officer,” in *Annual Report of the Commissioners of Quarantine, 1887-1898* (Albany: James B. Lyon, State Printer, 1893), 109–110.

⁴⁹ *Ibid.*, 109.

⁵⁰ Nottidge Charles MacNamara, *A Treatise on Asiatic Cholera* (London: John Churchill and Sons, 1870), 2.

⁵¹ *Ibid.*, 314-315.

⁵² See John C. Peters, “General History of the Disease and the Principal Epidemics up to 1885,” in *A Treatise on Asiatic Cholera*, ed. Edmund C. Wendt (New York: William Wood and Company, 1885), 3.

Yet, there was no consensus among the medical field on how exactly cholera was transmitted. In 1884, the bacteriologist behind the germ theory of disease, Robert Koch, discovered the cholera bacillus.⁵³ Nevertheless, some medical professionals denied that the germ theory applied to cholera, continuing to believe the older miasma theory of disease, which held that cholera was caused by bad vapours floating in the air and filth.⁵⁴ This belief, along with the belief that foreign cultures did not prioritize hygiene as highly as American culture, led to the assumption that immigrants were filthier than Americans and therefore much more likely to introduce cholera to America than the native-born.⁵⁵ The link between dirt and cholera can be further seen in the treatments bacteriologists and sanitarians proposed. Given their poor understanding of the disease, scientists had not discovered an effective cure for cholera. They recommended treatment with opium and disinfecting agents toxic to humans, such as calomel and mercury bichloride, in the hopes that chemical disinfectants would kill any dirt in the stomach.⁵⁶

In previous American cholera epidemics, the disease killed thousands in New York City alone.⁵⁷ Each epidemic was attributed to ships arriving from abroad. In addition, hospital statistics from these earlier epidemics purportedly showed that most cases occurred among the foreign-born, bolstering the argument that foreigners were more likely to catch cholera because they were less clean than Americans.⁵⁸ However, these figures were skewed since native-born Americans tended to be wealthier than immigrants and preferred private treatment to hospitals when they fell sick.⁵⁹

⁵³ Steve M. Blevins and Michael S. Bronze, "Robert Koch and the 'Golden Age' of Bacteriology," *International Journal of Infectious Diseases* 14, no. 9 (2010): e748.

⁵⁴ Edward Emanuel Klein, *The Bacteria in Asiatic Cholera* (London: Macmillan and Co, 1889), 2–4.

⁵⁵ Barnes, 99–101. Paul Jackson notes that the beliefs that cholera epidemics always originated in India and were spread through dirt not supported by the evidence at hand in 1892. See Jackson, 49.

⁵⁶ Edmund C. Wendt, "The Treatment of Cholera," in *A Treatise on Asiatic Cholera*, ed. Edmund C. Wendt (New York: William Wood and Company, 1885), 374; MacNamara, 451; Byron, 95–96.

⁵⁷ "Previous Epidemics," *New York Times*, August 25, 1892.

⁵⁸ Kraut, 35.

⁵⁹ *Ibid.*

As a result, Americans thought cholera almost always occurred among the foreign-born because foreigners had inferior hygienic habits.

The 1892 Cholera Epidemic in New York City and the Quarantine

In the summer of 1892, Europe and Asia were beset with a cholera epidemic moving steadily westward. Americans followed the course of the epidemic closely. On August 23 the Hamburg Health Office officially announced that cholera had appeared in the city.⁶⁰ Unlike most of the other cities in Europe already afflicted with cholera, Hamburg was a major port where steamers traveling between Germany and America frequently arrived and departed.⁶¹ Thus, Americans paid special attention to Hamburg's announcement that cholera was discovered in the city, with American newspapers warning that there was a "danger that immigrants may bring the scourge to this country."⁶² The press made a major deal out of the supposed poor hygiene of immigrants, with the *New York Times* repeatedly referring to them as "dirty" because of their "abject ignorance" of sanitation.⁶³ Immediately, major steamship lines including the Hamburg-America Line (HAPAG) announced that, while cholera raged through Hamburg, their ships would stop taking on steerage passengers, in the hopes that this action would prevent choleric steerage passengers from bringing the disease to American shores.⁶⁴

The terms *cabin passenger* and *steerage passenger* referred to the price and type of accommodation the passenger purchased. Steamship passengers were divided into different classes based on how much they paid for their ticket, in a system that made differences of socioeconomic class

⁶⁰ Despatch 176 from Vice and Acting Consul Charles H. Burke to Assistant Secretary of State William F. Wharton, August 25, 1892. Despatches from U.S. Consuls in Hamburg, 1890-1906, R. G. 59, Microcopy T-211, roll no. 28, National Archives II, College Park, Maryland.

⁶¹ Jackson, 46.

⁶² "Cholera Victims Increasing," *New York Times*, August 23, 1892.

⁶³ "The Only Safe Course," *New York Times*, editorial, September 1, 1892; "The Cholera," *New York Times*, editorial, September 4, 1892.

⁶⁴ Despatch 176.

visible aboard ships. In order of most expensive to least expensive, the classes of travel were first, second, and steerage. First- and second-class passengers were collectively referred to as “cabin passengers,” since they were quartered in cabins, while steerage passengers were not. Steerage passengers were typically housed in open, crowded dormitories with little to no separation between bunks and often poor sanitation.⁶⁵ In this period, most—but not all—steerage passengers on transatlantic ships sailing to America were immigrants. However, commentators used the terms “steerage” and “immigrant” interchangeably, presuming that steerage passengers were wholly immigrants.⁶⁶ In contrast, the wealthier cabin passengers were predominantly native-born Americans travelling abroad on business or on holiday, and few immigrants travelled in cabin class.⁶⁷ The high cost of a cabin ticket was difficult for the predominantly lower-class immigrants to purchase, and the number of wealthy Europeans travelling in cabin class to visit America was usually outweighed by the number of Americans returning home.⁶⁸

From the onset of cholera, American officials’ responses were shaped by the belief that the foreign immigrants in steerage were filthier and thus more likely to carry the disease. The Vice and Acting Consul at the American Consulate in Hamburg, Charles Burke, told a concerned American that cabin passengers travelling on ships without steerage passengers did not need to worry about being quarantined since the ban on steerage passengers severely reduced the likelihood that

⁶⁵ For example, one ship built in the 1870s had only two toilets for every 100 steerage passengers and no baths at all. See John Malcolm Brinnin, *The Sway of the Grand Saloon: A Social History of the North Atlantic* (New York: Delacourte Press, 1971), 239–240, 248.

⁶⁶ *Ibid.*, 247.

⁶⁷ Brinnin, 236–240.

⁶⁸ During the early 1890s, steerage fares were around \$5–\$20, while the cheapest cabin fares were around \$30, and the most expensive cabin fares were higher than \$150. See Display advertisement no. 9, *New York Times*, July 30, 1892. For a more in-depth breakdown of the demographics of cabin class, see the discussion of the *Normannia*’s manifest on pages 31–2.

cholera would be brought to America, equating steerage passengers with immigrants.⁶⁹ In a despatch to the American State Department, Burke stated that “as no more emigrants sail from this port I am constrained to the opinion that everything possible is being done by the Consulate to prevent the transfer of the contagion to the United States.”⁷⁰ He identified a suspension of immigration as the most important policy step that could be taken to safeguard America from cholera. The despatches between Burke and the State Department show that Burke’s opinion—that steerage emigrants posed the largest threat to America during the epidemic—coloured the information the State Department and the rest of the federal government received.

After Burke’s telegrams announcing cholera in Hamburg were passed on to William T. Jenkins, the Health Officer for the Port of New York (a municipal position), Jenkins issued a set of health and quarantine regulations on August 26.⁷¹ These regulations placed particular scrutiny on immigrants, although they focused on restricting the entry of people from areas infected with cholera. Jenkins ordered that “all vessels from cholera-infected ports or carrying steerage passengers from infected localities” be quarantined for three to five days upon arrival in New York.⁷² This order primarily selected ships for quarantine based on whether they carried passengers from cholera-infected places. However, since it also singled out steerage passengers as more likely to be carriers of cholera, the order would have detained many (but not all) immigrants, since most immigrants travelled in steerage.⁷³ In a telegram to American consuls in Europe, Jenkins further requested that “all emigrants... undergo the most thorough inspection abroad with detention of

⁶⁹ Letter from Vice and Acting Consul Charles H. Burke to N. Peters Jr., Esq., August 29, 1892. Official Letters June 11, 1892 to March 16, 1893. R. G. 84, Stack 350, Row 2H, Compartment 19, Shelf 1, Box 85. National Archives II, College Park, Maryland.

⁷⁰ Despatch 181 from Vice and Acting Consul Charles H. Burke to Assistant Secretary of State William F. Wharton, September 7, 1892. Despatches from U.S. Consuls in Hamburg, 1890-1906. R. G. 59, Microcopy T-211, roll no. 28. National Archives II, College Park, Maryland.

⁷¹ Jenkins, “Report of the Health Officer,” 44.

⁷² *Ibid.*

⁷³ Markel, 98.

those from infected districts,” and that their baggage be disinfected before being loaded on America-bound ships.⁷⁴ His request shows he believed immigrants leaving Hamburg were more likely to bring cholera across the Atlantic than other groups of passengers. He did not subject cabin passengers to similar scrutiny. As a result of Jenkins’ distinction between steerage and cabin passengers, the notion that immigrants were more prone to cholera than native-born Americans was introduced into the city’s official quarantine policy.

Howard Markel argues that the quarantine instituted by Jenkins “scapegoat[ed]... those afflicted or perceived to be at risk of disease, namely, Eastern European immigrants” and Jewish immigrants, an argument that I intend to broaden.⁷⁵ To show that the quarantine was infected with animus towards Eastern European Jews, Markel highlights Jenkins’s anti-Semitic views towards Jewish immigrants.⁷⁶ However, I primarily examine the text and the mechanisms of the policies Jenkins and other actors instituted, privileging the effects of the policy over the personal intentions of the actors behind the policy (although both are important).⁷⁷ In general, both the quarantine policy Jenkins implemented as well as Harrison’s later policy did not single out any specific nationalities or religions, in contrast to the policy Jenkins instituted in a typhus epidemic in January. In that crisis, he singled out Russian Jews by ordering that they undergo inspection before being allowed to enter New York.⁷⁸ That is not to say that the Jenkins’s anti-Semitism had no influence on the policy decisions he made in September 1892; rather, that despite his personal prejudices,

⁷⁴ Jenkins, “Report of the Health Officer,” 45.

⁷⁵ Markel, 107.

⁷⁶ *Ibid.*, 91.

⁷⁷ Trying to determine what kind of discrimination motivates a policy by privileging a historical actor’s personal views and statements above the actual effects of the policy creates methodological problems, especially when the source base is lacking. Lack of evidence of one’s personal views does not absolve a policy from being free from discrimination.

⁷⁸ *Ibid.*

his September quarantine had a different scope and had consequences for more than just one nationality or religion. It placed extra scrutiny on all immigrants and fell hardest upon those coming from cholera-infected regions.⁷⁹ Unlike during the typhus outbreak in January, the quarantine targeted all immigrants, not just Russian Jews, showing that Jenkins's policy decisions during the cholera epidemic were motivated by more than just anti-Semitism.

President Harrison's Assertion of Power

It was not until August 30 that the first ship carrying cholera dropped anchor in New York. Under the cover of night, the *Moravia* sailed into the harbour with 22 dead from cholera and two more active cases.⁸⁰ The ship's arrival immediately led to a panic, with newspaper headlines referring to the *Moravia* as a "PLAGUE SHIP" and an "immigrant ship" since it carried only steerage passengers, and implying that Jenkins's quarantine order was insufficient to deal with the cholera threat.⁸¹ With voices in the press and in the president's circle of advisors arguing that Jenkins's three-to-five day quarantine order did not go far enough, President Benjamin Harrison felt that he needed to act.⁸² He was in the middle of a difficult re-election campaign, and he was keen to appear as though he had the situation under control in the eyes of the public.⁸³ His response

⁷⁹ By the end of August, cholera had reached Hamburg and Gravesend (outside of London, England), so the provision of the order that allowed for the detention of immigrants from cholera-infected localities likely would have affected immigrants from all over Europe, not just from Eastern Europe. See "The Cholera in England," *New York Tribune*, August 27, 1892.

⁸⁰ *Ibid.*, 47.

⁸¹ On the same day, Jenkins placed other cholera-free ships carrying steerage immigrants from infected ports, but soon declared that the cholera-free steamers were free to go. The *Evening World* claimed that because passengers on these ships had eaten food from foreign ports likely to be infected with cholera, "under these circumstances a quarantine here of two to three days would not be a sufficient safeguard against cholera." See "Cholera is Here!" *Evening World*, August 31, 1892, last edition; "Cholera at the Gate," *New York Tribune*, September 1, 1892.

⁸² For example, the *New York Times* was calling for a total suspension of immigration while the epidemic was ongoing and insisting that the president needed to be able to suspend immigration, since a suspension would keep cholera out. Editorial, *New York Times*, August 24, 1892; "The President Has No Power," *New York Times*, August 28, 1892.

⁸³ For an example of Harrison's support of immigration restrictions, see Harrison's 1888 speech accepting the Republican Party's nomination for the presidency in Benjamin Harrison, "General Harrison's Letter of Acceptance," in

to Jenkins’s supposedly insufficient quarantine would represent another example of the federal government in this period claiming power over immigration.

The president did not have authority over either quarantine or immigration; the word “immigration” does not appear in the Constitution, so both matters traditionally defaulted to the authority of the states.⁸⁴ David Barnes and Hidetaka Hirota have shown that New York City officials traditionally had a wide purview to regulate and enforce matters of quarantine, the entry of cargo, and immigration.⁸⁵ Specifically, the power to regulate New York’s quarantines, including their length, was held with New York’s Health Officer—Jenkins—and the Health Officer essentially had unrestricted power over quarantines.⁸⁶ Despite the history of state control over these issues, U.S. Attorney General William Miller opined that though the president was legally barred from issuing orders that conflicted with state regulations, “State statues and regulations... may be supplemented by the National Executive.”⁸⁷ However, both at the time and in subsequent scholarship observers have recognized that Miller and Harrison were both operating above their legal jurisdiction in claiming the power to “supplement” state quarantine and immigration regulations.⁸⁸ When Jenkins asked the New York Deputy Attorney General to give a second opinion, the Deputy opined that Jenkins was not legally bound to follow Harrison’s orders regarding quarantine.⁸⁹

Consequently, Harrison’s decision to issue his own 20-day quarantine order represented an usurpation of state power and a serious escalation from Jenkins’s in both scope and the extent to which it targeted immigrants. On September 1, Harrison asked Surgeon General Walter Wyman

Speeches of Benjamin Harrison: Twenty-third President of the United States, comp. Charles Hedges (New York: United States Book Company, 1892), 111–2.

⁸⁴ Charles W. Calhoun, *Benjamin Harrison* (New York: Times Books, 2005), 144.

⁸⁵ Barnes, 82–88; Hirota, 9–11, 75–77.

⁸⁶ Quarantine Regulations—Power of State—Federal Power, 20 Op. Att’y Gen. 474 (September 10, 1892).

⁸⁷ Quarantine Regulations—Repealing Statute, 20 Op. Att’y Gen. 468 (September 1, 1892).

⁸⁸ Calhoun, 144; Markel, 96.

⁸⁹ “Dr. Jenkins’s Powers,” *New York Times*, September 3, 1892.

to issue a treasury circular bearing Harrison's approval that imposed a nationwide 20-day quarantine on any vessel from a foreign port carrying immigrants (although states could extend the quarantine past 20 days).⁹⁰ Unlike Jenkins's order, which did not mention immigrants by name, Harrison's order targeted not just steerage passengers from infected regions but all immigrants regardless of port of origin, and separated ships carrying immigrants from ships that did not carry any immigrants. It was explicitly nationalistic, since it portrayed all immigrant as a threat to the nation by virtue of their foreignness.

Though Jenkins's order approached a public health issue by casting suspicion on immigration, Harrison's order approached the broader question of how many immigrants should be allowed into America, since Harrison and his cabinet designed the order to enact a practical suspension of immigration.⁹¹ With its nationwide scope and extended period of quarantine, the order would impose heavy costs on steamship lines that carried immigrants; they would lose thousands of dollars every day their ships were in quarantine, since it was expensive for ships to sit idle in the harbour.⁹² Since the shipping industry was reliant upon immigrant traffic, it would be forced to stop carrying immigrants or go bankrupt, so the order would suspend immigration in practice though not in name.⁹³ Harrison thus used the mechanism of quarantine to circumvent the authority of both the states and Congress, which, unlike the president, had the power to pass nationwide legislation banning all immigrants from entering the country.⁹⁴ Because the order suspended immigration in

⁹⁰ U. S. Senate, *Quarantine Restrictions Upon Immigration to Aid in the Prevention of the Introduction of Cholera into the United States*, 52nd Congress, 2nd Session, September 1, 1892, (Serial Set 3056). A circular is similar in scope and jurisdiction to an executive order.

⁹¹ Markel, 97.

⁹² *Ibid.*, 97–98.

⁹³ "Will Stop Immigration," *New York Times*, September 2, 1892.

⁹⁴ On Congress's role, see *Quarantine Regulations—Power of State—Federal Power*, 20 Op. Att'y Gen. 475–476 (September 10, 1892). The opinion acknowledges that the president has no power to suspend nationwide immigration, but claims that the president can get around this by excluding vessels from foreign countries with disease outbreaks,

practice, it marked another step in the decades-long trend of presidents asserting federal authority over immigration and taking an active role in regulating immigration.

Harrison's order needs to be understood within the context of his political position at the time. Harrison was responding to pressure from the press and was concerned about appearing unable to solve the nation's problems with a presidential election two months away.⁹⁵ Harrison's order was more of an order aimed at addressing political problems than one trying to address public health problems. The order was well-received in the press, with papers such as the Republican-leaning *New York Tribune* and the less partisan *New York Times* writing glowingly of his leadership in establishing a stronger quarantine.⁹⁶ By instituting a much more explicitly nationalistic order that suspended immigration in practice, Harrison signalled to immigration restriction supporters that he was responsive to their concerns.⁹⁷ He had made immigration restrictions a part of his election platform in both 1888 and 1892, and by taking action to limit the entry of immigrants into the country, Harrison attempted to demonstrate that he was not just making empty promises in the course of a campaign.⁹⁸ He asserted a power he legally did not have in an attempt to secure the votes of immigration restriction supporters and appear a responsive, capable leader.

Jenkins was furious with Harrison's order, and the conflict between the two men marked an important development in the saga of immigration and cholera in 1892: overt tensions between local officials and federal officials over who had the power to amend immigration and health policy. Feeling that the order was an intrusion upon their jurisdiction, Jenkins and his department

⁹⁵ Calhoun, 143–45.

⁹⁶ "The President's Decision," editorial, *New York Tribune*, September 2, 1892; "Immigration Suspended," *New York Times*, editorial, September 2, 1892.

⁹⁷ Calhoun, 144–5.

⁹⁸ Harrison, "General Harrison's Letter of Acceptance," 111–2; "Republican Party Platform of 1892," American Presidency Project, June 7, 1892, online by Gerhard Peters and John T. Woolley, accessed March 30, 2019, <https://www.presidency.ucsb.edu/documents/republican-party-platform-1892>.

strenuously objected on the grounds that holding all incoming immigrant vessels was logistically too large a task, ships from cholera-free ports did not pose a significant danger, and crowded conditions aboard ships quarantined in the harbour risked the outbreak of other diseases.⁹⁹ However, when the press heard that the New York Deputy Attorney General had opined that Jenkins could legally disobey Harrison's order, Jenkins was heavily criticized by the press, which portrayed him as sending "an invitation to steamship lines to send in their shiploads of immigrants" and claimed that Jenkins was not adequately concerned with protecting the nation.¹⁰⁰ For allegedly attempting to pick a fight with the president, he was also criticized by the Treasury Department, and most importantly, Richard Croker, the leader of Tammany Hall and Jenkins's brother-in-law, who had secured Jenkins's appointment as Health Officer earlier in the year.¹⁰¹ With his job in jeopardy, Jenkins backed down. The quarrel between Jenkins and Harrison marked the first in a series of showdowns between the federal government and local authorities, as the federal government claimed power that had been traditionally left up to state and city officials: a showdown the federal government would ultimately win. Jenkins's previous order and his response had created the impression in the federal government as well as the press that the city was not up to the task of safeguarding the nation from cholera and the immigrants who allegedly carried the germ.

The *Normannia* and the Stigmatizing Logic of Quarantine

With Harrison's 20-day order, the practice of quarantine was officially deployed to keep allegedly dangerous immigrants out of America, and the experiences of the *Normannia*'s steerage

⁹⁹ Indeed, there was a measles outbreak on one of the ships that was detained under the 20-day order, although no cholera was found aboard that ship. See Jenkins, "Report of the Health Officer," 56.

¹⁰⁰ "Dr. Jenkins's Powers," *New York Times*, September 3, 1892.

¹⁰¹ Markel, 91, 99–100.

passengers would further show how quarantine was used for this purpose. Before sunrise on September 3, the “death ship” *Normannia* and the *Rugia* sailed into New York’s harbour.¹⁰² Both had come from Hamburg and both had cholera aboard, but the *Normannia* was in many ways different from the *Rugia* and the *Moravia*. Unlike the other two ships, which mainly carried steerage passengers, the *Normannia* had a roughly equivalent number of cabin passengers and steerage passengers: 497 in cabin class and 555 in steerage.¹⁰³ The *Normannia*’s cabin also included prominent figures, including New Jersey Senator John McPherson, the editor of *The Nation* and the *New York Evening Post* E. L. Godkin, New York theatre director A. M. Palmer, and the British singer and dancer Lottie Collins.¹⁰⁴ The number of well-known figures aboard and the comparatively high number of cabin passengers was part of why the *Normannia* aroused more attention from both the press and the city officials tasked with implementing the quarantine.

The ship arrived with two deaths among the cabin passengers, both of whom were native-born Americans, along with three deaths and four cases of cholera in steerage, making the *Normannia* the only ship out of the three to have deaths in both cabin and steerage.¹⁰⁵ The diagnoses of the deaths further showed the strength of the belief that cholera flourished in filth, and that accordingly, Americans were unlikely to catch cholera because they had better hygiene habits than foreigners. Jenkins’s physicians confirmed that that the steerage deaths had occurred from “Asiatic cholera.”¹⁰⁶ In contrast, though the *Normannia*’s surgeon admitted to the *Times* that the dead cabin passengers had displayed symptoms consistent with cholera, the surgeon attributed their deaths to

¹⁰² Jenkins, “Report of the Health Officer,” 48; “Two More Pest Ships,” *Evening World*, September 3, 1892, last edition.

¹⁰³ Ibid; “SS Normannia—List of Passengers,” frames 481–507.

¹⁰⁴ Jenkins, “Report of the Health Officer,” 48; *New York Times*, “Detained at Quarantine,” September 4, 1892.

¹⁰⁵ Jenkins, “Report of the Health Officer,” 48.

¹⁰⁶ Ibid.

other causes.¹⁰⁷ Jenkins's own diagnoses of the deaths were inconsistent.¹⁰⁸ In the absence of a diagnosis or clear leadership from Jenkins, the physicians Jenkins consulted with argued that since "there [was] no record of cabin passengers having brought cholera into the port" of New York, the two deaths on the *Normannia* likely resulted from other causes, as the ship's physician had originally stated.¹⁰⁹ This image of cholera—as a foreign disease that prevailed among immigrants because immigrants had poorer hygiene than Americans—was so strong that when two Americans died from symptoms consistent with cholera aboard a ship known to have cholera aboard, many leading medical professionals were reluctant to attribute their deaths to it.

The cabin passengers received less scrutiny from physicians who believed in the link between cholera, immigrants, and filth, partly because they were almost wholly native-born Americans. Only 28 cabin passengers, or 5.6%, were listed as holding foreign citizenship.¹¹⁰ However, an examination of the steerage manifest reveals some notable differences. In the steerage, 482 passengers, or 86.8%, held foreign citizenship and were intending to stay in America for an extended period of time.¹¹¹ That left a significant proportion of American citizens returning home—73, or 13%.¹¹² Despite the Americans in steerage, the press and the government assumed the steerage passengers were almost wholly immigrant, and would treat them differently from the cabin

¹⁰⁷ "Two More Cholera Ships," *New York Times*, September 4, 1892; Jenkins, "Report of the Health Officer," 48. The surgeon attributed the death in first class to "diabetes and diarrhoea," and the death in second class to "bronchitis and diarrhoea"; diarrhea is not a symptom of diabetes or bronchitis, but it is the defining symptom of cholera, and given that both came from a city experiencing a cholera outbreak, it is almost certain that both died from cholera.

¹⁰⁸ In some sources from during the epidemic, Jenkins was stated to be "convinced" that both deaths were from cholera, but in sources written after the epidemic, he claimed there was no cholera in the *Normannia*'s cabin or claimed the cause of their deaths was unclear. See Markel, 102–103; "The Work at Quarantine," *New York Tribune*, September 4, 1892; William T. Jenkins, "Quarantine at New York," *North American Review* 155, no. 432 (1892): 588; Jenkins, "Report of the Health Officer," 49.

¹⁰⁹ Jenkins, "Report of the Health Officer," 49, 61.

¹¹⁰ "SS Normannia—List of Passengers," frames 481–506.

¹¹¹ *Ibid.* Since the passenger manifest did not indicate intention to immigrate, the length of time a passenger intended to stay in America functioned as a rough proxy for determining whether a foreign passenger was an immigrant or not.

¹¹² "SS Normannia—List of Passengers," frames 481–506. Most steerage passengers were German nationals (228, or 40.6%) or Austrian nationals (113, or 20.3%). Americans were the third-most represented nationality.

passengers during the quarantine. In his examination of the 1892 outbreak, Paul Jackson notes that fears surrounding the allegedly poor hygiene of immigrants “overtook” the facts at hand, since the link between dirt and cholera was already known to be erroneous.¹¹³ His observation—that much of the response from physicians and multiple branches of government was predicated on beliefs unsupported by the facts at hand—can be seen in the differing treatments of the *Normannia*’s cabin and steerage passengers. Although there was a significant population of American citizens in the *Normannia*’s steerage, they were caught up in the same fears surrounding allegedly unclean immigrants and cholera because Jenkins, his advisers, others in multiple branches of the government, and commentators did not question the assumption that steerage passengers were all immigrants.¹¹⁴

The quarantine of the *Normannia*’s steerage passengers took place under Harrison’s immigrant-stigmatizing 20-day order. Barnes has argued that the quarantine during the 1892 panic over cholera represented a shift from previous American quarantine practices, because the quarantine focused “on foreigners’ bodies as vehicles of contagion,” whereas previous quarantines were intended to prevent objects rather than people from entering the country, and that previous quarantines showed little regard for whether the diseased were native-born or foreign.¹¹⁵ Extending this argument, I argue that the quarantine of the *Normannia*’s steerage did not just stigmatize immigrants’ bodies, but was primarily used to keep immigrants out and away from the general American population under the justification that immigrants’ poor hygiene made them choleric. Harrison tried to use the quarantine order to suspend immigration in all but name, and this purpose influenced the quarantine of the *Normannia*’s steerage. During the quarantine, the city government as

¹¹³ Jackson, 57–8.

¹¹⁴ As examples of sources that refer to “steerage” and “immigrants” interchangeably see “Two More Plague Ships,” *New York Tribune*, September 4, 1892; “Two More Pest Ships,” *Evening World*, September 3, 1892, last edition. The question of *why* commentators assumed steerage passengers were immigrants is beyond the scope of this thesis, but at least, my exploration shows that historians should be careful before reproducing the assumptions of their sources that steerage was wholly immigrant in nature.

¹¹⁵ Barnes, 77–79, 101.

well as the physicians treating the steerage showed disregard for the steerage passengers and did not take basic measures to stop the spread of cholera among the steerage during the quarantine. Thus, the quarantine functioned more to keep the *Normannia*'s immigrants away from Americans for as long as legally permissible than to halt the spread of cholera as soon as possible.

The *Normannia*'s steerage were the first group to be transferred off the ship they came on, and they were transferred a few hours after their arrival.¹¹⁶ Those who had not shown symptoms of cholera were transferred to Hoffman Island, while the sick were sent to Swinburne Island for treatment, both of which were two small islands in New York harbour that the city's quarantine department had previously set up for quarantines.¹¹⁷ In a more limited epidemic in 1887, one doctor criticized the conditions on Hoffman and Swinburne, claiming that the islands were overcrowded with little or no separation between the sick and the well, as patients were quartered in dormitories without regard for whether they displayed symptoms or were being kept simply for observation.¹¹⁸ The buildings were built in the 1870s to house comparatively small numbers of patients, and the buildings were too small and rudimentary to cope with the hundreds of immigrants who were quarantined there in 1892.¹¹⁹ Consequently, overcrowding was even worse during 1892 than in previous epidemics, and once again, passengers who displayed symptoms of cholera were not separated from those who did not.¹²⁰ The staff did not clean the outhouses properly and they became filthy, which was especially dangerous since cholera is spread through fecal matter.¹²¹ Given that many in the medical field still believed cholera was spread through filth, that the islands' sanitary

¹¹⁶ Jenkins, "Report of the Health Officer," 48.

¹¹⁷ *Ibid.*, 48–9.

¹¹⁸ WM. M. Smith, "Report of the Health Officer," in *Annual Report of the Commissioners of Quarantine, 1887-1898* (Albany: New York, February 3, 1892.), 28–29.

¹¹⁹ Geo W. Anderson, Chas F. Allen, and N. Muller, *Annual Report of the Commissioners of Quarantine for the Year 1892* (Albany: James B. Lyon, State Printer, 1893), 6–9; "Rouses the Health Board," *Evening World*, September 3, 1892, last edition.

¹²⁰ Markel, 107.

¹²¹ *Ibid.*, 107–108.

facilities were not cleaned properly indicated disregard rather than a lack of knowledge on the part of the physicians and nurses managing the island. Even based upon the medical knowledge of the time, the physicians managing the islands did not take the precautions that were considered medically necessary at the time to prevent the spread of cholera.¹²²

The lack of attention the steerage passengers received from the quarantine department had dangerous results. The unhygienic conditions on Hoffman and Swinburne increased the likelihood of the cholera spreading, and indeed, the disease spread throughout the quarantined immigrants. A report detailing the cholera deaths showed that among the *Normannia*'s passengers, more cases developed on Hoffman and Swinburne than at sea. Over an approximately two-week period while the *Normannia*'s steerage were quarantined, the report shows that 18 confirmed cases of cholera developed on the two islands, while another 18 were listed as suspects in comparison to the nine total cases that developed during the nine-day voyage.¹²³ The increase in cases suggests that the crowded conditions on Swinburne and Hoffman exacerbated the disease's spread.

The overall role of quarantine regarding the *Normannia*'s steerage passengers, and later, other steerage passengers from other cholera ships, was to keep them away from Americans; the city's health authorities and the federal government were concerned with stopping cholera from spreading into the Americans in the city, but they took few actions to prevent cholera cases from increasing among the quarantined steerage immigrants. Harrison's 20-day order was primarily aimed at keeping immigrants out of America, and the quarantine Jenkins instituted under the order followed a similar logic. Jenkins and the city's health authorities showed little regard for the quarantined steerage passengers because they did not follow the medical field's standard quarantine

¹²² See Markel 128–133 for a more in-depth discussion on how the physicians administering the islands did not conform to the accepted sanitary and bacteriological practices used to stop diseases from spreading.

¹²³ Anderson, Allen, and Muller, 5.

practices used to stop diseases from spreading, which reveals the willful disregard with which they treated the health of the quarantined immigrants in steerage. The quarantine's administrators devoted few resources to treating them or improving their lodging, believing that the steerage passengers were all immigrants accustomed to poor conditions and predisposed towards poor health and hygiene. This argument was made in part by the New York Chamber of Commerce's Quarantine Committee, which reviewed the management of the quarantine. The Committee's physicians stated that there was "a feeling on the part of those in charge that those people all might justly be treated very much like cattle because the natural condition of many of them was that of desperate uncleanness," and argued that the quarantine functioned as "a system of simple human storage" rather than a medical practice intended to limit the spread of disease.¹²⁴ As a result of the lack of attention the municipal departments gave to limiting the spread of cholera among the steerage passengers, the quarantine functioned mainly as a holding pen to separate steerage immigrants from Americans. The city's health authorities did not use the quarantine to keep potentially infected materials out of the country, as they had in the past; rather, they substituted immigrants in the place of materials, thus deploying a medical practice in an attempt to limit the entry of immigrants into the city and country.¹²⁵

Of course, Harrison's quarantine order could not be used to completely bar immigrants; to ensure it complied with the U.S. Attorney General's opinion and state laws, the president could not hold passengers in quarantine for longer than 20 days without the consent of state or municipal

¹²⁴ Stephen Smith, A. Jacobi, E. G. Janeway, R. H. Derby, T. Mitchell Prudden, Herman M. Biggs, and Allan McLane Hamilton, "A Report of the Medical Advisory Committee of the Chamber of Commerce of New-York, on Certain Points Relating to Quarantine Detention of Passengers, and the Disinfection of Passengers' Baggage, Merchandise, and Infected Ships," in *Thirty-Fifth Annual Report of the Corporation of the Chamber of Commerce for the State of New-York for the Year 1892-'93*, comp. George Wilson (New York: Press of the Chamber of Commerce, 1893), 99–100.

¹²⁵ Barnes, 98–101.

authorities.¹²⁶ The *Normannia*'s steerage were first transferred to Camp Low, a makeshift camp that had been set up to relieve overcrowding on Hoffman and Swinburne, but after 19 days in quarantine, Jenkins released them to the newly-opened Ellis Island to avoid keeping them in quarantine for longer than 20 days.¹²⁷ Although Harrison had usurped state and municipal power, and although he used the quarantine mainly to keep immigrants out of the country for as long as possible, he faced a legal limit to the power over immigration he had claimed. He had used quarantine as a vehicle to mount an immigration suspension in practice, but quarantine was an imperfect, limited vehicle.

The initial responses to the arrival of cholera in New York's harbour was overall defined by three distinct but related trends. The first was the stigmatization of immigrants that became enshrined in official policy, municipal as well as federal, although Harrison's order was defined to a greater extent by the idea that immigrants needed to be kept out of the nation because their inferior hygiene made them susceptible to cholera. His order also represented another step in the federal government's movement toward assuming greater power over immigration and quarantine. By asserting control over matters of health and immigration that were not technically within the federal government's jurisdiction, his order was part of the broader trend towards the federal government playing an expanded role in regulating quarantine and immigration. The 1892 cholera outbreak led many in the federal government and Congress to feel that the states were incapable of dealing with immigration, since immigrants supposedly threatened the health of the nation. Lastly, Harrison's assertion of power, which claimed power previously left up to the states and

¹²⁶ Jenkins, "Report of the Health Officer," 55–6.

¹²⁷ Ibid, 52; "Their Baggage Ruined," *New York Times*, September 24, 1892; "Steerage Passengers Free," *New York Times*, September 25, 1892.

municipalities, resulted in a spat between the federal government and the city. The ensuing tensions set a precedent that repeated itself throughout the epidemic and the subsequent legislative debate.

CHAPTER 2: NATIONALISM AND THE QUARANTINE'S DYSFUNCTION

The next stage of the quarantine and the *Normannia*'s story was defined by multiple intertwined conflicts over the proper relationship between a nation's government and its citizens, as well as questions over the legitimacy of power. These conflicts created dysfunction among multiple branches of government. First was the spat between the *Normannia*'s cabin passengers and Jenkins, as the cabin passengers were placed in quarantine under President Harrison's 20-day quarantine order requiring that all ships carrying immigrants be quarantined—a detention which the cabin passengers felt was unjustified, because their detention primarily resulted from the fact that they had been aboard a ship carrying immigrants. However, a joint effort involving Health Officer Jenkins of New York City, New York state, and the federal government to transfer the cabin passengers to a Long Island hotel received much resistance from the surrounding communities. These communities argued that the state and city government did not have the legitimate authority to complete the transfer because the two governments were put into power by a population fundamentally different from Long Islanders, making an argument that invoked nationalistic ideals. In response, feeling that their rightful authority had been undermined first by the federal government and then by the Long Island communities, Health Officer Jenkins and New York Governor Roswell Flower believed they had the legitimate and moral right to take whatever actions necessary to reassert their governments' legitimacies. In the end, these interlocking conflicts resulting from

the separation of powers and diffusion of authority over matters of health, quarantine, and immigration led many in the press, the federal government, and Congress to push for legislation that firmly and unambiguously placed matters of quarantine, health, and immigration into the hands of the federal government. With legislation, these separate factions hoped to avoid the dysfunction and conflict that had characterized the management of New York's cholera epidemic.

The Quarantine in the Cabin and the Responsibilities of Governance

Despite the cholera spreading among steerage passengers on Hoffman and Swinburne, Jenkins and the city's quarantine department were mostly preoccupied with the *Normannia*'s cabin passengers, who were quarantined in the quarters they had crossed the Atlantic while aboard the *Normannia*. The ship's first- and second-class quarters were far superior to the conditions the steerage passengers experienced on either the *Normannia* or on Hoffman and Swinburne. The public rooms were decorated in what a World Exposition exhibit described as "masses of gold and frescoes of all hues of the rainbow."¹²⁸ The cabins were designed to give their occupants all the comforts they were accustomed to on land, "finished in hardwood and upholstered with Utrecht velvet" and containing "marble baths."¹²⁹ These cabins gave the wealthier passengers access to sanitation and, perhaps most importantly, allowed a measure of separation between passengers that may have been critical in ensuring that during the entire outbreak only two cabin passengers died.

Yet, despite their luxury accommodations, the *Normannia*'s cabin passengers were furious, and expressed their anger in multiple letters to family and friends that were reprinted in the press. They complained that they were owed a higher standard of care than the steerage passengers on account of their citizenship, and that their detention was illegitimate because there had been no

¹²⁸ "The 'Normannia'; Hamburg American Steam Packet Co," in *A Record of the Transportation Exhibits at the World's Columbian Exhibition of 1893*, ed. James Dredge (New York: John Wiley & Sons, 1894), 579.

¹²⁹ *Ibid.*

cholera cases among them.¹³⁰ A letter from S. L. Ballantine, a woman quarantined in the *Normannia*'s cabin, insisted that her detention was unjust as there had been no cases among the cabin passengers, and she decried the treatment of the “well people condemned to live for days between [the *Normannia*'s] decks.”¹³¹ She complained that “[q]uarantine among the barbarous nations may mean shutting out and letting alone, but Christian America ought to put a somewhat different construction upon the word.”¹³² These complaints suggested that because Christian America knew more about health and had better hygiene than other, non-Christian nations, there was no reason for healthy Americans like the cabin passengers to be put in quarantine. Two more letters from the cabin suggested that since there had been no cholera in the cabin, the innocent cabin passengers were being made to suffer because of Jenkins's mismanagement and the problems of foreigners.¹³³ These letters complained that because the cabin passengers were healthy, Jenkins had detained them on illegitimate grounds.

In another letter, the theatre director A. M. Palmer claimed that the ship had not been disinfected properly and argued that the American government (presumably referring to all branches of it) needed to move the cabin passengers to less risky conditions and fulfill its responsibility to protect its citizens' health.¹³⁴ Ironically, the widespread idea that Americans had better hygiene than foreigners may have endangered the cabin passengers, since Jenkins and his department devoted more effort to disinfecting the steerage passengers' quarters and baggage, and did not devote the same scrutiny to the Americans in the cabin. Palmer wrote that

¹³⁰ As discussed in Chapter 1, it was highly likely that the two deaths in the cabin occurred from cholera.

¹³¹ Letter from S. L. Ballantine, printed in “A Letter from the *Normannia*,” *New York Tribune*, September 8, 1892.

¹³² *Ibid.*

¹³³ “Protests from the *Normannia*,” *New York Times*, September 9, 1892.

¹³⁴ Despite Palmer's complaints, it was still relatively unlikely cholera would spread once the dead bodies had been removed (which took the locus of the cholera germ away). Palmer's complaints were largely premised on old theories of disease that held disease was spread through filth and poor air. Letter from Albert M. Palmer, printed in “A Complaint from A. M. Palmer,” *New York Tribune*, September 9, 1892.

It is pretty hard for 520 healthy people (American citizens), among whom no sickness (either contagious or non-contagious), has appeared for more than eleven days, to feel in their enforced confinement that their health and lives even are committed by the Government to which they owe allegiance and afford support, to the tender mercies of foreigners.¹³⁵

The subtext of his complaint was that all branches of the American government had failed in its responsibility to take care of its citizens and placed Americans in harm's way by leaving the cabin passengers aboard a ship contaminated by the filth of foreigners. His expectations of his government were defined by the nationalistic idea that the citizens of a nation were entitled to receive the utmost care from their government, while non-members of the nation were not.

The *Normannia*'s cabin passengers made public appeals, asking Jenkins and other relevant authorities to transfer them from their supposedly terrible conditions to better lodging. Using the same logic as Palmer had, their expectations were likewise defined by the idea that the American government, both federal and local, had a duty to show its citizens preferential treatment to non-citizens. For example, an appeal to New York Governor Flower from six prominent cabin passengers including E. L. Godkin, A. M. Palmer, and New Jersey Senator John McPherson, openly criticized the entire government for failing in its duty to take care of its citizens. They asked, "Can it be possible that the National Government, the Governor, press, and people of New-York will permit their fellow-citizens... to be penned up?"¹³⁶ The ideology that informed their expectations—that the government's proper role is to guarantee the wellbeing of its citizens and prioritize their needs above those of non-citizens and outsiders—played an essential part throughout the disagreements covered in this chapter. It is an ideology inherently linked to nationalism, since it held that nationality is the characteristic that should define the response of policymakers towards a group and posited an essentialist difference between members and non-members of the nation.

¹³⁵ Ibid.

¹³⁶ "A Veritable Pest Ship," *New York Times*, September 10, 1892.

The passengers' appeals—as well as their nationalist conceptualization of the role of government—were amplified throughout the press.¹³⁷

Since the press had turned the allegedly poor treatment of the cabin passengers into a major news story, government officials from multiple branches scrambled to transfer the cabin passengers off the ship, though once again, they could not agree on a course of action. Since Jenkins had been criticized heavily by both the cabin passengers and the press for keeping them in their supposedly squalid conditions, he was keen to show that he was responsive to the cabin passengers' complaints, and that he was fulfilling his duty as a government official by protecting their health.¹³⁸ In a continuation of the disagreements he previously had with the federal government, Jenkins clashed with Harrison and Treasury Secretary Charles Foster over where to put the cabin passengers, feeling that they were intruding upon his jurisdiction for political expediency. Foster and Harrison ordered the construction of a temporary camp on Sandy Hook, a sandspit extending off the New Jersey coast into New York harbour, while Jenkins tried to purchase the up-for-sale Surf Hotel on Fire Island, a barrier island off of Long Island, since the hotel required no additional construction.¹³⁹ Their plans devolved into mutual acrimony after Foster called Jenkins many “harsh names.”¹⁴⁰ Although the situation was solved when Flower ordered Jenkins to buy the hotel on September 10, the spat was yet another example of conflict between federal and local New York officials infused by political considerations.¹⁴¹

¹³⁷ For example, in “The Quarantined Passengers,” editorial, *New York Times*, September 8, 1892, the *Times* criticized Jenkins for “the torture and imperiling of a shipload of our fellow-beings,” arguing that their treatment was the “worst quarantine practice conceivable.” See also “New Cases of Cholera,” *New York Tribune*, September 8, 1892; “Sandy Hook for a Refuge,” *New York Times*, September 7, 1892.

¹³⁸ “The Quarantined Passengers,” editorial; Jenkins, “Report of the Health Officer,” 49.

¹³⁹ “To Occupy Sandy Hook,” *New York Tribune*, September 10, 1892; “Detained Passengers’ Refuge,” *Evening World*, September 9, 1892, sports edition.

¹⁴⁰ “Detained Passengers’ Refuge.”

¹⁴¹ Jenkins, “Report of the Health Officer,” 49–50.

In a sign of how deeply sympathetic many Americans were to the plight of the *Normannia*'s cabin passengers, the government officials were not the only ones trying to provide aid. Moved by the stories of suffering proliferating in the press, the New York Chamber of Commerce started a fund for the quarantined cabin passengers, while financier J. P. Morgan chartered a steamboat, the *Stonington*, to lend to the state to transfer the cabin passengers to Fire Island—an action that earned him much praise in the public sphere.¹⁴² The passengers were transferred to the *Stonington*, which, in Senator McPherson's telling, proved to be small, dirty, and "rotten," so Jenkins's quarantine department had to move them to the *Cepheus*.¹⁴³ Though Morgan's aid did not help the cabin passengers much in the end, it was representative of the amount of sympathy the cabin passengers' position garnered.

Long Island's Resistance and the Legitimacy of Governance

However, there were plenty of Americans wholly unsympathetic to the cabin passengers; none more so than the towns of Islip and Babylon on the shore of Long Island, which were separated from Fire Island by a few kilometers of ocean. The residents of the two towns believed that if passengers from a previously infected ship disembarked near their land, their communities would be irreparably harmed, so the towns took matters into their own hands to stop the cabin passengers from landing. Their resistance was informed by their distrust of New York City and its government, which resulted from a long history of mutual resentment stemming from the political and demographic differences between the city and the rest of the state. Consequently, Islip and Babylon felt free to defy the state and city governments in whatever way they chose, arguing that

¹⁴² "The Chamber of Commerce Will Aid," *New York Tribune*, September 10, 1892; "For the Cabin Passengers," *New York Times*, September 9, 1892; "Relief for the Quarantined," editorial, *New York Times*, September 9, 1892.

¹⁴³ "Not Yet on Dry Land," *New York Times*, September 12, 1892; Jenkins, "Report of the Health Officer," 50.

neither had the legitimate authority to impose their decisions upon the communities of Long Island. Their arguments were similar to some of the nationalist views on the proper role of government that were made at the time. The immigration historian Mae Ngai argues that “nationalism’s ultimate defense is sovereignty—the nation’s self-proclaimed, absolute right to determine its own membership, a right believed to inhere in the nation-state’s very existence, in its ‘right of self-preservation.’”¹⁴⁴ Though Ngai is discussing this sentiment on a national level, the towns reproduced a similar sentiment on a smaller, local scale when they claimed to possess the absolute right to “determine [their] own membership” to protect their populations from cholera.¹⁴⁵

Despite the expanse of water separating them from Fire Island and the insistence of Jenkins and Flower that the cabin passengers did not have a single case of cholera among them, the towns claimed the presence of the cabin passengers would poison their communities with cholera.¹⁴⁶ They believed they needed to take matters into their own hands to protect themselves in the face of danger. Since Fire Island was part of the township of Islip, Islip was particularly vociferous in its opposition, claiming that the state government was putting the town at risk of a cholera outbreak and had therefore failed to protect their community. Both towns argued that “it was an imposition upon the citizens along the Great South Bay to turn Fire Island into a quarantine station” because landing passengers from a cholera-infected ship would put their lives and their property at risk of contamination, and would hurt the local clam fishing industry by poisoning the ocean.¹⁴⁷ Islip’s Board of Health claimed the passenger transfer was illegitimate and illegal, arguing that the town’s

¹⁴⁴ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 11.

¹⁴⁵ *Ibid.*

¹⁴⁶ “Excitement on Fire Island,” *New York Times*, September 12, 1892.

¹⁴⁷ “Excitement on Fire Island,” *New York Times*, September 12, 1892; “Mob Law on Fire Island,” *New York Tribune*, September 12, 1892. The towns were exaggerating the risk from cholera even by the standards of medical knowledge in 1892; Governor Flower said as much when he emphasized that if any of the cabin passengers still had cholera, the disease’s symptoms would have already shown themselves. See “Steps by Governor Flower,” *New York Tribune*, September 13, 1892.

Board had sole power over matters of health and security that affected Islip. The Board insisted they would not allow anyone from a cholera ship to land, claiming that “neither the State Board of Health nor the Governor had any jurisdiction over them.”¹⁴⁸ The Board passed a resolution to this effect, which stated anyone who had been aboard a ship exposed to cholera was not allowed to land at Fire Island.¹⁴⁹ In doing so, they claimed the sole power to decide who entered the township—a power that was supposedly necessary to guarantee the continued existence of their threatened community, since the state government was shirking its responsibility to safeguard its citizens by placing the entire town at risk.

The towns’ argument that their own governance should take precedence above state governance was related to the belief among Long Islanders at the time that New York City was overrun with foreigners and should therefore have no influence over the governance of other localities in the state. Like the rest of the state, the towns were politically and ethnically different from New York. In contrast to the city, which was dominated by the Tammany Hall-controlled and immigrant-supported Democratic Party, Long Island was much more ethnically homogenous and repeatedly voted Republican in previous elections—meaning, they voted against Flower, who was a Democrat.¹⁵⁰ Moreover, the corruption of Tammany Hall, which was enabled in part by the strong support Irish immigrants lent to crooked Tammany politicians, made many residents of rural communities elsewhere in the state feel that both the city’s government and the New York Democratic Party were irrevocably corrupt and needed to have their influence diminished through whatever means necessary.¹⁵¹ Consequently, the link rural towns drew between the Democratic Party and

¹⁴⁸ “Excitement on Fire Island.”

¹⁴⁹ “Keep Off Fire Island!” *New York Times*, September 11, 1892.

¹⁵⁰ Reitano, 146; Will L. Lloyd, *The Red Book: An Illustrated Legislative Manual of the State* (Albany: James B. Lyon, 1892), 479–483. Governor Flower’s election in 1891 had largely been secured through New York City’s support, while Suffolk County (where Islip and Babylon were located) had voted for his opponent.

¹⁵¹ Reitano 148–49. Jenkins was a patronage appointment secured by a Tammany leader. See Markel, 91.

immigrant-supported corruption delegitimized Democratic governance in both the state government and New York City in the eyes of rural towns like Islip and Babylon. To the towns, the passenger transfer was being enacted by two corrupt governments that should have no say over rural towns demographically and politically distinct from New York City, which had not voted for either government.

Their resentment towards New York City, along with the idea that Islip and Babylon needed to maintain absolute power over matters of health and entry, was related to aspects of nationalist sentiments circulating at the time. Indeed, in some ways, many rural towns in New York saw the city and state governments as run by immigrants, since the power of the New York Democratic Party rested on its immigrant and ethnic minority base, and, in the case of Tammany Hall, some senior Tammany figures were actual immigrants.¹⁵² The 1890 census found that the city's population was 42% foreign-born, which was much higher than the average for the state, since most rural communities had fewer immigrants.¹⁵³ As a result, to Islip and Babylon, the residents and governance of the city were in some ways less American and essentially foreign—that is, fundamentally different from their own towns. To the Islip Board of Health, the town required sole power over matters of health within the town's borders and the power to veto the entry of dangerous outsiders to protect itself. This view was a smaller, more localized version of the nationalistic view behind Harrison's 20-day order: that the executive required the power to bar dangerous outsiders from the nation. Islip thought these powers were necessary for the town to protect itself from the city and state governments, which were in many ways foreign to the town.

¹⁵² Reitano 148–49; Welch, 23–30.

¹⁵³ Campbell Gibson and Emily Lennon, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 1900* (Washington, D.C.: U.S. Bureau of the Census, 1999), 52, 74.

These quasi-nationalistic views on the towns' absolute rights to protect themselves can be further seen as the towns took matters of safety into their own hands. Some residents were sworn in by the Islip Board of Health as armed "deputies" who were prepared to stop any ships from landing at Fire Island.¹⁵⁴ These deputies placed piles of flammable wood around the Surf Hotel which "if lighted, would have destroyed the building," though their attempt at arson was stopped by a patrol ordered by the New York City Board of Health.¹⁵⁵ These extralegal attempts to stop the passenger transfer through violence were bolstered by an injunction against the state government issued early on September 12. The injunction was issued by a judge on the New York State Supreme Court; it held that the state government was violating the rights of the townspeople by disregarding the town Board of Health's right to govern Islip's health.¹⁵⁶ Consequently, the injunction provided legal support to Islip's claims that the passenger transfer was being made under illegitimate authority, and that the town had the absolute right to protect itself.

The quasi-militia formed by the residents of Islip and Babylon prevented the *Cepheus* from landing the cabin passengers, even before news of the injunction reached Fire Island, thus seizing the absolute right to deny entry to their communities.¹⁵⁷ The deputies, the Islip Board of Health, and other angry residents from the towns armed with clubs and revolvers rushed to Fire Island on September 12, and by the time the *Cepheus* appeared off the shore, a crowd estimated by reporters to be around 400 strong had gathered, refusing to let the cabin passengers disembark.¹⁵⁸ When the ship's crew attempted to throw mooring cables to the dock to land the ship, the "mob" threw them off, threatening to destroy the docks and respond with further violence if the *Cepheus* tried

¹⁵⁴ "Keep Off Fire Island!" *New York Times*, September 11, 1892.

¹⁵⁵ "Mob Law on Fire Island," *New York Tribune*, September 12, 1892.

¹⁵⁶ "Judge Barnard's Injunction," *New York Times*, September 13, 1892.

¹⁵⁷ "Stopped by a Brutal Mob," *New York Times*, September 13, 1892.

¹⁵⁸ "Stopped by the Courts," *Evening World*, September 12, 1892, last edition.

again.¹⁵⁹ Amid this standoff, one of the lawyers for Islip arrived in a boat and announced that the injunction had been granted, which elicited cheers from the “mob” and groans of despair from the *Normannia*’s cabin passengers.¹⁶⁰ With this news, it appeared as though the towns had both physical and legal force backing their claims to power, which would have foiled the transfer plan and upheld the communities’ absolute rights to self-governance.

During the confrontation, the long-simmering resentments Long Islanders felt towards New York City boiled over, as the residents of Islip and Babylon portrayed the cabin passengers as outsiders whose problems the towns should not have to deal with. Their plight was a concern for New York City and its corrupt government of foreigners. Islip’s anger at the cabin passengers was linked to the town’s distrust for the city, since they saw it as overrun with foreigners, being home to all sorts of ills as a result, and feared that the city’s alleged problems could spread to their own, much more ethnically homogenous communities.¹⁶¹ This view can be seen in the mob’s response to the cabin passengers’ attempts to come ashore. Amid pleas from the *Cepheus*’s captain to let the passengers land, the mob told him to “Land them in New-York... We won’t have them here.”¹⁶² President Young of the Islip Board of Health blamed New York City’s health authorities for creating the standoff, and argued that the city should not impose its problems upon their communities—communities to which the passengers did not belong and from which they should not demand support.¹⁶³ In the towns’ view, Flower and Jenkins were trying to offload a problem that arose during New York’s ongoing fight against cholera onto more genuinely American communities that had, up until that point, no connection or role in the epidemic.

¹⁵⁹ “Mob Rule at Fire Island,” *New York Tribune*, September 13, 1892; “The Passengers Jeered At.” *New York Tribune*, September 13, 1892.

¹⁶⁰ “Stopped by a Brutal Mob,” *New York Times*, September 13, 1892.

¹⁶¹ Markel, 116–117.

¹⁶² Quoted in “The Passengers Jeered At.” *New York Tribune*, September 13, 1892.

¹⁶³ “Stopped by a Brutal Mob,” *New York Times*, September 13, 1892.

The cabin passengers recognized that the townspeople's argument that the cabin passengers were a New York problem was a subtle denigration of their citizenship which tied them to the perception of New York as a foreign-dominated locality and implied they were less American than the Long Islanders. In the face of these attacks, the cabin passengers asserted their Americanness, trying to appeal to the townspeople on the basis of their shared American citizenship—an assertion rooted in their belief that they deserved a certain standard of treatment as a result of this identity. Shouting back, the cabin passengers crowding the decks of the *Cepheus* named themselves as Americans. The townspeople were unmoved, so in an attempt to shame them into feeling badly for how they had treated fellow American citizens, the passengers cried out, "Shame, Americans!"¹⁶⁴ Reproaching the crowd, the British singer Lottie Collins claimed that the townspeople's treatment of the mostly American cabin passengers was a stain upon America, shouting, "You creatures who call yourselves Americans... shame on you; you disgrace your country and your name."¹⁶⁵ The assertion that because they were American they did not deserve to be treated so terribly carried over into the passenger's appeals to the authorities. Rushing down from New York, Jenkins made a hasty visit to the *Cepheus* that evening, where two passengers on the ship's deck shouted, "As American citizens, in perfect health, with American wives and daughters awaiting us, we demand to be released."¹⁶⁶

The confrontation between the Long Islanders and the *Normannia*'s cabin passengers was thus a confrontation between differing conceptualizations of the governments' responsibility towards its citizens, as well as its citizens' responsibilities towards each other. From the cabin passengers' perspective, the bonds of American citizenship should have ensured that they received

¹⁶⁴ "The Passengers Jeered At." *New York Tribune*, September 13, 1892.

¹⁶⁵ Quoted in *Ibid.*

¹⁶⁶ As quoted in "Stopped by the Courts," *Evening World*, September 12, 1892, last edition.

favourable treatment from both their national government and their fellow citizens. However, the residents of Islip and Babylon held a much different view of American identity. From the townspeople's perspective, what made one American was a set of political beliefs and qualities that distanced oneself from the attributes associated with immigrants, not purely the citizenship one held.¹⁶⁷ They thus believed in the supremacy of the local, feeling that their decisions should be privileged over the state government's as well as those made by the New York City officials tasked with administering a municipality that was—in the towns' eyes—much less American.

Putting Down the Mob

The conflict resulting from the state government's attempts to ameliorate the cabin passengers' situation and the towns' opposition to hosting the passengers on their land revealed the dysfunction that came to define the government's management of the quarantine. Each side felt that their authority had been illegitimately undermined and tried to re-establish power over the situation. Islip and Babylon felt that if the state government had listened to their opposition in the first place, the townspeople and the Board of Health would not have had to defend themselves by stopping the transfer. On the opposite side, the state government and Jenkins blamed the injunction and the townspeople for continuing the cabin passengers' misery by restraining and foiling their actions. The acrimony and dysfunction resulting from the conflict led each side to focus on the issue of power, exposed the flaws resulting from the nation's and state's current quarantine policy, and led to calls for change in the way quarantines were administered in the hopes that legislative

¹⁶⁷ By "qualities," I mean qualities such as white racial identity, support for Republicans rather than the immigrant and Tammany-controlled Democrats, living in communities far away from large immigrant populations, not identifying oneself as holding ethnic and foreign heritage (no Irish-Americans, no Chinese-Americans—only Americans).

change would prevent conflicts similar to the ones that had occurred over the transfer of the *Nor-mannia*'s cabin passengers.

Governor Flower and Jenkins were incensed by the resistance among Islip and Babylon to the passenger transfer. Both saw the injunction and the fact that the mob was able to successfully deny the *Cepheus* entry as an insult to their rightful authority, and were concerned that they appeared weak, ineffectual, and unable to protect their constituents in the face of a challenge. Angered that Islip's residents had implied his government did not and should not have the legitimate authority to move outsiders into their communities, in a telegram to an Islip man, Flower called Islip's actions a "disgrace to our Commonwealth" and told him that "[t]he State accepts no terms from lawbreakers except submission to its authority."¹⁶⁸ Flower also told a *Tribune* reporter that he would have disobeyed the injunction if he had been the *Cepheus*'s captain, and implied that the injunction was an order of dubious legality that did nothing but hamstring the state's ability to respond to the crisis and prolong the cabin passengers' suffering.¹⁶⁹ Disregarding the injunction, he called in the National Guard to help land the passengers.¹⁷⁰

Keen to appear sympathetic to the cabin passengers after being criticized previously for their treatment, Jenkins said he felt so sorry for the cabin passengers he "would have every one under [his] own roof" if he could, since he knew they were completely healthy and posed no risk of spreading cholera.¹⁷¹ Jenkins also felt that the injunction was an unconstitutional attempt to limit his authority over the situation, stating that the injunction would "nullify this power delegated to me by the Legislature."¹⁷² Seeing the towns' assertion that they had the right to determine who

¹⁶⁸ Quoted in "Little Rest for Gov. Flower," *New York Times*, September 14, 1892.

¹⁶⁹ "Mob Rule at Fire Island," *New York Tribune*, September 13, 1892.

¹⁷⁰ "They Will Land To-day," *Evening World*, September 13, 1892, last edition.

¹⁷¹ "Stopped by a Brutal Mob," *New York Times*, September 13, 1892.

¹⁷² "They Will Land To-day," *Evening World*, September 13, 1892, last edition.

was allowed into their communities as a challenge to the authority of the state government and Jenkins's office, both were determined to reassert their authority over the situation by landing the cabin passengers through any means possible—even if they had to disobey a court order to do so.

In the end, Jenkins and Flower never violated the injunction since it was vacated by the New York State Supreme Court on appeal, which cleared the way for the state and city government to reassert control over the conflict.¹⁷³ In contrast to the drama that preceded the transfer, the actual transfer of the *Normannia*'s cabin passengers was a quiet and quick affair, as was the end of their quarantine. By the time the National Guard and the Naval Reserve regiments reached Fire Island in the evening of September 13, the mob had dissipated, wary of the soldiers and realizing that with the injunction vacated they no longer had much legal ground to stand on.¹⁷⁴ The conflict over jurisdiction had been resolved for the time being, since the towns simply did not have the legal or physical force to continue their challenge to the state and city governments. The *Cepheus* docked, and the cheering passengers were welcomed to shore with tunes from the ship's band.¹⁷⁵ The next day, Jenkins directed the doctor overseeing the quarantine at the Surf Hotel to examine all the passengers for signs of cholera to prepare for their release.¹⁷⁶ On September 16, all were cleared and were taken to New York City.¹⁷⁷ In total, they had been in quarantine 13 days.

Despite the successful passenger transfer, no one was happy with the state of affairs. Insisting that the state had violated the law by transferring the passengers over the Islip Board of Health's objections, the president of the Islip Board said he wanted Flower indicted.¹⁷⁸ The *Normannia*'s cabin passengers were still furious over their detention, and were even more incensed

¹⁷³ "Troops Called Out," *Evening World*, September 13, 1892, last edition.

¹⁷⁴ "Put Ashore on Fire Island," *New York Tribune*, September 14, 1892; Jenkins, "Report of the Health Officer," 51.

¹⁷⁵ "Safe on Shore at Last," *New York Times*, September 14, 1892.

¹⁷⁶ "Joy for the Normannia People," *New York Times*, September 15, 1892.

¹⁷⁷ Jenkins, "Report of the Health Officer," 51.

¹⁷⁸ Associated Press, "Will They Indict Gov. Flower?" *Evening World*, September 14, 1892, last edition.

that the mob had successfully delayed their transfer. Lottie Collins had no kind words for anyone, exclaiming “Hang America!” and telling a reporter, “If I had been a man I would have shot... those ruffians.”¹⁷⁹ Many of the cabin passengers blamed Jenkins for their ordeal.¹⁸⁰ For his part, Flower was still insisting that the state had jurisdiction over local Boards of Health, and criticizing the actions of the Islip Board.¹⁸¹

In addition, the press denounced the cabin passengers’ treatment, criticized Jenkins and the state, and argued that future quarantines could not be carried out in such a manner. In an angry editorial, the *Times* stated that the *Normannia*’s cabin passengers “must some days ago have reached the conclusion that it was the intention of the City and the State of New York to kill them,” accused Jenkins and his predecessor of dereliction of duty, and called upon Jenkins to adjust the quarantine system to prepare for future outbreaks.¹⁸² Harkening back to the notion that the government’s quarantine was particularly cruel because it fell upon native-born Americans whom the government was sworn to protect, the *Times* also claimed that “no civilized and human people ever before treated their kind in quite this heartless fashion.”¹⁸³ The *Tribune* denounced the illegality of the injunction, and accused the judge who granted it along with the Islip Board of Health of being complicit in mob violence and of violating the “first and simplest principles of humanity” by continuing the “torture” of their fellow citizens.¹⁸⁴ These editorials placed public pressure on the government to avoid making future mistakes that would allow Americans to be quarantined and treated terribly, and to update the nation’s quarantine policies.

¹⁷⁹ “All Their Troubles Over,” *New York Times*, September 17, 1892; “Safe on Shore at Last.”

¹⁸⁰ “Stories of Their Sufferings,” *New York Times*, September 15, 1892.

¹⁸¹ “Gov. Flower’s Orders,” *Evening World*, September 14, 1892, last edition.

¹⁸² “The Victims of Quarantine,” *New York Times*, editorial, September 14, 1892.

¹⁸³ *Ibid.*

¹⁸⁴ “Illegal and Inhuman,” *New York Tribune*, editorial, September 14, 1892.

The traditional separation of powers regarding issues of quarantine and health had resulted in a conflict among the city, the state, and the Long Island towns: a conflict that was moulded by an undercurrent of nationalism. Following Ngai's conceptualization of nationalism, both Islip and Babylon drew on the nationalist ideal that a community must possess the absolute right to exclude others to sufficiently protect itself. In their refusal to see the cabin passengers as fellow American compatriots, the dispute was also influenced by the history of animosity between New York City and the rest of state, feeling that they were in many ways more authentically American than the city. The cabin passengers, Flower, and Jenkins thus responded strongly to their attacks, with the passengers recognizing that the towns were casting doubt on their American identity, while Jenkins and Flower recognized the legitimacy of their claim to governance over Islip and Babylon was under siege. The cabin passengers' response was also influenced by their own nationalist conceptualization of governance, as they felt that their citizenship entitled them to certain privileges. These nationalist ideas held on both sides of the conflict contributed to its intensity, inspiring the townspeople to prepare to commit violence and the state and city governments to prepare to defy a court order. Consequently, to many, the conflict revealed the flaws in the current system for dealing with issues of quarantine and public health. In the eyes of multiple branches of the American government, the *Normannia's* cabin passengers, and the press, the dysfunction that characterised the cabin passengers' ordeal showed the need for an updated system to deal with quarantines and diseases.

CHAPTER 3: THE QUARANTINE ACT AND NATIONALISM IN POLICY

Congress responded to the conflicts resulting from split governance that hindered the cholera quarantine in 1892 with the 1893 Quarantine Act, which gave the federal government additional powers over the administration of quarantines and gave the president the power to suspend immigration from countries experiencing epidemics.¹⁸⁵ Although the Act passed with broad support, the Act and the debate leading up to its passing revealed the influence of nationalism on both the legislation and the debate, as well as the deep divisions in Congress over complex matters of immigration, health law, and the proper role of the federal government. The Act won out over a competing immigration restriction proposal from Senator William E. Chandler, which touched on divisive and complex political, cultural, racial, and economic issues. His proposal was premised on ultra-nationalist beliefs that portrayed all immigrants as dangerous and burdensome to the nation and posited that the federal government should take an expansive role in regulating immigration. As a result, his proposal was too divisive to gain much support in Congress. Instead, Congress passed the Quarantine Act, which made relatively small, incremental reforms to some of the complex issues of quarantine and immigration that the 1892 epidemic involved. However, it was influenced by the nationalist ideals that had been circulating during the quarantine and the legislative debate, and it elevated into law the idea that immigrants were potential threats to the nation because

¹⁸⁵ An Act Granting Additional Quarantine Powers and Imposing Additional Duties Upon the Marine-Hospital Service, Pub. L. No. 52–114, 27 Stat. 449–452 (1893).

of their propensity to carry disease, positing that expanding the federal government's jurisdiction over immigration would help the federal government to safeguard the nation from disease. In giving the president the power to circumstantially suspend immigration, the 1893 Act represented the movement of America's immigration policy towards broad restrictions on immigration and the federalization of power over immigration—two trends that had gained increasing momentum in the last decades of the nineteenth century.

Multiple ideologies of discrimination combined to inform the anti-immigrant sentiments that lawmakers invoked during the legislative debate in the winter of 1892 and 1893, as well as the legislative outcome of the debate, in contrast to Howard Markel, who privileges the role of one ideology: anti-Semitism. By ideologies of discrimination, I mean the systems of prejudicial beliefs that hold certain classes as inferior to other, superior classes and that undergird a political program. In relation to the immigration debate of 1893, these ideologies of discrimination—such as racism, ableism, and anti-Semitism—shaped lawmakers' views of immigrants and informed the legislative prescriptions (either the quarantine act or Chandler's proposals) they supported. Markel argues that both legislative proposals were influenced primarily by “the fear of contagion imported by undesirable immigrants,” rather than “the traditional fears that immigrants would become public charges or bring economic ruin,” and that contagion was primarily associated with Eastern European Jewish immigrants.¹⁸⁶ Although Markel demonstrates that Chandler was hostile to Jews, I do not foreground his anti-Semitism in the motivations behind the restrictive bills he introduced. Rather, his anti-Semitism and the anti-Semitism of other lawmakers should be understood in concert with other ideologies of discrimination towards immigrants—especially the link between immigrants and disease—since these ideologies interacted and overlapped with each other. When the

¹⁸⁶ Markel, 168–169.

interplay of these ideologies is examined, it becomes clear that Chandler and other restriction proponents were driven by a multitude of ideologies of discrimination, which combined to form the anti-immigrant animus that supported Chandler's immigration restriction bills, and to a lesser extent, the Quarantine Act.

The Beginning of the Legislative Debate

By the end of September 1892, the cholera epidemic was over. With only 10 deaths occurring in the city and 132 on incoming ships, the epidemic was relatively well-contained in comparison to previous epidemics in New York City, which had killed thousands in the city.¹⁸⁷ However, the case of the *Normannia*'s passengers as well as the conflicts among the federal government, the state government, and municipal officials over the epidemic's management led many in Congress and the press to push for a change in America's public health laws, immigration laws, and the jurisdiction of both issues. There were two main solutions proposed: first, for the concentration of quarantine policy in hands of the federal government, and second, for additional restrictions on immigration. Already, a cleavage between the two camps had formed, as supporters of the quarantine policy tended to argue that immigration and quarantine should not be debated together, while supporters of immigration restrictions thought that the issues had to be considered in tandem since the best way to prevent future outbreaks was to limit immigration. The initial public debate over these solutions highlighted the multifaceted nature of immigration as an issue.

Prominent New York figures and institutions—many of whom had been involved in the cholera quarantine—called for the federal government to take control of quarantine policy, tending to focus on the question of health rather than immigration. They hoped that the nationalization of

¹⁸⁷ *Annual Report of the Board of Health of the Health Department of the City of New York for the Year Ending December 31, 1892*, (New York: Martin B. Brown, Printer and Stationer, 1894), 38, 40; ¹⁸⁷ Geo W. Anderson, Chas F. Allen, and N. Muller, *Annual Report of the Commissioners of Quarantine*, 5.

quarantines would avoid the squabbles that hampered the responses of the New York state, city, and federal government in September. One prominent voice came from E. L. Godkin, who insisted that the federalization of quarantines would be the best method of preventing and managing future outbreaks.¹⁸⁸ Influential New York institutions including the New York Academy of Medicine and the New York Chamber of Commerce concurred with Godkin.¹⁸⁹ In general, supporters of the “national quarantine” thought quarantine policy should be debated separately from immigration policy, arguing that updating immigration policy alone would not fix the flaws revealed during the city’s and state’s management of the quarantine in September, and wanted to leave aside the more divisive issue of immigration.¹⁹⁰

In contrast, supporters of passing immigration restrictions argued that immigration and quarantines were so closely entwined that they needed to be considered together because immigrants had poorer hygiene than native-born Americans and were more likely to bring cholera.¹⁹¹ They claimed that excluding immigrants would help prevent future epidemics.¹⁹² This legislative solution was primarily advanced by Senator William Chandler, Republican of New Hampshire, who, as the chair of the recently established Senate Committee on Immigration, was the unofficial leader of supporters of immigration restrictions in Congress and had long been a proponent of restrictions.¹⁹³ Sensing that the cholera epidemic had gifted him with an opportunity, in December Chandler held a series of Committee hearings in New York City on the question of what form of immigration restrictions should be passed. Chandler proposed barring foreigners who intended to

¹⁸⁸ E. L. Godkin, “A Month of Quarantine,” *North American Review* 155, no. 433 (1892): 743.

¹⁸⁹ “It Must Be National,” *New York Times*, February 1, 1893; 24 Cong. Rec. 326 (1893) (petition presented by Rep. Warner).

¹⁹⁰ “It Must Be National,” *New York Times*, February 1, 1893

¹⁹¹ “Talk of Total Exclusion,” *New York Times*, November 30, 1892.

¹⁹² “Total Restriction Talk,” *New York Times*, December 1, 1892.

¹⁹³ Markel, 166, 176.

immigrate from entering the country for a year and suggested that the Committee would examine other permanent restrictions that could potentially follow the suspension.¹⁹⁴ At the hearings, he gathered testimony from physicians who testified that the one-year suspension would be the most effective method of preventing cholera from reaching America in the next year.¹⁹⁵ Through the hearings, Chandler supplemented his proposal with the physicians' testimony and promoted the suspension as a solution that would reduce the likelihood of future outbreaks occurring, considering the questions of quarantine and immigration as a single question.

However, the immigration suspension proposal touched on more issues than just the issue of health and disease policy—in particular, it would have affected the shipping industry's profits—which made it immediately controversial. After Chandler floated his one-year suspension at the hearing, steamship lines registered their opposition to reporters, complaining that a suspension would result in a sizeable profit loss.¹⁹⁶ The lines made a similar argument a few weeks earlier, when Harrison, fighting for re-election, ordered the re-enforcement of the 20-day quarantine order originally issued in September, which put all ships carrying immigrants from a foreign port in quarantine, in a move the *New York Times* criticized as being pure “politics” since he issued the order a few days before the election—an election he lost a few days later.¹⁹⁷ Throughout the winter, shipping lines voiced their alarm over the supposedly grave economic harm that would result from any suspension of or broad restrictions on immigration. Gustav Schwab, the representative of the North German Lloyd Line, argued that immigration was an economic boon to the nation as a whole

¹⁹⁴ “Talk of Total Exclusion,” *New York Times*, November 30, 1892.

¹⁹⁵ “Doctors and the Cholera,” *New York Times*, December 2, 1892; “Total Restriction Talk,” *New York Times*, December 1, 1892.

¹⁹⁶ “What Steamship Men Say,” *New York Times*, December 1, 1892; “Prohibition of Immigration,” *New York Times*, December 12, 1892.

¹⁹⁷ “New Quarantine Circular,” *New York Times*, November 5, 1892; “The ‘Emigrant’ Proclamation,” *New York Times*, editorial, November 8, 1892. Text of the circular is in U. S. Senate, *Quarantine Restrictions Upon Immigration to Aid in the Prevention of the Introduction of Cholera into the United States*, 52nd Congress, 2nd Session, September 1, 1892, (Serial Set 3056).

because immigrant labour helped grow the economy, and proposed that Congress consider issues of quarantine and immigration separately.¹⁹⁸ Their complaints publicized the argument that immigration and quarantine should be considered separately, and that a suspension of immigration would economically harm the nation. Already, it was becoming clear to the parties involved that immigration was intertwined with many more complex issues than quarantine was.

Chandler's Nationalist Immigration Restriction Proposal

Chandler's proposal and the opposition it met need to be understood in the context of the immigration restrictions already passed, as in the past few decades lawmakers had begun to increasingly accept the idea that undesirable immigrants needed to be barred to strengthen the nation. In the late nineteenth century, Congress passed the first legislation restricting immigration, which invoked multiple ideologies of discrimination. However, there was still no consensus over what form of restrictions were best, and the 1880s and 1890s were marked by a series of debates over what kind of immigration restrictions to pass: some would pass, but others did not.¹⁹⁹ This series of legislation was kicked off by the 1875 Page Act and the 1882 Chinese Exclusion Act, which blocked Chinese women and labourers and excluded Chinese immigrants from naturalized citizenship.²⁰⁰ Congress extended the Chinese Exclusion Act for another ten years in May 1892.²⁰¹ A subsequent act passed a few months after the Chinese Exclusion Act followed a similar model by restricting a subset of "undesirable" classes: convicts, "lunatics," "idiots," and those likely to become "public charges."²⁰² Nearly a decade later, Congress passed the Immigration Act of 1891,

¹⁹⁸ Gustav H. Schwab, "A Practical Remedy for the Evils of Immigration," *Forum* 14, no. 6 (1893): 805.

¹⁹⁹ Daniels, 28–33.

²⁰⁰ Lee, 124.

²⁰¹ Daniels, 21.

²⁰² Thomas J. Curran, *Xenophobia and Immigration, 1820-1930* (Twayne Publishers: Boston, 1975), 109

which denied entry to immigrants suffering from contagious diseases, polygamists, and immigrants whose travel to America was funded by foreign organizations.²⁰³ The diversity of the immigration legislation showed that no single ideology of discrimination dominated the anti-immigrant animus motivating immigration restrictions in this period. Though each act was controversial in its own way, the dominant trend of the 1880s was the gradual increase in the amount of restrictions aimed at various classes of “undesirables.”

It was against this backdrop that Chandler officially introduced his immigration restriction proposal into Congress under the justification that immigration restrictions would prevent cholera from entering the nation. His proposal was influenced by multiple ideologies of discrimination and was based on a series of ultra-nationalistic beliefs regarding the inferiority of foreigners and the nation’s need for total control over its borders and membership. However, he was met with opposition in Congress, since many senators did not fully subscribe to the ultra-nationalistic beliefs that his proposal was premised on, disagreed that immigration restrictions were the best way to combat the threat of disease, and felt that Chandler had not adequately addressed the economic concerns raised by the shipping industry. In the end, Chandler could not muster enough support to pass his bills through the Senate, as they proved to be too divisive. Since his proposals were never passed, few scholars have discussed them at length, but the nationalist assumptions they were premised on and the debate over them reveal the difficulties of passing broad immigration restrictions that touched on multiple inflammatory issues that divided Congress in the 1890s.

Chandler’s proposal consisted of two nationalistic bills: a bill for the one-year immigration suspension, and a bill for permanent restrictions that he intended to follow the suspension.²⁰⁴ The

²⁰³ *Ibid.*, 109–114. This last provision that was likely aimed at Jewish immigrants, since the European Baron de Hirsch had been helping European Jews escape persecution by funding their emigration to America.

²⁰⁴ 24 Cong. Rec. 290 (1893) (bill of Sen. Chandler); 24 Cong. Rec. 365–366 (1893) (bill of Sen. Chandler).

suspension bill provided that none of its provisions should “hinder or delay the admission or returning American citizens.”²⁰⁵ It posited that all immigrants, by virtue of their foreignness, represented such a threat to the nation that all needed to be barred for a year, while Americans, by virtue of their citizenship, did not. By upholding the essentialist view that non-members of the nation were essentially different from members of the nation, the bill was infused with nationalist sentiment. Chandler’s statements during the debate further showed that his bill predicated on this nationalist belief. He insisted the facts showed immigrants were certain to bring cholera in the future if immigration was not stopped because all steerage immigrants were “unclean and unhealthy,” while returning Americans who travelled in steerage were not.²⁰⁶ In this statement, he held that all immigrants were essentially and almost biologically choleric, articulating a nationalist view of the world that placed all members of the nation above non-members.

His permanent restrictions bill targeted broad classes of immigrants and was undergirded by multiple ideologies of discrimination as well as nationalism. It held that the nation needed to be able to determine which classes of people would constitute the nation’s membership to strengthen the country and to protect the nation from supposedly harmful classes of foreigners. The bill would have excluded illiterate immigrants over the age of 12; those who did not have enough money to support themselves for two months after landing; “[p]ersons blind or crippled, or otherwise physically imperfect, so that they are wholly or partially disabled from manual labour”; and those who belonged to “societies which favor or justify the unlawful or criminal destruction of property or life.”²⁰⁷ Chandler targeted the literacy provision towards what he called

²⁰⁵ 24 Cong. Rec. 290 (1893) (bill of Sen. Chandler).

²⁰⁶ 24 Cong. Rec. 362–363 (1893) (statement of Sen. Chandler).

²⁰⁷ 24 Cong. Rec. 365–366 (1893) (bill of Sen. Chandler); “To Control Immigration,” *New York Times*, January 5, 1893. This last provision was likely targeted at anarchist societies, since in years prior to 1893, anarchist activities in America had led to fears over the immigration of political “radicals.” See Higham, 54–59.

the “degraded immigrants from Italy, Turkey, Hungary, Poland and Russia,” arguing that immigrants from these countries had higher rates of illiteracy than immigrants from Western Europe and Scandinavia.²⁰⁸ He stated that the goal of his proposals was to maintain “a high order of American civilization” by improving the character of immigrants.²⁰⁹ This statement, along with the bill’s provisions, showed that the bill was shaped by Chandler’s belief the nation needed to bar foreigners who, in his mind, could not contribute productively to the nation, and relied upon prejudicial ideologies towards the poor, the disabled, and Eastern and Southern European immigrants to single out classes of foreigners who were allegedly burdens upon the nation. In combination with the suspension, his overall proposal held that all immigrants were inherently dangerous to the nation, but that some classes were more harmful than others because they would hurt social cohesion, become dependent on the government, or were unable to contribute their labour to the economy.

Chandler’s proposals were premised on the notion that the federal government should take a broader role in regulating and enforcing immigration law—an idea that had gained support in recent years. Legal scholars have argued that the 1889 case *Chae Chan Ping v. United States* formally introduced the plenary power doctrine, which holds that the executive and legislative branches have “near-absolute” power over immigration, and that other branches should defer to the federal government.²¹⁰ Around the same time, Congress passed legislation expanding the federal government’s oversight and enforcement of immigration—the 1891 Act established the office of Superintendent of Immigration within the Treasury Department to enforce the restrictions

²⁰⁸ William E. Chandler, “Shall Immigration Be Suspended?” *North American Review* 156, no. 434 (1893): 7–8.

²⁰⁹ Chandler, 8; 24 Cong. Rec. 366 (1893) (statement of Sen. Chandler).

²¹⁰ Jennifer Gordon, “Immigration as Commerce: A New Look at the Federal Immigration Power and the Constitution,” *Indiana Law Journal* 93, no. 3 (2018): 654–655.

passed in the Act.²¹¹ Chandler's proposal would have extended these trends by expanding the number of exclusionary provisions for the federal government to enforce. It was also premised on the larger idea that the federal government needed to take an expanded role in controlling immigration since immigration was a national problem, as he justified his proposal on the grounds that Congress and the federal government needed to play a larger role in protecting "American civilization" from the "evils" of immigration.²¹²

Despite the shift towards immigration restrictions and federalization of power over immigration, Chandler encountered much opposition. His expansive proposals were challenged by lawmakers skeptical of his argument that an immigration suspension coupled with permanent restrictions would be the most effective method of keeping cholera out of the country, and that immigration and quarantine needed to be considered in tandem with each other.²¹³ Lawmakers pushed back on Chandler's nationalist view that there was an essential difference in hygiene habits between Americans and immigrants.²¹⁴ Republican Senator Joseph Dolph argued that "cholera is no respecter of persons," so American citizens as well as foreigners who did not intend to immi-

²¹¹ An Act in Amendment to the Various Acts Relative to Immigration and the Importation of Aliens Under Contract or Agreement to Perform Labour, Pub. L. No. 51–551, 26 Stat. 1084–1086 (1891); Daniels, 29. Daniels argues that with these bureaucratic provisions, the 1891 Act shifted the responsibilities of oversight that had traditionally rested with the states to the federal government, giving the federal government exclusive jurisdiction over immigration.

²¹² In an article, Chandler compared Congress unfavourably to a monarchy, arguing that because a monarch did not have to deal with problems resulting from the separation of powers and oversight, a monarch would be more responsive and could act quicker to deal with pressing issues like immigration. He implied that it would be better if the president had expansive powers similar to a monarch's. See Chandler 1, 8. He implied Congress had a moral duty to respond quickly to the problems created by immigration, and later in the Congressional debate, he argued the views of the executive branch should always take precedence over the states if there was a potential conflict between them. See 24 Cong. Rec. 362 (1893) (statement of Sen. Chandler).

²¹³ Henry C. Hansbrough, "Why Immigration Should Not Be Suspended," *North American Review* 156, no. 435 (1893): 221.

²¹⁴ 24 Cong. Rec. 363 (1893) (statement of Sen. Mitchell); 24 Cong. Rec. 364 (1893) (question of Sen. Platt); 24 Cong. Rec. 366 (question of Sen. Frye).

grate were likely to bring cholera across America's borders, so the suspension would be ineffective.²¹⁵ Others argued that immigration and quarantine should be debated separately because immigration was much more complex and affected more than just health issues alone, as procedural divisions from the initial public debate between proponents of immigration restrictions and proponents of a national quarantine flared up. The Tennessee Democratic Senator Isham Harris, the sponsor of the bill that would become the Quarantine Act, said he would vote against both of Chandler's bills because "[t]his question of immigration is a tremendous one, and the question of sanitation is only one of a thousand considerations affecting it."²¹⁶ The expansive nature of Chandler's proposal, which touched on complex issues of health law, federal power, and cultural beliefs regarding the inferiority of some classes, therefore generated a significant amount of congressional opposition.

Other senators took issue with the ultra-nationalist beliefs the one-year suspension was based on, challenging the idea that all immigrants represented a threat to the nation and claimed the bill would have grave economic effects. Democratic Senator McPherson stated that while he thought there should be "some regulation with respect to the character of people we should admit... suspending for a single year all immigration" would "keep out thousands and tens of thousands of worthy and desirable immigrants" whose labour would support the economy.²¹⁷ Although Republican Senator Henry Hansbrough indicated a willingness to support restrictions on certain classes of immigrants that were seen as drags on economic growth, he defended the overall economic benefits of immigration and argued that European immigrants assimilated into American society well.²¹⁸ McPherson's and Hansbrough's statements indicated that they may have been willing to

²¹⁵ 24 Cong. Rec. 374 (1893) (statement of Sen. Dolph).

²¹⁶ Quoted in "Guards Against the Cholera," *New York Times*, January 1, 1893.

²¹⁷ 24 Cong. Rec. 370 (1893) (statement of Sen. McPherson).

²¹⁸ Hansbrough, 223–224.

support the permanent restrictions bill if Chandler had introduced it as a standalone piece of legislation, and not as part of the same legislative package as the one-year suspension.

As seen in their statements, Hansbrough and McPherson took particular issue with the one-year suspension because it would have affected industries reliant upon immigrant labour, as well as the shipping industry, which made much of its profit off of immigrant traffic. However, Chandler responded to their concerns as well as that of the shipping industry with conspiratorial accusations, which hardened the opposition to his proposal. Since Chandler first announced his proposals in December, the industry had been lobbying Congress to vote down the bills, and multiple shipping companies had threatened to increase ticket fares and get rid of the deals they had planned to sell to travellers coming to the World Exposition in an attempt to reduce the numbers of visitors from abroad who would attend the Exposition.²¹⁹ Instead of attempting to assuage the shipping lines' concerns, during a speech on January 6 Chandler lobbed inflammatory accusations at the shipping industry. He accused the companies of fostering a filthy disease-producing environment in their steerage quarters, drawing a comparison between steerage and "the horrors of the middle passage when negroes were kidnapped in Africa and brought here to establish... slavery," and claimed that the only reason his immigration restriction proposals were met with opposition in Congress was because the shipping industry had bought other lawmakers out by bribing them.²²⁰ Other senators challenged him fiercely over this last claim in particular, since they did not take kindly to being portrayed as puppets of the shipping industry.²²¹ All Chandler's accusations did was solidify the opposition in Congress to his proposals and cause friction between himself and

²¹⁹ "Prohibition of Immigration," *New York Times*, December 12, 1892; "Steerage Traffic Stops," *New York Times*, December 14, 1892.

²²⁰ 24 Cong. Rec. 366–368 (1893) (statements of Sen. Chandler).

²²¹ 24 Cong. Rec. 368 (1893). See the statements from Senator Dawes and Senator Wolcott in particular.

the other senators.²²² By the end of the day on January 6, anonymous sources from the Capitol were quietly telling *Evening World* reporters and the shipping lines that “there [was] no prospect at this time of the passage of a bill greatly restricting immigration.”²²³

The Compromise Quarantine Bill and the Mixture of Immigration and Health Policy

By early January, it was clear Chandler did not have enough support in the Senate to pass his proposed immigration restrictions, and Congress’s attention soon turned to the quarantine bill proposed by Senator Harris, which would ultimately pass with broad support. Harris had attempted to forge a compromise between the lawmakers demanding immigration restrictions and a nationalized quarantine. Markel argues that the 1893 Quarantine Act tried to separate the role of the federal government in overseeing immigration policy from its role in keeping the nation safe from disease outbreaks.²²⁴ While that was Harris’s original intention, I argue that the final text of the bill mixed the issues of immigration, protection from disease, and the extent of executive power by treating these issues as one and the same.²²⁵ This *mélange* resulted from Section 7 of the bill, which gave the president the power to suspend immigration from countries undergoing epidemics, conferring upon the president the power Harrison had claimed for the office of the presidency when he issued his 20-day quarantine order during the September cholera crisis. With Section 7, the bill was premised on the idea that immigration was a health problem because immigrants had poor hygiene and were prone to disease, so allowing the executive to take an expanded role in

²²² Chandler’s fellow Republican senator, William Frye, joked that Chandler was the “infection of the Senate.” 24 Cong. Rec. 365 (1893) (statement of Sen. Frye).

²²³ “No Fewer Steamships Yet,” *Evening World*, January 6, 1893, last edition.

²²⁴ Markel, 189.

²²⁵ Harris told the *Times* he wanted to treat immigration and quarantine separately in “Guards Against the Cholera,” *New York Times*, January 1, 1893.

setting immigration policy when there was a disease outbreak overseas would also allow the government to better carry out its role in protecting the nation from disease. By treating the federal government's role in making immigration policy as the same as its role in making health policy, the bill was influenced by the same nationalistic ideals that originally informed Harrison's order as well as Chandler's proposal, since, as Markel shows, Harris designed Section 7 to gain the support of Chandler and other restriction supporters.²²⁶

Section 7 officially gave the president the power to prevent people from foreign countries with an outbreak of a contagious disease from entering America, thus giving the president the power to enact the immigration suspension Harrison had tried to enact in September, when he used quarantine as a tool to force the shipping lines to stop carrying immigrants. The final version of Section 7 read;

That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States... the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.²²⁷

Although the body text did not reference immigrants, the debate preceding the bill's adoption showed that this section arose from Harrison's quarantine order as well as the debates in Congress and the federal government over how best to manage immigration and disease outbreaks.²²⁸ It additionally allowed the president to theoretically enact a suspension similar to the one-year suspension Chandler had been pushing for, since the president's suspension could last for as long as

²²⁶ Markel, 174.

²²⁷ An Act Granting Additional Quarantine Powers and Imposing Additional Duties Upon the Marine-Hospital Service, Pub. L. No. 52-114, 27 Stat. 452 (1893).

²²⁸ The text of the bill places Section 7 under the subtitle "Suspension of immigration during existence of contagious diseases," showing that it was intended to target immigrants, not passenger travel in general.

he “deem[ed] necessary.”²²⁹ However, a suspension enacted under Section 7 would be more limited, since the president could only suspend immigration from countries with contagious disease outbreaks and could not suspend all immigration to the country.

Section 7 rested on the assumption that if the president had more power to control immigration during outbreaks, the federal government would be able to better fulfill its role in protecting the nation from disease. Foregrounding the motivations of the bill’s sponsor, Harris, over the text of the bill and how it was interpreted, Howard Markel argues that the 1893 Quarantine Act tried to “divorce—as much as was politically acceptable—the federal government’s role in preventing contagious diseases from its role in elaborating immigration policies.”²³⁰ However, the assumptions on which the bill was predicated show that this was not the case. The text of Section 7 rested on a series of logical conclusions that followed from each other: 1) immigrants tended to have poor hygiene, 2) their poor hygiene made them prone to catching disease 3) suspending immigration would therefore reduce the likelihood of disease passing the nation’s borders 4) if the president could suspend immigration from countries with disease outbreaks, the president would be able to more easily protect the nation from contagious disease. As a result, Section 7 treated the “federal government’s role in preventing disease” as the same as its “role in elaborating immigration policies.”²³¹

Many lawmakers interpreted Section 7 in this way. In spite of Harris’s original motivations, at the time many lawmakers accepted it as a given that if the federal government could suspend immigration, then the federal government could better safeguard the nation from diseases, because

²²⁹ An Act Granting Additional Quarantine Powers and Imposing Additional Duties Upon the Marine-Hospital Service, Pub. L. No. 52–114, 27 Stat. 452 (1893).

²³⁰ Markel, 189. See Markel, 173–176 for a discussion of the motivations of the bill’s sponsors.

²³¹ Markel, 189.

immigration was intertwined with the issue of disease.²³² For example, Hansbrough argued that the expansion of federal power over immigration was integral to the management of quarantines, since Section 7 would help the federal government institute “a quarantine that would be absolutely invincible.”²³³ These lawmakers did not interpret the bill as divorcing the federal government’s role in managing quarantines and preventing disease from the federal government’s role in creating immigration policy, but felt that the bill combined them together to overall strengthen the nation’s ability to combat disease and harden its borders.

In addition, the bill represented the movement towards immigration restrictions that had gained power in the last few years by encoding into law some of the nationalist sentiments that formed the push towards immigration restrictions. Since Section 7 of the compromise bill adapted Chandler’s one-year immigration suspension into a more limited expansion of presidential power over immigration and public health, it represented a concession to Chandler and, as Markel argues, the other hardline proponents of immigration restrictions.²³⁴ Section 7 and Chandler’s bills were both premised on the belief that immigrants were unhygienic compared to native-born Americans and more likely to carry cholera, treating them as threats to the nation, although Chandler’s bills took this premise to an extreme that the quarantine bill did not.²³⁵ Rather than using the alleged link between immigrants and cholera as a justification for broad, permanent restrictions, Section 7

²³² See 24 Cong. Rec. 393 (1893) (statement of Sen. Hoar); 24 Cong. Rec. 393 (1893) (statement of Sen. McPherson). Both senators said the powers granted to the executive in Section 7 were integral to the overall function of the bill.

²³³ Hansbrough, 223.

²³⁴ Markel, 176. Markel and I both conclude that Section 7 was a concession to Chandler and others who wanted immigration restrictions, but our methodologies differ in forming that conclusion. Markel examines Harris’s motivations in crafting the bill, while I primarily examine Section 7’s text and highlight its similarities to Chandler’s 1-year suspension proposal.

²³⁵ An Act Granting Additional Quarantine Powers and Imposing Additional Duties Upon the Marine-Hospital Service, Pub. L. No. 52–114, 27 Stat. 452 (1893).

only went as far as positing that there were some scenarios in which the executive needed to temporarily ban immigration for the health of the country. Since it incorporated some of the principles on which Chandler's own preferred legislative solutions were based, Chandler stated he was willing to support the quarantine bill with Section 7 included; consequently, the Section represented a compromise between Harris and Chandler, and elevated into law some of Chandler's nationalist beliefs.²³⁶

When placed in context with the trends in immigration legislation prior to the 1893 Act, the bill also represented the expansion of the plenary power doctrine. During the debate, multiple senators viewed Section 7 as an expansion of executive plenary power over immigration. Senator Edward White, an opponent of expanding executive power over immigration and quarantine, argued that the bill conferred upon the President and the Secretary of the Treasury "the fullest and most plenary power to prevent the coming into the United States of any person whom his regulations may choose to exclude."²³⁷ Although other senators challenged him on the assertion that the bill gave the Secretary of the Treasury plenary power over immigration, they agreed with his proposition that Section 7 conferred upon the president plenary power over immigration by giving the president the unlimited right to suspend immigration from countries experiencing disease outbreaks for as long as the president wished.²³⁸ When viewed in context with the introduction of the plenary power doctrine that *Chae Chan Ping* had formally introduced three years earlier, these statements show that Section 7 further upheld the plenary power doctrine.

Though some senators grumbled over the compromise bill, with some arguing that the bill did not give the federal government enough control over quarantines and others arguing it gave

²³⁶ 24 Cong. Rec. 393 (1893) (statement of Sen. Chandler).

²³⁷ 24 Cong. Rec. 392 (statement of Sen. White).

²³⁸ 24 Cong. Rec. 393 (1893) (statement of Sen. Hoar); 24 Cong. Rec. 393 (1893) (statement of Sen. Vest).

the federal government too much, in the end the compromise was successful since it was easily passed through Congress.²³⁹ When Section 7 was put up for a vote, Section 7 was passed 37 votes to 10 with the votes of immigration restriction supporters, including Chandler.²⁴⁰ Shortly afterwards, the Senate passed the bill on January 10.²⁴¹ The vote was not recorded in the *Congressional Record*, which indicates that the bill was passed by voice vote because it had such a large majority voting in favour that there was no need to manually count the votes.²⁴² The vote in the House on February 8 proceeded in the same manner.²⁴³ On February 15, 1893, Harrison signed the quarantine bill into law.²⁴⁴

In the end, Harris's compromise approach that made incremental reforms to quarantine law and immigration jurisdiction was passed through Congress, while Chandler's more radical proposal was not. His proposal was unable to find a consensus, showing that Congress was not yet ready to support far-reaching changes to immigration policy affecting European immigrants. His proposals involved a multitude of complex issues that made the bill too divisive to gain majority support in Congress, as immigration was entwined not only with issues of quarantine; during the debate, it became clear that immigration was a multifaceted issue that touched on broad cultural, economic, governmental, and national issues. The complexity of the issue made it hard for lawmakers to agree on what course of action was best, since lawmakers were influenced by a diverse variety of views on issues of race, economics, nationalism, federal and state power that fundamentally shaped their views of the nation and what kind of immigration legislation should be passed.

²³⁹ See 24 Cong. Rec. 465 (1893) (statement of Sen. Gallinger) and 24 Cong. Rec. 368–369 (1893) (statement of Sen. McPherson) for examples of lawmakers in the former category. See 24 Cong. Rec. 472 (1893) (statement of Sen. Morgan) for an example of the latter.

²⁴⁰ 24 Cong. Rec. 471–472 (1893) (vote on Section 7).

²⁴¹ 24 Cong. Rec. 473 (1893).

²⁴² Michael S. Lynch and Anthony J. Madonna, "Viva Voce: Implications from the Disappearing Voice Vote, 1865–1996," *Social Science Quarterly* 94, no. 2 (2013): 534–539.

²⁴³ 24 Cong. Rec. 1338 (1893).

²⁴⁴ 24 Cong. Rec. 1717 (1893) (message from Pres. Harrison).

However, since a less-extreme version of the nationalist principle that Chandler's bills were premised on made its way into Section 7, the Act showed that these sentiments were being increasingly accepted by lawmakers and had an increasing influence over the immigration legislation passed in this period. Immigration was increasingly seen by those in Congress as well as outside of Congress as a national issue that required national solutions. Consequently, the passing of the Quarantine Act was another step forward in the shift towards the federalization of immigration power and Congress's eventual consensus that European immigration needed to be limited.

EPILOGUE

It seems that every day I have been engaged in planning or writing this thesis over the past year, America's immigration policies have been in the news. Immigration has long been a controversial subject in America, but ever since the election of Donald Trump in 2016, there has been a sense among many observers that Trump's incendiary rhetoric and hardline policies represent a break with the past and represent something worse than what came before.²⁴⁵

²⁴⁵ Sasha Abramsky, "Trump's Latest Assault on Immigrants Shreds a Half-Century of Reforms," *Nation*, September 26, 2018, <https://www.thenation.com/article/trumps-latest-assault-on-immigrants-shreds-a-half-century-of-re->

Whether Trump's immigration policies are fundamentally different and more morally reprehensible than any of the immigration policies instituted by previous administrations is a moral and historical question far beyond the scope of this thesis. However, I would like to briefly reflect on the links between the episode in 1892 and 1893 that I have examined and the present. It is a question that has stayed with me throughout the past year, and it is also a question that others, when they learn of my thesis topic, have pressed me on. Indeed, it is tempting to see the cholera outbreak and the legislative debate that followed as bearing many similarities to the present. In America, the period from 1892 to 1893 and the period from 2016 to 2019 have both involved debates over whether immigrants are a benefit to the nation, what kind of policy should be adopted to deal with an influx of immigrants, the role of racism in informing perceptions of immigrants, and how much power the federal government should have over immigration. Despite these parallels, throughout my examination of the 1892 outbreak, I have come to believe that the two periods are more different than alike, largely because of one broad difference: the amount of power the federal government and executive branch have to shape immigration policy.

In 2019, the federal government generally has broad, nearly unreviewable power over immigration policy.²⁴⁶ Throughout the twentieth and twenty-first centuries, the federal government has created multiple agencies intended to regulate and enforce immigration policy. This power and these bureaucratic institutions have fundamentally shaped the kinds of policies that the federal government has been able to pass, particularly since deep divisions in Congress have stymied attempts from both Democrats and Republicans to amend immigration law for years.²⁴⁷ From the

[forms/](https://www.chicagotribune.com/news/nationworld/politics/factcheck/ct-fact-check-trump-immigration-20181127-story.html); Salvador Rizzo, "Fact Check: Trump's False Claims on Obama's Immigration Policy and Criminals in Caravan," *Chicago Tribune*, November 27, 2018, <https://www.chicagotribune.com/news/nationworld/politics/factcheck/ct-fact-check-trump-immigration-20181127-story.html>.

²⁴⁶ Gordon, 655.

²⁴⁷ Colby Itkowitz, "Durbin and Graham Introduce Bill to Protect 'Dreamers,'" *Washington Post*, March 26, 2019, https://www.washingtonpost.com/politics/durbin-graham-introduce-bill-to-protect-dreamers/2019/03/26/f3e5d140-4ffc-11e9-88a1-ed346f0ec94f_story.html?noredirect=on&utm_term=.58afb3fb0177.

2017 travel ban restricting the entry of nationals of a number of predominantly Islamic Middle Eastern and African countries, to the still-ongoing child separation policy, these policies would not have been able to be implemented as they were if the federal and executive branches did not possess such an expansive jurisdiction over immigration policy and the extensive bureaucratic system dedicated to carrying out federal immigration policies.²⁴⁸ Enforcement agencies such as Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), the Department of Homeland Security (DHS), and the Office of Refugee Resettlement (ORR) have been instrumental in setting and managing the policies instituted by the president and the executive branch.

In 1892, the precedent that the federal government should possess the expansive power to set and enforce immigration policy had only been formally established by the Supreme Court a few years earlier. The federal government was only beginning to play an expansive role in setting nationwide policies regarding immigration. There was no ICE, no CBP, no DHS, no ORR to regulate and enforce immigration policies. In the nineteenth century, the idea that the federal government should play an expansive role in shaping immigration policy was on the rise, but it was not yet ascendant. Its incorporation into law and policy was an incremental one that took place across multiple decades. I have examined one of the episodes in American history that advanced this doctrine, to reveal how and why the federal government slowly shifted to play a larger role in determining immigration policy.

²⁴⁸ Peter J. Spiro, “Trump Administration Travel Restrictions—Plenary Power Doctrine—U.S. Immigration and Nationality Act—Judicial Deference in U.S. Foreign Relations.” *American Journal of International Law* 113, no. 1 (2019): 109–116; Lawrence Hurley, “Trump Gets a U.S. Supreme Court Victory on Immigration Detention,” *Reuters*, March 19, 2019, <https://www.reuters.com/article/us-usa-court-immigration-idUSKCN1R01TF>; Julia Ainsley, and Geoff Bennett, “Trump’s Support of Renewed Child Separation Policy Led to Collision with Nielsen,” *NBC News*, April 8, 2019. <https://www.nbcnews.com/politics/white-house/trump-has-months-been-urging-administration-reinstate-child-separation-policy-n992021>.

Through my thesis, I have showed how the idea that the federal government needed to take a broader role in setting and managing immigration policy was advanced by the 1892 cholera outbreak, the legislative debate that led to the 1893 Quarantine Act, and the link that nineteenth-century Americans drew between immigrants and disease. In Chapter 1, I explored the beginnings of the 1892 cholera epidemic in New York and the initial management of the crisis. President Benjamin Harrison seized the power to suspend immigration under the justification that immigrants were prone to disease and posed a danger to the nation, sparking a disagreement between city, state, and federal officials. Harrison used quarantine policy as a method through which to suspend immigration, but quarantine proved a limited tool since he could not enact a full suspension of immigration with the quarantine powers available to the executive at the time.

In the second Chapter, I have chronicled the dysfunctional management of the *Normannia* cabin passengers' quarantine, as New York City, the state government, and the federal government clashed with two Long Island towns bent on controlling their own borders. On both sides, nationalist sentiments holding that foreigners were disease-ridden and needed to be kept away from the native-born American population reigned supreme, influencing both sides' perceptions of their own power. By the end of the outbreak, the federal government and Congress increasingly felt that the federal government needed to possess increased power over immigration and quarantine policy to avoid the quarrels and dysfunction that beset the handling of the cholera. To both, immigration and quarantine had become nation-wide problems that required national solutions; these issues could no longer be left up to the states.

Chapter 3 shows how the 1893 Quarantine Act expanded the president's power over immigration, advanced the notion that the federal government should possess exclusive jurisdiction over immigration policy, and enshrined into law the nationalist sentiments linking immigrants and

disease that had abounded during the epidemic. Though no president has ever used Section 7 of the Act to suspend immigration temporarily from countries experiencing disease outbreaks, the Act is historically important for its role in pushing forward two distinct shifts in immigration politics in the nineteenth century. By further encoding into law the notion that immigrants were dangerous to the nation, the Act represented the ascendancy of the nationalist, anti-immigrant sentiments that influenced the push, both inside and outside of Congress, to institute broad restrictions on immigration and to expand the role the federal government played in enforcing and setting restrictions on immigration.

The debate and the outbreak both show that the process of federalizing immigration policy and the movement towards immigration restrictions was a slow, incremental one. Though few historians have reviewed this episode in immigration history in depth, the outbreak and legislation serve as a reminder to immigration historians of the processional steps through which broad changes in immigration law occur. The rise of the plenary power doctrine and the federalization of immigration policy—which both shape the immigration policies that the federal government in 2019 is able to set—was a rise that occurred incrementally throughout the nineteenth and twentieth centuries. Ultimately, these years of precedents that rose from events like the 1892 epidemic have provided the legal foundation for the federal government’s ability to set current-day immigration policies. Historians have, in recent years, given more attention to the shift towards federal control of immigration policy alongside the institution of a restrictive immigration regime, and I have contributed to this scholarship by showing how one event pushed forwards these trends.

These two trends have been integral to shaping the current state of immigration policy in America. In the late nineteenth century, it would not have been possible for a president to unilaterally make broad changes to immigration policy and the enforcement of immigration laws without

input from the states or cities, and this fact deeply shaped the kinds of policies that the federal government instituted during that period. Shifts in jurisdiction over immigration regulation and enforcement during the nineteenth century paved the way for the federal government's present-day policies. The consequences of decisions made over a century ago quietly resonate into the present.

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