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Introduction

Illegal Aliens: A Problem of Law and History

In 2001 the United States Immigration and Naturalization Service ordered Rosario Hernandez of Garland, Texas, deported to his native Mexico. Hernandez, a 39-year-old construction worker, had immigrated to Texas from Guadalajara, Mexico, when he was a teenager. His removal was ordered on grounds that he had been convicted three times for driving while intoxicated—twice nearly twenty years ago and once ten years later. After the third conviction Hernandez served five weekends in jail, joined Alcoholics Anonymous, and gave up drinking. However, according to laws passed by Congress in 1996 the multiple convictions amounted to an "aggravated felony" and made his removal mandatory, not subject to review by a judge. Hernandez considered the deportation unfair: "I already paid for my mistakes," he said, "How can they punish somebody two times for the same thing?"

Hernandez is married to a U.S. citizen and has two children, who are also American citizens. His wife Renee said, "I respect him for admitting to his mistakes and changing his life. What people don't realize is that this was a surprise attack on my life, as well. We have a baby here whose whole person is forming. He changes every day, and you want both parents to be a part of that." Hernandez's older son, Adrian, asks, "Where is my daddy going to be?"[1]

When I read Hernandez's story I was struck by its resemblance to another story that I had come across while researching this book. In the early 1930s the INS ordered Mrs. Lillian Joann Flake, a longtime resident of Chicago, deported to her native Canada. Like Hernandez, Flake was married to an American citizen and had a daughter, also a citizen. She had a record of theft and shoplifting, which the INS considered "crimes of moral turpitude." Flake's deportation was canceled by an act of grace by Secretary of Labor Frances Perkins. The 1996 laws, however, explicitly deny administrative relief in cases like Hernandez's.[2]

Then, as now, legal reformers and immigrant advocates publicized deportation stories like these in order to call attention to what they believed was a problem in American immigration policy. Reformers argued that the nation's sovereign right to determine the conditions under which foreigners enter and remain in the country runs into trouble when the government expels people who have acquired families and property in the United States. They found cases like Hernandez's and Flake's compelling because embedded in

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their narratives were normative judgments that esteem the immigrant's integration into society and the sanctity of the family. Deportation, which devalues assimilation—indeed cancels it—and separates families, seemed draconian punishment for crimes of drunk driving and petty theft. In Flake's time, reformers wrote almost exclusively about deportation cases involving Europeans and paid scant attention, if any, to the deportation of Mexican or Chinese criminal aliens. Nowadays, however, non-European cases like Hernandez's also receive public sympathy, especially when they involve rehabilitated criminals who are longtime permanent residents with families. This shift reflects the increase in the number of immigrants from the third world over the last quarter century and contemporary multicultural sensibilities.

We ought not rush to the conclusion, however, that race no longer operates in either the practice or representation of deportation. Then, as now, few reformers advocated for those aliens who entered the country by crossing the border without authorization. That preoccupation has focused on the United States–Mexico border and therefore on illegal immigrants from Mexico and Central America, suggesting that race and illegal status remain closely related.

But we might ask, first, what it is about the violation of the nation's sovereign space that produces a different kind of illegal alien and a different valuation of the claims that he or she can make on society? Unauthorized entry, the most common form of illegal immigration since the 1920s, remains vexing for both state and society. Undocumented immigrants are at once welcome and unwelcome: they are woven into the economic fabric of the nation, but as labor that is cheap and disposable. Employed in western and southwestern agriculture during the middle decades of the twentieth century, today illegal immigrants work in every region of the United States, and not only as farmworkers. They also work in poultry factories, in the kitchens of restaurants, on urban and suburban construction crews, and in the homes of middle-class Americans. Marginalized by their position in the lower strata of the workforce and even more so by their exclusion from the polity, illegal aliens might be understood as a caste, unambiguously situated outside the boundaries of formal membership and social legitimacy.

At the same time, illegal immigrants are also members of ethno-racial communities; they often inhabit the same social spaces as their co-ethnics and, in many cases, are members of "mixed status" families. Their accretion engenders paradoxical effects. On the one hand, the presence of large illegal populations in Asian and Latino communities has historically contributed to the construction of those communities as illegitimate, criminal, and unassimilable. Indeed, the association of these minority groups as unassimilable foreigners has led to the creation of "alien citizens"—persons who are American citizens by virtue of their birth in the United States but who are presumed to be foreign by the mainstream of American culture and, at times, by the state.

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On the other hand, ethno-racial minority groups pursue social inclusion, making claims of belonging and engaging with society, irrespective of formal status. Latino studies scholars Williams Flores and Rena Benmayor, for example, argue that the mobilization of "cultural citizenship" by subordinate ethnic groups is "redressive" and contributes to a multicultural society. From another angle, a nonjuridical concept of membership suggests the production of collectivities that are not national but transnational, sited in borderlands or in diaspora.[3] The liabilities of illegal alienage and alien citizenship may thus be at least partially offset through individual and collective agency, within and across nation-state boundaries.

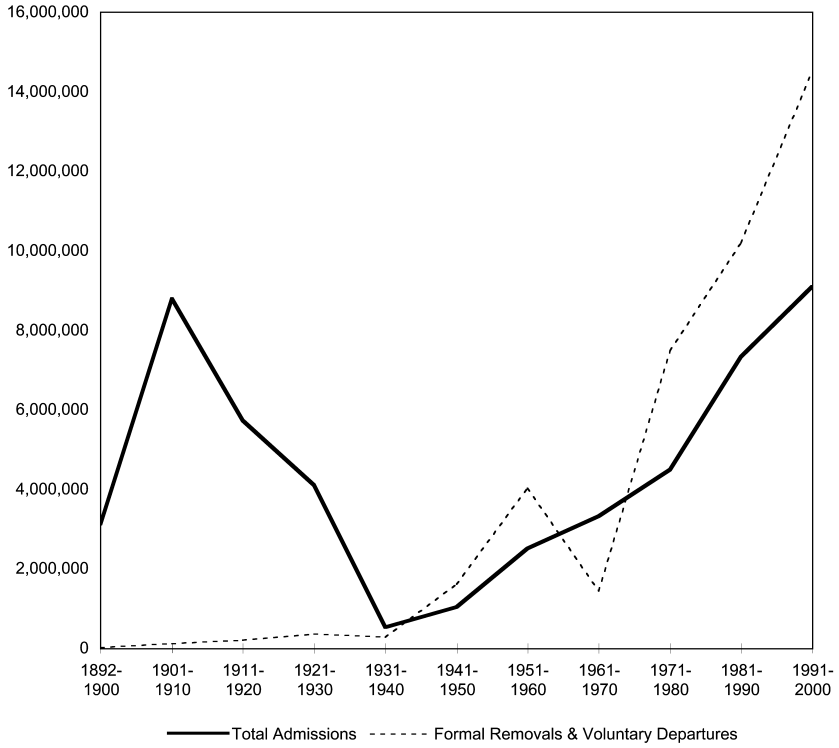
This book addresses these and other issues by charting the historical origins of the "illegal alien" in American law and society and the emergence of illegal immigration as the central problem in U.S. immigration policy in the twentieth century. It examines the statutory structures, judicial genealogies, and administrative enforcement of restrictive immigration policy that began in the United States after World War I. Restriction not only marked a new regime in the nation's immigration policy; I argue that it was also deeply implicated in the development of twentieth-century American ideas and practices about citizenship, race, and the nation-state.

I focus on the years 1924 to 1965, which mark the tenure of the national origins quota system put into place by the Johnson-Reed Immigration Act of 1924.[4] The Johnson-Reed Act was certainly not the nation's first restrictive immigration law. The exclusion of Chinese, other Asians, and various classes of undesirable aliens (paupers, criminals, anarchists, and the like) in the late nineteenth and early twentieth centuries signaled the beginnings of a legal edifice of restriction. But the 1924 act was the nation's first *comprehensive* restriction law. It established for the first time *numerical limits* on immigration and a *global* racial and national hierarchy that favored some immigrants over others. The regime of immigration restriction remapped the nation in two important ways. First, it drew a new ethnic and racial map based on new categories and hierarchies of difference. Second, and in a different register, it articulated a new sense of territoriality, which was marked by unprecedented awareness and state surveillance of the nation's contiguous land borders.

Most of the scholarship about immigration to the United States focuses on the period before 1924, the era of open immigration from Europe, and the period since 1965, when the national origins quota system was abolished and immigration from the third world increased. Thus, at one level, this study is an attempt to address a gap in the historiography of American immigration. Although Americans long ago concluded that the national origins quota system was an illiberal policy that blighted the nation's democratic tradition, we still know little about *how* that restriction actually worked, how the nation was racially and spatially reimagined. To be sure, historians have studied the consequence of the *absence* of immigration during these decades. Most im-

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Aliens admitted and expelled, by decade, 1890–2000. (Source: U.S.-INS, *2000 Statistical Yearbook.*)

portant, the cutoff of European immigration created conditions for the second generation of those immigrants who had come to the United States from the 1890s to World War I to more readily assimilate into American society. The loosening of these ethnic groups' ties to their homelands facilitated that process, as did the spread of American popular culture and consumerism, industrial-class formation and organization, and the nationally unifying experience of World War II.[5]

But restriction meant much more than fewer people entering the country; it also invariably generated illegal immigration and introduced that problem into the internal spaces of the nation. Immigration restriction produced the illegal alien as a *new legal and political subject*, whose inclusion within the nation was simultaneously a social reality and a legal impossibility—a subject barred from citizenship and without rights. Moreover, the need of state authorities to identify and distinguish between citizens, lawfully resident immigrants, and illegal aliens posed enforcement, political, and constitutional

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problems for the modern state. The illegal alien is thus an "impossible subject," a person who cannot be and a problem that cannot be solved.

Even as Congress abolished quotas based on national origin in 1965, it preserved the principle of numerically limiting immigration and, in fact, extended it to cover the entire globe. Americans remain committed to the principle of numerical restriction to the present day. The controversies over immigration policy taking place at the beginning of the twenty-first century center on whether immigrants contribute positively or deleteriously to the nation's economy and culture, but there is virtually no political support for open or numerically unrestricted immigration. If the principle of immigration restriction has become an unquestioned assumption of contemporary politics, we need to ask how it got to be that way and to consider its place in the historical construction of the nation.

Immigration and Citizenship

Immigration policy is constitutive of Americans' understanding of national membership and citizenship, drawing lines of inclusion and exclusion that articulate a desired composition—imagined if not necessarily realized—of the nation. The concept is manifest in the titles of books on U.S. immigration policy: *The Face of the Nation*, *Making Americans*, *A Nation by Design*.[6] In the United States immigration has always been understood as a path that leads to citizenship, as sociologist Rogers Brubaker has noted: "Admission to citizenship is viewed as the normal sequel to admission for settlement." Chinese exclusion, the exception that proves the rule, was another means by which the nation defined itself.[7]

The telos of immigrant settlement, assimilation, and citizenship has been an enduring narrative of American history, but it has not always been the reality of migrants' desires or their experiences and interactions with American society and state. The myth of "immigrant America" derives its power in large part from the labor that it performs for American exceptionalism. As political theorist Bonnie Honig argues, the myth "shores up the national narrative of liberal consensual citizenship, allowing a disaffected citizenry to experience its regime as choiceworthy, to see it through the eyes of still-enchanted newcomers whose choice to come here . . . reenact[s] liberalism's . . . fictive foundation in individual acts of uncoerced consent."[8]

Yet if the iconic immigrant serves exceptionalist political culture, that narrative is legally grounded in a relatively easy process of naturalization (five years residence with no criminal record) and in the principle of *jus soli*, which confers citizenship upon all those born on U.S. soil and, therefore, to the American-born children of immigrants. Moreover, in matters other than the admission and expulsion of aliens, the Constitution protects all persons,

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not just citizens. Aliens do not enjoy all the privileges of citizenship—notably the franchise—but outside the immigration domain, and in civil society generally, they have the same rights as citizens to equal protection under the Fourteenth Amendment.[9] The capaciousness of the Constitution in this regard is not unproblematic: critics have argued that aliens' lack of substantive rights in matters of immigration compromises their rights while they are present. Legal and political theorists also dispute the implications of the Constitution's protection of aliens. While some cite it as evidence of the nation's inclusive traditions, others worry that the extension of so many rights to aliens diminishes the value of citizenship.[10]

Nevertheless, the line between alien and citizen is soft. At least in principle, access to naturalization ensures that the condition of alienage, with its limited rights, is temporary. This principle is important because it recognizes the moral and political imperative of equality that is central to liberal democracy.[11] Yet the promise of citizenship applies only to the *legal* alien, the lawfully present immigrant. The *illegal* immigrant has no right to be present, let alone embark on the path to citizenship. The illegal alien crosses a territorial boundary, but, once inside the nation, he or she stands at another juridical boundary. It is here, I suggest, that we might paradoxically locate the outermost point of exclusion from national membership.

Some readers might find this unproblematic, for, after all, the nation *is* bounded and exclusion from citizenship would seem a logical consequence of illegal immigration. But, as this book aims to show, illegal alienage is not a natural or fixed condition but the product of positive law; it is contingent and at times it is unstable. The line between legal and illegal status can be crossed in both directions. An illegal alien can, under certain conditions, adjust his or her status and become legal and hence eligible for citizenship. And legal aliens who violate certain laws can become illegal and hence expelled and, in some cases, forever barred from reentry and the possibility of citizenship. I suggest that shifts in the boundary between legal and illegal status might tell us a lot about how the nation has imagined and constructed itself over time.

This line of inquiry intervenes in a burgeoning field of citizenship studies. Legal scholar Linda Bosniak has observed that recent scholarship largely concerns not citizenship as formal membership in the nation-state but issues of substantive citizenship, such as civic virtue and group identities in a multicultural society. Many scholars presume that as a formal status category, universal liberal citizenship in the United States has been achieved, that its historical exclusions based on race and gender have been overcome, and that the challenge, now, is to go beyond passive citizenship to normative definitions of active citizenship.[12] However, the presence of aliens within the national community suggests that "citizenship's threshold and its substantive character are, in fact, deeply interwoven." Illegal aliens, who comprise a caste

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that lives and works outside of citizenship, pose an even greater predicament and challenge for liberal democratic society.[13]

Immigration Policy and the Production of Racial Knowledge

A second, related theme of this book concerns how restrictive immigration laws produced new categories of racial difference. The construction of racial hierarchies has been, of course, an ongoing project in American history since the colonial period. If we understand that race is not a biological fact but a socially constructed category of difference, it should also be emphasized that, as Paul Gilroy states, "there is no racism in general."[14] Race is always historically specific. At times, a confluence of economic, social, cultural, and political factors has impelled major shifts in society's understanding (and construction) of race and its constitutive role in national identity formation. The Civil War was obviously one of those times; the present multicultural moment is another. I argue that the 1920s was also an extraordinary time when immigration policy realigned and hardened racial categories in the law.

The national origins quota system classified Europeans as nationalities and assigned quotas in a hierarchy of desirability, but at the same time the law deemed all Europeans to be part of a white race, distinct from those considered to be not white. Euro-American identities turned both on ethnicity—that is, a nationality-based cultural identity that is defined as capable of transformation and assimilation—and on a racial identity defined by whiteness.

The 1924 Johnson-Reed Act also excluded from immigration Chinese, Japanese, Indians, and other Asians on grounds that they were racially ineligible for naturalized citizenship, a condition that was declared by the Supreme Court in the early 1920s.[15] These developments resolved the legal ambiguities and conflicts over the racial status of Asians that had vexed the law since their arrival in the mid-nineteenth century. They also simultaneously solidified the legal boundaries of the "white race."[16]

The immigration laws during the 1920s did not assign numerical quotas to Mexicans, but the enforcement provisions of restriction—notably visa requirements and border-control policies—profoundly affected Mexicans, making them the single largest group of illegal aliens by the late 1920s. The actual and imagined association of Mexicans with illegal immigration was part of an emergent Mexican "race problem," which also witnessed the application of Jim Crow segregation laws to Mexicans in the Southwest, especially in Texas, and, at the federal level, the creation of "Mexican" as a separate racial category in the census.[17]

Thus, unlike Euro-Americans, whose ethnic and racial identities became uncoupled during the 1920s, Asians' and Mexicans' ethnic and racial identi-

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ties remained conjoined. The legal racialization of these ethnic groups' national origin cast them as permanently foreign and unassimilable to the nation. I argue that these racial formations produced "alien citizens"—Asian Americans and Mexican Americans born in the United States with formal U.S. citizenship but who remained alien in the eyes of the nation.

Alien citizenship was not a new phenomenon, nor was it just the consequence of immigration legislation. Indeed, alien citizenship flowed directly from the histories of conquest, colonialism, and semicolonialism that constituted the United States' relations with Mexico and in Asia. Those histories indelibly stamped the social experiences and subordination of Mexicans and Asians with racisms that were, as cultural critic Lisa Lowe described, the "material trace of history." For Chinese and other Asians, alien citizenship was the invariable consequence of racial exclusion from immigration and naturalized citizenship. For Mexicans, the concept of alien citizenship captured the condition of being a foreigner in one's former native land. The immigration experiences and racial formations of Asians and Mexicans in twentieth-century America cannot be understood apart from these legacies of conquest and colonialism.[18]

In one sense alien citizenship spoke to a condition of racial otherness, a badge of foreignness that could not be shed. But alien citizenship was not only a racial metaphor. While not strictly a legal term, the concept underwrote both formal and informal structures of racial discrimination and was at the core of major, official race policies, notably the repatriation of 400,000 persons of Mexican descent during the Great Depression (of which half were estimated to be U.S. citizens) and the internment of 120,000 persons of Japanese ancestry during World War II (two-thirds of them citizens).[19]

The racial formations of Asians and Mexicans in the 1920s were particularly significant because they modified a racial map of the nation that had been marked principally by the contours of white and black and that had denoted race as a sectional problem. But that changed with the Great Migration of African Americans, and to a lesser extent, Mexicans, to northern cities during the World War I era. Immigration law was part of an emergent race policy that was broader, more comprehensive, and national in scope. In addition to immigration law, that policy involved the legal justification for de facto segregation in the North and the completion of the legal process of forced assimilation of American Indians.[20]

In this period the concept of race itself also changed, from late-nineteenth-century race science, which centered on physiognomic difference and hierarchy, to twentieth-century racial ideas that linked race to both physiognomy and nationality. Modern racial ideology depended increasingly on the idea of complex cultural, national, and physical *difference* more than on simple biological hierarchy.[21]

The system of racial classification and regulation that emerged in the

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1920s should be seen in the context of a longer historical process of legal configuring within the national state, which had struggled since the late nineteenth century to find a racial logic capable of circumventing the imperative of equality established by the Fourteenth Amendment. That process involved a double move. On the one hand the law separated public and private spheres, prohibiting racial discrimination by the state but permitting it in private relations. On the other hand Congress and the courts sneaked racial distinctions into public policy through doctrinal rationalizations like "separate but equal."[22] During the 1920s the legal traditions that had justified racial discrimination against African Americans were extended to other ethnoracial groups in immigration law through the use of euphemism ("aliens ineligible to citizenship") and the invention of new categories of identity ("national origins").

Nationalism and Sovereignty

Immigration policy not only speaks to the nation's vision of itself, it also signals its position in the world and its relationships with other nation-states. At one level this means that foreign policy invariably becomes implicated in the formulation of immigration policy. It suggests as well a need to critique American exceptionalism and U.S.-centric history. Recent literature on nations and nationalism has shown us not only that nations are, in Benedict Anderson's famous phrase, historically produced "imagined communities." It has also revealed the powerful influence that nationalism has had on the writing of history.[23]

What does it mean to rethink American immigration history in the context of global developments and structures? At one level, transnational and diasporic approaches remap migration patterns and experiences, yielding new insights. For example, the nineteenth-century migration of labor from capitalism's rural peripheries to its industrializing centers has traditionally focused on the Atlantic world, both within Europe and from Europe to North America. Scholars are now examining the Pacific world as part of the same global movement, from which vantage point one can compare and contrast immigration policies in the English settler nations of North America (the United States and Canada) and Australia within the same general frame.[24]

A global framework also helps us put the advent of immigration restriction in the United States into broader historical perspective. We have understood this juncture mainly in terms of the domestic politics of eugenics and nativism during the World War I era.[25] But the Great War was the turning point not just for United States immigration policy; it marked a seminal change in the world order. The war simultaneously destabilized and en-

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trenched nation-state boundaries, ushering in an interstate system based on Westphalian sovereignty, which sanctified the integrity of the territorial nation-state and the principle that no nation can interfere in the affairs of another. Yet the interstate system, aimed at achieving order and peace, was based on "crustacean" borders. That changed, among other things, how nation-states regulated migration. Rigid border controls, passports, and state restrictions on entry and exit became the norms for governing emigration and immigration. It was, as political scientist Aristide Zolberg describes, a new, "hypernationalist" regime of immigration restriction. When Congress legislated restriction in the United States, with its emphasis on territoriality, border control, and documents, it acted as part of this global trend.[26]

World War I also created the problem of millions of people *without* national citizenship: war refugees and stateless persons, as well as those denationalized by European governments after the war on grounds of their "enemy origin." The concept of inalienable individual rights, central to European political philosophy, was shown to inhere not in human personage, after all, but in the *citizen*, as rights were only meaningful as they were recognized and guaranteed by the nation-state. The World War I refugee crisis demonstrated that loss of citizenship meant a loss of rights; as Hannah Arendt famously wrote, it signaled the "end of the rights of man." Writing at about the same time as Arendt, U.S. Supreme Court chief justice Earl Warren similarly stated in a denationalization case, "Citizenship *is* man's basic right, for it is nothing less than the right to have rights."[27] It seems no accident that illegal aliens also emerged in the wake of World War I, produced by hypernationalist immigration controls and in the same juridical no-man's-land as refugees and the stateless. Indeed, the rush after World War I to legislate restriction in Congress, while argued in the domestic political language of racial nativism, was a direct response to the specter of millions of destitute European war refugees seeking entry into the United States.

Finally, a globalist perspective implies a critique of nationalism—the ideology that privileges the perceived interests of the nation over and against the interests of others. It suggests a need to dislodge, through critical analysis, the colonialist and superpower nations from their self-claimed positions at the center of world history. Dipesh Chakrabarty spoke to this imperative in another context with a call to "provincialize Europe." In the immigration context this means understanding the forces and relations of power that generate migration between nations. Particularly in the decades since World War II, migration to the United States has been the product of specific economic, colonial, political, military, and/or ideological ties between the United States and other countries (Mexico, South Korea, Cuba, the Philippines, El Salvador, to name a few) as well as of war (Vietnam). Saskia Sassen reminds us that migration is an "embedded," "temporally and spatially bounded" process that crosses these kinds of "bridges" between sending and receiving

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nations. It is not, as conventional thinking suggests, a unidirectional phenomenon, in which the hapless poor of the world clamor at the gates of putatively disinterested wealthier nations.[28]

We remain blind to this insight in large part because our understanding of immigration has been powerfully influenced by nationalism. Americans want to believe that immigration to the United States proves the universality of the nation's liberal democratic principles; we resist examining the role that American world power has played in the global structures of migration. We like to believe that our immigration policy is generous, but we also resent the demands made upon us by others and we think we owe outsiders nothing.

Indeed, 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."[29] The doctrine appeared in international law in the eighteenth century and explicitly in American immigration law in the late nineteenth century when the Supreme Court established that the regulation of immigration was incident to the nation's control over foreign affairs and gave Congress plenary, or absolute, power over it.[30]

By situating regulation over immigration under the rubric of state relations, the Court presumed that migrants were agents, or potential agents, of foreign states. Referring to the undesirable Chinese in 1893, the Court explained,

> If . . . the government of the United States, through its legislative department, considers the presence of foreigners of a different race in this country . . . to be dangerous to its peace and security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation of which the foreigners are subject. The existence of war would render the necessity of the proceeding only more obvious and pressing.[31]

But are migrants really proxies for foreign troops? In truth, immigrants have historically pursued not the political interests of states but individual and family improvement. Even when politically motivated, migration is more often a matter of escape than one of conquest. Scholars and policymakers thus distinguish between economic migrants and asylum-seekers. To be sure, some nation-states have promoted, even subsidized, emigration for purposes of colonization or population and social control. In the nineteenth century, transnational migration became increasingly associated with international politics, as part of the development of a global order of competitive nation-states. States also began to assume responsibility for the safety of their nationals living abroad. Late-nineteenth-century American immigration doctrine indexed these general trends. At the same time, the Supreme Court's association of migration with foreign state interests in the Chinese exclusion cases contained a double irony, for the English had colonized the eastern

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seaboard of North America with royal charters and the Chinese had left Guangdong Province for California in violation of the imperial ban against emigration.[32]

The notion that migrants pose a potential threat of foreign invasion has become a familiar provocation in nationalist discourses. But immigrants have always been but a small percentage of the receiving country's total population, never approaching anything that could be considered an actual invasion. The association of immigration control with the state's authority to wage war reveals that sovereignty is not merely a claim to national rights but a theory of power.[33]

The centrality of sovereignty in immigration policy has had important consequences. For one, it has allowed Congress to create, as even the Supreme Court described, "rules that would be unacceptable if applied to citizens." Second, it has marginalized or erased other issues from consideration in policy formation, such as human rights and the global distribution of wealth.[34] Political theorists and other scholars have debated whether liberalism's commitment to the irreducible equal worth of all human beings can accommodate nationalism's presumed right to exclude. As K. Anthony Appiah wrote, dividing humanity into nation-states means that "all individuals in the world are obliged, whether they like it or not, to accept the political arrangements of their birthplace, however repugnant those arrangements are to their principles or ambitions—unless they can persuade somebody else to let them in."[35]

The task of this book, however, is not to resolve this foundational problem. Its more modest goal is to detach sovereignty and its master, the nation-state, from their claims of transcendence and to critique them as products of history. I do not dispute that the principle of sovereignty will continue to operate in immigration law as long as we live in a world of nation-states. But, the sovereign right to determine membership need not be unconditional. I suggest that a historical perspective might show us how sovereignty's content and relationship to other legal and moral norms are contingent—and, therefore, also subject to change.[36]

As a sociolegal history, *Impossible Subjects* proceeds from the contention that law not only reflects society but constitutes it as well, that law normalizes and naturalizes social relations and helps to "structure the most routine practices of social life."[37] I examine law and policy at three levels: in the legislative and political discourses of restriction; in judicial decisions that sought to square competing demands of sovereignty and individual rights; and in the practical articulation of the law, the everyday meanings and consequences of law that are produced by the bureaucratic state's interactions with migrants and with other social actors.

The book begins with an analysis of the regime of immigration restriction

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that emerged in the 1920s. In part I, "The Regime of Quotas and Papers," I discuss the two principal features of restriction: first, the invention and codification of new racial concepts—"national origins" and "racial ineligibility to citizenship"—and second, the articulation of a new nation-state territoritality based on border control and deportation policy. I show how, considered together, these features of restriction put European and non-European immigrant groups on different trajectories of racial formation, with different prospects for full membership in the nation.

The middle chapters of the book, in parts II and III, investigate how the regime of immigration restriction and control operated with regard to particular ethno-racial groups. I examine the experiences of Filipinos, Mexicans, Japanese, and Chinese, who variously comprised illegal aliens, alien citizens, colonial subjects, and foreign contract-workers—all liminal status categories that existed outside the normative teleology of immigration, that is, legal admission, permanent-resident status, and citizenship. I argue that the adjudication of these groups' legal status not only directly underwrote their particular social experiences but also profoundly shaped the general character of American immigration, citizenship, and the state in the twentieth century.

Part II, "Migrants at the Margins of Law and Nation," examines the role of racialized foreign labor—Filipinos and Mexicans—in the political and cultural economies of the United States West and Southwest. I argue that the region's industrial agriculture practiced a kind of "imported colonialism," which created a migratory agricultural proletariat outside the polity. Imported colonialism also challenged cultural and political norms across a broad spectrum, from the proprieties of interracial sex to nation-bounded definitions of the working class.

Part III, "War, Nationalism, and Alien Citizenship," considers the trajectory of Asian Americans' citizenship during World War II and the Cold War, when Japanese American and Chinese American citizenship experienced numerous shifts according to shifting exigencies of United States foreign policy in East Asia. In these chapters I examine the wartime internment of Japanese Americans and the postwar resolution of arguably the most important legacy of Chinese exclusion, the "paper son" problem (citizenship based on fraudulent claims). I argue that these were crucibles in which Asiatic alien citizenship was first reproduced and then later resolved under conditions of coercive assimilation and nationalism.

Part IV, "Pluralism and Nationalism in Post–World War II Immigration Reform," analyzes the movement to reform immigration policy from the end of World War II to 1965, when Congress passed the Hart-Celler Act. Here I examine how that celebrated reform of immigration law both changed *and* sustained the regime of immigration restriction. I complicate the conventional view that the Hart-Celler Act was a liberal reform by placing the pluralist politics of reform in the context of post–World War II geopolitical

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and economic nationalisms. I show how the 1965 reforms invariably reproduced—at ever higher levels—illegal immigration and made it the central problem that has preoccupied American immigration policy throughout the late twentieth century and into the twenty-first.

The interactions, conflicts, and negotiations between migrants, the state, and society that animate the history in this book, I argue, are integral to the historical processes that define and redefine the nation. I do not believe that immigrants are external to the nation but that, as Homi Bhabha wrote, "the migrants, the minorities, the diasporic come to change the history of the nation."[38]

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