

society, although equally rigorous empirical work in support of deterrence is curiously absent. In addition, logical and empirical criticisms of labeling theory are hard to find, yet Melossi quickly follows his summary of control theory with a raft of criticisms. On that note, he probably exaggerates the extent to which control theorists express “antipathy, even contempt” (p. 209) for their object of analysis or the extent to which these theories have influenced punitive policies. The didactic value of the book might have been enhanced by more evenhanded criticisms of the respective theories. In the end, however, these limitations hardly detract from what is an undeniably impressive piece of scholarship.

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Deportation Nation: Outsiders in American History. By Daniel Kanstroom. Cambridge, MA: Harvard University Press, 2007. Pp. 352. \$47.50 cloth.

Review by David Manuel Hernández, UCLA

Daniel Kanstroom’s *Deportation Nation* is a timely historical text that provides a context and framework to the existing campaigns of stepped-up federal and local immigration enforcement as well as for the Obama administration’s plans for comprehensive immigration reform. Whereas other migration scholars such as Ngai, Johnson, and De Genova have critically explicated the federal government’s role in generating decades of undocumented migration flows, Kanstroom provides a convincing correlate—the centuries-long consolidation of sovereign authority via immigration control and enforcement. According to the author, “Deportation is the ever-present companion to the nation of immigrants. It was always there” (p. ix).

Deportation Nation explores the authority to exclude and deport as a critical site of state power. “It is a history of the assertion, development, and refinement of centralized, well-focused, and often quite harsh government power subject to minimal judicial oversight” (p. x). The volume’s thorough historical frame underscores both the deep roots of this government authority and the massive scale of those vulnerable to it. Any noncitizen, for a variety of reasons, can become deportable. Because immigrants are apprehended by federal authorities via workplace raids, federal investigations, tips from the public, and contact with local law enforcement, or even for applying to adjust one’s status, deportation practices have fashioned a disastrous civic no-contact zone, in which tens of millions of persons are urged *not* to engage with civic society.

Kanstrom presents dual models of immigration enforcement, challenging readers to think of deportation beyond the process of removal from the United States. The core model is “extended border control,” which “implements the basic features of sovereign power” (p. 5): regulation of entry and exit of citizens and noncitizens, apprehension and removal at the border, and policing those who violate the conditions of their entry, such as violating a student visa. Extended border control is the most common form of deportation and underscores the contractual nature of foreign entry into the United States. Second, Kanstrom states that “post-entry social control”—which entails violations in criminal and political conduct, often without a time limit and unrelated to visas or admission—creates a form of “eternal probation” for noncitizens (p. 6). Post-entry social control suggests a long-term policing strategy, long after migration, often leading to family and community dissolution, workplace interruption, and the stigma of banishment.

Interestingly, Kanstrom examines these two models of deportation by looking to the century prior to the federal consolidation of the immigration authority that occurred via the regulation and exclusion of Chinese laborers. Probing what legal scholar Gerald Neuman has termed the “lost century of American immigration law (1776–1875)” (Neuman 1993:1833), Kanstrom details how the exclusion and removal of poor persons from local colonial communities, the federal Indian removal programs, the capture and return of fugitive slaves, and the restrictions on free blacks “foreshadowed the federal deportation system” (p. 22). In this era, the states and territories, local municipalities, and armed mobs excluded and removed persons deemed outsiders according to local policy or extralegal means.

“Legal exclusion begat violent expulsion” in the form of “racial vigilantism” (p. 110), writes Kanstrom, underscoring the dominant and persistent role of racial antagonism in U.S. forms of xenophobia and nativism, including the blurry intersections of racism and anti-poor class warfare. *Deportation Nation’s* analysis thus sustains the “critical linkage among deportation, race, and ethnicity” (pp. 2–3) in the removal process’s genesis as well as after the formal consolidation of the federal authority. Kanstrom explores such animosities in the government’s federal branches, including the “truly remarkable display of ignorance and racism” of various levels of the courts (pp. 98–100). Ultimately, as Kanstrom’s history demonstrates, deportation was built on the foundation of previous racial animosities against Native Americans and blacks. It would then crystallize under Chinese exclusion, and modernize in the twentieth century through nationwide campaigns targeted at Mexicans.

Although *Deportation Nation’s* chapters derive from previous law review articles and anthology chapters, the text is very focused

and woven together with few seams. Kanstroom provides two mid-twentieth-century illustrative case studies of elaborate criminal and labor deportation efforts in the cases of Italian mobster Carlos Marcelo and radical labor leader Harry Bridges. It is here where Kanstroom presents the many prosecutorial advantages of the government in deportation matters. When at a disadvantage—often due to intragovernment turmoil or power struggle—the authorities change the rules of the game, using new laws retroactively, and in the case of Marcelo, it used what Kanstroom colorfully characterizes to be “quasi-legal skullduggery” (p. 167). Relating the government’s decades-long unsuccessful attempt to deport Bridges, Kanstroom notes: “Stripped to its essentials, it was a prolonged struggle over the idea that noncitizens, no matter their status or length of residence, could be deported for ‘subversive’ thoughts and association” (pp. 186–7). Such high-profile cases also underscore the various legal strategies at carving out rights for deportees against the astonishing power of the federal government.

Deportation Nation is a critical history of the complex and contested authority to deport persons from the United States. It traces this authority from its colonial and antebellum roots to the construction of national borders, and to the movement of this authority to the interior of the nation. It engages intricately with discourses of nationalism and sovereignty, immigration and citizenship, and law enforcement and constitutional rights. Critically, *Deportation Nation* identifies a large body of people in the United States—tens of millions of noncitizens—who are distinguished by their lack of rights and the deleterious effects of this status. Whereas Kanstroom offers no antidote to the inequities of the deportation system—what he calls the “extraconstitutional status of the whole enterprise” (p. 228)—he urges more empathy—prefiguring the (Justice Sonia) Sotomayor Supreme Court hearings—from law makers and the courts. He writes, “The rights of noncitizens, in sum, should be clearer and grounded more in mainstream constitutional norms, more in their humanity than in their immigration status” (p. 18).

Reference

- Neuman, Gerald L. (1993) “The Lost Century of American Immigration Law (1776–1875),” 93 *Columbia Law Rev.* 1833.