

IMMIGRATION AND AMERICA'S GOLDEN DOOR

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Roger Daniels. *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882.* New York: Hill and Wang, 2004. 352 pp. Notes and index. \$30.00.

In *Guarding the Golden Door*, historian Roger Daniels begins with an emphatic call for historians to pay attention to immigration and immigration policy. The migration of foreign peoples to the United States has been one of the most significant transformative processes in American history. Foreign immigration was vital to the successful establishment of the American colonies, and Daniels notes that every president from George Washington to John Tyler understood that continued immigration was “vital for the health of the nation” (p. 6). Between 1860 and 1920, about one in seven Americans was foreign-born. In 1890 and again in 1910, 14.7 percent of the total population in the United States was foreign-born, a rate that has still not been surpassed. The American response to immigration, including the contemporary ambivalent, “dualistic” attitudes that Americans have developed toward immigration—celebrating the nation’s immigrant heritage while “rejecting much of its immigrant present”—has been an equally significant force in American history (p. 8). American nativisms, what Daniels broadly defines as general opposition to immigration or the amount of immigration, have inspired the passage of new laws, contributed to the development of the American state, and have affected both foreign and domestic relations. Despite the continuity of immigration in American history and its subsequent effects on every sector of American life, Daniels charges that the space allotted to the topics of immigration and immigration policy is “both cursory and spasmodic” in most textbooks (p. 6).

Guarding the Golden Door is both an introductory survey of immigration policy and a masterful assessment of the state of the field by one of its founders. Daniels notes that he has been engaged in the writing of this book for nearly two decades (p. ix). And indeed, any scholar writing on immigration law has owed a debt to Daniels for quite some time for his path-breaking and prodigious research and writing in immigration generally and in Asian American history more specifically. His first book, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion*

(1962) remains the only monograph on the subject. His numerous books on the incarceration of Japanese Americans during World War Two, which include *Concentration Camps, USA: Japanese Americans and World War Two* (1971), as well as his related political work were an integral part of the Japanese American redress movement during the 1980s.

In *Guarding the Golden Door*, Daniels chronicles the history of American immigration policy in a way that provides a much-needed perspective on both the continuities and changes in the United States' efforts to regulate immigration. This is also a very timely book. Most historical scholarship on immigration law focuses on a specific set of laws or time frame, while neglecting the long *durée* that Daniels provides. Although Daniels does not offer a clear argument in every chapter, his perspective on American immigration policy is evident: the United States has passed inconsistent, illogical immigration laws, often rooted in racism and ethnocentrism; these laws have been cumbersome and sometimes impossible to enforce; and they have resulted in a range of unforeseen consequences. Daniels also describes American opposition to immigration in terms of continuity. The charges that immigrants have bad habits, are clannish, and are going to take over the United States are "typical" complaints "irrespective of time and place," Daniels argues. "The targets have changed, but the complaints remain largely the same. Their gravamen is simply this: they are not like us" (p. 8).

Guarding the Golden Door is organized into two large sections. Part One, "The Golden Door Closes and Opens, 1882–1965" explains the beginning of immigration restriction in 1882 with the passage of the Chinese Exclusion Act and describes the expansion of immigration restriction to other Asian immigrants and southern and eastern Europeans through a rigid and discriminatory quota system based on national origins. It then demonstrates why and how the barriers to immigration began to drop during World War Two, including for those fleeing persecution and follows the international and domestic factors during the Cold War that finally led to the abolition of the quota system and the passage of the 1965 Immigration Act.

In chapter one, "The Beginnings of Immigration Restriction, 1882–1917," Daniels clearly identifies the 1882 Chinese Exclusion Act as the indisputable origins for modern American immigration policy. "In the beginning Congress created the Chinese Exclusion Act," Daniels writes sardonically (p. 3). This law, which prohibited the admission of Chinese laborers and allowed for only a few select classes of Chinese to be admitted into the country, was the first federal law to explicitly restrict immigration on the basis of race and class. While earlier immigration historians' focus on European immigration caused them to discount the restrictions on Asian immigrants as "tangential" to the larger narrative of immigration policy, Daniels emphatically declares that the Chinese Exclusion Act "marked the moment when the golden doorway of

admission to the United States began to narrow and initiated a thirty-nine year period of successive exclusion of certain kinds of immigrants" (p. 3). For Daniels, whose critique of American immigration policy is made abundantly clear throughout the book, this law is a significant in its embodiment of other enduring themes. "Like much of what Congress has done about immigration since then, [the Chinese Exclusion Act] was conceived in ignorance, was falsely presented to the public, and had consequences undreamt of by its creators" (p. 3). Drawing on recent scholarship examining the consequences of the Chinese exclusion laws, Daniels further explains that the act impacted not only the lives of Chinese Americans, but also helped to define and aid in the centralization of the immigration service of the United States. The racism within the service and the discrimination apparent in the enforcement of the Chinese exclusion laws resulted in the creation of a federal agency "unlike most other federal bureaucracies," Daniels explains (p. 26). While the Department of Agriculture, Daniels argues, spoke for farmers, the immigration service "lobbied against the interests of legal immigrants, especially those of color and those who seemed to them, un-American" (p. 26).

In chapter two, "The Triumph of the Old Nativism," Daniels describes the range of new immigration regulation that was passed once the Chinese Exclusion Act had provided the country with a model for immigration regulation. Convicts, lunatics, idiots, paupers, persons likely to become public charges, contract laborers, and polygamists were all prohibited from entering the United States by 1891. Opposition to immigration was spearheaded by the Immigration Restriction League, led by Boston-based elites who dedicated themselves to saving "the nation by preventing any further inroads on Anglo-Saxon America by strangers" (p. 31). The League's attempts to lobby Congress into excluding illiterate immigrants was finally successful in 1917 after several years of struggle. Daniels is careful to note that significant immigration restrictions also came into being through diplomatic agreements (the 1907-1908 Gentlemen's Agreement with Japan which prohibited Japanese laborers) and in relation to the annexation of new territories, such as Hawaii and the Philippines (the exclusion of Asian immigrants both to these new territories and from the territories to the U.S. mainland). By the 1920s, the nativistic mood in the United States was so great that Daniels explains, the debate "was never a question of whether immigration should be restricted further, but rather, how severely and in what additional ways immigration should be curtailed" (p. 50). The 1924 Act, which established immigration quotas based on national origin, privileged immigration from northern and western Europe, while severely curtailing the immigration from southern and eastern Europe and perfecting the exclusion of Asians. This "blatantly racist immigration law," Daniels explains, continued "old injustices and created new ones which endured for decades" (p. 56).

There was “no new deal for immigration,” Daniels argues in chapter three. While the federal government under President Franklin Roosevelt created new programs to assist the poor and unemployed, there was no attempt to change American immigration policy, even to accommodate Jewish refugees fleeing Nazi Europe. The numbers of new immigrants greatly decreased, but at the same time, new immigration “problems,” notably involving Mexicans and Filipinos, increased. Formal and informal repatriation programs sent around half a million Mexicans out of the United States; around 2,000 Filipinos voluntarily returned to the Philippines. The 1934 Tydings-McDuffie Act barred further Filipino immigration by granting independence to the Philippines and placing the country under the national origins quota system. Daniels reserves his most scathing critique of American immigration policy during this period for the country’s failure to aid Jewish refugees. State Department officials consistently hampered Jewish refugees’ efforts to gain asylum in the United States. The 1939 refusal to admit refugee passengers on board the ship *St. Louis* is the most appalling example. While he admits that the United States probably would not have been able to save all or most of the Jews of Europe simply by changing its immigration policy, Daniels writes that “many thousands could have been saved by a more resolute policy” (p. 80).

World War Two ushered in some significant changes in immigration policy, but—as Daniels makes clear in chapter four—“despite these non-inconsiderable liberalizations, American immigration law continued to be racist and discriminatory” (p. 97). The dualistic character of wartime immigration policy can be seen in the mixed treatment of Asian immigrants and Asian Americans, in the slight changes in refugee policy, and in the institutionalization of the Bracero Program of Mexican laborers. The repeal of Chinese exclusion was passed as part of a wartime effort to shore up China’s support during the war, but repeal did not translate into open doors for Chinese immigration. Instead, the number of Chinese immigrants allowed into the country was determined by the national origins quota system under the 1924 Act, and just over one hundred people were allowed in each year. Similar provisions were made for the Philippines and India, and the barriers prohibiting Chinese, Filipino, and Indian immigrants from becoming naturalized citizens were lifted. At the same time, the incarceration of more than 120,000 Japanese Americans was justified as a “military necessity.” In an effort to maintain hemispheric security, the United States also encouraged many Latin American nations to deport its German, Japanese, and Italian populations, with many of them brought into the United States and detained in INS internment camps. The wartime Bracero Program brought in 225,000 “temporary” Mexican workers to ameliorate the labor shortage, mostly in Southwestern agriculture. Based on careful bi-national negotiations between Mexico and the United States, the program was supposed to insure decent treatment and fair wages for the

workers, but abuse and corruption were endemic, and the program was greatly manipulated to benefit organized American agriculture rather than Mexican workers.

The dualistic, or "paradoxical" nature of World War Two immigration policy continued into the Cold War period. Daniels argues that the combination of "nativist and liberalizing elements reflected the subordination of immigration policy to foreign policy" (p. 113). The 1952 McCarran-Walter Immigration Act reflects these trends most clearly. It maintained the discriminatory national origins quota system, made deportation easier, extended the range of the Border Patrol on the U.S.-Mexican border, and adopted anti-subversive provisions meant to increase internal security. But the law also contained some significant liberalizing changes. It established a preference system that privileged highly skilled immigrants and relatives of U.S. citizens and permanent resident aliens. It also ended all prohibitions on the naturalization of Asian immigrants.

The liberalizing trend in immigration law begun during World War Two reached a high mark with the 1965 Immigration Act. The impact of the Cold War and Civil Rights Movement on immigration policy was unmistakable. The U.S. desire to be seen as a beacon of freedom and democracy in the world was so tarnished by the racism institutionalized in its laws that lawmakers were eager to reform the old system. President John F. Kennedy's support for immigration reform prior to his assassination and President Lyndon B. Johnson's new support for immigration reform were also significant factors. But as many historians have made clear, the intent of the 1965 Act was to rectify the wrongs done to those from southern and eastern Europe and maintain traditional (European) patterns of immigration. Supporters of the bill consistently emphasized that the change in immigration law would not open up the "flood gates" to Asia, Latin America, or Africa, and President Johnson himself proclaimed that the immigration law was "not a revolutionary bill" (p. 135). The new law abolished the national quotas and origins system and replaced it with overall hemisphere limits and country limits. Preference categories privileging highly skilled immigrants and relatives of U.S. citizens and resident aliens already in the United States were strengthened. A separate system that set aside a specific number of visas for refugees was also established.

To describe the 1965 Act as having unintentional consequences is an understatement. Daniels writes that the act "turned traditional immigration patterns to the United States upside down" by drawing record numbers of immigrants from Asia and Latin America. In 1999, 70 percent of all immigrants admitted into the country were either from Asia or Latin America, and chapters eight and nine focus on the immigration patterns of these two groups (p. 149). (Daniels curiously titles these chapters "Immigrants From

Other Worlds," which unnecessarily marks these immigrants as different and ignores the long-standing presence of both groups in the United States, a fact that Daniels himself has made so clear in this and many of his other writings.)

The second half of *Guarding the Golden Door* focuses on "Changing Patterns in a Changing World, 1965–2001" and emphasizes two main themes: new immigration patterns, including those of refugees, and the related contemporary debate over immigration and immigration policy. Daniels's attention to the development of American refugee law is among the most helpful and original sections of the book. Refugee policy is often treated as separate and distinct from immigration law, and Daniels's treatment of the two together allows readers to understand the similar and interconnected ways in which they developed historically. While the United States had no comprehensive wartime refugee policy (and in fact went to some length to obstruct the admission of refugees), some liberalization in the laws began during the war and most notably after the war and during the Cold War. In 1944, President Franklin Roosevelt allowed two token groups of European refugees (almost one thousand, mostly Jewish) into the United States, thereby setting an important precedent for presidential parole authority over American refugee policy. In 1945, President Harry Truman attempted to respond to the refugee crisis involving millions of displaced Europeans through a directive outlining the admission of refugees above and beyond the quota system. The 1948 Displaced Persons Act strengthened the U.S. commitment to refugees and established an innovative program allowing voluntary agencies to oversee refugee resettlement on a case-by-case basis. Under the Displaced Persons Acts, Daniels notes that "refugee immigration became a major factor in American immigration" (p. 112). Four hundred thousand refugees were admitted between 1949 and 1952, representing nearly half of the nine hundred thousand legal immigrants who entered during those same years. Equally important, the transfer of responsibility for resettling refugees to voluntary agencies and the religious and ethnic organizations that had created them gave them an unprecedented role in immigration policy and control over immigrants and refugees already in the United States, a role that continues today.

In chapter ten, Daniels describes the admission of Cubans, Haitians, and Southeast Asians and pays careful attention to the inequalities inherent in the system as well as the overarching impact of foreign policy on refugee admissions. Various programs admitting nine hundred thousand Cuban refugees "are the longest lasting in American history and the most generous in terms of support," Daniels explains, due to the U.S. government's long-standing anti-Castro policy (p. 193). The treatment of Haitian refugees, in contrast, has been notably discriminatory. Both Republican and Democratic administrations have consistently rejected Haitian asylum requests on the

basis that Haitians were economic refugees rather than political refugees. Daniels notes wryly, that had the "right-wing tyrants" ruling Haiti during the 1980s been communists, "surely the American government would have been more sympathetic" (p. 213). During the 1980s, 581,000 Southeast Asians were admitted into the United States as refugees from the Vietnam War. Unlike the detailed description of refugee policies and resettlement programs concerning Cubans in this volume, the sections on Southeast Asian refugees are paltry, especially considering the impact they had on the passage of the 1980 Refugee Act, a law that attempted to centralize admission and resettlement of refugees.

Daniels's analysis of contemporary immigration policy and the debate over immigration, including changes in immigration regulation after the terrorist attacks of September 11, 2001, is comprehensive and authoritative. He reviews major legislation, including the 1986 Immigration Reform and Control Act (IRCA), which he describes as a "schizoid measure reflecting the deep divisions in Congress over immigration policy"; the Immigration Act of 1990; the 1994 Violent Crime Control and Law Enforcement Act; California's Proposition 187 (passed in 1994, ruled unconstitutional in 1999) that made illegal immigrants ineligible for public social services, health care, and public school; and the 1996 Personal Responsibility and Work Opportunity Reconciliation Act, "one of the most mean-spirited acts passed by a modern American Congress," which among many things, restricted eligibility of legal immigrants from receiving food stamps and social security income and increased border enforcement along the U.S-Mexico border (pp. 225, 246). As Daniels makes clear, these and other smaller statutes represent the turn against post-1965 immigration. They were "designed to place limits on immigration or to make life more difficult for unnaturalized legal immigrants already present in the United States" (p. 237).

The first few months of President George W. Bush's presidency represented a brief trend towards liberalization in immigration policy. Discussions of an amnesty program for illegal immigrants from Mexico were made public, and the president explicitly stated that legal immigrants should be "greeted with open arms" (p. 263). The terrorist attacks of September 11, 2001 dramatically changed immigration regulation. The INS was abolished, and all immigration services and border enforcement were folded into the new Department of Homeland Security in March 2003. Though not thoroughly addressed by Daniels, administrative policies under Attorney General John Ashcroft have also dramatically increased surveillance of immigrants already in the country and both refugee and legal immigration into the United States has slowed.

With such a long chronological focus, Roger Daniels's *Guarding the Golden Door* is an ambitious survey of American immigration policy. Daniels points out important continuities that support his larger critique of immigration law.

Daniels notes, for example, that the sanctions on employers who hired contract laborers written into the 1885 Foran Act had numerous exceptions and were hard to enforce, a pattern that “continues to be the case with employer sanctions” in contemporary policies (pp. 28–9). He also observes that following in the footsteps of President McKinley in 1897, all later Republican presidents until Nixon appointed labor leaders as Commissioner-General of Immigration or Secretary of Labor, an office that headed the immigration service for many years (p. 35).

Daniels's irreverent writing style also makes for refreshing reading. He describes most of those who have served as Commissioners-General of Immigration as “time-serving hacks” (p. 35). In his discussion on the rise of illegal immigration following the 1965 Act, Daniels criticizes the government's methodology used to collect data on the number of illegal immigrants crossing the U.S.-Mexico border. “Rather than methodology,” he writes, “I would call it BOPSTAT—the acronym for ‘a bunch of people sitting around a table’—which is what happens when a group of ‘experts’ discuss a problem and give an answer that is essentially the average of their educated—or some cases uneducated—guesses” (p. 140). Personal anecdotes appear at the bottom of some pages, including a recounting of Daniels's own struggle with immigration bureaucracy while traveling to Canada (p. 201).

He also provides much interesting and intriguing comparative data. In his discussion of the 1917 literacy test, Daniels notes that the first nation to pass a similar measure was the British colony of Natal in southern Africa, which required that all immigrants have knowledge of a European language beginning in 1897. The measure was aimed at preventing immigration from India (p. 33). Australia's 1901 “white Australia” policy was even more discriminatory. It made it easier for the government to exclude non-whites and European radicals through a literacy test that allowed immigration officials to choose the language or languages in which the immigrants might be examined (p. 33). With this comparative perspective, Daniels places U.S. immigration laws in a larger, global context.

What is sorely missing in this volume is an introduction and conclusion. *Guarding the Golden Door* is rich with details, statistics, and the author's own unique viewpoint. The book is exemplary as it stands, but without introductory and concluding comments that tie together the overarching themes, continuities, and changes in American immigration policy, readers miss out from learning even more from this recognized founding expert in the field.

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