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Nationalism and Immigration to the United States

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Instead of noninterference and specialization, there must be interference, crossing of borders and obstacles, a determined attempt to generalize exactly at those points where generalizations seem impossible to make.

—Said (157)

American political scientists, sociologists, and immigrant rights advocates have often viewed the current anti-immigrant frenzy in the United States as a response to the country's economic condition. Echoing the economism of the restrictionists, they have argued that the present hostility toward "aliens" is an ephemeral and cyclical reaction to the nation's swelled unemployment rolls and economic slump. These observers cite the juxtaposition of periods of receptivity with periods of exclusion as empirical evidence—e.g., the "open door" era of 1776–1881 before the era of regulation of 1882–1924 or the post–World War II admission of political refugees prior to the 1954 "Operation Wetback," which sanctioned the mass deportation of Mexican farm workers. These and other historical cases are used to demonstrate the split pattern of welcoming immigrants when they are needed and turning against them when times are hard. The conventional liberal wisdom about the public reaction to immigration is, "When things are going well and there's a shortage of labor, people either look the other way or are actively supportive of bringing cheaper labor into the United States. But when jobs are tight, and the cost of supporting people goes up, then we suddenly redo the calculus."²

While such an economic view of anti-immigration consensus loosely corresponds to popular assumptions, it fails to address the role of immigration as both a necessary mechanism of social control in the formation of the state apparatus and an essential cultural contribution to the formation of national identity. In this article, I will argue that there has emerged around immigration in America a cultural discourse through which the nation imagines itself and a field of sociopolitical practices wherein and whereby the state exercises its disciplinary power. Located at the interstices of

national consciousness and state apparatus, *immigration makes the ambivalent concept of the "nation-state" imaginable in America*: while the figure of the "alien" provides the differential signifier through which the nation defines itself as an autonomous community, the juridical and administrative regulations of immigration construe the collective sovereignty of the modern state. These polar forces of identification and regulation solidify an ambivalent form of national consciousness that bridges the split between the nation and the state with its cyclical history of tolerance and exclusion. I use the word "ambivalent," as opposed to "contradictory," to suggest a form of opposition that is not unified and does not maintain an undifferentiated state. Whereas "contradiction" implies an imaginary unity and the idea that opposite forms of consciousness arise out of each other to form a more inclusive totality, the notion of "ambivalence" suggests an irreconcilable and unending debate between competing notions of identity. To unpack the ambivalent structure of American nationalism, it is necessary to consider both the social history of "nativism" and the legal history of immigration law in the United States.

Forgetful Founders and the Imagining of a Nation

In the seventh of his papers, entitled "Examination of Jefferson's Message to Congress of December 7th, 1801," Alexander Hamilton, a West Indian by birth, wrote,

The message of the President contains the following sentiments: "A denial of citizenship under a residence of fourteen years, is a denial to a great proportion of those who ask it,³ and controls a policy pursued from their first settlement, by many of these States, and *still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress, that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? Might not the general character and capabilities of a citizen, be safely communicated to every one manifesting a bona-fide purpose of embarking his life and fortune permanently with us?*" (Grant and Davidson 45–7)

Hamilton then comments,

The pathetic and plaintive exclamations by which the sentiment is enforced might be liable to much criticism, if we are to consider it in any other light than as a flourish of rhetoric. It might be asked in return, Does the right to *asylum or hos-*

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pitality carry with it the right to *suffrage and sovereignty*? And what, indeed, was the courteous reception which was given to our forefathers by the savages of the wilderness? When did these humane and philanthropic savages exercise the policy of incorporating strangers among themselves on their first arrival in this country? When did they admit them into their huts, to make part of their families? And when did they distinguish them by making them their sachems? Our histories and traditions have been more than apocryphal, if any thing like this kind and gentle treatment was really lavished by the much-belied savages upon our thankless forefathers. But the remark obtrudes itself. Had it all been true, prudence requires us to trace the history further and ask what has become of the nations of savages who exercised this policy, and who now occupies the territory which they then inhabited? Perhaps a lesson is here taught which ought not to be despised. (45–7)

I have quoted Hamilton's text at length because it offers a prototypical example of the country's ambivalence toward immigrants: on the one hand is Jefferson's powerful myth of America as an asylum for immigrant masses who come here in search of liberty, freedom, and opportunity; on the other hand is Hamilton's equally potent fear of foreigners corrupting and invading the polity. The "Grecian horse," as Hamilton called new immigrants (Grant and Davidson 41), would destroy the polity through what another founding father, John Adams, called their "insidious intrigues and pestilent influence"(13)⁴ Contradictory though they may seem, these founding myths share a common repressive mechanism. What is absent in both Jefferson's and Hamilton's references to the founding of the nation is the genocide of Native Americans by the English forefathers of these founders. While Jefferson consigns to oblivion the brutality of the English forefathers toward the country's indigenous people (to posit the myth of America as an asylum, hospitable to "the unhappy fugitives from distress"), Hamilton undermines the violence of the colonial encounter by reading the forefathers' usurpation of the land from Native Americans as a salutary example of European superiority—a celebration also forgetful of the immigrant status of pilgrims. This allows the benevolent President to rationalize as hospitality the colonial interest of early settlers in immigrants as the means to claim land and expand capital, while helping the reactionary politician to make a case for his anti-immigrant stance. "Forgetting," as Ernest Renan remarked, "is a crucial factor in the creation of a nation," and "unity is always effected by means of brutality," which is often repressed in the official national history (Bhabha 11).

The repressed history of colonial America is a crucial component of American nationalism, in keeping with Renan's notion of nation-building as an act of forgetting: the nation does not remember its violent beginning, so as to fashion itself and define a homogeneous community. Repressed in both narratives is the uprooting of communities—in one case the Native Americans', and in another the European immigrants'.⁵ Displacement is the precondition for the formation of national consciousness in the United States. Uprooted from their national communities, "pilgrims" brutally displaced Native Americans in order to build a nation and create a sense of nationalism that would unite diverse and disparate communities. And yet, in the nation's historical memory, or its foundational myth, Europeans' experiences of exile and violence in establishing their polity are always absent or undermined. In short, exile and displacement are not the opposite of nationalism, but the necessary prerequisite to imagining a national community in America.

More crucial in the context of my argument in this essay, however, is the way in which the debate between Hamilton and Jefferson exposes the ambivalent formation of nationalist sentiment in the United States. Scholars of American history have often argued that American polity legitimizes ambiguity and "embraces contradictory values" (Lipset and Raab 20). The notion of ambivalence I am positing here, however, is neither about ambiguity nor about contradiction, but instead implies a *productive difference* between competing notions of national identity. Jefferson's and Hamilton's different views of immigration are not contradictory. Rather, they are two ways of working out a desire to imagine a national identity and a nation-state through an act of forgetting; they are irreconcilable, yet equally urgent, responses to the same political desire. The difference they express is symptomatic of an ambivalent form of national consciousness at once insecure and confident, vigilant and inattentive toward the fact of its immigrant formation. Hamilton's and Jefferson's remarks are founding examples of the competing discourses of nationalism in the United States—that is, the country as a refuge for displaced masses versus the nation as a homogeneously Anglo-Saxon and Protestant community—and constitute an ambivalent nationalism that simultaneously acknowledges the nation's immigrant formation and ethnic heterogeneity and disavows them. The insurmountable difference between America as an immigrant heaven and America as a "pure" nation is a function of what these opposing myths repress, a repression that demands their repetition as new historical and social crises appear. To unpack the ideological functions of this "neurotic" compulsion to repeat, a discussion of the two poles of American nationalism is in order.

Nativism, Humanitarianism, and the Alien

On the one hand, as Hans Kohn remarked, “The character of the United States as a land with open gateways, a nation of many nations, became as important for American nationalism as its identification with the idea of individual liberty and its federal character” (135). Jefferson’s and George Washington’s notion of America as an asylum for the oppressed and needy of the globe has been consistently interpreted as one of the nation’s most important founding myths, and as such has been repeated throughout the country’s political and social history.⁶ Beginning with J. Hector St. John de Crèvecoeur’s glorification of America as an “every person’s country” in 1782, through the celebration of the country as a heterogeneous community in the poetry of Ralph Waldo Emerson, Emma Lazarus, and Walt Whitman in the nineteenth century, to the more recent claims of twentieth-century scholars such as Louis Adamic, Milton Gordon, Oscar Handlin, and Hans Kohn, every generation has repeated and thus perpetuated the founding myth. Even Ronald Reagan, whose administration eased the passage of the Immigration Reform and Control Act of 1986, polemically asked in his nomination speech in 1980, “Can we doubt that only a Divine Providence placed this land, this island of freedom here as a refuge for all those people in the world who yearn to breathe freely, Jews and Christians enduring persecution behind the Iron Curtain, the boat people of Southeast Asia, of Cuba and Haiti, victims of drought and famine in Africa.”⁷ There is no doubt that, at least until the late-nineteenth century, the United States was mostly hospitable toward newcomers and maintained an open-door immigration policy.

And yet, the lenient attitude towards immigration in the nineteenth century, once transformed into a national myth for and by subsequent generations, becomes forgetful of the historical context of its formation. What the myth of the nation as a refuge for the oppressed of all nations represses is that, until very recently, “it was applied only to whites from Europe” and “was driven primarily by capital seeking labor in pursuit of wealth and by the desire to clear Indians from their own lands” (Fuchs 40). Latent in Jefferson’s benevolence toward immigrants is a colonialist will to appropriate the land and a capitalist desire for expansion. Indeed, it is worth noting that the debate among the founding fathers about immigration did not revolve around the issue of human rights (or the “needy”) but focused instead on the advantages and disadvantages of immigration as a solution to the new nation’s need for labor. For instance, did the advantages of naturalizing immigrant mechanics, professionals, and farmers outweigh the disadvantages their cultural and political differences would bring?

Not only does the myth of America as an asylum mask the ideological underpinnings and political context of America's production, it also represses the fact of nativism in defining the nation. I will return to the history of nativism below, but for the moment I will only note that even Jefferson, who carried the banner of pro-immigration, spoke disparagingly about the immigrant "mobs of great cities" in the East and against "German settlements" in the Midwest for preserving "their own languages, habits, and principles of government" (Grant and Davidson 62, 70).⁸ The notion of cultural and political assimilation always underlies the myth of the immigrant-loving nation, as newcomers are expected to lose their old national "skins" in order to become Americans. As John Quincy Adams bluntly put it, "They [immigrants to America] come to a life of independence, but to a life of labor—and, if they cannot accommodate themselves to the character, moral, political and physical, of this country with all its compensating balances of good and evil, the Atlantic is always open to them to return to the land of their nativity and their fathers. . . . They must cast off the European skin, never to resume it" (qtd. in Gordon 268). Repressed in the myth of asylum is the notion of ethnic diversity and difference. As Lawrence Fuchs observes, "It was not until well into the twentieth century that 'melting pot' implied ethnic diversity" (Fuchs 40). To be accepted as immigrants, newcomers had to forsake their ethnicity and relinquish their political, and even cultural, differences.

What the assimilationist exclusion of enduring diversity and difference suggests is that nativism is not contradictory to the nation's myth of asylum, but a repressed component of its formation. As histories of American nativism have demonstrated, the nation's benign image of itself as a haven for the "oppressed and persecuted of all Nations and Religions," to quote Washington, has always coexisted with intolerance and racism toward new immigrants. In his compelling social history of American nativism, *Strangers in the Land*, John Higham locates three main currents in America's anti-foreign consensus: anti-Catholicism as the product of the Reformation; anti-radicalism as the fearful effect of the French Revolution; and racial nationalism as the ideology of Anglo-Saxon racial superiority. The early English colonizers' heritage of anti-Catholicism, nourished by their struggle against the two hostile Catholic empires of France and Spain, contributed greatly to emerging national consciousness in America. Mostly latent until the arrival of large numbers of German and Irish Catholic immigrants in the 1850s, anti-Catholicism constitutes, according to Higham, the oldest and most powerful anti-foreign tradition in America, a tradition that transforms the patriotic tinge of the Protestant revolt into a new form of nativist nationalism in the New World. An equally important European event, the French

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Revolution, worked to produce a second nativist tradition in the late eighteenth century: anti-radicalism. In this tradition, claims about Europeans' "disloyalty" and penchant for revolution helped produce a national form of identification that viewed opposition to the status quo as profoundly "un-American." Finally, essentialist claims about the racial superiority of the Anglo-Saxon race offered a third current to define American nationality. While the first two currents used differential frames to identify the nation—America as anti-Catholic and anti-radical—the latter theme in the history of American nativism introduced a mimetic form of national identification: the appeal to one's racial origin in imagining a nation. Benjamin Franklin, to cite an example, asked, "Why increase the sons of Africa by planting them in America, where we have so fair an opportunity, by excluding all blacks and tawnies, of increasing the lovely white and red?" (Grant and Davidson 26–27). Informed later by the racial nationalism of such intellectuals as Sharon Turner, Horace Bushnell, and Frederick Saunders, this current of nativism claimed the Anglo-Saxon "race" as the source of America's greatness and demanded protection against the mixed tide of immigration.

Schematic though Higham's narrative may be, it offers a useful historical view into the ideological underpinnings of America's nationalist consciousness and its differential effects on anti-immigrant penchant. The nativist traditions his narrative posits contravene the cyclical hypothesis by demonstrating the prevalence of anti-foreign sentiment since the very beginning of national formation. The periodic re-appearances of these currents, cyclical though they may appear, do not constitute a linear nationalism, but rather a complex process of identification in which every upthrust of nativist tendency makes a distinct mark on how America imagines itself. The movement, in other words, is never static nor cyclical, but maintains a dynamic function through which the nation constantly reimagines itself and by which social and political crises are contained.

Higham's narrative offers a persuasive thesis about the interdependence of American nationalism and the rise of nativism, defined broadly here as an "intense opposition to an internal minority on the ground of its foreign (i.e., 'un-American') connection" (4). But the ambivalent movement of national consciousness I am suggesting is a corrective to the causal relationship between nativism and American nationalism that Higham constructs. It is not that American nationalism emerged as an effect of nativism, or even that nationalism causes nativism. Rather, nationalism has always embodied a nativist or anti-foreign component to manufacture an imagined sense of community (i.e., the nation). Nativism does not constitute a contradiction to the national myth of asylum; rather, it is the culmination of what the latter conveniently represses,

namely, the nation's self-interested benevolence toward immigrants. Nativism is the limit of nationalism as an exclusionary mode of identification.⁹ The three currents of nativism that Higham outlines point to a differential and exclusionary mode of national identification in which the figure of the foreigner is invested with values contradictory to the American polity.

"American nationality," Arthur Mann remarks, "is purely ideological" (47).¹⁰ By this he means that the founding of the nation-state in the late eighteenth century was not based on traditional prerequisites for nationhood, such as territorial integrity, a long and legendary history, the sharing of an ancient folklore, or any racial and religious commonalty; instead, citizenship based on such politically contingent key words as democracy, liberty, and freedom became the foundation of national identification. Although, as Benedict Anderson suggests in passing, we ought to be wary of the idea of nationalism as an ideology, Mann's definition of American nationalism offers a valuable insight into the differential role of the immigrant in the articulation of national consciousness in the United States. What anti-Catholicism, anti-radicalism, and Anglo-Saxon racial superiority have in common is their reliance on an *ideological* notion of national consciousness defined through the identification of immigrants with political dissidence.

As reflected in the short-lived Alien and Sedition Acts of 1798, imposed by the Federalist Administration of John Adams, the association of foreigners with violent opposition to the status quo has long been a fundamental component of American nationalism. To possess "the genuine character of true Americans," as John Adams claimed, was to "have no attachments or exclusive friendship for any foreign nation" (Grant and Davidson 6). To be an immigrant by definition implied certain attachment to one's native country, an attachment consequently marked as "un-American." The figure of the foreigner as a menacing source of sedition, discontent, insurrection, and resistance, articulated repeatedly, therefore manufactures a consenting, though imagined, sense of national community. This figure, however, does not remain the same, for historical epochs rotate representations of the seditious foreigner. The late-eighteenth-century fear of foreign radicals was reproduced over and over: in the mid-nineteenth-century's anti-foreign parties' claims about "disloyal" Irish and Germans, in the 1880s labor movements' demands for "the exclusion of the restless revolutionary horde of foreigners" (Wigginton, qtd. in Higham 56), in the Big Red Scare of 1919–1920, in 1950s McCarthyism, and in our current association of Middle Eastern immigrants with terrorism and fanaticism. My aim in enumerating these cases of anti-alien sentiment is not to undermine their rather different and complex histories, but to point out their productivity in propagating

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a sign of difference through which the nation imagines itself as an autonomous unit.

What we encounter in every anti-immigrant claim is the assertion that a fundamental difference exists between a patriotically imagined community and a disrupting alien other. The *Know-Nothings' Manifesto*, to cite an example, used the “language of Washington” to claim that “the maintenance of the Union of these United States” is “the primary object of patriotic desire” and declares its members’ total “obedience to the Constitution” before it advocates laws regulating immigration. What caused the Know-Nothings to act against Catholics was not their religion, for the American Party advocated the protection of religious opinion and worship, but Catholics’ affiliation with an autocratic, hierarchical, and centralized institution that was viewed as anathema to American democracy and individual rights. Catholics were thus viewed as a subversive community whose support of “popish despotism” made them both unassimilable into the national community and antithetical to Republican ideas of freedom and liberty. The Know-Nothings’ anti-Catholicism was, in other words, a form of anti-radicalism. What we encounter in the American Party’s manifesto is an exclusive form of nationalism that is articulated through the differential role of immigrants as unassimilable and dissident. Nativists, in other words, identify themselves as “true” Americans by distinguishing themselves from immigrants who represent “un-American” values and ideas.

The Know-Nothings may have disappeared from the political scene by 1856, but their anti-immigrant agenda was perpetuated. Later in the century, for example, fears of immigrant radicalism became a powerful force in forming national identity, as labor discontent swept the nation. When the Haymarket Square violence erupted in Chicago during the “eight-hour” strikes of May 1886 (for which Chicago authorities sentenced to death six immigrants and one native-born American), the figure of the immigrant proved useful again in preserving nationalist fervor. The big daily newspapers editorialized about the “danger that threatens the destruction of our national edifice by the erosion of its moral foundations,” claiming that the “invasion of venomous reptiles [i.e., immigrants]” endangered “our National existence” as well as “our National and Social institutions.”¹¹ Similar anti-immigrant sentiment was expressed after the bombing of the home of Mitchell Palmer, the new Attorney General in 1919, leading to a series of raids by the newly created General Intelligence Division in the Department of Justice to gather information about foreign radicals. The *New York Times* editorials claimed that “the sentimental notion of America as the asylum of the oppressed has disappeared in the alarmed instinct of self-preservation” and that “no economic or financial consideration

has any standing in comparison with the imperative patriotic need of guarding against enemies of order and the emissaries of destruction” (qtd. in Simon 197). Like earlier nativist claims, these editorials point to the productivity of anti-alien claims in perpetuating patriotic sentiments and nationalist fervor. The figure of the immigrant is the sign of all that stands in opposition to being American and to the notion of the American polity.

Immigrants play a productive role in the formation of nationalist fervor not only as political dissidents, but also as contaminants. In the mid-nineteenth century, for example, the nativist groups and an overwhelming percentage of the general public opposed the arrival of Germans, East Europeans, and other immigrants on the grounds that the newcomers were poor, mentally and physically ill, or criminal. Immigrants, according to these restrictionists, were a source of contamination that threatened the well-being of the nation. The Massachusetts Sanitary Commission, to cite a sample, warned the nation against the danger of an open-door immigration policy:

The stream of emigration has continued to increase, and seems to gain a new accession of strength in every passing year.... Each [mercenary ship-owner and manager of a pauper-house] smiles at the open-handed but lax system of generosity which governs us.... And yet a greater calamity attends this monstrous evil [of the open-door policy of immigration].... Our own native inhabitants, who mingle with these recipients of their bounty, often become themselves contaminated with diseases, and sicken and die; and the physical and moral power of the living is depreciated, and the healthy, social and moral character we once enjoyed is liable to be forever lost. Pauperism, crime, disease and death stare us in the face (qtd. in Abbott 596–600).

As in the anti-immigrant discourse of the late twentieth century, immigrants are inextricably linked here with the nation’s serious and costly social ills. But beyond the simple scapegoating of newcomers, the Sanitary Commissioner’s remarks posit a fundamental binary relation between the national self and the alien other through which a defensive and exclusionary form of nationalism is advocated. What concerns this public official is the way in which new immigrants contaminate the national community not only physically and mentally, but also socially and morally. The difference between the healthy and prosperous citizen and the diseased and poor immigrant is transformed by the end of the passage into an ethical distinction between a national self conforming to established norms of right conduct and a threatening alien violating the nation’s ethical principles.

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More significantly, however, the cases of anti-immigrant sentiment I have cited above bring into focus a repetitive process of disavowal that produces what is referred to as “our National existence,” as well as the discriminatory regulation and control of immigrants by the state. Along with the nationalistic sentiment during these and subsequent periods came demands by a broad range of organizations—from the Order of Railway Conductors to such patriotic societies as the Grand Army of the Republic and the Patriotic Order of Sons of America—for legislation to completely suspend immigration to the United States. Fear of anti-radicalism and anxiety over the contaminating immigrant are always followed by demands for regulation and control of national borders. Two more recent editorials about immigration elucidate the consequential relation between the dichotomous perception of American cultural identity and demands for exclusionary immigration laws:

We must choose how many people to admit, and which ones. That can be done only if we can control the borders. Otherwise, a population troubled by hard times will slam the Golden Door. (“Immigration and Purity”)

The bombing of the World Trade Center in New York should cause Americans to realize that terrorism is one of the prices paid for lax immigration control and inadequate border security. (“Open Borders”)

The binary relation between “us” and “them” implicit in these commentaries is often construed in terms of a national crisis. The immigrant other threatens the very foundation of the American polity, creating a state of national emergency that can only be overcome with more rigid regulation and control of the border. The fear of the radical or the contaminating other is thus productive in manufacturing a national consensus against immigration. The redundancy of claims about the menace of immigrants demands a conception of US immigration history in keeping with Walter Benjamin’s insight that “the ‘state of emergency’ in which we live is not the exception but the rule” (257). The so-called “crisis of immigration” is neither a historical exception nor a series of cyclical eruptions of a unique disorder. Rather, *the state of siege is the rule in the narrative of nationalism*: it is what legitimates national authority and state power. The repeated scapegoating of immigrants in the United States, though perpetuated at each instance by different historical conditions, underscores the productivity of crisis in imagining a nation-state. *The perpetual crisis of immigration re-inscribes a notion of difference on the national community and its others, a difference that must be constantly maintained to*

propagate a space of contestation where concepts of nationality as citizenship and state as sovereignty can be re-articulated and re-affirmed. The crisis of immigration, in other words, awakens the community to self-consciousness as a nation, while legitimating the state apparatus to guard its sovereignty.

The crisis of immigration, however, does not imply a uniform response to the issue of immigration, nor does it suggest a monolithic notion of the nation-state. On the contrary, nationalist sentiment and the state's regulation of immigration in the United States have always been articulated ambivalently. As Elizabeth Hull remarks, "From Colonial times, [American's] idealism [e.g., America as an asylum or sanctuary for masses of immigrants] has coexisted with intolerant and even xenophobic attitudes that have also represented a resilient strain in the American psyche" (9). Many historical examples attest to the nation's persistent ambivalence about its immigrants: during the mid-nineteenth century, when the country was benevolently accepting Irish immigrants fleeing the potato famine and German refugees escaping economic depression, it also encouraged a powerful anti-Catholic movement (reflected in the "No-Popery" agitation and in the rise of the American Party and, later, the American Protective Association that championed a notion of national homogeneity). Similarly, in the late nineteenth century, when a broad range of labor and patriotic organizations in northeastern cities were demanding the exclusion of immigrants from the industrial work force and West Coast nationalist zealots were lynching, boycotting, and expelling the Chinese, Americans also, as Higham demonstrates, embraced a "cosmopolitan interpretation of their national mission," defined as a humanitarian assimilation of the wretched of the earth who had endangered their lives in their long journeys to become free subjects in the New World (22).

The humanitarian acceptance of immigrants does not constitute a contradictory moment in the formation of American national consciousness. For it, too, carries the binary logic of "us-and-them" in a symbolically violent discourse that reproduces the stereotype of the immigrant as the "wretched refuse" in need of help from benevolent Americans.¹² In this narrative, the stereotype of the immigrant is not so much of a menace as of a poor and miserable figure in need of assistance by the imaginary America. Stereotype, as Homi Bhabha has argued in another context ("Other Question 149"), is an "ambivalent mode of knowledge," one that ensures its repetition across historical periods and masks its excess through a strategy of individuation. The discourse of immigration is fraught with contradictory stereotypes: on the one hand, the immigrant is weak and wretched, and, on the other, powerful and dangerous; on the one hand, an opportunist who steals our jobs, and, on the other,

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a lazy parasite who abuses our social welfare funds. As examples of cultural fetishism, these stereotypes point to the ambivalence of the nation toward its immigrants, an ambivalence marked by both knowledge and disavowal, control and defense, exclusion and amnesty, acceptance and rejection. What we encounter in the national discourse about immigration is a mode of discriminatory power that embodies a repertoire of conflicted and split positions. It is a discourse that depends on a system of multiple beliefs to constantly produce a state of emergency in which the nation rearticulates itself as an imagined democratic community, a community that is always differentially identified against the threatening aliens. The shifting and ambivalent images of the immigrant are a sign of the productivity of the discourse of immigration: the images are what give the discourse its authority, ensure its hegemony through a claim to democracy, and perpetuate its repetition by the split reaction they engender in the national consciousness.

The Immigration and Naturalization Service, the Chinese Exclusion Act, and the State's Control of Immigration

Were it not for the *state's* parallel ambivalence about the issue of immigration, my remarks about the split identity formation of American nationalism might have appeared as just the theorization of a confused public's contradictory reactions toward new immigrants. But legal histories of immigration confirm the centrality of ambivalence to the imagining of the nation-state in the United States. American immigration law and policy, as both Hull and Edwin Harwood have suggested, have demonstrated a great deal of uncertainty about the country's mission: "Should the United States be a refuge for the 'tired and the poor,' or an outpost, properly off-limits to the 'wretched refuse' of the world?" (Hull 7). Again, there are many examples to cite here. The early Alien and Sedition Act of 1798 imposed by Adams, authorizing the president to deport any immigrant considered dangerous to the state's security, was abandoned two years later when Jefferson and his Democratic Republican supporters took control of the White House and the Congress. The 1921 National Origins Act and the Johnson-Reed second National Origins Act of 1924, while attempting to restrict the number of "undesirable" immigrants and to restore an "optimal" ethnic configuration by imposing a strict quota system, established no quota for Mexican and Latin-American immigrants, an exception that facilitated the migratory movement of a large body of farm workers. The Immigration and Nationality Act of 1965 eliminated the race and ethnic biases of previous acts, but also created a new system of visa allocation that reduced the number of immigrants from Mexico, US colonies, and dependencies. And, finally, the 1986

Immigration Reform and Control Act attempted to control the flow of undocumented immigrants by expanding border enforcement efforts and sanctions against employers who hired “illegal aliens,” while at the same time offering an extensive amnesty and legalization program for undocumented immigrants. Listing the state’s ambivalent responses to immigration together is not meant to hide their important differences. Rather, my aim is to emphasize how parallel the state’s ambivalence about controlling immigration is to the public’s split reaction toward immigrants. *The parallel attests to the circulatory relation between the state’s apparatus of social regulation and the nation’s mode of identification.* The regulation of the immigration crisis by the state, I suggest, is at once a response to the nation’s concern about the intruding other and productive of a differential mode of identification through re-affirming the claim to sovereignty. The relation between the nation and the state, as Étienne Balibar has demonstrated, has been conventionally viewed in terms of “reflecting”: either the state creates the nation in response to political and economic constraints, or the nation constitutes the state “as a way of fulfilling the needs of its collective consciousness, or of pursuing its material interests” (332). Critical of these myths of origin, I posit the circular relation between the state and the nation around the issue of immigration in consonance with Balibar’s insight that “a state always is implied in the historic framework of a national formation” (331). I take this remark to define a notion of nation and state that neither reduces their relation to causality nor is forgetful of their autonomy. The formations of state and nation are mutually implicated in each other, and yet they are conceptually and socially distinct.

The history of immigration law in the United States offers a compelling context in which to consider how the nation, as an imagined community, and the state, as an ideological and repressive apparatus, inform each other. While the imagined community of the nation has led the state to legislate a juridical and administrative structure for regulating immigration, the state’s regulations have perpetuated a disciplinary context for the nation’s sense of collective sovereignty and a differential mode of national identity. The state’s regulation of immigration has always relied on the nation’s consensus. By this I mean not only that immigration control has a popular base, but that the state’s regulation of immigration entails a consensual perception of immigration as a crisis by the national community. The state solicits the nation’s consent in regulating immigration while contributing, as I discuss below, to the popular perception of immigration as a national problem. The ambivalent regulation of immigration in the United States calls into question both the instrumentalist and the structuralist models of the state: the state is neither the “instrument in the hands of the

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ruling class for enforcing and guaranteeing the stability of the class structure” (Sweezy 243), nor can its function be reduced to simply re-producing the capitalist system’s social structure (see Mandel). The history of US immigration law and the state’s regulatory apparatuses, such as the Immigration and Naturalization Service (INS) and the Border Control, suggest a notion of state that is at once autonomous—acting occasionally even against the interests of the ruling class—and productive, in that it mediates and manages the nation’s social crises to enable a sense of national culture (see Skocpol).

As the colonialist myth of the frontier disappeared in the late nineteenth century and the general public became less hospitable toward new immigrants for bringing down wages by increasing the supply of labor and for requiring extra social-welfare expenditures, the state, specifically the federal government, was forced to move toward a more regulatory and restrictive immigration policy. Until 1882, authority over immigration was exercised by individual state governments and local officials, allowing each state to legislate and exercise jurisdiction over immigrants according to its labor needs. During the so-called “Open Door Era” (1776–1881), states with large ports of entry, such as New York, Maryland, Massachusetts, and Pennsylvania, were given the authority to individually legislate laws concerning the inspection, integration, recruiting, and welfare of their immigrants. But with the passing of the Immigration Act of 3 August 1882, the federal government established the administrative, bureaucratic, and regulatory machinery to control immigration. This act levied a head tax of fifty cents on each immigrant to cover the cost of immigration welfare, blocked the entry of certain undesirable aliens, and, more importantly, made the Treasury Department responsible for enforcing immigration laws. Supported by the Supreme Court’s ruling in the 1875 case of *Henderson v. Mayor of New York*, which declared unconstitutional individual states’ laws regulating immigration, the 1882 Act in effect transferred the authority and practice of immigration from states to the federal government, marking a crucial stage in the development of immigration as an important site for the state’s regulatory practices in the United States. The state simultaneously took charge of immigration by providing individual states with funds to cover immigrant welfare, while building the administrative machinery to regulate and control immigration. A few years later, with the Immigration Act of 1891, the Congress created the Office of Immigration, the predecessor to today’s INS, to oversee the regulation of immigration. This new state apparatus was a disciplinary institution from its very genesis, monitoring the flow of new arrivals, supervising the individual states’ regulation of contract labor laws, and deporting excludable aliens. Investing the Office of Immigration

with the authority to supervise and control aliens, combined with Congress's active role in legislating new immigration laws, shifted the practice of immigration regulation from a regional and particular issue to a national and general problem. As the federal government's role in regulating immigration increased, immigration was generalized as a national problem to be regulated and controlled by state apparatuses.

The year 1882 is a crucial date in the history of US immigration policy, not only because it inaugurated the state's active role as the primary agent of immigration control, but also because Congress yielded to Western states' demand to exclude "orientals." It passed the Chinese Exclusion Act, which prohibited the entry of Chinese workers and barred all foreign-born Chinese from acquiring citizenship. Although an act of 1870 had extended the privilege of citizenship to "aliens of African nativity and persons of African descent," now the Congress used the Naturalization Act of 1790, which limited citizenship to "free white persons," as its legal base for excluding Chinese. This and the Immigration Act of 1882 are the beginning of the era of regulation in the history of immigrant America, an era characterized by a more interventionary role for the federal government in legislating and exercising jurisdiction over immigration. These acts signal at once the emergence of the state as the agent of regulation and the beginning of a new notion of citizenship, defined thereafter in terms of racial identity. Congress not only built the state apparatus for a regulatory practice of immigration, but, as the legislative component of the state, also enabled the articulation of citizenship in racial terms by identifying an "unassimilable" race and banning it from entry and citizenship. *The Chinese Exclusion Act ended the idea of citizenship as a status that could be gained through the immigrant's own acts of immigration and naturalization, transforming it instead into a privileged rank reserved for certain ethnicities whose racial and cultural identities made them assimilable in the polity.*

The issue of race, of course, has always been important in defining national identity and culture in the United States, for, as historians of American nativism have demonstrated, a notion of Anglo-Saxon racial superiority has informed much of the nation's discourse of immigration since the late eighteenth century. But the shifts I have been discussing here point to a new mode of racial identity in defining the national self as *citizen*. It was not that race did not matter before 1882, given that citizenship was, until the late nineteenth century, limited to free white people; but the new laws of that year were crucial in making race a key site for the state's exercise of disciplinary power, thus enabling an exclusionary form of nationalism as the "native" was interpolated as citizen by the state. Historians of American nativism consider the rise and fall

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of the Ku Klux Klan in the 1920s as traditional Nativism's last stance, pointing to the decline of anti-alien sentiment after the Great Depression (see Bennett 199–237). Considering the Johnson Act of 1924 as the temporal marker of this change, Walter Ben Michaels has argued further that, since the mid-1920s, a *cultural* notion of national identity (defined in terms of family and racial inheritance) has displaced the *ideological* notion of American identity in which belonging is defined as a status that can be achieved through one's own actions, such as immigration and naturalization. The Johnson National Quota Act of 1924, he argues cogently, recast the very notion of American citizenship, "changing it from a status that could be achieved through one's own actions (immigrating, becoming 'civilized,' getting 'naturalized') to a status that could better be understood as inherited" (32). My argument about the interpolation of natives as citizens by the state is in accordance with Michaels' insight about the racialization of citizenship, but I view it as a complex process that began fifty years earlier with the Chinese Exclusion Act and with the shift in the state's role as the arbitrator of immigration issues. As the state consolidated its authority over immigration in the 1920s with the passing of National Quota Acts, it became invested with the power to mediate new notions of national identity and culture through its racialization of the immigrant and by defining citizenship in terms of racial inheritance— notions that, as I will discuss below, are articulated ambivalently. In other words, the seeming disappearance of nativism in the post-depression era is a consequence of the emergence of the state as a key player in the debate over national identity and culture. In the so-called "era of regulation" (1882–1924), notions of national identity and culture became interlocked in and were mediated by the state and its legislation and exercise of regulatory immigration laws.

Ambivalent Laws, Exclusionary Practices

The notions of race and culture as key words in defining citizenship are, however, ambivalently articulated in the state's regulation of immigration. The Immigration Act of 1917 and the National Quota Acts of 1921 and 1924, which finally consolidated the federal government's power over immigration, provide examples of the state's split reaction to immigration control. Based on the findings of the Dillingham Commission of 1910 and in response to intense pressure from citizens and labor organizations on the West Coast, the first act made a literacy test a requirement and excluded laborers from the "Asiatic Barred Zone," while the other two acts provided a quota system that limited the annual number of immigrants from each admissible nationality to three percent of the

landed immigrants of that nationality currently resident in the US based on the census of 1910, privileging Western European immigrants over Eastern European and Asian newcomers. These new immigration laws signal the consolidation of *the state as the principal "guardian" of national culture*, investing it with the power to regulate the country's racial configuration as the individual states lost the autonomy necessary to manage their immigration predicaments. These acts also marked the state's establishment of a policy of restriction based on a hierarchical order of eligibility that favored those immigrants thought to be more assimilable because of their racial and cultural background.

Like the Chinese Exclusion Act, these restrictive and exclusionary policies underscore the consensual character of the state's regulatory practices. These policies were adopted in response to the importuning of such civil organizations as the American Federation of Labor (AFL) and other national societies, as well as to demands by racial Nativists of the West Coast and the South to restrict the flow of new immigrants. The state, in other words, did not simply or necessarily act in the interests of capitalists and employers whose need for a cheap supply of labor made them supportive of lax immigration laws. Instead, it yielded to a broader public demand for federal regulation of immigration, a drive that symbolically began in California and other Western states where the myth of the frontier ended with the immigration of unskilled and low-wage laborers from China.

However, caught between the demands of organized labor to curtail the flow of immigration and the needs of employers and capitalists to gain a cheap source of labor, the state proved more ambivalent. A series of statutes were included in the 1917, 1921, and 1924 acts that exempted Mexicans from both the literacy test and the quota system. Responding mostly to pressure from Southwestern agricultural growers, the state acknowledged their demands, enacting legislation at once restrictive and accommodating. The ambivalent immigration laws of 1917–1924 at once quelled the general public's desire for regulation and catered to the capitalists' need for cheap labor. The state simultaneously acted independently of the ruling class and intervened politically to maintain the stability of the capitalist economic structure.

The state's ambivalent legislation and regulatory practices of immigration have continued ever since. We encounter, for example, a similar split reaction to the nation's immigration dilemma with the passing of the Immigration Reform and Control Act (IRCA) of 1986. In response to widespread public pressure to curtail the flow of illegal immigration across the US-Mexican border, the new act included an employer sanctions measure that, for the first time,

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made hiring undocumented workers illegal and punishable. And yet, as Kitty Calavita aptly observes, “concerned not to ‘harass’ employers, Congress crafted employer sanctions that were largely symbolic” (8). Not only did the law include provisions such as Special Agricultural Worker and Replenishment Agricultural Worker that made it possible for growers to employ temporary Mexican workers, it also included an “affirmative defense” clause that “protects employers from prosecution as long as they request documentation from workers, regardless of the validity of the documents presented” (Calavita, 169). Like the immigration acts of 1917–1924, the IRCA responded to the general public’s demand to restrict the flow of illegal immigration across the southern border, thus acting against the interests of agricultural and service employers, while at the same time paying attention to the latter’s lobbying for sanctions not so onerous as to disrupt their business. Again, the state did not serve the interests of the ruling class only, nor did it simply impose legislation on the general public. Rather, its regulatory and exclusionary practices were produced in response to and by consent with contradictory demands made by the national community and the capitalist class.

More significantly, the state’s juridical and administrative rationality played a crucial role in the cultural and ideological fields that constituted the nation’s consensus and its reaction toward immigrants. “Every social formation,” Althusser demonstrates, “must reproduce the conditions of its production at the same time as it produces, and in order to be able to produce” (128). The state is no exception to this rule: the state’s regulatory apparatus is productive of the consensus it elicits from civil society at the same time as it produces such apparatuses of regulation as the police, the prisons, the INS, and the Border Patrol. The state’s manufacturing of social consensus is achieved not only by exercising hegemony over such ideological apparatuses as the schools, political parties, the legal system, and so on, but also by perpetuating a popular and violent form of vigilantism through patriotic rhetoric and nationalist discourse. As a result, the state’s legislation and regulation of immigration in the United States have often fuelled, rather than soothed, the general public’s patriotic fervor and exclusionary attitudes.

For instance, the passing of the Chinese Exclusion Act of 1882, rather than diminishing the public’s anxiety about the “yellow peril,” was followed by a series of violent riots against “orientals” on the West Coast. Demonstrations against the Chinese occurred throughout Arizona, California, Oregon, Washington, and Wyoming. In the fall of 1885, for example, twenty-eight Chinese were murdered and hundreds were wounded and driven away from their homes in a single evening in Rock Springs, Wyoming, while in

Tacoma, Washington, a mob burned down the community's Chinatown and drove out its residents (see McKenzie). Similarly, the Espionage and Sedition Acts of 1918, instead of lulling post-war vigilantism, intensified it. Tolerated by the government, secret voluntary organizations such as the American Protective League took the law into their own hands to police the public, carrying out investigations of "disloyal" behavior and utterances, locating draft evaders, spotting violators of food and gasoline regulations, and even checking up on people who did not buy Liberty bonds (Higham 211-2). Finally, the 1986 Immigration Reform and Control Act, instead of appeasing the public about the nation's immigration crisis, helped the emergence of a broad range of regulatory practices by watchful citizens who have voluntarily produced and participated in such organizations as the Federation for American Immigration Reform (FAIR), the American Immigration Control Foundation (AICF), and the Center for Immigration Studies, trying to create a "Nation of Americans." Not only have these voluntary organizations been instrumental in perpetuating the current anti-immigrant frenzy through such projects as "Light the Border," they have also "commissioned academic studies on the economic impact of immigration and financed opinion polls that reflect a growing public resentment of illegal immigration" (Simon A24). In addition, these organizations regularly lobby Congress to pass stricter immigration laws and file *amicus* briefs in suits that deal with undocumented immigration. The success of these organizations points to the dynamic function of the state as an ideological apparatus that can produce and perpetuate the consensus it elicits from its citizens by interpolating them as patriotic subjects. Anti-immigration is a form of defensive patriotism today, for opposition to immigration is always articulated in terms of a defense against the eroding of "American" values and the disintegration of national unity.

Moreover, as I have discussed elsewhere, the micro-practices of immigration and border control play a crucial role in generating and perpetuating a culture of surveillance marked by a sense of permanent and constant visibility.¹³ The Border Patrol may not be successful in keeping all the "undesirables" out, but it has been instrumental in establishing a pattern of social control and a generalized mode of surveillance at least in the border region, if not throughout the country. The rise in the active public support of immigration enforcement, in the form of protests such as the project "Light the Border", as well as tips on undocumented workers sent to the INS by ordinary citizens, demonstrate the powerful effects of the state's disciplinary practices in transforming the average citizen into a patriotic vigilante.

Conclusion

Elaborating on the immigration deal forged between the Clinton Administration and Congress in the Spring of 1996, Rahm Emanuel, the White House immigration advisor, remarked, “We’re a nation of immigrants and a nation of laws, and this agreement respects both those ideas” (Lacey A20). Emanuel’s comment is remarkable not only for acutely capturing the split nature of the recent bill, but also for offering a symptomatic expression of the nation’s ambivalent discourse about immigration: on the one hand, the pole of national identification: “we’re a nation of immigrants”; on the other hand, the state’s exercise of disciplinary power: “we’re a nation of laws.” By “law,” Emanuel seems to be referring, at least partially, to the propositions in the bill: doubling the Border Patrol, installing fences and barriers along the US-Mexican border, streamlining the deportation process, creating pilot projects to verify the immigration status of job applicants, and imposing tougher penalties on smugglers of immigrants. What the state legislates as immigration law, at least according to the bill’s propositions, is nothing less than an extension of its disciplinary exercise of power: the surveillance of its immigrants, the policing and controlling of its borders, and the toughening of its exclusionary and regulatory practices.

And yet, the acknowledgment that we are a nation of immigrants, while repeating the general cliché about America’s national identity, points to a veiled recognition of the state’s inability to control the flow of immigrants, a recognition that is disavowed in the regulatory propositions the state legislates: “they keep coming, and we have to keep regulating them.” The cliché of America’s immigrant identity is predicated as much on the nation’s salutary mode of self-identification as on the country’s anxiety about its immigrants. The nation’s mode of identification is thus ambivalent: *on the one hand, we are a nation of immigrants; on the other hand, we identify ourselves against our immigrants as we try to control them.* It is on the site of such an ambivalence that the state’s strategies of discipline, normalization, and regulation are produced in collaborative ways with the political and economic exigencies of the nation. The ambivalent discourse of immigration is, in sum, productive of the polity we call nation-state.

Notes

1. Earlier versions of this essay were presented at Stanford University, University of California, Davis, and the Program in Cultural Studies (University Of California, Santa Cruz). I wish to thank all those who offered comments and criticism at these talks. I am also grateful to Khachig Tölölyan, Wendy Belcher, and Jim Lee for their sensitive and careful readings.

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2. This statement was made by Bruce Cain, a political scientist and the associate director of the Institute of Governmental Studies at University of California, Berkeley (qtd. in Brownstein and Simon A6), but the idea it expresses is a common argument made by many economists, sociologists, political scientists, and immigrant rights activists; for other examples, see Cornelius; Bustamante and Cornelius.

3. Jefferson is here responding to Hamilton and other Federalists who wished to legislate a minimum requirement of fourteen years' residence as a condition of naturalization.

4. Hamilton's reference appears in his article "Pacificus," published in the *Gazette of the United States* on 17 July 1793; the second reference is from John Adams's letter of 22 January 1825 to Jefferson.

5. This is not to suggest that the two experiences are the same, but to point out the intimate connection between displacement and nationalism manifested in both historical points of view.

6. I am referring here to Washington's description of America as "an asylum . . . to the oppressed and needy of the Earth" (Rischin 44).

7. *Congressional Quarterly* (1980): 2066; qtd. in Horowitz and Noiriel 40.

8. The first reference appears in his "Notes on Virginia" and the second in a letter of 12 September 1817 to George Flower.

9. In this sense, the kind of claim that I make about US nationalism can be broadened to include other forms of national identification elsewhere, but, for the sake of specificity, my discussion focuses on the case of American nationalism.

10. This point has also been made by Hofstadter and Kohn.

11. These statements are drawn from *Public Opinion*, I (1886), III (1887), and V (1888), qtd. in Higham 54–55.

12. A good example of this type of humanitarianism is Emma Lazarus's poem to boost the fundraising campaign for the Statue of Liberty:

Give me your tired, your poor,
Your Huddled masses yearning to breathe free,
The Wretched refuse of your teeming shore,
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!

13. My claim has been corroborated by Timothy Dunn's findings about the changes in US immigration policy since the late 1970s.

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