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Lucy E. Salyer. *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law.* Chapel Hill and London: University of North Carolina Press, 1995. xix + 338 pp. $23.95 (paper), ISBN 978-0-8078-4530-1; $59.95 (cloth), ISBN 978-0-8078-2218-0.

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This particular review of *Laws as Harsh as Tigers* is written with a certain sense of historical irony: the reviewer is himself a Chinese American, a son of a "paper son" illegal immigrant who came to America in 1923 ostensibly as the child of an American citizen born in China, and a former U.S. Justice Department official charged with the interpretation and enforcement of modern American immigration laws. He has also made his own unpublished study of nineteenth-century California and federal court decisions affecting Chinese immigrants. These factors provide a powerful incentive to address this book with care and empathy.

University of New Hampshire professor Lucy Salyer has produced one of several recent and useful books that focus upon the impact of nineteenth- and early-twentieth-century Chinese immigration to the United States. Her book *Laws Harsh as Tigers* tries simultaneously to describe U.S. immigration law and procedure as a distinct species of administrative law and to serve as a history of the bitter conflicts between American nativists and Chinese immigrants that led to the notorious Chinese exclusion laws. (The name of her book derives from a poem written by an unnamed Chinese alien at Angel Island, the immigration inspection and quarantine station in San Francisco Bay; in it, the alien described the fearful American immigration laws that had led to his detention and interrogation.)

Notwithstanding those twin foci, Salyer's effort has a decided tilt toward making her book a study of the early Bureau of Immigration within the U.S. Labor Department and, in the earlier chapters, to certain key federal court decisions rendered by federal judges in key ports of entry such as New York and San Francisco. To that extent, it is much more a book on political process and the effects of legal process in particular than it is a history of the Chinese immigrants themselves or their goals. This is in contrast to what might be considered two contemporary companion works, Charles McClain's *In Search of Equality*, which documents how the immigrant Chinese organized themselves to use lawyers and the courts to blunt the anti-Chinese movement in the nineteenth century, and Bill Ong Hing's *Making and Remaking Asian America through Immigration Policy, 1950-1990*, which is a broader sketch of the impact of immigration law "reforms" upon patterns of Asian immigration to and settlement in the United States, especially in the twentieth century.

Salyer's essential base materials were congressional documents, federal court records, and government files of the U.S. Justice Department and of the U.S. Labor Department, which was then the parent agency of the fledgling Bureau of Immigration, founded in 1906. She has mined these sources carefully and methodically in her book, concluding that the early successes of Chinese immigration litigation in the federal courts led, ironically, to the creation of a "dual track" federal jurisprudence to deal with immigration matters. (At one point, 86 percent of the San Francisco customs collector's decisions to exclude Chinese were reversed by the local U.S. District Court, and between 1891 and 1905, the Chinese filed more than 2,600 habeas corpus petitions against adverse decisions of federal immigration officers.)

Once the new Bureau of Immigration was established, the Supreme Court deferred again and again to the discretion of the new Bureau. The Court simply refused to impose any quasi-judicial system of due process upon the Bureau and, at the same time, denied aliens any *de novo* forum in the federal courts to review the Bureau's administrative decisions. This judicial deference was in sharp contrast to a series of contemporaneous decisions by the Supreme Court in the early twentieth century that limited the extent of federal administrative agency freedom to regulate, for example, interstate commerce.

Consequently, with such judicial approval, the Bureau bowed repeatedly to the hostile political elements who sought to limit or cut off immigration to the United

States, especially from non-white countries. The result was a sharp curtailment of Chinese immigration and a sharp rise in the number of Chinese deportations, coupled with a dramatic fall in cases filed in the federal courts by attorneys representing the Chinese. Only occasionally did the professional leanings of certain Bureau officials and administrators who were attorneys temper this trend and permit the barest due process to intrude upon the speedy exclusion or deportation of suspected illegal Chinese aliens. Salyer traces the eventual effect of these legal precedents and philosophical struggles on non-Chinese aliens, including the European immigrants and naturalized citizens caught up in the famous "Palmer raids" of 1920.

Every now and then, there is also an eerie resonance in this work that reflects on our nation's current political dialogs about immigration, legal and illegal. An early passage from Salyer's book (p. 24) might as well be from the pages of a present-day commentary:

On the whole, immigrants tended to be poor workers living in cities. Consequently, Americans from all sides perceived them as a threat of one sort or another. Middle-class Americans associated the immigrants with the crowded, tense cities and with the growing, discontented working class. Pointing with alarm to the shrinking frontier, these Americans worried that immigrants clustered in the cities would not assimilate properly and would endanger the American order. Business leaders, too, became wary of immigrants. Although businessmen generally welcome immigrants as cheap laborers, they suspected that the newcomers supplied the radical impulse to the burgeoning workers' movement. American laborers also expressed reservations about immigration because of its effect on their wages and working conditions....

Another paragraph (p. 122) has even more pertinence today:

The sweeping changes brought by industrialization and urbanization strained communities and traditional social structures. Many Americans no longer felt that they were part of a cohesive community. Rather than a nation of small-town neighbors, they were becoming a nation of urban strangers. The society was becoming sharply divided and disrupted by class tensions, labor unrest, and city violence.

This book does unfortunately suffer from some minor "readability" problems that seemed needlessly distracting to this reviewer. Salyer has a tendency to provide fairly substantive commentary on factual points in her notes (which are actually end notes, in the new style), so that a constant flipping back and forth from the main text to the note portion in the rear is necessary to follow certain trains of thought and to avoid loss of key information. The notes are also numbered by chapter rather than sequentially in the book, which then creates a further flipping problem within the notes themselves and in the text to assure the reader that the correct note in the correct chapter has been found.

In addition, perhaps because Salyer was so evidently familiar and so engrossed with her own subject material, she regularly cites events or individual politicians or judges without any historical cue or context in the text (or even in her notes), which can leave the reader somewhat confused. For example, we may not be told whether Congressman X was from California or from Idaho (which might have had historical significance), and often we do not know when a given statement from that individual was made, unless we are able to translate the congressional journals she cites, whose citation form includes only a session number, into calendar years. Again, these are minor irritants to the general reader, who may not immediately recognize these events or be able to place these figures in an appropriate time line for understanding.

Aside from these stylistic quibbles, this work is a valuable and admirable addition to American legal history precisely because it highlights the massive impact of the Chinese American experience on federal jurisprudence. It was a Chinese immigrant's case in 1898, Wong Kim Ark, which established the common law rule on citizenship, and it was a host of other Supreme Court and lower federal court decisions, ably traced by Salyer, that effectively created the juridical foundations of what we know today as "immigration law."

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