4-30-2007

Daniel Kanstroom's Latest Book Released

Boston College Law School

Follow this and additional works at: http://lawdigitalcommons.bc.edu/law_school_publications

Part of the Legal Education Commons

Digital Commons Citation
http://lawdigitalcommons.bc.edu/law_school_publications/528
Daniel Kanstroom's Latest Book Released

4/30/07 - Deportation Nation: Outsiders in American History, has just been released by Harvard University Press.

4/30/07 - BC Law Professor and Director of Human Rights Programs Daniel Kanstroom's new book, Deportation Nation: Outsiders in American History, has just been released by Harvard University Press.

In the book, Kanstroom examines the nature and the history of U.S. government power to deport non-citizens, and asserts that the current deportation system has grown slowly, incrementally, and reactively. Its direct roots lie in the late nineteenth century exclusion and then removal of Chinese laborers from the United States and an early twentieth century "war on crime." Its fundamental legal underpinnings began with the case of Fong Yue Ting, a Chinese laborer deported due to his inability to find the "credible white witness" then required by law. The system was refined during the Palmer Raids, Prohibition, and the McCarthy era, as its extra-constitutional status was confirmed.

Kanstroom maintains that the extreme judicial deference to deportation laws was formally grounded in a particularly blunt theory of sovereign authority over immigration-related matters. But he argues that its deepest roots extend back still further--to the legitimating theories of the brutal removal of the Cherokee and other native-American Indians from their lands, and to the laws governing thousands of fugitive slaves, captured and forcibly sent back to their masters throughout the late eighteenth and mid-nineteenth century.

Kanstroom asserts that from its early, decentralized and inefficient beginnings, this system has grown steadily. Deportation law is a living legacy of historical episodes marked by ideas about race, imperialism, and government power that we have thoroughly rejected in other realms. Deportation does not describe the development of a melting pot, a mosaic, or, as a more engaging metaphor puts it, a stir-fry. Rather, it is a history of the assertion, development, and refinement of centralized, well-focused, and often quite harsh government power subject to the most minimal judicial oversight. It is a mechanism of scapegoating, ostracism, family and community separation and, of course, banishment. It lives in a peculiar equipoise with our society's openness to legal immigration, our legal protections for the rights of non-citizens, and our grant of birthright citizenship to virtually all born on U.S. soil. Kanstroom seeks to situate deportation in a history much more complex than that of immigration control and to inspire reform grounded in the best principles of the U.S. legal system.

Kanstroom received his B.A. degree from the State University of New York at Binghamton, his J.D. from Northeastern University, and LL.M. at Harvard University. Currently, he is the Director of the Boston College Law School International Human Rights Program, Associate Director of the Boston College Center for Human Rights and International Justice, and Clinical Professor of Law. He teaches Immigration and Refugee Law, International Human Rights Law, and Administrative Law.

Kanstroom was the founder and is also the current director of the Boston College Immigration and Asylum clinic in which students represent indigent noncitizens and asylum-seekers. Together with his students, he has won several high-profile immigration and asylum cases and has provided counsel for hundreds of clients over more than a decade. He and his students
have also written amicus briefs for the U.S. Supreme Court, organized innumerable public presentations in schools, churches, community centers, courts and prisons, and have advised many community groups.

Kanstroom has published widely in the fields of U.S. immigration law, criminal law, and European citizenship and asylum law. His work has appeared in such venues as the Harvard Law Review, the Yale Journal of International Law, the Georgetown Immigration Law Journal, and the French Gazette du Palais. He is currently completing a book entitled, Good-Bye Rosalita: A Social and Legal History of Deportation.

Kanstroom has long served on the Board of the Directors of the PAIR Project, was rapporteur for the American Branch of the Refugee Law Section of the International Law Association and currently co-chairs a national immigration committee of the American Bar Association.

Kanstroom also helps to train and organize the Immigration Spring Break Trips, where students work on immigration law cases during their Spring Break period.