Review of Julia Rose Kraut's *Threat of Dissent: A History of Ideological Exclusion and Deportation in the United States*. Cambridge, MA: Harvard University Press, 2020. 352 pp. US$35. (Hardback). ISBN: 9780674976061

Jean-Baptiste Alphonse's epigram "plus ça change, plus c'est la même chose" ("the more that changes, the more it's the same thing") adequately articulates the history of ideological exclusion and deportation in the United States (247). For such reasons, Julia Rose Kraut's *Threat of Dissent* invokes Alphonse's words not only to convey the evolving aspects of immigration restriction in the United States—such as the mechanisms, beliefs, expressions, and peoples targeted—but also the continuity of America's perceived threat of dissent.

Kraut first delineates how the United States utilizes ideological exclusion as a tool to suppress dissent by citing the Alien Friends Act of 1798. In the presence of war with France and opposition with the Democratic-Republican party, Federalists in Congress passed the Alien Friends Act—authorizing president John Adams to deport those he deemed dangerous to national security, or those he suspected were engaged in secret or treasonable ploys against the government. This a form of "implicit" exclusion—meaning a public official holds the discretion to deport—as opposed to an "explicit" exclusion in which non-citizens are barred or deported due to specific associations, beliefs, or expressions listed in a federal statute. In essence, this implicit form of exclusion granted Adams the total capacity to suppress the Democratic-Republican party and whomever he deemed dissident—setting a precedent for future forms of ideological exclusion.

Additionally, Kraut portrays Democratic-Republicans' opposition to the Act through prominent voices such as those of John Madison and Albert Gallatin. Drawing similar contentions, Madison asserted that the Act violated the constitutional standard of the separation of powers, while Albert Gallatin claimed that the Act violated the Fifth Amendment— failing to provide foreign-born non-citizens with due process (23). Through these arguments, she reveals how the Act denounced crucial constitutional standards and threatened American democracy—prefacing her ultimate purpose to explore the intersection between Immigration and First Amendment law.

Kraut takes the reader into the nineteenth century with the formal establishment of the plenary power doctrine. Due to the creation of federal immigration restrictions such as the Chinese Exclusion Act and the Immigration Act of 1891, the nineteenth century presented challenges to these ideological restrictions in the Supreme Court. One such challenge was *Chae Chan Ping v. United States (1889),* otherwise known as "the Chinese Exclusion Case." In this case, the Supreme Court upheld Pin's exclusion under the Chinese Exclusion Act's 1888 amendment, which excluded all Chinese miners, skilled and unskilled laborers and invalidated all certificates held by Chinese people who left the United States. Moreover, the Court ruled that Congress had the power to exclude foreigners and regulate immigration and that the judicial branch should defer to Congress to determine deportation and exclusion cases—upholding what is known as the "plenary power doctrine" (31). Application of immigration law and the plenary power doctrine insulates cases from substantive judicial review, allowing Congress to persist in targeting the peoples, beliefs, ideas, and expressions it sees as threatening.

Congress continued to pass new ideological restrictions to suppress the greatest perceived threats of the twentieth century: Anarchism and Communism through the Alien Immigration Act, the Anarchy Exclusion Act, the Smith Act, and the McCarran-Walter Act, which all sought to obscure the voices of famous figures like Emma Goldman, Carlos Fuentes, and Ernest Mandel, among others. However, Kraut's main emphasis in presenting these cases is not to simply reassert Con-

gress's ability to pass immigration restrictions as a tool to subordinate dissent. Instead, she reemphasizes the connection between First Amendment and Immigration law by exploring this pattern. In *Kleindienst v. Mandel (1972),* for example, she highlights the Supreme Court's decision to overturn the US district court's ruling that Mandel, a prominent Marxist scholar, be granted entrance into the United States to lecture at various universities. While the US district court saw that Mandel's exclusion fell "under First Amendment law and the American professors' right to receive information" (171), the majority of the Supreme Court ruled against this notion. Specifically, Justice Blackmun invoked the nation's right to self-preservation and to control its borders in light of First Amendment protections. By depicting Mandel's evolving fate, Kraut exhibits both the triumph of the plenary power doctrine in upholding ideological exclusions and the First Amendment's ability to bar them. For these reasons, she presents the decision to apply Immigration or First Amendment law in ideological exclusion and deportation cases as a contentious judgment with decisive consequences.

Shifting from the Cold War, Kraut portrays how the attacks of 9/11 catapulted the United States into the War on Terror—making way for Congress to pass new laws, like the USA PATRIOT Act, to suppress terrorism. To impart the gravity with which America treated this newly perceived threat, Kraut includes President George W. Bush's address to Congress and the public on September 20, 2001—one month before the USA PATRIOT Act's passage. In his address, Bush emphasized national security and his intentions to utilize every mechanism to defeat global terrorism in the War on Terror—making it clear that Americans were either with America or on the side of terrorism (219). Rather astutely, Kraut connects Bush's rhetoric to the Federalists' defense of the Alien Friends Act in 1798—upholding that the choice between civil liberties and security is a perpetual narrative used by public officials in the presence of a perceived threat.

Kraut then bolsters this narrative throughout the Trump Administration era—articulating how the former President used his executive power and the notion of national security to pass ideological exclusions such as the "travel ban." On January 27, 2017, Trump issued Executive Order 13769—barring all entry from Iran, Iraq, Libya, Somalia, Sudan, and Syria for ninety days, restricting the number of admitted refugees by half, barring refugees from Syria indefinitely, and from other countries for 120 days (234). Trump's use of the travel ban perpetuates the larger pattern of ideological exclusion in the United States. While his enactment of ideological exclusion may have targeted new peoples, beliefs, expressions, and ideas, the methodology of ideological exclusion and the rhetoric used remained the same.

Kraut cites the Supreme Court's decision to uphold Trump's travel ban in *Trump v. Hawaii (2018).* Following familiar actions in the face of ideological exclusion cases, the Supreme Court chose to uphold the plenary power doctrine and defer to the executive branch. Thus, instead of applying First Amendment law, immigration doctrine prevailed. Yet, she does not wholly denounce the case as a moral failure for following precedent. Instead, she analyzes the case's dissenting opinions, such as justice Sotomayor's rejection of the plenary power doctrine, and her effort to argue for First Amendment standards to determine the constitutionality of Trump's travel ban (239). By focusing on the application of First Amendment law, Kraut implicates its potential for success in the face of ideological exclusion and deportation cases. With the Supreme Court applying speech protective First Amendment standards and strict scrutiny to check the executive and legislative branches, she concludes that the pattern and history of the plenary power doctrine and ideological exclusion and deportation in the United States can be changed (250).

Ultimately, Kraut's *Threat of Dissent* investigates this precise intersection between First Amendment and Immigration law when considering the history of ideological exclusion and depor-

tation in the United States. From the Alien Friends Act of 1798 and the War on Anarchy and Communism to the War on Terror and the Trump era, Kraut highlights how Congress continuously passes ideological exclusions, public officials enforce them, and the Supreme Court upholds them under the plenary power doctrine (250). Just as eloquently, however, she emphasizes the importance of the dissenting Justices, as well as the cases, who chose to apply First Amendment law and bar ideological exclusions. Because of this, her work is useful to those who are passionate about reforming current immigration law, as it provides a framework for ending ideological exclusion and deportation through applying First Amendment standards to these cases. Such a possibility seems especially salient in the era of a new Presidential Administration, one in which the plenary power doctrine still presides, and the potential for its usage to exclude remains.

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