

Policing, Detention, Deportation, and Resistance

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Policing, Detention, Deportation, and Resistance: Situating Immigrant Justice and Carcerality in the 21st Century

Jodie Michelle Lawston and Martha Escobar

IN MAY 2008, THE *SAN DIEGO UNION TRIBUNE* REPORTED THAT THE CORRECTIONS Corporation of America (CCA) announced plans to build a 3,000-bed mega-prison in San Diego, California, which if built would be the largest immigrant detention center in the United States (Berestein, 2008). On May 11, 2008, the *Washington Post* reported that since 2001, the number of immigrant detainees over the course of each year has more than tripled, to 311,000 (Priest and Goldstein, 2008). *The New Yorker* reported that whole families, many of whom have committed no crime, are incarcerated in the privately run Hutto immigration prison located in a remote area of south Texas (Talbot, 2008). The *Washington Post* reported numerous abuses of immigration detainees, ranging from inadequate or improper health care and rape of female detainees to the adverse psychological effects of detention on children (Berestein, 2008).

Situating the Problem

In many ways, passage of the 1986 Immigration Reform and Control Act (IRCA) was a pivotal point in the criminalization of migrants, setting the stage for increases in deportation and detention, as well as the abuses that immigrants endure once detained. IRCA was the first major legislation to initiate the militarization of the border, while also contributing to the increased presence of migrants in the United States by providing amnesty to over two million people and allowing for family reunification. The criminalization of migrants was crystallized in the national imagination in 1996, when the Republican Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which reclassified a number of minor offenses, such as drunk driving or simple assault, as aggravated felonies. Two additional federal laws that also passed in 1996—the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)—are manifestations of the ideological merging of immigration with state dependency and criminality. The events of September 11 further fueled anti-immigrant sentiment and reactions, including an increased reliance on detention and prosecution of immigrants.

The desire to criminalize immigrants is also exemplified in more recent legislation, such as the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437)—known as the Sensenbrenner Bill—which attempted to redefine undocumented migrants as felons and to designate any *assistance* to this group as *criminal and punishable by law*. Although housing someone, offering food, or providing a ride may seem trivial, had H.R. 4437 been signed into law such acts would have been turned into defining moments leading to one's imprisonment.

The Sensenbrenner Bill highlighted the plasticity of the line that marks the difference between civil and criminal matters. Unintentionally, the proposition created an instinctive consciousness of the ways in which the social construction of crime participates in the labor of regulating society. This realization contributed to the eruption of the immigrant rights movements in 2006. Although there is a long history of immigrant rights organizing across the United States, this moment seemed to almost immediately coalesce into a massive national movement against the criminalization of migrants. Even though this intense reaction was generated by the disturbing recognition that the creation of crime is a useful tool for social regulation, much of the immigrant rights organizing that developed was unable to move beyond undocumented migration to see how the production of crime is useful to controlling migration and policing the border, as well as for organizing society in general. Instead, rhetoric such as “immigrants are not criminals”—an aphorism that attempts to constitute immigrants as innocent—dominated the immigrant-rights stage.

Marking IRCA, the 1996 legislation, and the post-September 11 moment as particularly significant for the criminalization of immigrants does reflect the truth, yet lost in this narrative is how immigrant criminalization is rooted in a longer history of U.S. carcerality, especially as it developed during the 1970s. President Richard Nixon's “get tough on crime” political campaign, and those deployed by subsequent presidential administrations, were fueled by an imagined social crisis of domestic lawlessness. This lawlessness was marked as indigenous to communities of color, especially Black urban spaces. In part, the militancy of the social movements of this time was used to argue that “law and order” had been undermined, requiring an expansion of the criminal justice system. Thus, the ensuing development of the U.S. prison regime (Davis, 2003), of which immigrant criminalization forms a part, is to some extent a political response to demands for a social transformation in race relations. The policing, imprisonment, detention, and deportation that immigrant communities face today cannot be divorced from this history. As such, the criminalization of immigrants must be contextualized in a longer history of the U.S. prison regime, and not be conceived of as a distinct process or a specific post-IRCA development in the 1990s, or even post-September 11.

This collection of articles has its origins in frustrations with the hegemonic logic of the “good immigrant/bad immigrant” dichotomy that prevails within the mainstream immigrant rights movement and reinforces gendered racial boundar-

ies of social belonging. The contributions explore the connections between, and implications of, the contemporary criminalization of migrants and the longer trajectory of U.S. carcerality. By presenting this framework, we join the voices of activist scholars such as Dylan Rodriguez (2008) and David Manuel Hernández (2008), who compel us to dislodge this anti-immigrant moment from exceptionality. In arguing that the policing, detention, and deportation that migrants face today are not unprecedented, these voices demand that we view the punitive processes that migrants experience as extensions of the histories of human captivity that constitute the United States. In other words, this framework underscores how human immobilization is at the heart of the U.S. social formation. Contributors link current anti-immigrant enforcement to U.S. carcerality by demonstrating how strategies employed in the criminalization of migrants—such as mass prosecutions of undocumented people caught crossing “illegally” into the United States, or the forced separation of families—extend the U.S. prison regime either by deploying its logic and tactics or by literally serving to expand imprisonment. This issue of *Social Justice* demonstrates that imprisonment, including immigrant detention, is essential to U.S. efforts to preserve geopolitical dominance. It examines activist efforts to resist this trend and urges the building of bridges between prison abolition and immigrant justice work.

Preview of This Volume

Martha Escobar’s essay provides a comparative and relational analysis of the detention, incarceration, deportation, and family separation of migrant women and the history of the criminalization of Black motherhood in the United States during the 1960s and 1970s. She reinforces the notion that incarceration is a mechanism for racialized social organization. For Escobar, the U.S. prison regime’s mobilization against migrants has as its context the criminalization of the bodies of Black women. The deployment of notions of Black mothers as “breeders of lawlessness” fueled the expansion of the criminal justice system. By tracing how the ideological work performed to criminalize Black motherhood has been re-mapped onto migrant women, Escobar highlights the centrality of women’s reproduction in the racial organization of society, which takes place through the containment of bodies. She maintains that this dynamic is a fundamental method of regulating labor relations in the era of neoliberalism.

Dulcinea Lara, Dana Greene, and Cynthia Bejarano critique two popular phrases they identify as “immigrant advocacy tropes.” The authors argue that “They are not criminals” and “They do the jobs no one else will” create friction between immigrants and groups such as laborers, prisoners, and the unemployed and fail to challenge a social structure that undervalues and increasingly punishes these populations. Using the example of the ability of the Industrial Workers of the World to create unity among and between groups such as women, immigrants, and racialized

minorities, Lara, Greene, and Bejarano urge social justice activists and advocates to unite to expose power structures and forge solidarity for systemic social change.

Following that logic, Lawston and Murillo analyze a film, *Under the Same Moon*, and the Pulitzer-prize winning book, *Enrique's Journey*, to explore the ways in which popular, liberal discourses on immigration are reactions to anti-immigrant, law-and-order strategies that define and label crossing a national boundary as “criminal.” Liberal discourses, they argue, often employ a sympathy frame to characterize certain undocumented immigrants as “deserving” (inadvertently making other immigrants “undeserving”) of entrance into the United States. Like anti-immigrant discourses, liberal discourses fail to historicize or contextualize immigration and the ongoing role of the United States in creating and maintaining the political and economic conditions that drive migrants northward. The authors suggest that because racist laws, discourses, and media images justify the incarceration of citizens and the detention/imprisonment of immigrants, immigrant justice advocates seeking to dismantle structures of dominance and privilege should highlight the connections between immigrant detention and prison expansion more broadly, rather than allowing the binary logic of “criminal/noncriminal” to define the debate.

In the next article, Meghan G. McDowell and Nancy A. Wonders draw on narratives obtained from focus groups and interviews to analyze how the localized expression of global disciplinary strategies racializes and restricts public space for migrants residing in Arizona. They use the narratives to examine whether and how interrelated technologies of control, surveillance, and enforcement rituals operate to shape migrants’ experience of public space. The authors argue that global disciplinary strategies are used so that Western nations are able to maintain a cross-border flow of migrant labor that is both vulnerable and exploitable.

Daysi Diaz-Strong, Christina Gómez, María Luna-Duarte, Erica Meiners, and Luvia Valentin broaden the discussion and analyze how the prison and military-industrial complex intersect and attempt to constrain futures for undocumented youth. These activist-researchers draw upon their participatory action research, narratives from undocumented and formerly undocumented students, and reflections on their own statuses to examine legislation—particularly the DREAM Act—that offers military service as a potential path toward “legalization.” The authors make crucial connections between immigration law and policies, the military, practices of deportation and detention, and the vast prison regime. They conclude with a call to reconstruct “the structures *and traditions* that safeguard power and privilege” as a basis for building an abolition democracy.

Jenna M. Loyd, Andrew Burrige, and Matthew Mitchelson’s commentary expands upon conversations developing between immigrant justice and anti-prison organizers. They note how the criminal justice system serves to mobilize and immobilize bodies. In addition, they outline how prisons and borders constitute each other, making it necessary to theorize about and engage in liberation through sites of (im)mobilization. These abolitionist scholar-activists seek to bridge the prison

abolition and immigrant justice movements by highlighting the transformative possibilities offered by an abolitionist vision, in which the freedom of movement and the freedom to inhabit space are imperative to the creation of strong, sustainable communities.

Two testimonies of imprisoned migrant women conclude this compilation. Instead of discussing their “crimes,” they provide insight into the impact of criminalization on their lives and critique the limitations of mainstream immigrant rights organizing. The first testimony is that of an anonymous woman, currently detained, who will be deported to Mexico in June 2010. Her testimony addresses the limitations of language, culture, and racism for detained migrant women in securing their rights. Her standpoint is collective rather than individualized. It condemns the role of the United States in perpetrating violence against this captive group, as well as the Mexican government’s neglect, which enables ongoing violence. This testimony underscores that such violence is a collaborative effort of both countries against this group.

The second testimony is by Esther Morales Guzman, a migrant woman who spent five years in California prisons. After her deportation to Mexico, she joined the immigrant rights movement in Tijuana. Her subsequent attempt to reenter the United States resulted in her being caught and sentenced to 27 months in federal detention. Morales Guzman’s testimony highlights the difficulties faced by deportees, especially individuals who are marked as criminals. Although the charge of crossing as a “criminal alien” was removed, the prosecutor used her record as an immigrant rights activist to argue that she was involved in a conspiracy to commit crimes against the United States by promoting undocumented migration. Attention is drawn to the shifting definition of criminality. In her case, immigrant rights organizing became a crime, resulting in additional prison time.

This issue of *Social Justice* brings together a multiplicity of voices that offer new insight into U.S. carcerality and the criminalization of migrants, while connecting immigrant justice and prison abolition work. In a political and economic climate that values corporatization, money, and silence over progressive social change, we hope that the contributions here will inspire more movement building and coalitions among immigrant justice and prison abolition activists, and unite these advocates with those struggling for environmental, gender, racial, queer, reproductive, worker, economic, and global justice. The time is ripe for dismantling systems of privilege and dominance. We urge activists, scholars, and scholar-activists to continue to make connections between the multiple forms of oppression in the United States and globally, and to form strong alliances that organize and fight for justice and emancipation for all people.

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Understanding the Roots of Latina Migrants' Captivity

Martha Escobar*

THE SOCIAL MOVEMENTS OF THE 1950S AND 1960S DRAMATICALLY TRANSFORMED THE ways in which U.S. society is organized. Rather than relying on biologized notions of race to structure social relations, as in prior periods, criminality and state dependency assumed important functions as cultural signifiers of race used to regulate society in a post-civil rights moment. Part of this transformation includes an increased reliance on imprisonment to address inequalities produced by the neoliberal shift of the early 1970s. Prisons are spaces where history is written by and through the bodies of captives; they are spaces where society reorders itself and power is made tangible (Rodriguez, 2006). According to professor of geography and leading anti-prison activist Ruth Wilson Gilmore (1998: 26), prisons have become the predominant “fix” and central response to most forms of deviance:

prisons are partial geographical solutions to political economic crises, organized by the state, which is itself in crisis. Crisis means instability that can be fixed only through radical measures, which include developing new relationships and new or renovated institutions out of what already exists.

This development is evidenced by the fact that the United States is the world leader in incarceration, exceeding two million people in prison at the turn of the 21st century.¹

Migration is a site that expands the prison regime. A 2009 Pew Research Center study, “A Rising Share: Hispanics and Federal Crime,” shows that due to changes in the enforcement of immigration laws, Latinas/os have become the largest ethnic group in the federal prison system. Migrant women are increasingly targeted for captivity. For instance, California, a migrant-destination state with the largest concentration of Latina/o migrants in the country, has built the two largest women’s prisons in the world. In 1976, the California Department of Corrections and Rehabilitation (CDCR) imprisoned 1,124 women, in contrast to 11,416 in 2007—a 985% increase in three decades. This underscores the significance of the prison regime for the organization of society. In 1976, Latinas in prison constituted 18% of all

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imprisoned women; by 2007, the figure was 29.2% (CDCR, 1997; 2008b). Of the 171,085 people currently held by CDCR, 19,008 have an immigration hold. As such, approximately 11% of people in CDCR custody are migrants facing deportation at the end of their sentences (CDCR, 2008a). Although demographic data concerning who constitutes this group of imprisoned migrants is unavailable, Latinas in general and migrant bodies in particular are clearly targets for containment.

My focus is on the U.S.-Mexico relationship in terms of border control, but I also address the general criminalization of Latina migrants. The fact that Mexico borders the United States has important implications for migration control. Mexican nationals make up the largest number of migrants in the United States (Pew Hispanic Center, 2009); consequently, they are central targets of U.S. border-control policies. They are significantly affected by surveillance practices, arrests, imprisonment, detention, and deportation. I will discuss the general criminalization of Latina migrants because racialization processes ideologically assemble them into a general racial category. As a result, they face border-control policies as a group. Rodriguez (2008) invites us to dislodge “immigrant detention” from exceptionality and to see how the contemporary anti-migrant moment is made possible because of historical processes that made prisons constitutive of how we organize ourselves socially. This essay therefore provides a context to understand Latina migrants’ criminalization. The various forms of containment to which they are subjected include reproductive control strategies that are integrally related to the history of captivity experienced by Blacks in the United States.

Roadmap

This essay first considers how the logic of “law and order” during the late 1960s and 1970s was rooted in attempts to discipline rebellious communities of color, particularly Blacks. As the analysis reveals, the expansion of the U.S. prison regime is directly correlated to policing racialized power relations. Part of this racial reordering depended on cultural constructions of Black mothering as “undeserving” through the rhetoric of state dependency, which I argue becomes remapped onto migrant women’s bodies. I then demonstrate how the War on Drugs, which has been predominantly waged in urban Black spaces, was essential to marking the U.S.-Mexico border as a space of criminality. Moreover, both the United States and Mexico have been involved in this production. I link the War on Drugs to the criminalization of Latina migrants through the Immigration Reform and Control Act (IRCA) of 1986. IRCA played a central role in the militarization of the border and expanded the War on Drugs to include the border. However, it also contributed to the increased migration of women through family reunification policies. In other words, IRCA ideologically joined border militarization and women’s migration. Finally, I argue that the criminalization of migrants, particularly women, must be understood in relation to the history of captivity of Blacks in the United States. I discuss some of the implications of such a venture.

“Law and Order,” or Containing Black Rebelliousness

Several authors have traced the development of criminality, specifically post-reconstruction. They demonstrate how it is primarily constructed around Blackness and Black bodies and continues to inform society's conceptualization of crime (Lichtenstein, 1996; Davis, 2003). In *Black Reconstruction in America*, first published in 1935, W.E.B DuBois (1998: 670–710) demonstrates that the re-enslavement of Blacks was made possible through redefinitions of crime encased in the Black Codes. Criminalization of Blacks during the post-reconstruction era served to meet the labor needs generated by the abolition of slavery and the development of industrial capitalism. Feminist scholar-activist Angela Y. Davis (2003: 68) argues that a similar relationship exists between the contemporary imprisonment of Blacks and profitability. Prisons are sites of economic profitability (Beckett, 1997; Burton-Rose and Wright, 1998; Dyer, 1999). Though prison labor yields some revenue, the main profit derives from industries that service prisons to meet the needs of over two million captive bodies, such as food, clothing, health care, and so forth. The incarceration of Black men has been central to the function and expansion of the prison regime (Miller, 1996; Mauer, 1999; Tonry, 1995). Black men constitute over half of the prison population, underscoring how this group has become expendable, with criminality serving as a marker of difference that constructs their disposability.

The social movements of the 1960s and 1970s unsettled racial relations globally, producing responses that eventually reconfigured race through cultural difference. Particularly significant in the United States were nationalist movements such as the Black Power, Chicano, American Indian, and Asian American movements, which negated the legitimacy of the United States. Rather than advocating for inclusion, they called for a radical transformation. The militant images of nonwhite bodies setting entire cities ablaze between 1965 and 1968, protesting, engaging in civil disobedience, and defying agents of the state, all in the name of self-determination, threatened the racial order of the United States. The significance of these critiques lies largely in the fact that these movements constructed the United States as unredeemable because this nation's existence was predicated on the racial subjection of bodies racialized as nonwhite. Inclusion necessarily signified participating in racial subjection. Instead, many members of these various rebellions advocated for the creation of alternatives. This period witnessed the deployment of the discourse of criminality, in particular against Blacks, as a response to what was constructed as a national crisis of disorder and lawlessness (Parenti, 1999). Critical race theorist Denise Ferreira da Silva (2007) provides a genealogy of race and demonstrates that spaces inhabited by people of color are constructed as outside the law. Thus, violence is naturalized as indigenous to these spaces. In efforts to reconfigure racial relationships of power, acts of self-determination that critiqued governing power relations were transformed into acts of criminality.

The threat of racial disorder mobilized state responses that reconstituted Blacks as criminal through the attachment of drug use to urban spaces racialized as Black. In *Lockdown America*, Christian Parenti maps the historical development of the U.S. policing and imprisonment regime. He demonstrates how it was fueled by the political crisis of the 1960s and 1970s, which threatened to transform U.S. power relations, and by the economic crisis resulting from the expensive war the United States was waging in Vietnam. According to Parenti, the difficulty police were experiencing in controlling the domestic landscape was complicating efforts to sell capitalism and liberal democracy to the world and to advance the aims of the United States as a world power. The response was a refashioning of the police, judicial system, and prisons.

During this period, the United States shifted its focus from foreign threats to “enemies inside.” Parenti (1999: 6–7) highlights the influence Barry Goldwater’s Republican presidential campaign had in this change, with its promise to restore law and order. Goldwater’s 1964 presidential nomination speech states: “Security from domestic violence, no less than from foreign aggression, is the most elementary and fundamental purpose of any government, and a government that cannot fulfill this purpose is one that cannot long command the loyalty of its citizens.” He also joined the image of the “criminal” to state dependency, foreshadowing the logic that would later drive the criminalization of Blacks and migrants: “If it is entirely proper for the government to take away from some to give to others, then won’t some be led to believe that they can rightfully take from anyone who has more than they?” Goldwater lost the presidency to Lyndon Johnson, but his rhetoric prevailed. The Johnson administration undertook the initial groundwork for the policing and prison regimes, including the increased criminalization of drugs. In 1967, Johnson created the Bureau of Narcotics and Dangerous Drugs, the precursor to the Drug Enforcement Agency. He also proposed legislation that created the Law Enforcement Assistance Administration, which strengthened ties between the federal government and local police, and expended massive federal funds “to reshape, retool, and rationalize American policing” (p. 6).

Richard Nixon reinforced this constructed crisis over the loss of law and order. Because crime control fell within the jurisdiction of state and local authorities, he initially found it difficult to deliver on his promise to restore law and order. New York Governor Nelson Rockefeller’s drug laws served as a template for being “tough on crime.” In 1970, the Nixon administration merged the issues of drug use or trafficking and crime, since drug control was the one area in which the federal government could have a local effect, especially on local policing. In 1971, Nixon declared the War on Drugs: “America’s public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive.” Addressing Congress, Nixon stated:

Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health

and safety of millions of Americans.... A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States (*Ibid.*: 9).

Significantly, Daniel Patrick Moynihan, who in 1965 wrote the now infamous federal report, *The Negro Family: The Case for National Action*, served as Nixon's Counselor to the President for Urban Affairs. According to journalist Edward Jay Epstein (1977: 77), Moynihan,

concerned about the reports of heroin abuse in the ghettos, had persuaded the president that the State Department should do everything diplomatically possible to curtail opium production in foreign countries such as Turkey, and that the president should elevate the suppression of narcotics to an issue of national security policy.

Criminality thus became fused to Black urban spaces and the bodies that reside there. Declaring a war on drugs to activate the buildup of the criminal justice system was thus a declaration of war on Black bodies, while also serving as a mechanism for intervention in other countries.

The Nixon administration ideologically linked the rebelliousness occurring on the streets, especially in inner cities, with crime, and deployed notions of Black criminality that drove the expansion of policing and prisons. Nixon wrote to former President Eisenhower that he had "found great audience response to this [law and order] theme in all parts of the country, including areas like New Hampshire where there is virtually no race problem and relatively little crime" (in Parenti, 1999: 7). This speaks to the logic of criminalization that naturalized Black lawlessness and mobilized national support for law-and-order policies. Nixon's Chief of Staff H.R. Haldeman noted in his diary that President Nixon "emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to" (*Ibid.*: 12). In another diary entry, Nixon states that "there has never in history been an adequate black nation, and they are the only race of which this is true. Says Africa is hopeless." The policies developed to contain the "crime" crisis—the war on crime and the criminal justice buildup—are thus constructed to control Black bodies.

Racializing State Dependency and Criminality

The production of Black lawlessness and disorder merged with changes in the welfare state. During the 1960s, the doors to the welfare system were forced open to allow access to previously excluded groups. This included people of color, particularly Blacks, and divorced, separated, deserted, and, increasingly, unmarried women—the "undeserving poor" (Katz, 1989). Public anxiety was thus directed toward single Black mothers, children born to single mothers, and multigenera-

tional dependency on the program (Abramowitz, 1988). Poor, single Black mothers were constructed as being morally *different* from “deserving mothers,” who were either dependent on their husbands or self-sufficient (Handler, 2002). Historically, welfare policy and administration have used moral criteria for determining who deserves state protection.

Historian Michael B. Katz discusses how the discourse of personal choice was used to construct the “undeserving poor.” This logic holds that poverty results from people’s poor choices, and thus, those living in poverty are undeserving. Katz (1989: 16) argues that “they remained different and inferior because, whatever their origins, the actions and attitudes of poor people themselves assured their continued poverty and that of their children.” The notion of self-perpetuated poverty disallows poor people from becoming morally “deserving.” By the 1980s, alarm and hostility grew toward people in poverty:

What bothered observers most was not their suffering; rather, it was their sexuality, expressed in teenage pregnancy; family patterns, represented by female-headed households; alleged reluctance to work for low wages; welfare dependence, incorrectly believed to be a major drain on national resources; and a propensity for drug use and violent crime, which had eroded the safety of the streets and the subways (*Ibid.*: 185).

Through the rhetoric of personal responsibility, families with single Black mothers were held responsible for social problems such as low levels of education, teen pregnancy, and poverty, all of which coalesced in the national imaginary as leading to increased crime.² For feminist scholar Dorothy Roberts (1997: 238), “society penalizes Black single mothers not only because they depart from the norm of marriage as prerequisite to pregnancy but also because they represent rebellious Black culture.” Just as Black rebelliousness was criminalized through the logic of “law and order,” Black women’s reproduction was made responsible for “breeding” this imagined crisis. According to Patricia Hill Collins (1999: 126), as welfare recipients became identified as Black women and thus rendered unfit as purveyors of national culture, punitive practices against them, including curtailing their reproduction, were legitimized.

If working-class Black women are the enemy from within that generates a population threatening to the U.S. national interest of maintaining itself as a “white” nation-state (*Ibid.*), then Latina migrants are the external enemy, crossing the border “illegally” to produce children and absorb state resources. Concerns over dependent Latina migrants were built upon already existing images of Black motherhood. California’s Proposition 187, the “Save Our State” initiative, exemplifies how the merged discourses of criminality and state dependency were remapped onto migrant women.³ It begins:

The people of California find and declare as follows: That they have

suffered and are suffering economic hardship caused by the presence of illegal aliens in the state. That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state. That they have a right to the protection of their government from any person or persons entering this country unlawfully.

Proposition 187 was intended to limit immigrants' access to education and health care, the public resources primarily accessed by women and children. It associates the immigrant identity with state dependency and crime. Employing a discourse similar to that used to criminalize Black women, Latina migrants are disciplined and barred from using state resources. During the 1990s, claims of the unworthiness of migrants used language originally developed for Black motherhood, holding that some individuals are unable to care for themselves and will become dependent on the state (Luibheid, 2002). Critical sociologist Lisa Sun-Hee Park (2001: 1161) has analyzed the notion of *public charge* in the 1996 welfare reform and argues that "the social contexts that helped garner support for such anti-immigrant legislative measures created an environment that essentially criminalized motherhood for low-income immigrant women—whether they are documented or undocumented." Park thus links the notion of public charge, criminality, and state dependency. Due to their "illegal" entrance into the United States, migrant Brown bodies are cast as perpetual criminals and punished for acting too much like Blacks. Rhetoric on undocumented migration today emphasizes the lawlessness of the border. People crossing the border without documents are disrespecting U.S. laws and contributing to the imagined crisis of national disorder.

Border Warfare

The end of the Cold War shaped how migrants experienced criminalization. Ono and Sloop (2002: 35) maintain that the Cold War enabled the ideological construction of the United States as a land of freedom and opportunity, in contrast to the unfree and undemocratic nature of communism. Furthermore, the post-Cold War era created the need for new enemies to constitute the nation: "The projection of fears onto 'alien invaders' was a natural aftereffect of the Cold War and the concomitant dissolution of a clear and coherent enemy, the Soviet Union." Attention from the "enemy outside" was diverted to the "enemy among us." This polarized worldview prevailed even after the Cold War. The enemy has undergone redefinition depending on the geopolitical moment: "news media represent many different versions of enemies who threaten the moral, cultural, and political fabric of the nation-state and therefore must be evicted, eliminated, or otherwise controlled" (*Ibid.*). For migrants, the notion of war significantly shaped their migration experiences.

According to Palafox (2000), the post-Cold War period in the United States witnessed a conflation of law enforcement and the military by increasing cooperation between these institutions and creating a joint infrastructure. Like Dunn (1996),

Palafox argues that the military presence at the border is a form of low-intensity warfare against immigrants. Andreas and Price (2001) discuss this transformation as a change from “war fighting to crime fighting.” Akin to Palafox, they argue that there is a blurring of the boundaries between the police and the military, with the military becoming more domestic and the police more militarized. Thus, the criminalization of migrants is inherently part of the war waged at the border.

The War on Drugs, which was developed largely to contain Blackness, was an essential element in wedding criminality to the border. With the border already a legally contested space given the restrictive measures that produced undocumented migration (Ngai, 2004), the War on Drugs reinforced the element of criminality. “Illegal” migration joined drug trafficking as a national threat and rationale for controlling the border and containing migrant bodies. The border became another space, via the War on Drugs and the logic of “law and order,” in which to expand the reach of federal law enforcement.

Before President Nixon’s declaration of the “War on Drugs,” Operation Intercept was mobilized in September 1969 at the U.S.-Mexico border. The concern over drugs entering the nation’s borders largely centered on crimes committed in urban cities by Black bodies to satisfy their drug addiction. Doyle’s (2003) analysis of Operation Intercept shows how the War on Drugs shaped the U.S.-Mexican relationship. Nixon established the Special Presidential Task Force Relating to Narcotics and Dangerous Drugs, which determined that Mexican “free-lance smugglers and organized traffickers” were “responsible for the marihuana and drug abuse problem.” The intent of the resulting Operation Intercept was not so much to stop drug trafficking, as it was to compel the Mexican government to address the drug problem within its borders. Launched with little notification to the Mexican government, the operation consisted of meticulous inspection of everything crossing the border, severely slowing down all border crossings. G. Gordon Liddy, then a senior advisor in the Department of Treasury, revealed that “for diplomatic reasons the true purpose of the exercise was never revealed. Operation Intercept, with its massive economic and social disruption, could be sustained far longer by the United States than by Mexico. It was an exercise in international extortion, pure, simple, and effective, designed to bend Mexico to our will” (*Ibid.*: 185–186).

Both Mexico and the United States have waged the War on Drugs. Mexico’s Operation Condor, launched in 1975, used aerial herbicides, military units, and “law enforcement collaboration between the United States and Mexico, including intelligence sharing, surveillance, and training” (Andreas, 2000: 41). Law enforcement strategies such as this were perceived as having been a success, but Andreas demonstrates that increased enforcement resulted in a restructuring of the drug trade, making it more dangerous and more profitable. The War on Drugs escalated during the Reagan administration. When the number and settlement of Mexican migrants reemerged as an issue of national concern, the Immigration Reform and

Control Act of 1986 was passed and the War on Drugs was extended at the border. According to Dunn (1996: 2),

Following the passage of IRCA in 1986, the issue of illegal drug trafficking gained ascendancy, eclipsing undocumented immigration as the most urgent border-control matter. The issue was formally designated as a threat to national security by President Reagan in 1986, and the ensuing War on Drugs was a prominent element of both U.S. domestic and foreign policy.

As in urban cities, the War on Drugs at the border created the appearance of a government crackdown on crime. Yet the criminalization of migrants and the militarization of the border increased the violence experienced in this space. In a bilateral U.S.-Mexican effort, bodies inhabiting and traveling through this space are subjected to criminalized racialization and to policies intended to bring the border under state control. Mexico's increasing militarization of the border since the 1960s criminalized those engaged in illicit actions such as drug trafficking and mapped criminality onto migrants and residents of the borderlands. Between 1994 and 2000, Mexico's President Ernesto Zedillo brought in the Mexican army to bolster the federal judicial police in fighting drug trafficking (Chabat, 2002: 139).⁴

The thrust of the War on Drugs intersected with welfare reform via three IRCA provisions: employer sanctions, a large amnesty for people who had worked in the United States for a given number of years, and the militarization of the border. The law was intended to provide enough laborers—hence the amnesty provision—while curtailing future migration (to alleviate discontent over undocumented migration). However, the law actually increased migration because of its family reunification policy, which included the migrants' spouse, children, parents, and siblings. Female migration had been increasing before IRCA, but the family reunification provision fueled the trend. Those eligible for amnesty and capable of proving they could sustain a family were mainly men who had been working in the United States and could petition for their wives and family (Chang, 2000: 56–92; Hondagneu-Sotelo, 1994: 24; Lindsley, 2002: 177; Luibheid, 2002: 24). Increased migration of Mexican women and their families to the United States drew attention to this group and intensified nativist sentiment. Thus, the centrality of women's bodies in migration control gained in significance while criminalization of the border was well underway.

Neither Ideal Laborers Nor Ideal Women

Migration is a consequence of global neoliberal trends and provides an important source of labor, yet most migrants and their families are not desired as citizens. Latina migrants constitute an important sector of migrant labor, but their reproduction is particularly undesirable (Chang, 2000; Wilson, 1999, 2000; Hondagneu-Sotelo, 1994, 1995). Mexico's geographic position, coupled with the negative racialization

of ethnic Mexicans as dirty, lazy, and criminal, generates fear over Mexican migration, particularly that of migrant women (Chavez, 2008). Latina migrants experience distinct processes of racial formation, but like Black mothers before them, they are characterized as a drain on social resources through welfare payments, failure to pay taxes, and as being too different and thus unassimilable. They do not quite fit into the categories of ideal laborers or ideal women. Ideal migrant labor in the United States is traditionally defined as sojourner and exploitable,⁵ meaning that they migrate, labor for a while, and return to their home countries. The presence of migrant women disrupts this ideal since they represent reproduction and settlement. They also remain outside ideal womanhood. Traditionally, women have been considered important via their roles as mothers and wives of “ideal citizens,” an identity limited to white, middle- and upper-class people, and, more specifically, men (Mink, 1990: 93). The presence of Latinas is tolerated since they perform important labor functions. However, their reproduction, which is perceived as threatening to the nation’s ethno-racial makeup and ideologically opposed to their function as laborers, becomes a target of the state.⁶ Anthropologist Tamar Diana Wilson (2000: 192) argues that anti-immigrant policies and practices are related to:

the desire to re-separate the generational and daily reproduction of the labor force, including its maintenance during times of unemployment, illness, and retirement (processes which represent a cost to any society) and of productive activity (a process which represents a gain to any society).

Thus, there is a concerted effort to separate migrant women’s productive and reproductive labor, privileging their exploitability as workers and investing energy into restricting their mothering. These practices highlight some of the ways in which the United States manages its economic and nativist desires. Criminalization of Latina migrants is therefore a form of population control enforced through the logic of warfare.

Conclusion

By rooting the criminalization of Latina migrants within the longer history of captivity experienced by Blacks in the United States, we displace the competition paradigm that has dominated our understanding of the relationship between Blacks and migrants. What emerges is the centrality of criminalization in the process of racially organizing society. During the 1970s, two trends converged: an increasing reliance on incarceration and wide-scale use of an undocumented migrant labor force. The targeting of Black and Latina reproduction is an essential element of neoliberal labor relations. Due to the gains of the Civil Rights Movement, Blacks became less attractive as a source of cheap labor due to the social protections afforded by their newly enhanced claims on U.S. citizenship. However, ideological grounds for expanding the U.S. prison regime built upon notions that associated

laziness, dependency, and criminality with Black motherhood. This justified exploitable, "criminal," and predominantly Black bodies that can labor during periods of confinement and prolonged vulnerability in the labor market due to criminal records once released.

Growing Black imprisonment and an increased reliance on undocumented labor is part of a neoliberal shift that also accounts for the presence of migrant women and their families in a polarized labor market. One pole is feminized, unskilled, and exploitable and the other is masculinized, skilled, and protected. The criminalization of migrant motherhood provides a rationale for policing, incarceration, detention, and deportation. Migrants are tolerated as laborers, but are regulated through punitive practices of capturing and warehousing. Their exploitability as workers is enhanced by separating their productive and reproductive capacities, including the breaking up of migrant families. The production of criminality is thus central to global neoliberal governance. Far from being unique, the contemporary anti-migrant moment is a natural extension of the racialized and gendered methodologies used in the constant remaking of the United States.

NOTES

1. According to the U.S. Bureau of Justice Statistics (2007), "over 7 million people were on probation, in jail or prison, or on parole at yearend 2005—3.2% of all U.S. adult residents or 1 in every 32 adults."

2. Ronald Reagan's 1976 presidential campaign speech made the image of the "welfare queen" everlasting when he cited alleged news stories. "She has 80 names, 30 addresses, 12 Social Security cards and is collecting veteran's benefits on four non-existing deceased husbands. And she is collecting Social Security on her cards. She's got Medicaid, getting food stamps, and she is collecting welfare under each of her names." Although the story was later discredited, the message lived on.

3. Although Proposition 187 was declared unconstitutional after being voted into law by California voters, it provided the ideological foundation for the federal Welfare Reform Act signed by President Bill Clinton in 1996.

4. As Mexican emigration scholar Cecilia Imaz Bayona (2003) notes, the Mexican state during Ernesto Zedillo's administration officially accepted its diaspora as part of the Mexican nation. The National Plan for Development (1995–2000), in the chapter on sovereignty, declared: "The Mexican nation extends beyond the territory that contains its borders. That is why an essential element of the program of the Mexican nation will be to promote constitutional and legal reforms so that Mexicans preserve their nationality, regardless of the citizenship or residency they have adopted" (p. 6, my translation). Thus, while the Mexican state officially accepted its diaspora, it simultaneously criminalized them through the militarization of the border, highlighting Mexico's contradictory relationship to its emigrants.

5. Their exploitability derives largely from their racialization as foreign and undeserving of social membership or protection of their rights.

6. Feminist activist and researcher Syd Lindsley (2002) argues that some immigration policies are implemented and designed to restrict and regulate immigrant women's mothering. They reveal assumptions about the worth of immigrant mothers and, by extension, their communities. Attempts to limit their reproduction highlight that this community is imagined as undesirable, particularly in terms of contributing to the nation's citizenry.

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A Critical Analysis of Immigrant Advocacy Tropes: How Popular Discourse Weakens Solidarity and Prevents Broad, Sustainable Justice

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THIS ARTICLE OFFERS AN ANALYTICAL CRITIQUE OF PREVALENT “IMMIGRANT ADVOCACY tropes” (IATs), a term coined here for the purpose of this argument. IAT is an encompassing phrase used to describe themes, logics, and values contained within rhetorical figures of speech commonly associated with national, local, and private discourse that is supportive of immigration. This article will discuss how these tropes and their attendant meanings are used to combat anti-immigrant discrimination, arouse sympathy, and perhaps most important, to influence the design of public policy that is favorable to immigrant groups. The two IATs explored in this article are, *They [immigrants] are not criminals* and *They [immigrants] do the jobs no one else will do*. Immigrant advocates, sympathizers, policy reform advocates, and individuals themselves borrow and use these tropes in varied manifestations.¹

Collective behavior and social movement (CBSM) scholars recognize many factors, both internal and external, that contribute to the outcome, expression, and evolution of collective action and social movement organizations. We examine the ideology of a broad collective that is using IATs to make claims against potent anti-immigrant sentiment and the nation’s overt commitment to enforcement-centered immigration policies. Our analysis will demonstrate that these tropes are rooted (albeit unintentionally) in principles that ultimately delegitimize the claims of other groups, compromise rich opportunities for a collective voice against shared injustices, and reinforce the hegemonic structures they aim to combat. It

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is important to deconstruct the currencies these rhetorical tropes rely upon; we can then locate sites where goals can be merged, enhancing the effectiveness of solidarity-building efforts between movements and harvesting maximum leverage against oppressive structures.

The reader may be tempted to question whether a cohesive “pro-immigrant” social movement is now afoot in the United States, or whether a “pro-immigrant ideology” exists. We could debate the existence of a unified, national “pro-immigrant” movement, but social movement literature is quite clear about the characteristics that define collective action. Immigrant advocacy, in all its varied forms, can be called collective action and, therefore, legitimize this critique according to CBSM scholars. Porta and Diani (1999: 16) state that social movements “are networks of interaction between different actors which may either include formal organizations or not, depending on shifting circumstances.” Collective action encompasses claims that affect the interests of others; it does not consist of a pressure group, a trend, a tendency, or a process (Heberle, 1951; McAdam, Tarrow, and Tilly, 1996). The IATs represent claims against others (anti-immigrant positions) and indicate collective social action in the interest of advocating immigrant rights. A constellation of agents struggles against or opposes current anti-immigrant trends. Though not necessarily formally organized, immigrant “advocates” include community groups, individuals (immigrant and nonimmigrant), social service agencies, journalists, and politicians. This list includes any person or collective who asserts, promotes, and campaigns for immigration policy and procedures that differ from the dominant practice. Therefore, we assert that “pro-immigrant” advocates form a collective action that relies on shared values, evidenced by common language and praxis, working toward a mutual end—an alternative to the nation’s current immigration framework.

For Blumer (1951), collective behavior involves common understanding and expectations. Heberle observed that a social movement’s ideas and ideals are not always easily ascertained because they were not necessarily formally documented. Ideals can be hidden, misrepresented, or vague, so members may not always be clear about the movement’s ideology; alternatively, they may still be searching for a collective way to articulate them. In our analysis, IATs contain and represent the shared understanding and expectations of the U.S. “pro-immigrant” social movement. By examining these tropes, we critique the political positions that shape and inform this movement’s repertoire, the ways and means by which a campaign forwards its aims. Ideology plays several roles in collective action. It cultivates member cohesion, momentum, legitimacy, and meaning (Mauss, 1975). Furthermore, it is the source of symbols and slogans, and provides certainty in the face of antagonism. These tropes allow us to determine whether the movement’s ideology, as indicated in popular discourse via common rhetorical phrases, is able to foster substantial, long-lasting change in immigration policy, as well as in public perceptions and attitudes toward immigrants.

We wish to explore the possibility of an immigrants' rights movement that works in concert with social agents and movements seeking rights for workers, prisoners, the working poor, the unemployed, and those rendered powerless because of race, class, language, and nationality. Deconstructing recurring tropes allows us to examine established (though not necessarily obvious) ideals and ideas that are increasingly called upon to combat, temper, and mitigate the nation's escalating war on immigrants and to discover whether they foster justice or support the status quo. Our analysis is rooted in two social theories regarding the orientation of social movements.

Norm-Oriented Versus Value-Oriented Social Movements

In his *Theory of Collective Behavior*, Neil Smelser (1962) identifies two classes of movements. Norm-oriented movements leave the dominant ideology and power structures of a society intact and change only social arrangements, rules, norms, and laws. Value-oriented movements create new cultural norms and ideologies, reshape institutional and systemic structures, and address fundamental aspects of the society by changing its bedrock values. In our analysis, those challenging current immigration policy are pursuing value-oriented change, but using IATs that represent and cultivate a norm-oriented movement. This is highly problematic. In structural and systemic terms, the movement does not contest historically rooted, hegemonic social norms that are responsible for crafting the existing, unjust U.S. immigration apparatus. In short, the social movement reinforces the very structures it aims to combat. For example, "They do the jobs no one else will" serves superficially to reward immigrants for their hardworking ambitions. Yet the trope ultimately reinforces a capitalist meritocracy that does not, in its core value set, aim to provide gainful employment for everyone. Moreover, even when successful (local or momentary victories are associated with these IATs) for individuals or groups of immigrants, these tropes effectively reinforce norms that create and allow for injustices, oppression, and hierarchies that compromise the liberty and autonomy of other groups. Therefore, each IAT reinforces structural norms that foster divisions and fuel frictions between populations ultimately invested in shared goals, including a more equitable distribution of power, living wages, decreased marginalization, and the freedom to exercise opportunities now reserved for only a few segments of the population.

Suspect-Subjects as Controllable Bodies

Our critique of IATs is grounded in the notion that capitalism relies on a spatial organization of bodies that is historically and geographically hierarchical. Sanchez (2007) makes a compelling argument that within the new "governmentality"—a term used to describe the governing system employed by modern capitalist industrial societies—social issues and problems are framed within a context of "crime

and punishment.” This model relies on the ordering of bodies through mechanisms such as census taking, punishment, incarceration, and deportation.²

Historically, immigrants to U.S. shores have been handled according to their sending nation and to the economic climate in the United States at the time. These determinants reference globalization and the intersection of immigrant advocacy ideology with goals serving the growth of a capitalist nation. IATs are precariously located between these two positions. A longstanding tradition within immigration policy has been to criminalize and control the foreign-born who have entered the county, whether legally or illegally. In 1940, the Immigration and Naturalization Service (INS) was relocated from the Department of Labor to the Department of Justice, marking an overt expression of political and popular thought regarding the presumed criminal nature of the immigration issue. In 2003, the entire U.S. immigration apparatus was reconfigured and placed under the auspices of the U.S. Department of Homeland Security. As the 21st century unfolds, U.S. immigration policies and practices have been centered within the crime and punishment model.

“Suspect-subject” is a term Sanchez (2007: 167) uses to refer to individuals whose identities are supplanted in favor of a conglomerate, nonentity body that in the U.S. context is defined as a “rightless, stateless, criminal subject.” A suspect-subject becomes a necessary agent in the new governmentality and depends on “prevention and preemption,” a model that is symptomatic of a system framed within a crime and punishment expectation of justice. This spatial organization of bodies,³ especially post-September 11, has been useful to the nation-state in defining potential “terrorists.” Sanchez illustrates this linguistic appropriation of “terrorism” in her analysis of anti-gang policies. Immigrants also fall within this appropriation and mass use of the terrorist label and have become suspect-subjects. According to Sanchez, “such a figure is defined as an imminent threat, always already criminal precisely because crime prevention and security require that people be arrested prior to—that is, in the absence of—any crime or harmful act being committed” (*Ibid.*).

Precisely *because* immigrants are labeled as an imminent threat, IATs gain currency and become widespread tropes. In the face of such a negative reception, catchy phrases are purportedly useful to instantly diffuse anti-immigrant attitudes. In this drive to order bodies, or “governance by population,” immigrants are made ever visible and hyper-vulnerable due to their inability to be organized simply. Therefore, detention, incarceration, and deportation become national activities buttressed by an increasingly sophisticated punishment technology industry.⁴ These mechanisms increase the number of “countable bodies.”

Our analyses explores how the suspect-subject—by definition always a criminal—is neither challenged nor dismantled, but rather is reinforced by tropes that characterize immigrants as “not a criminal” or “a worker who does jobs no one else will.” Within a broader critique of capital’s ordering of bodies for profit (Brown, 1995; Gilmore, 2002; Feldman, 2003; Foucault, 1995), these two tropes strengthen the prison-industrial complex and the ongoing project of dismantling the welfare

system. Gaining traction since the 1980s, both projects suppress poor, marginalized, and racialized populations in the United States.

Below we will evaluate the language and message of IATs to determine whether they serve a norm or value-oriented social movement. We also look at whether they challenge or support the crime-punishment framework, as evidenced by its promotion of the suspect-subject ideology. In our view, the users of IATs have benevolent intentions, but fail to recognize how immigrants are pitted against others in a struggle for autonomy and civil rights. Thus, they reinforce, rather than challenge, a hegemonic ideology that prevents the attainment of social justice. We suggest new discursive practices that challenge structures that devalue individuals and pit disadvantaged groups against each other. This article examines, in turn, the historical development, allure, efficacy, and complexities and problems associated with each IAT.



Participant at the National Day Without an Immigrant in Minneapolis, Minnesota, May 1, 2006. Photo by Max Sparber.

Historical Use: They Are Not Criminals

It is difficult to locate precisely when “They are not criminals” (TANC) gained currency in immigration discourse. Social processes construct criminality, illegality, and social dangerousness (Coutin, 2005). U.S. immigration policy, also a product of social processes and ideology, has always incorporated elements found at the core of criminal justice discourse. These include safety, danger, character, reprobation, restriction, captivity, and freedom. Immigration policy, then, illustrates that criminalizing and controlling the foreign-born, who have entered the country legally

and illegally, is a longstanding tradition (Lee, 2005; Lowe, 1996; Bacon, 2008; Kanstroom, 2007). The 1798 Alien and Sedition Acts set the precedent for making legal distinctions between citizens and migrants by marking citizen bodies as “safe and acceptable” and foreign bodies as potential threats to national security. In the first half of the 20th century, an immigration infrastructure was created, giving rise to increased criminalization of the undocumented immigrant.⁵ For the first time, being in the United States illegally (i.e., not having gone through the proper, newly generated, administrative channel to enter the country) was legislatively defined as a criminal act. In 1924, Congress passed the National Origins Act and the Labor Appropriation Act, which established the U.S. Border Patrol as a distinct immigration enforcement agency. The criminal justice system thus became formally linked to a system of immigration enforcement.

Whenever immigrants have been socially constructed as “criminally threatening,” the counterargument—that immigrants are not criminals—has been used offensively and defensively to promote acceptance, shape policy, and arouse sympathy for immigrants. For multiple sociopolitical reasons, the contemporary use of TANC is pervasive and increasing. First, the modern structure of immigration policy mirrors the structures, tactics, and rationalizations associated with “getting tough on crime” and the war on drugs (Miller, 2002; Kanstroom, 2007; Welch, 2002). The current trajectory of immigration policy reflects “policy shifts in the traditional criminal justice apparatus” (Welch, 2002: 7). Moreover, the increasingly punitive immigration enforcement archipelago is quickly coming to resemble the nation’s vast and discriminatory criminal justice network. As a social problem, immigration is easily categorized within governmentality’s crime and punishment model. The dramatic events of September 11 aroused the national perception that only strict laws, large-scale enforcement, and punitive campaigns could guarantee security. Protectionism has become the central feature of public policy. With the onset of the new millennium, national security, through strict criminal enforcement, has become the linchpin for all immigration policy. In 2003, the discursive relationships between immigration and danger, the border and vulnerability, immigrant and criminal, as well as enforcement and safety were formally instituted with the creation of a U.S. Department of Homeland Security. Under its auspices, two agencies dedicated exclusively to investigation and enforcement were created: Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). In the 20th century, immigration discourse hinged on matters of economics and labor, but over the last two decades the focus has shifted to physical safety as it relates to criminally dangerous immigrants. In this landscape of fear and protection, TANC gained viability and has been increasingly used.

Why TANC Is Alluring and Compelling

This rhetorical trope is attractive because it conveniently relies on well-established discursive trends. “They are not criminals” slips easily into norm-oriented

language, definitions, and concepts to make its case using simple, heavily referenced dichotomies: “criminal/innocent” and “worthy/objectionable.” Those who rely on this trope need not explain its currency or its terms. It is a recognizable argument and serves to distance immigrants from a perennially vilified group—“criminals”—considered by most who use the term to be tainted individuals.⁶ “Criminals” are universally understood to be “bad.” Therefore, asserting that immigrants are *not criminals* positions them as “good” people. This discursive strategy fits into the simplistic framework of most national debates, the common binary structure of two “opposing” sides.

TANC, and its attendant logics, has the power to attract prospective supporters, influence opponents, and draw attention to the pro-immigrant cause. Its declaration and subtext are convincing because they are basically true and emotionally moving. Most immigrants are hardworking, law-abiding, and sympathetic people. The only “criminal” aspect of their behavior is living in the United States without proper documentation or failing to follow regulations pertaining to migration. Often, TANC is accompanied by the recognizable and acceptable or honorable description of immigrants as pursuing opportunity via the “American Dream.” The argument that immigrants are not criminals is an appealing way to discredit the negative claims about immigrants while evoking familiarity: “They are just like you and me.”

Efficacy

Claiming that one is not a criminal (positioning the immigrant as a lawful, decent person) *works* at the individual level when someone’s record is indeed free from formal signs of criminality, arrest or conviction. This lack of contact with the criminal justice system is evidence of a person’s innocence (being moral and harmless) and this helps to bolster their case. For this logic to be persuasive at the aggregate level, one must believe that violating immigration laws is not a crime. For a large segment of U.S. citizenry, this is not the case. The claim against immigrant criminality is often used, effectively, as a line of reasoning against terrible conditions in detention centers or mistreatment by enforcement officers. However, civilized treatment is not necessarily the primary objective when this trope is deployed. Usually there is an underlying expectation of sympathy and *entrée*; toward that end, the usefulness of this catchphrase is limited. Stating that immigrants are not criminals *works* because it is a recognizable claim using widely known, reductive categories that have become familiar to a public informed for years about such a thing as “the criminal.” Relying on and reifying the premises of this trope is problematic. We must reconsider its use by asking why TANC has power and appeal.

Complexities and Problems

Asserting that immigrants are not criminals would seem to be innocuous and factually correct in that most immigrants have not violated the penal code. TANC

may slightly deflect negative perceptions of the immigrant, but serious problems are revealed upon examination of the subtext and implications of the claim. It relies heavily on historically dominant principles and thus reflects a norm-oriented social movement that creates suspect-subjects and pits underprivileged groups against one another. TANC compromises the possibility for value-oriented change that could dismantle social processes that reduce human beings to mere bodies and allow for their spatial manipulation and control. Yet this trope, and its subliminal ideology, do not contest the historical framework of immigration, or confront the structural and systemic arrangements of power that foster injustice.

Rhetorically speaking, TANC cannot be substantiated, as it is difficult to prove a negative. Since TANC is easily contradicted, it is a risky tactic. To counter this rhetorical claim, all that is needed is one case in which an immigrant, undocumented or documented, has been accused or convicted of a crime (other than entering the country illegally). A singular instance readily destroys the credibility of this discursive claim and diffuses its influence, while dangerously furthering the already well-entrenched impression that immigrants are indeed “criminals.” Having entered the country without proper documentation, they have violated U.S. law and by social definition are “criminals.” Ongoing use of this trope focuses the national immigration debate on whether immigrants are dangerous (suspect-subjects) and whether their actions are, or should be, perceived as criminal. The question of criminality is far removed from matters of justice and the creation of humane public policy, since it is invested in a social structure built upon essentialized bodies (criminal/innocent, dangerous/safe). Asserting that immigrants are not criminals does not challenge the cruel, capricious bigotry of contemporary immigration policy. Rather, it is supposedly an apolitical trope deployed within a politically charged issue.

Furthermore, “they are not criminals” is a declaration of a negative. A rationale of absence defines an entity by what it is *not*. The subject (in this case, immigrants) is in effect obliterated by the statement’s structure. Rhetorically, immigrants are defined by their lack of attributes. Thus, this linguistic device cannot serve to break down stereotypes and challenge fears associated with the unknown because it does not operate to humanize people. It fails to make immigrants whole or recognizable agents because it does not state who comprises this group. “They are not criminals” diminishes an entire heterogeneous group by reducing them to a mass of harmless, passive bodies. Being lessened in this homogenizing way is insulting and heightens immigrants’ vulnerability. Moreover, it allows for the ongoing hierarchical ordering of bodies (only “safe ones” should be allowed in).

TANC’s most troubling consequences are the ways in which it reinforces the nation’s punitive landscape while fueling divisions between marginalized populations. Critiquing the treatment of immigrants by enforcement agencies, from the Border Patrol to ICE detention, the claim is that since they are not *common criminals*, they do not deserve to be treated *that* way. This ideological position unintentionally furthers the marginalization of those typically targeted by the criminal justice

system (Garland et al., 2008; Tonry, 1996). Logics that challenge the penalizing treatment of immigrants do not discredit the practice of long-term incarceration or a system centered on an adversarial retributive justice model. They do not question the premise of deterrence through harsh punishments or oppose the misleading notion that large-scale enforcement tactics result in increased safety. Yet, these norm-oriented principles are fueling the current war on immigrants.



Participants in a Walkout in New York, New York, April 10, 2006. Photo by Thomas Goode.

Challenging the inhumane treatment of immigrants poses difficult choices. It is immediately necessary to improve the conditions in which people are being held and to temper the harshness of patrol tactics. However, demanding improvement of this kind effectively asks that substantial resources be committed to the enforcement system. If the nation commits capital to the growth and maintenance of the immigrant enforcement infrastructure, current practices will be reinforced. Should the overall objective be well-run detention centers or the elimination of immigrant detention? Is the purpose to assist capitalism's use of spatially controlled bodies by assuring that those bodies are well taken care of? Private prison corporations have quickly seized upon the government's inadequate facilities and have committed to meeting the demands of immigrant detention (Barry, 2009; Kolodner, 2006). This further fuses the apparatus of criminal justice to immigration enforcement. Now, profit-driven agencies have a vested interest in immigration policy. In short, the phrase "immigrants are not criminals" does not combat the industry of controlled bodies.

Because this IAT is a response to anti-immigrant, pro-enforcement arguments, it provides a weak foundation from which to resist or alter the current landscape. Shaping the terms of engagement are forces invested in a reactionary outcome (from capitalism to the Minutemen). Thus, this discursive tool lacks a dynamic means for organizing since it offers little substance around which people can rally. As a trope, it does not identify political leverage. Instead, it effectively fosters divisions between immigrants and the criminally suspicious, immigrants and the criminally convicted, and immigrants and the marginalized deviant, while reinforcing the legitimacy of harsh punishment, segregation of bodies, and the idea of criminal or dangerous by nature.

Historical Use: They Do the Jobs No One Else Will

Historically, the pro-labor movement in the United States has generally been at odds with immigrants' rights movements.⁷ Immigrants and workers are extensive collectives that perhaps share the greatest chance for affinity since they have a notable overlap in contingency. Superficially, because of this shared membership, a powerful momentum toward large social justice and human rights goals seems possible. However, the most recognizable rhetoric used to formulate immigrant advocacy strategy in the labor realm is: "Immigrants will do the jobs *Americans* won't." In good economic times, the phrase has been welcomed and essentially placed Americans at ease, knowing that immigrants would do the "undesirable," yet necessary jobs. Despite the phrase's undoubtedly well-intentioned approach to legitimating an immigrant presence in the United States, its level of efficacy is largely contingent upon the economic state of an American public unwilling to do what are arguably the hardest and least rewarding jobs. In the past, when jobs were abundant and the economy was healthy, anti-immigrant sentiment did not rank high as a public priority. Conversely, when production slows due to a stagnant or failing economy and domestic unemployment is high, anti-immigrant sentiment rises, along with policy implementation and action (detention and deportation).

In their 1959 film, the Council of California Growers used the popular phrase "Why Braceros?" in an attempt to calm a suspicious American public that was irate over Mexican laborers being sought by the hundreds of thousands to work California's agricultural fields. When U.S. soldiers left to fight in World War II, the labor void had to be addressed. The quaint black-and-white film gently reminded Americans that "those Mexicans" meant no harm; they had come to do the jobs no one else would do. These discursive sentiments, initially popularized by government agencies and agricultural interest groups that derived most of the profit generated by Braceros, gained in popularity and were later employed by worker advocates and, especially, immigrant advocates and immigrants themselves. This example is not specifically situated within an immigrant debate—the Braceros arrived in the United States via legal means facilitated by a bi-national agreement—but it

illustrates the lack of discernment regarding documentation status (Acuña, 2007; Calavita, 1992; Ngai, 2004; Sassen, 1998). Historically, those phenotypically and linguistically marked as “foreign” are deemed suspicious until they can prove their right to be in the United States through formal means. However precarious and varied the process toward acceptability might be, the idea that “immigrants will take the undesirable jobs” retains prominence in the immigration debate.⁸

Why It Is Alluring and Compelling

The point here is not to critique an immigrant worker who claims that it is generally true that immigrants fill the least pleasant jobs for the lowest pay. Instead, we wish to engage advocates who use this phrase and others like it, and to discuss why it is attractive and problematic. The message to average Americans is that without immigrants, this work would not get done. A salient example is the 2004 film, *A Day Without a Mexican*, with its grim picture of a U.S. economy lacking the Mexican labor to which “we” are accustomed. This political satire seeks to scare Americans into sympathizing with the immigrant desire to be here. It hopes to garner support for immigrants as a necessary part of the U.S. economy. The film, and phrases aligned with it, appeal to a capitalist sensitivity that prefers to deal with an immigrant presence if it means someone will do the “dirty work” and prices will remain low.

Efficacy

This IAT works so long as Americans are gainfully employed and there is enough perceived wealth to go around. Otherwise, immigrants become primary targets. Key 20th-century benchmarks indicative of this trend are the periods immediately following the 1929 stock market crash and the period after implementation of NAFTA in 1994. Both periods saw a heightened public reaction against Mexican immigrants, and in both cases extreme measures to rid the nation of its “immigrant problem” were implemented to ease public perception and to create the appearance that the threat was being handled. In the first case, as the U.S. economy saw its sharpest decline, scapegoats were needed for public punishment. Mexican Americans and Mexican immigrants were rounded up and an estimated 300,000 to half a million were deported to Mexico (Acuña, 2007; Sanchez, 1995). The phrase “Mexicans do the unwanted jobs” no longer applied as domestic despair rose to the point that Americans began taking previously unwanted jobs, primarily in the agricultural and industrial sectors. Thus, IAT efficacy is limited and immeasurable; it actually harms immigrants by positioning them as the “hardworking and industrious” target—or the suspect-subject—who becomes a problem when economic times are tough. The economic crisis of late 2008, which is being compared to the 1930s, hosts familiar anti-immigrant attitudes, policy reform, and action. Thus, efficacy depends entirely on the accommodation Americans can “afford.”⁹

Complexities and Problems

Among the multiple problems with this discursive logic, the most pernicious is the way in which this IAT abstracts humans to a base capability: “a body made to labor.” Immigrants become objectified and stripped of any human capacity other than to work. Therefore, they become the most exploitable group of people for an employer’s benefit. Limiting people to a definition of their bodily capacity facilitates the categorization of individuals as problematic suspect-subjects. By reducing humans to labor, immigrants are also stripped of the limited agency and social mobility they may possess. If immigrants simply “do the work no one else will,” they become locked into the lowest stratum of employment opportunity, severely restricting their capacity for upward mobility (Douglas and Saenz, 2008). These consequences conglomerate and escalate, and immigrants—Mexicans and others—become trapped by the discursive logic used to legitimate their claim to U.S. presence. Therefore, this IAT offers a flattening logic that entraps people, dislocates their humanity, and allows them to be exploited, removed, and then replaced.

While attempting to assist immigrants, this IAT further alienates them from U.S. labor policy because it pits immigrants against U.S. domestic workers, or those with a “true claim” to protective labor laws. Also, whether in times of a healthy or stagnant economy, the phrase threatens would-be allies in the labor movement by asserting that immigrants will potentially fill “their” jobs. Today, the nation’s economic woes and virulent anti-immigrant opinion often share headlines in the public discourse. Mexican immigrants have become the most blameworthy targets. The idea that “immigrants do jobs Americans will not” may be true, but as unemployment numbers reach unprecedented levels, Americans may turn to less desirable jobs. Thus, this popular phrase must be retired until the U.S. economy stabilizes. Otherwise, its rhetorical use could potentially expose immigrant populations to increased danger rather than protect and legitimize their presence as “labor” (Valenzuela, 2006; Douglas and Saenz, 2008).

Conclusion

These are times of great duress for multiple marginalized populations. American workers have been coping with stagnant wages, diminishing benefits, and persistent attrition of living-wage jobs. With the recent economic crisis exacerbating the situation, the nation’s punished classes are under siege. The prison population currently hovers around a staggering 2.3 million people. The most disturbing feature of the nation’s penal archipelago is the racial disproportionality of those who end up under correctional supervision, a population that tops seven million. In 1996, “the most restrictive immigration bills in the history of the United States,” the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigration Responsibility Act of 1996, were passed (Hines, 2006: 11). Since that time,

immigrants have been in increasing jeopardy and harsh immigration enforcement has “become a fixture in the spiraling apparatus of social control” (Welch, 2002: 170).

Yet these times also present an opportunity for groups to coalesce around similar oppression in the interest of creating meaningful, shared change. Decisions made in crisis are often expedient; they are not the most thoughtfully strategic with regard to long-term goals. Given the opportunity to organize a broad collective and to recognize alliances and shared goals, it is crucial that the rhetoric and logics most easily accessed do not foster divisions and disable the possibility of a coalition with ample leverage. Though this analysis has focused on immigration advocacy tropes, it is aimed at a broad and diverse audience that is engaged in critical practices of organizing and activism around distinct causes.

The IATs explored here exacerbate tensions between populations at a time when much could be gained by organizing in concert with one another. Constituents include the unemployed and the immigrant, the laborer and the immigrant, the racialized U.S. citizen and the immigrant, the prisoner and the immigrant, the racialized citizen and the prisoner, and the immigrant and the working poor. These are not mutually exclusive or static categories. Many people inhabit two or more positions simultaneously and the power to create meaningful social change lies not in their distinctions, but in their affinities.

Embedded in the interstices of these fractured relationships is the way in which each group interfaces with a global economy that relies upon the inorganic divisions created by social categories of race, documentation status, nationality, and criminalization. Separate struggles for justice—labor, economic, racial, immigrant, prisoner, queer, or disability—only weaken one another’s efforts, diminish leverage against a global economy that reduces them to docile bodies (Foucault, 1995), and dilute claims against injustice and tyranny. The IATs analyzed here fortify hegemonic ideas about race, class, and a taxonomy of worth. Our critique is conducted in the interest of a durable social justice for all. The question for us is what type of society, what set of social structures, power relations, and sociopolitical institutions do pro-immigrant movement activists (and other distinct contemporary social justice movements) aim to build or be a part of. We doubt that the ideology and logics embedded in these IATs correspond with, or will lead to, such ends.

At the turn of the 20th century, the Industrial Workers of the World (IWW) moved toward the revolutionary goal of an all-encompassing union, using as its motto, “an injury to one is an injury to all.”¹⁰ Through its membership of socialists, anarchists, and radicals, the IWW created unity where competition was formerly perceived by inviting women, immigrants, and racialized minorities into its fold. Thus, there is a historical and theoretical precedent for our proposal. Because the political climate is so unique in its severe repression of multiple populations, the time is propitious for uniting and creating new discursive approaches that reflect more complex logics. What might this new discursive language sound like? Which characteristics might the praxes associated with inclusive logics have? New rhetorics

should opt for long-term efficacy, aim to expose power structures at their roots, retain a strand of cohesion and inclusivity in their taxonomy, and, most crucially, avoid juxtaposing one group against another in a claim for discrete justice.

NOTES

1. A third, related trope, “*They are patriotic*” (i.e., hard-working, learn English, seek the American Dream, embrace meritocracy, are loyal to this nation, join the military, and wave American flags), cannot be explored in this article due to page limitations. It is noteworthy since it cultivates a hierarchy of immigrants and reinforces the notion that there are those who are worth letting in and those who should be kept out. Other groups hoping to forward their own discrete aims have used all three tropes at some point. Examples include queers, African Americans, and unions and we assert the problems are the same.

2. Sanchez (2007: 170) makes her case using the example of strict anti-gang policies implemented in California and Chicago as part of “late-twentieth-century risk management.” We use her argument to claim that immigrants, like the racially profiled gang members to which she refers, are bodies to be ordered and punished. Other examples include dismantling the welfare state. It has become a “crime” to be unemployed, so the government “punishes” those people by eroding the social safety net. Schools that do not perform (now understood as the “crime” of low test scores) lose their autonomy and are placed on probation, facing more punitive outcomes if they do not score higher.

3. Under the current government trend, *all* bodies are ordered and counted. However, bodies that are racialized, female, poor, foreign, or otherwise underrepresented and underprotected are scrutinized and ordered with greater severity and outcomes.

4. On August 23, 2006, Michael Chertoff, then Secretary of Homeland Security, announced that the new mandate for immigrants in the United States illegally is “catch and detain.” The Border Patrol budget, a mere 94 million dollars in 1992, was a confounding \$1.94 billion by 2007. Between 2002 and 2008, the average daily population of detained people increased by 45% (*ICE.gov*). The Immigration and Naturalization Service (INS), which in 2003 was folded into the Department of Homeland Security, saw its staff more than double between 1994 and 2003 and its budget soar to \$6.3 billion by the middle of the decade. ICE even has its own airplane, which flew 367,000 illegal immigrants “home” in 2008 (Olivo, 2009).

5. Policies such as the Japanese Gentlemen’s Agreement Act of 1907, the 1917 Immigration Act that mandated literacy tests for immigrants, and the 1924 National Origins Act (also known as the Johnson-Reed Act) illustrate U.S. action to limit immigration, mostly from Asian, Latino, and Southern and Eastern European nations. Another indication of heightened immigration patrolling was the informal deployment of mounted watchmen, members of the U.S. Immigration Service, on the U.S.-Mexico border as early as 1904.

6. Even among the convicted, there is a hierarchy of criminality (“badness” or “dangerousness”). Misdemeanants, nonviolent offenders, and those not involved in sex crimes often assert a distance from those who are “truly” criminal.

7. For a more robust discussion, see historians within a subaltern, Marxist framework who address how labor movements have been pitted against domestic, racialized peoples and immigrants. These include Acuña (2007), Frank (2004), Gutierrez (1995), Kelley (1990, 1996), Ruiz (1998), Sanchez (1995) and Zinn (2003).

8. The meatpacking industry is a contemporary example of the U.S. economy’s reliance on immigrant—primarily Latino—labor. Scholars and journalists have described the perils associated with the meatpacking and poultry processing industries, including low pay, dangerous working conditions,

and difficult work. See Olsson (2002), Schlosser (2001), Stromquist and Bergman (1997), and Stull, Broadway, and Griffith (1995) for a critique of the meatpacking sector.

9. Americans have historically viewed immigrant labor as unwanted in many ways, particularly when they are seen as competition. “Day laborers encounter violence primarily from other day laborers, police, and their employers, and to a lesser extent from merchants and local residents” (Valenzuela, 2006: 189).

10. The IWW, also known as the Wobblies, was founded in 1905. Their original platform largely opposed the exclusionary politics of the American Federation of Labor.

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The Discursive Figuration of U.S. Supremacy in Narratives Sympathetic To Undocumented Immigrants

Jodie Michelle Lawston and Ruben R. Murillo*

THE REALITY TELEVISION PROGRAM, *30 DAYS WITH MORGAN SPURLOCK*, RELATES A compelling narrative in its episode entitled “Immigration” by having Frank, an avowed Minuteman, live with the Gonzalez family — whose members are undocumented — in East Los Angeles. The episode begins with images of Frank patrolling the border, binoculars in hand and 9mm handgun at his side, while passionately arguing that the United States must enforce its immigration laws. He insists that immigrants who have crossed “illegally” must be policed and deported back to their country. The viewers are then introduced to the seven Gonzalez family members, who live in a 500-square-foot, one-bedroom apartment. Upon entering the Gonzalez’s home, Frank adamantly argues that the family must be deported. Although his intransigent views slowly melt away due to the warmth and hard-working nature of this family, the critical turning point for Frank occurs when he goes to Mexico and witnesses firsthand the “squalor” and abject poverty from which the Gonzalez family fled. After this horrible experience, Frank explains that the Gonzalez family was merely trying to survive by entering the United States. “illegally.” By the end of the episode, he tearfully embraces one of the daughters, and promises to sponsor her if she is deported.

This episode rehearses the antinomies present in the current debate over undocumented immigration in the United States. Frank embodies the law-and-order, anti-immigrant side, which argues that undocumented immigrants are “criminals” because they have violated the law. Similarly, the representation of the Gonzalez family typifies the liberal, pro-immigrant side, which argues that people should show compassion for others who are simply seeking a “better life” in the United States.¹ However, despite ostensibly showing “both sides of the story,” the episode leans toward the pro-immigrant, liberal stance.

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The liberal position of the narrative reveals itself in the way it elicits sympathy for the Gonzalez family, particularly for the daughter Armeda. She is a high school student whose lifelong dream is to attend Princeton or Santa Clara University. Besides her college aspirations, the narrative represents Armeda as a model of citizenship. In a scene in which she teaches Frank how to play golf, he sheepishly admits that he has never played the game before. This highlights Armeda's Americanness, since golf is a predominantly white sport and a symbol of social status. It thus communicates to the viewers her aptitude for upward social mobility.² The narrative thus suggests that if Armeda were not "illegal," she could climb up the social ladder of success.

Another telling scene that speaks to Armeda's extraordinary promise comes at a lunch in a restaurant where her white male high school teacher delivers a heartfelt toast praising her remarkable achievements as a student. His social status as white and male valorizes Armeda's abilities and legitimizes her existence in the United States. However, the scene unwittingly reproduces the hierarchal paradigm that situates the United States as superior to Mexico in the national imagination since the young immigrant Latina must be recognized by a white male. In a subsequent scene at the restaurant, the schoolteacher and Frank are involved in a heated debate. Frank vehemently laments that the nation's laws are not being enforced, to which the teacher exasperatingly responds, "They're already here!" The logical conclusion for the viewer is that if the United States were to decriminalize undocumented immigration, students such as Armeda would become outstanding citizens.

The hierarchal nature of the liberal stance toward immigration is compellingly revealed in the scene in which Frank visits the village where the Gonzalez family lived in Mexico. Frank is appalled that the Gonzalez family came from such "filth" and "poverty." In a blunt, ethnocentric remark, Frank states that there are "50 years of filth" in the house and that he just wanted to "get out of there." A shot of Frank throwing his shoe at cockroaches on the walls of the family's home underscores this sentiment.

The message that viewers take from this episode is that the United States is inherently superior to Mexico, and because of its abundant prosperity, U.S. citizens should reach out to help those "less fortunate." The episode's last scene shows Frank tearfully saying good-bye to the Gonzalez family, which suggests that the poverty is so overwhelming that it reduces a hardened, law-and-order, gun-toting Minuteman to tears. In a poignant afterword, the audience learns that although Santa Clara University accepted Armeda, she was unable to attend due to a lack of economic resources. Viewers are left with the feeling that financial assistance could easily remedy Armeda's dire situation. The news that Frank continued to be a Minuteman is perhaps the most truthful segment of the narrative: nothing had changed.

In this article, we argue that the bifurcated logic that underwrites and dominates today's immigration debate reproduces a hierarchical paradigm that posits the United States as superior to formerly colonized countries. Similar to the way in which

the immigration debate unfolds in *30 Days*, many liberal arguments, sympathetic to undocumented immigrants, respond to and critique anti-immigrant platforms. They appeal to an American sense of fairness and charity, putting a human face on immigration and evoking sympathy for undocumented immigrants. This type of discourse often circumvents historical, social, imperialist, and global capitalist considerations. We will critique these liberal discourses insofar as they assume that the abundant prosperity and incorruptible protection of human and civil rights make the United States irresistibly desirable to impoverished victims of corrupt and repressive governments. Such discourses ignore a history of U.S. interventionism in formerly colonized countries (Kahn, 1996; Newton, 2008; Rodriguez, 2008) and fail to acknowledge that the United States has had a direct hand in creating and maintaining the political and economic conditions that have driven migration northward. Hence, the arc of our discussion will focus on causality concerning the dynamics of immigration, interventionism, and disrupted social structures resulting from global capital.

Our analysis examines how the immigration debate takes shape in four narrative types—a docu-film, a reality TV show, a nonfiction account, and a fictional short story—to illustrate several forms of mainstream, liberal popular discourse. We analyze the acclaimed 2008 film *Under the Same Moon* and the 2006 Pulitzer Prize-winning book, *Enrique's Journey*. We also periodically return to the *30 Days* episode. Each presents a narrative sympathetic to the plight of undocumented immigrants. We show that these narratives are a reaction to anti-immigrant, law-and-order strategies that define and label crossing a national boundary as “criminal.” To contrast mainstream liberal discourses with a more resistance-based approach to understanding migration, we examine Helena Viramontes’ *Cariboo Café*, a story that critiques U.S. immigration policy and enforcement by evincing U.S.-sponsored violence and repression in Central America.

Law-and-Order Strategies, Boundaries, and Criminality

Initiatives such as the 1986 Immigration Reform and Control Act (IRCA), the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), and California’s Proposition 187 were intended to contain, regulate, and punish immigrants, especially those who are nonwhite (Hernandez, 2009; Cacho, 2008). IRCA set out to deter undocumented immigration through employer sanctions for hiring immigrants unauthorized to work legally in the United States. Its amnesty provision categorized immigrants into those who are “deserving” and those who are “undeserving” of citizenship (Hondagneu-Sotelo and Salas, 2008; Cacho, 2008). IIRAIRA turned petty crimes such as shoplifting and drunk driving into aggravated felonies, curtailing the rights of undocumented and legal permanent residents. Proposition 187, which was ultimately declared unconstitutional, “sought to control and diminish undocumented immigrants by denying public education and health services to undocumented immigrants and their children” (Hondagneu-Sotelo

and Salas, 2008: 212). These “get tough on immigration” laws—combined with the mainstream media’s tendency to cast migrants as “predatory villains,” “drug dealers,” and “terrorists” (Welch, 2002)—have resulted in a criminalized class of people who constitute the “most rapidly expanding appendage of the American prison industrial complex” (Rodriguez, 2008: 7).

With over 400 private and public detention centers operating across the United States, the criminalization and subsequent detention of undocumented immigrants are integral to the processes of prison expansion. Poor communities of color are disproportionately targeted by the police and criminal justice apparatus for incapacitation in prisons. Of the 2.3 million people incarcerated, 50% are African American and 20% are Latino/a (Pew Center on the States, 2008; Cole, 2009; Gilmore, 2007; Mauer and King, 2007; James, 2005; Davis, 2003). Similarly, nonwhite immigrants are disproportionately detained and incarcerated. The detention of Filipino immigrants is increasing (Rodriguez, 2008), but Latinos “represent the largest group of foreign-born, documented and undocumented migrants, border apprehensions and removals, [and] criminal alien detainees...” (Hernandez, 2009: 44). In 2005, Latinos represented seven of the top 10 foreign-born groups in detention, with Mexicans comprising half of all immigrant detainees (Siskin, in Hernandez, 2009). As Hernandez (2009) reminds us, although there are undocumented immigrants from many parts of the world in the United States, most government efforts to combat undocumented immigration have been aimed at Latino communities and the U.S.-Mexico border. Latinos generally, and Mexicans in particular, have therefore come to embody “illegality” in the United States.

Paralleling U.S. representations of Blacks as inherently “criminal” and “violent,” Latinos have been represented as “violent, foreign, criminal-minded, disloyal, and overrunning the border” (Bender, in Hernandez, 2009: 44; see also Escobar, 2008). These representations are essentially used to justify state violence against, and social exclusion of, marginalized populations. Anti-immigrant law-and-order strategies for controlling immigration—or more precisely, for dominating and subordinating marginalized groups of people—follow methods developed for criminalizing and controlling nonwhite, poor citizens in the United States.

Anti-immigrant discourses dominating the public sphere follow the tautological reasoning that undocumented immigrants have “broken the law” and hence deserve to be treated as “criminals.” This naturalizes binary “criminal/noncriminal” categories and offers no historical context for migration patterns and trends; it also refuses to recognize the role of racism and white supremacy in the policing, criminalization, and imprisonment of large groups of people, citizen *and* noncitizen (Davis, 2003, 2005; Romero, 2006; Escobar, 2008). As we show, despite the sympathetic portrayal of immigrants in *Under the Same Moon* and *Enrique’s Journey*, these texts react to law-and-order discourses and fail to historicize and contextualize immigration beyond the notion that migrants want a “better life.” This perpetuates the framing

of the United States as inherently “superior” to migrants’ home countries and fails to contest binary categories of “criminal” and “noncriminal.”

La Misma Luna

Under the Same Moon tells the story of Rosario, an undocumented single mother who lives in Los Angeles and does domestic work. As the product description explains, she does this to “build a better life” for herself and her nine-year-old son, Carlitos. Rosario sends money back to Mexico to help support her son, who is residing with his grandmother. Although Carlitos and Rosario speak every Sunday on the phone, Carlitos grows increasingly impatient to be reunited with his mother in the United States. When his grandmother unexpectedly dies in her sleep, Carlitos makes the fateful decision to undertake the epic journey across the U.S.-Mexico border in hopes of reuniting with his mother. With spirited and determined courage—and astonishing resourcefulness for a nine-year-old boy—Carlitos overcomes an array of challenges that would have caused most people to give up.

In typical Hollywood fashion, the suspense builds in the final scenes. Rosario receives a call from Mexico, with the caller explaining that her mother is dead and that Carlitos has disappeared and is most likely heading north in search of her. She is overcome with worry that Carlitos may never make it to the United States, that he was apprehended by *la migra*, or perhaps met an even more unthinkable fate. Not knowing Carlitos’ whereabouts or circumstances—or even what else to do—Rosario resigns herself to return to Mexico to search for him. As she takes her seat aboard the bus, the site of a boy talking on a public telephone evokes an epiphany that, having described it to him many times, Carlitos probably has gone to the phone booth from which she called him every Sunday.

Stirring music begins as Rosario rushes off the bus. Then Carlitos is shown at an intersection where the Laundromat his mother has described to him is located. Turning his body, he sees the Domino’s Pizza and the mural of which she spoke. Turning again, he sees the phone booth where his mother is standing. He yells “Mama!” and runs toward her. Hearing him, she shields her eyes from the rising sun, perhaps assuring herself that it is indeed her son. Carlitos yells again and Rosario responds, “Carlitos!” Cars rushing through the intersection prevent them from getting closer. Their eyes lock until they are able to safely cross. Rosario, her eyes tearing, leans her head to the right, smiles, and whispers “mi amor.”

The pathos of the final scene easily moves the viewer and the film succeeds in putting a human face on immigration and evoking heartfelt sympathy for undocumented immigrants. The movie’s message is decidedly pro-immigrant, and its final two messages—the golden sunrise behind Carlitos’ young face, and the crosswalk signal turning from “Don’t Walk” to “Walk,” followed by a fade to black—assures the audience that Carlitos has safely arrived at his desired destination.

The Halo Effect

The golden sunrise evokes California's slogan as the Golden State, with its promise of a better life. Carlitos' new future appears to be replete with the promise of prosperity. The viewer comes to believe that the incredible risks and dangers that he had to overcome were ultimately worth it. This is uncannily similar to the representation of the bright and promising Arreda in *30 Days*. Both have the halo effect. Viewers likely assume that Carlitos' pursuit of the "American Dream" will end in prosperity because, like Arreda, he embodies the essential characteristics of the model U.S. citizen. His character is almost Reaganesque—endlessly optimistic, courageous, entrepreneurial, resourceful, industrious, and well mannered. The implicit message of this narrative is that Carlitos deserves to be in the United States because he is extraordinary. Ordinary Mexicans such as the other Mexican characters in the film—other than his mother—would not have made it to the United States; in fact, the narrative would never have been made if Carlitos were ordinary.

Like *30 Days with Morgan Spurlock*, *Under the Same Moon's* representation of undocumented immigrants is sympathetic, but emerges from a bifurcated, chauvinistic logic. In a scene depicting the abject poverty endured by those not fortunate enough to have a mother living in the United States, Carlitos comes to school with a new pair of tennis shoes. His schoolmate, who sells gum on the street, is unwashed, uncombed, and wearing tattered shoes. This boy's face is marked by sense of sadness and the viewer witnesses a stark contrast between the boys. Carlitos is sympathetic to his impoverished schoolmate and says that he realizes he is lucky to have a mother who can provide for him. The viewer readily understands that her jobs in the United States make the difference.

The viewer's sympathy for Carlitos rests in part on the belief that his talents and optimism would be wasted were he to stay in Mexico, a "backward," "corrupt" land entrenched in abject poverty. Carlitos' successful undocumented entry into the United States is justified through the use of allegory. His ailing grandmother, whose nighttime death leaves him an orphan, symbolizes the ailing, decrepit Mexican state and its inability to provide for its citizens. Carlitos' first meeting with his absentee father echoes the sentiment of his grandmother leaving him orphaned. At lunch, Carlitos asks his father if he will drive him to Los Angeles to find his mother. (The father hesitantly agrees to, but never shows up.) After lunch, Carlitos quickly and decisively reached into his pocket and paid the bill, with his tearful father looking on helplessly. This allegorical inability of the Mexican government to provide for its people resonates with the U.S. national imagination. In *30 Days*, for example, the Minuteman says that people illegally enter the United States because the Mexican government is unable to provide for its people.

When the discourse turns to the rampant corruption of the Mexican government, it remains blind to widespread corruption among government officials and the rank-and-file police within the United States (Walberg, 2010).³ One of the most

egregious failures of government was its inept response to Hurricane Katrina. Nonetheless, the movie features several characters that embody the “corrupt Mexico.” A Mexican businesswoman in Carlitos’ hometown arranges for smugglers to take undocumented immigrants into the United States. In her office at the back of a small clothing shop, she openly discusses smuggling arrangements in front of witnesses. Everyone in town knows what she does, and her matter-of-fact flouting of U.S. law suggests to viewers that corruption is an everyday part of life in Mexico.

The negative stereotype of the Mexican government as callously narcissistic, despotic, and corrupt is embodied in Carlitos’ uncle Manuel (his father’s brother). Manuel visits Carlitos on his birthday. While everyone else is celebrating, Manuel is serious and preoccupied. Out of view from the other guests, he tells Carlitos that the time has come for him to live with him. Carlitos is clearly reluctant, so Manuel forcefully shoves him into a chair. Carlitos’ grandmother stops Manuel and observes that he had shown little interest in Carlitos until he heard about the \$300 a month Carlitos’ mother had been sending for his care. This representation of the uncle is congruous with media depictions of Mexico as despotic and inimical to personal freedom and liberty.

The logic of U.S. immigration is embedded in the film through its juxtaposition of the “winner” Carlitos and his less fortunate traveling companion, Enrique, whom Carlitos met while doing agricultural work. Enrique acts as a foil to Carlitos’ successful immigration: he is generally pessimistic, cowardly, socially awkward, unimaginative, and lacks ambition or drive. Many of the characteristics attributed to Enrique are diametrically opposed to the essential characteristics that make Carlitos deserving of successful U.S. immigration. Bonilla-Silva (2003) acerbically states that certain immigrants are not allowed into the “melting pot”; their toil, labor, and material bodies may be used as wood to heat up the pot, but they are ostracized from U.S. society. Similarly, Enrique sacrifices himself to pave the way for Carlitos’ successful immigration.

In a pivotal scene, when the Los Angeles Police Department stops and questions Carlitos, his quest to find his mother is imperiled. For the first time, Enrique acts decisively. He aggressively throws his soft drink at the officers, prompting them to chase him down and detain him. This assures Carlitos’ escape, but also allows Enrique to redeem himself after his previous selfishness and indecision. In this scene, the idea that some immigrants are “deserving” of immigration, while others are “undeserving,” is clearly reinforced. Cacho (2008: 202) argues that “to garner public support for racial and ethnic rights, the representative victims for each group need to be respectable in order to be sympathetic.” “Respectable” immigrants need to be juxtaposed against an “other” to reinforce their Americanness. The film requires Enrique so that Carlitos can be constructed as a sympathetic character replete with American values and skills and “deserving” of citizenship. For Escobar (2008), the act of determining one immigrant as “deserving” rationalizes the violence used against those who do not fit that category, in this case, Enrique.

Despite the happy ending in *Under the Same Moon*, the life conditions of undocumented immigrants entering, and living in the shadows of, the United States are harsh, exploitative, unwelcoming, and laden with fear of arrest, detention, and deportation. Crossing the U.S.-Mexico border is far riskier than *Under the Same Moon* suggests. Due to border militarization strategies such as Operation Gatekeeper in the early 1990s and zero-tolerance policies implemented by the Department of Homeland Security's Immigration and Customs Enforcement (ICE), deaths at the border and in incarceration have increased. Violation of immigration laws is not a crime. It is a civil violation that entails a process to determine whether the person has a right to remain in the United States. At the end of 2009, over 440,000 people were held in immigration custody, more than triple the number of people held just 10 years ago (Detention Watch Network, 2009). Adults, children, and entire families are contained in federal detention centers managed by ICE, privately contracted prison facilities, or in county and state prisons, which hold some 67% of detainees (*Ibid.*). Conditions in these facilities mirror those faced by the larger prison population. Overcrowding is typical and health care is inadequate or nonexistent. Immigrants die in custody, abuse is common, and families are often torn apart, sometimes permanently (*Ibid.*; Bernstein, 2007). We now turn to Sonia Nazario's (2006) *Enrique's Journey*, a compelling account of the harrowing experience of entering the United States.

Enrique's Journey

Enrique's Journey (2007) is a highly acclaimed and commercially successful book, making the *New York Times* bestseller list and receiving one of the most prestigious book awards, the Pulitzer Prize. According to a *New York Times* review, "Nazario has illuminated the modern immigrant experience; with Enrique, she has given a voice and a face to these migrant children." Given the disparaging references that dominate discourses on undocumented immigrants, such as "illegal aliens" and "criminal," Nazario's narrative is acclaimed for humanizing immigrants.

Sonia Nazario begins *Enrique's Journey* by detailing her discovery of the phenomenon of unaccompanied minors emigrating from Central America. Their journey to the United States sometimes spans thousands of miles. Nazario, a *Los Angeles Times* reporter, discovered the source of her maid Carmen's sorrow to be her separation from her son, who had been living in Guatemala for years. Due to her undocumented status, she had been unable to bring him to the United States. One day, however, Carmen told Nazario that her son had shown up at her door in Los Angeles. No longer able to bear being apart from his mother, he undertook the perilous journey to find her. Upon learning from immigration officials that approximately 44,000 children make the journey to the United States unaccompanied by an adult, Nazario decided to document the process by focusing on one child's journey. To her amazement, Nazario discovered that most immigrants travel on the top of freight trains from the southern border of Mexico to the northern border

with the United States. The incredible fact of immigrants traveling thousands of miles with little food or water, much less protection from the elements, provoked Nazario to take the trip herself to provide a firsthand account of the journey.

The violence and harsh realities filling the book's pages are perhaps difficult for most of Nazario's readers to fathom. Nazario learned of the extreme danger of traveling atop freight trains: children often fell and were killed or had their limbs torn off by the trains; they were also robbed by gangs or police. Low-hanging tree branches struck some immigrants, who were severely injured or thrown off the moving train. Vigilance was essential at immigration checkpoints in Mexico, forcing them to jump off the train and flee. Mexican immigration officials caught Enrique, the book's namesake, several times and sent him back to Central America, once when he was within sight of the United States.

Such stories engender sympathetic feelings for immigrants, especially for children, in the reader. Faced with the shocking violence these children endure, the reader wants to "rescue them" or allow them to remain in the country. The focus on the travails and tribulations of undocumented children compels the reader to believe that conditions in the country of origin must be so bad that immigrants are willing to risk their lives and endure tortuous journeys to establish a "better life." In this way, the narrative naturalizes the United States as inherently superior to the immigrants' home countries *without* historicizing the direct involvement of the United States in creating oppressive social and economic conditions in Central America.

Mexico serves as a melodramatic villain in *Enrique's Journey*, just as it does in *30 Days* and *Under the Same Moon*. Readers learn how hostile and discriminatory some Mexicans are toward immigrants from Central America. This tends to placate the guilt and anxiety that many liberals feel over U.S. immigration policy and enforcement. The imperative to engage in charitable acts for the "less fortunate" is also an important part of the story. One of the book's most compelling chapters describes how residents in a small town in Vera Cruz throw bundles of food, clothing, and supplies to migrants riding the freight trains. Nazario's description of those generous people contrasts sharply with the hostile discrimination seen in Chiapas. She writes:

Enrique expects the worst. Riding trains through the state of Chiapas has taught him that any upraised hand might hurl a stone. But here in the states of Oaxaca and Vera Cruz, he discovers that people are friendly. They wave hello and shout to signal if hostile police are lying in wait for them in an upcoming town (2006: 103).

The altruism in Oaxaca and Vera Cruz breathes hope into a formerly bleak situation. Residents here tell Nazario (2006: 105), "If I have one tortilla, I give half away," "I know God will bring me more," "I don't like to feel that I have eaten and they haven't," and "It feels good to give something that they need so badly." These passages resonate poignantly with the sense of charity in the U.S. national

imagination and they perhaps account for why Nazario's narrative won the Pulitzer Prize and became a bestseller. Charitable acts by these poor Mexicans move the typical American reader to offer a "helping hand" to undocumented immigrants and to "rescue" some of these children. But acts of charity do not make up for a legacy of conquest, neocolonialism, and U.S. interventionism; instead, like a shell game they distract groups and individuals from the causes of poverty.

Charity Discourse: Raising Historical Amnesia

It could be argued that *Under the Same Moon* and *Enrique's Journey* strive to contest the law-and-order discourses that frame much of the U.S. immigration debate. Public opinion is shaped to perceive undocumented immigrants as "criminals" who have willfully violated U.S. law by entering "illegally." Dramatized exaggerations of undocumented immigration heighten the sense of transgression and threat. As Escobar (2008: 62) points out, "images of Mexican migrants 'flooding' the U.S.-Mexico border saturate the media, constructing a crisis of 'invasion.'" In response, immigration laws such as IRCA and IIRAIRA are passed and border "security," policing, and detention are increased. Heightened vitriol characterizes public and media discourse, with nonwhite immigrants—especially Latinos—portrayed as "lazy" and "violent" "drains on society." Sympathetic works such as *Enrique's Journey* and *Under the Same Moon* may offer a humanizing alternative to law-and-order discourses, but they do not historicize or contextualize the U.S. role in creating and maintaining migration. They depict the United States as a more desirable place to live than the immigrants' countries of origin and assume that the affluence, prosperity, and modern conveniences that underwrite U.S. national identity are irresistibly enticing. The message communicated is that these immigrants would not be willing to risk rape, assault, robbery, arrest, and detention to reach the United States if it were not superior to the places from which they were trying to flee.

The long history of U.S. interventionism in Latin America created the dramatic disparity between immigrants' home countries and the United States. The litany includes invasions of Mexico, El Salvador, Nicaragua, and Panama, financial, tactical, and political support of repressive military regimes and dictatorships, as well as economic exploitation of Latin America's natural resources and labor force. Robert Kahn (1996) draws our attention to the Central American wars of the 1980s. The Reagan administration supported corrupt, repressive regimes in Nicaragua, El Salvador, Honduras, and Guatemala because these governments professed opposition to communism. Prolonged, bloody wars victimized Central Americans, as did repressive governments supported by the United States. By 1989, the violence in Central America had claimed the lives of a quarter of a million people, most of whom were killed by their own governments or by paramilitary groups trained and supplied by the United States. The U.S. Immigration and Naturalization Service and the Department of Justice—under pressure from Washington—categorically

denied the asylum petitions of thousands of war refugees and detained them until they were deported, often to their deaths (*Ibid.*).

Another crucial factor affecting migration to the United States has been hemispheric trade agreements, such as the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement, which promised poverty relief and job creation. Instead, these agreements enabled transnational capital to undermine worker and environmental protections, to dissolve unions, and prevent workers from organizing (Bacon, 2005). Corporations have begun to relocate operations from Mexico to other Latin American countries or to Asia, where wages are even lower. Instead of creating jobs and reducing poverty, free trade agreements unleashed chaos in the social relations of the poorest people in Latin America, leading them to migrate to the United States.

Charity narratives, as analyzed in *Enrique's Journey*, help to underwrite the logic of American exceptionalism, a term first coined by de Tocqueville (2003). According to this notion, the United States occupies a special and preeminent role in the world because of its "free and democratic government" and "free market economy." The concept remains operative in the national imaginary, for it explains the languishing and underdeveloped economies of Latin America. Despotism and corruption, the argument goes, have asphyxiated the economies of Latin America, while the United States has thrived and enjoyed prosperity because it embodies freedom and democracy. This rationale operates only by ignoring the exploitative and hierarchal nature of U.S. global capital.

Historicizing Violence and Immigration in *The Cariboo Café*

In Helena Viramontes' *The Cariboo Café* (1985), immigration from Central America is inextricably linked to violence within the countries of origin and in the United States. The fictional story begins with two young undocumented children who discover they have lost their apartment key. The older sister, who is about nine, decides that they should wait at their babysitter's house until their parents come home later. But they soon become lost. The narrative abruptly shifts to the point of view of a short-order cook at the Cariboo Café. The stream-of-consciousness narrative reveals that most of the diner's clientele are undocumented immigrants who work at a nearby factory. The cook is a white American male, whose son was killed in action in the Vietnam War. The scene then shifts to Nicaragua, a few years earlier. Narrating is a young mother whose six-year-old son, Gerardo, has been disappeared by the secret police. She recounts going to the prison to see her son. An official tells her that a neighbor saw him give a mango to a suspected dissident, so he is being held for "collaborating with the enemy." This is an obvious commentary on the absurdity of this situation and on the violence in Central America. The mother learns that the prisoners are being tortured and killed. When she finds part of her son's body nailed to her door, she knows that he has been killed.

With this revelation, the narrative shifts back to the Cariboo Café, where the cook hears a television report that two young children have been kidnapped. The reader conjectures that they are the lost brother and sister. A woman walks into the diner, holding each child by the hand, and the cook calls the police. They soon arrive, guns in hand. The woman with the children, the reader learns, was the one whose son had been killed in Central America. Pathos builds when the reader discovers that she has taken the children because she believes the boy is her son, Gerardo. She immediately perceives the officers to be the Central American secret police and begins to fight back. She pushes “an open hand against an officer’s nose, because no one will stop them, and he pushes the gun barrel to her face” (Viramontes, 1985: 78). Unable to protect her son in Central America, she resolves to do so now. Her unbalanced mind sees only Gerardo as she confronts the policeman:

And I laugh at his ignorance. How stupid of him [the policeman] to think that I will let them take my Gerardo away just because he waves that gun like a flag.... I am laughing, howling, at their stupidity because they should know by now that I will never let my son go. And then I hear something crunching like broken glass against my forehead and I am blinded by the liquid darkness. But I hold onto his hand. That I can feel, you see, I’ll never let go. Because we are going home. My son and I (*Ibid.*: 78–79).

Viramontes moves the immigration debate beyond current frames by connecting police violence in Central America to the brutal treatment of immigrants in the United States. In channeling the last thoughts of the Central American mother before police gunned her down in the Cariboo Café, the author reveals police violence against immigrants at home to be an iteration of the violence that drives refugees to the United States in the first place.

Viramontes’ narrative also connects the white American cook to the Central American mother, since both lost sons to state violence, in Vietnam and Central America. The link may initially appear tenuous, but Lowe (1996: 7) examines the “important continuity between the considerable distortion of social relations in Asian countries affected by U.S. imperialistic war and occupation and the emigration of Asian labor to the United States through the last century.”

Just as U.S. wars in the Philippines, Korea, and Vietnam devastated those countries so as to dominate and subdue their populations—and siphon off their natural resources and exploit their labor forces—destruction of social relations in Central America has been the catalyst for emigration to the United States. For Lowe (1996), the apparatus of immigration law and enforcement in the United States effectively disconnects U.S. imperialism and violence abroad by framing immigration as a question of “law and order.” The undocumented thus “break the law” when they enter the United States without proper papers. Viramontes connects immigration law, enforcement, and the immigration debate to U.S. imperialism

abroad, something that *Enrique's Journey*, *Under the Same Moon*, and Morgan Spurlock's *30 Days* fail to do.

Conclusion

In *30 Days*, Armeda echoed a refrain from the mainstream immigrant rights movement when she asserted, "We are not criminals." This attempt to delink immigrants from "convicts" found guilty by the criminal justice apparatus is reactive rather than proactive. It reacts to the law-and-order discourse that frames the immigration debate, including *how* the state maintains social control over historically subjugated groups of people. Thus, the "identity of the immigrant and the identity of criminal become mutually exclusive, largely constructing immigrants as innocent while criminalizing unspoken 'others'" (Escobar, 2008: 57).

The [immigration] debate is predominantly structured within binary constructions and the immigrant rights movement is limited in this framework. When immigrants are called drains on the economy, rebuttals to this statement include that immigrants take the jobs that others do not want, they use [fewer] resources than nonimmigrants, and are unable to collect income taxes resulting in unclaimed funds. When arguments are made that immigrants are changing the national culture, responses include citing bilingualism and biculturalism as positive developments that benefit the United States. We are fixed in a polarized debate that does little to arrive at the root causes of migration and the role the U.S. has in creating and maintaining it (*Ibid.*: 64).

Our argument—that playing into this binary logic does little to unearth the causes of migration—is consistent with Escobar. That logic does little to connect the ways in which citizens and noncitizens of color are policed and punished by the criminal justice apparatus. That Blacks are incarcerated at six times the rate of whites and Latinos/as at twice the rate of whites is not coincidental (Mauer and King, 2007), any more than the fact that "illegal immigrant" has become a euphemism for undocumented people from Latin America, especially Mexico (Hernandez, 2009; Escobar, 2008). The discourses that justify massive prison expansion and the criminalization of racialized U.S. citizens—especially "get tough on crime" and "get tough on drugs"—stem from the same political and economic exigencies as the discourses surrounding "get tough on illegal immigration"; all create and perpetuate a racially stratified society in which nonwhite people are continually controlled, marginalized, and disciplined.

National discourses rooted in concepts of "freedom," "democracy," "fairness," and "social mobility" are completely contradicted by institutionalized racial disenfranchisement in the United States. Law-and-order discourse makes it possible to disavow this contradiction. It projects the predatory and exploitative nature of the

U.S. economic system onto undocumented immigrants and racialized groups that have historically done the hardest labor for the lowest pay. In this way, it facilitates the accumulation of wealth and political capital by those in power. In contrast, proactive immigration discourses point out that since its origins, the United States has been a stratified society, with race the most important variable for determining one's place within the hierarchical structure. This strategy maps out the ways in which racial subjugation and oppression serve to consolidate hierarchies by legitimizing and increasing the social status of those in power.

An activist discourse making such links is the School of the Americas Watch. Father Roy Bourgeois took political action when, outside the barracks of Salvadoran military officials training at the School of the Americas, he played Archbishop Romero's famous speech demanding that the military stop killing innocent people. Such actions reveal that repressive Central American regimes receive direct support and training from the U.S. government. Instead of differentiating immigrants from criminals or asking for charitable actions, Father Roy demonstrated the criminal nature of U.S. governmental institutions and policies that violate both the country's laws and human rights commitments. Adopting such strategies would highlight contradictions in policies and practices that police and criminalize undocumented immigrants, people of color, and the poor. Since racist laws, discourses, and media images justify the incarceration of citizens and the detention/imprisonment of immigrants, the immigrant rights movement should make visible the connections between immigrant detention and prison expansion. Refusing to allow the "criminal/noncriminal" logic to dominate conversations about immigration and imprisonment, we believe, will move us closer to dismantling structures of dominance and privilege.

NOTES

1. The narrative of the episode is told almost entirely from the point of view of Frank, the Minuteman.
2. This scene also turns gender on its head in that a young Latina is teaching a man to play a traditionally masculine sport.
3. A recent case of police corruption comes from Chicago, where Michael Tillman was freed after serving 23 years in prison for confessing to a crime after being tortured by police, including a form of waterboarding. This occurred under Commander John Burge, who was fired in 1993 for abusing a suspect and is scheduled to go to trial in federal court in May 2010 on charges that he lied while testifying in a civil proceeding about the torture conducted under his watch (see Walberg, 2010).

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Keeping Migrants in Their Place: Technologies of Control and Racialized Public Space in Arizona

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INTERNATIONAL MIGRATION IS AN AGE-OLD PHENOMENON; HOWEVER, ECONOMIC globalization and responses of nation-states to this transformation have reframed migration in the contemporary era. We use the phrase *global disciplinary strategies* to characterize the interlocking policies and practices, both material and discursive, used by nation-states to criminalize and regulate the mobility of transnational migrants, typically by utilizing identity markers to engage in social sorting and exclusion. Drawing on contemporary scholarship, we have identified three global disciplinary strategies that operate to racialize and criminalize recent migrants: (1) anti-immigrant discourse; (2) immigration law and policy creation; and (3) surveillance tactics and policing rituals directed at migrants and performed by federal and local law enforcement, otherwise known as “*technologies of control*” (Pickering and Weber, 2006). Although our broader research project touches on each of these global disciplinary strategies, in this article we examine two closely related technologies of control—surveillance and “enforcement rituals” (De Genova, 2004; 2005)—two strategies designed to keep migrants “in their place” by keeping them out of public space. We use the category “migrant” to refer to any foreign national who has crossed a border with the intention of residing in that country, whether temporarily or permanently, with legal documentation or without.

As we establish below, although a relatively rich set of theoretical claims has been made about technologies of control, little empirical research has been conducted to investigate their impact on migrants’ use of public space. It is this void that our research helps to fill. Utilizing the literature on neoliberal globalization, race and public space, as well as on policing and immigration enforcement, we explore the following research question: How do technologies of control shape migrants’ use of, experience in, and access to public space in Arizona—a site deemed “ground zero” in the immigration debate?

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Technologies of Control: Surveillance, Enforcement Rituals, and Immobility

The policies and practices associated with neoliberal globalization have stimulated mass migration across the globe; people migrate for many reasons, but frequently they are searching for economic and physical security (Sassen, 1998a, 1998b; Pickering and Weber, 2006). In the West, the development of global capitalism has been characterized by deindustrialization, a corresponding decline of welfare state provisions, a shift to consumption-based economies, and the casualization of the labor force (Schaeffer, 2009). The interplay of these global forces heightened the demand for an inexpensive flexible workforce, while simultaneously creating pressure to restrict access to the costly privileges of citizenship. Consequently, the plight of the “illegal migrant” has emerged as a significant manifestation of the contradictions embedded within globalization (Dauvergne, 2008; Calavita, 2005). Throughout the West, migrants are needed labor power, but unwanted citizens.

Since roughly the 1980s, many countries, including the United States, Australia, Great Britain, Spain, and Italy, have developed immigration policies, discourse, and enforcement strategies characterized “by a reversal of the image of migrants and asylum seekers in public space”; migrants and refugees who were welcomed into the labor force after World War II are now “demonized as criminals, economic and social defrauders, terrorists, drug traffickers, and so forth” (Ceyhan and Tsoukala, 2002: 22). As a result of this global dynamic, politicians offer up “illegal immigration as an explanation for internal and social ills, while promising to restore state sovereignty with new strategies to ‘take control’ of the nation’s border” (Michalowski, 2007: 71).

In response, many Western nation-states are employing “highly technical, increasingly punitive and innovative methods of border control” and immigration enforcement strategies that Pickering and Weber (2006: 9) term “technologies of control.” Broeders and Engbersen (2007) argue that the “technologies of control” deployed in the fight against “illegal” immigration follow two logics. First, technologies of control are used to locate, detain, or deport suspected “illegal” migrants. Second, technologies of control are employed to “*exclude* [rather than locate, detain, or deport] irregular immigrants from key institutions of society, such as the labor market and the housing market, and even from informal networks of fellow countrymen and family” (p. 1595). Our research focuses on the rise of the surveillance state and enforcement rituals as two interlocking technologies of control that foster migrant identification and exclusion from public space.

The Surveillance State and Social Sorting

The literature on surveillance and social sorting as technologies of control argues that nation-states are (re)drawing moral boundaries, (re)fortifying “assumptions about national identity,” and defending the body politic from the foreign Other, through practices of banishment and/or exclusion (Aas, 2007: 288). Aas suggests

that the contemporary image of the disciplinary state is being transformed from a Panopticon to a “Banopticon” (p. 288). The “Banopticon” state continues to foster discipline in the classic Foucauldian sense by habituating migrants “to their status as excluded” (Engbersen, 2001: 242), but it also operates as a “factory of exclusion” for those marked as “undesirable,” as well as one capable of selective inclusion of those same undesirables. The state uses technologies of control to engage in surveillance and “social sorting” (Lyon, 2003); a central strategic goal is to differentiate between legitimate and illegitimate mobilities in the global era (Amoore, 2006; Wonders, 2006). This state-sponsored commitment to surveillance and social sorting operates to discipline migrants and has fundamentally altered the character of the border and public space.

The “idea” of the border has undergone a significant transformation due to globalization. No longer conceptualized as a fixed “line in the sand,” the border is increasingly being understood through the lens of performativity (Wonders, 2006) and mobility (Amoore, 2006). Under pressure to curb “illegal” immigration, states have moved toward internal, mobile border-control policies that rely heavily on various forms of surveillance and exclusion by law enforcement officials and government workers. Weber (2006: 25) argues that “the state’s arsenal of exclusionary devices increasingly involves preemptive measures to prevent and deter unauthorized arrival; efforts to increase the efficient sorting of desirable and undesirable passengers at the border; and punitive responses.” Wonders (2006: 66) extends this point further by arguing that many “border performances occur in locations that may be far from the actual geographic border” and that day-to-day decisions by government agents, police officers, airport workers, employers, and others “play a critical role in determining where, how, and on whose body a border will be performed.”

Some argue that these mobile border performances, along with the potential for 24-hour surveillance and the development of fortress-style architectures within urban and public spaces, have a subliminal impact, reinforcing a “culture of fear.” As Davis (1992: 224) notes, “the social perception of threat becomes a function of the security mobilization itself [so that] fear proves itself.” The result of the “secure the city crusade” in part has been the destruction of legitimate democratic public space and access to public space for society’s “undesirables” (Mitchell, 2003). The ensuing proliferation of privatized and “defensible” public spaces has “become a means of constituting a public through relative inclusions and exclusions and the regulation of bodies within the space” (Peterson, 2006: 377).

A small, but growing body of literature discusses the impact of surveillance on the lives of undocumented migrants, as well as on migrants’ access to, and use of, public space (see, for example, Inda, 2007; De Genova, 2005). It argues that the move toward internal controls of the border and 24-hour surveillance have pushed migrants further underground, intensifying the uncertainty of their lives and their condition as “illegal” and therefore disposable (Broeders and Engbersen, 2007).

In one of the few empirical studies to examine this theoretical claim, Stephen (2004) conducted interviews with migrant farm workers in the Pacific Northwest to determine how the “gaze of surveillance” affects their lives. Her discussions with workers reveal how migrants internalize, and are disciplined by, the fear of surveillance and their experience crossing the border:

for many confronted by racialized readings of all Latinos and Latin Americans as potential “illegals,” the border is indefinitely elastic and can serve as a barrier and zone of violence anywhere they go in the United States.... Surveillance and limited mobility are a major part of the experience of [migrant] workers (p. 99).

This research suggests that, for many migrants, the constant “gaze” of surveillance fosters self-discipline and ultimately produces, as Razack (2002: 11) argues, two kinds of bodies: “the normal and the abnormal, the former belonging to a homogenous social body, the latter exiled and spatially segregated.” Commenting on the impact of surveillance and the mobile border, particularly the use of biometrics, Parenti (1999: 180) argues that “immigrants will fear the law more intensely knowing that [I.C.E.]/police intelligence systems are automatic, infallible, and instantaneous. The electronic dragnet will force internalization of the [I.C.E.] gaze, causing immigrants to keep to themselves, stay out of sight, and steer clear of politics.” This work suggests that the act of surveillance *and* the resulting internalization of the security gaze work together to effectively regulate the mobility of migrants, restricting them from public space.

Enforcement Rituals and the Policing of (Im)migration

Closely related to surveillance is a second technology of control, the daily “enforcement rituals” performed by local police and immigration officers. De Genova (2005: 246–248) theorizes that the objective of enforcement rituals is the everyday production of “migrant illegality,” which serves as a disciplinary apparatus by exacerbating migrants’ “sense of ever-present vulnerability” and by fetishizing “migrant illegality as a seemingly objective ‘thing in itself.’” Enforcement rituals include racial profiling, immigration raids, neighborhood sweeps, detention, and the intimidation and harassment of communities of color. These rituals police the “illegalities of everyday life” and are expressed as “heightened [law enforcement] directed at the bodies, movements, and spaces of the poor, and especially those racialized as not-white” (De Genova, 2005: 246). As a result, migrants are disciplined by the threat of, and actual performance of, enforcement rituals in their communities. Because this threat is highly racialized, non-migrant members of particular racial groups are often disciplined as well.

A limited body of research has examined the relationship between “enforcement rituals” as disciplinary strategies and the exclusion of migrants from public space

and public services (see, for example, Calavita, 2005). Most prominently, Mary Romero's case study of an immigration raid in Chandler, Arizona, argues that immigration raids serve several important disciplinary purposes beyond the netting of "illegal immigrants." Namely, they protect the "exclusionary use of public spaces" for white people, limit the freedom of movement of people of color, and promote ties between public space, citizenship (belonging), and skin color (Romero, 2006: 453).

Researchers Nelson and Hiemstra's (2008) comparative analysis of the politics of space and belonging in "small town America" powerfully demonstrates how discourses of "illegality" operate to normalize and/or mandate the enforcement of exclusion and the regulation of public space by the police, while disciplining the mobility of migrants. They explain:

The social and political meaning given to migrants' legal status also operates to profoundly infiltrate and spatialize locale interactions. The racialized discourse of "illegality" constructing all immigrants (regardless of actual status) as criminal serves to deepen hierarchies of race and class.... Furthermore, "illegality" instills a climate of fear among immigrants and naturalizes their spatial containment in trailer parks. Maria, an undocumented immigrant, spoke about how many women such as herself "shut themselves in" because they are afraid: "It felt like it said here on my forehead 'illegal'" (pp. 9–10).

Scholars have also highlighted the close relationship between the policing of space and the policing of race (Bass, 2001; Milovanovic and Russell, 2001). For example, researchers have demonstrated that the practice of racial profiling is "inextricably tied not only to race, but to officers' conceptions of place, of what should typically occur in an area and who belongs, as well as where they belong" (Meehan and Ponder, 2002: 402). In his groundbreaking study on territoriality and police officers' conceptions of space, Herbert (1997) concludes:

Simply put, many police strategies to create public order involve enacting boundaries and restricting access; police power rests upon a political geography. Social power relies fundamentally upon territoriality. It is certainly the case that the police would be largely impotent without the capacity to create and enforce boundaries, to restrict people's mobility in and around certain areas (p. 11).

This research suggests that the tactics police and immigration officers use are effective precisely because they *objectify* (predominately) people of color and visually *classify* them as dangerous outsiders, who are "out of place" (Mitchell, 2003; Cresswell, 2004). When local law enforcement officers heavily patrol the boundaries of Latino/a neighborhoods, or when ICE officers sit outside a local Food City known to be frequented by poor immigrants, they are policing space

(impoverished, often segregated neighborhoods) *and* race (Brown skin as a proxy for illegality and criminality). Therefore, the presence of police and ICE officers in Latino/a communities serves as a constant reminder of migrant “illegality,” and therefore, “deportability.” They are disciplining the mobility of migrants and limiting their access to resources and social services.

As De Genova (2004: 178) eloquently argues, the “spectacle of enforcement” at the border and in interior sites within the United States is necessary “for the spatialized difference between the nation-states of the U.S. and Mexico to be enduringly inscribed upon migrants in their spatialized (and racialized) status as ‘illegal aliens.’” When federal and local police and immigration officers perform the (often public) “spectacle of enforcement” on the bodies of undocumented migrants, they are in effect, if not intent, reifying connections between race, space, and “illegality.”

In sum, the literature on technologies of control suggests that surveillance and enforcement rituals operate as disciplinary strategies frequently employed to monitor, detain, and/or exclude undocumented migrants. Scholars argue that these strategies have altered the character of public space and are often productive forces in the making of legitimate and illegitimate mobilities and identities. For people of color and undocumented migrants, the preemptive social control strategies of racial profiling, harassment, and sporadic immigration raids have become a means to facilitate their economic, political, and spatial subjugation. Although surveillance practices and enforcement rituals reflect different techniques for achieving social control, as a practical matter, they frequently work together to keep migrants in their place.

Despite the relatively rich scholarly literature on technologies of control, surprisingly few scholars have tested these broad claims via primary research within migrant communities. By adding the perspective of migrants to the debate, we seek to examine whether and how global disciplinary strategies, particularly technologies of control, are restructuring undocumented migrants’ access to, use of, and experiences of public spaces in Arizona.

Ground Zero—Arizona

Arizona provides an important focal point for research on race, immigration, and public space. Deemed “ground zero” in the immigration debate, Arizona became the first state in the nation to pass legislation that penalizes employers for knowingly hiring undocumented immigrants (Archibold, 2008). In addition, Maricopa County Sheriff Joe Arpaio has gained international notoriety for his sweeping immigration raids in predominately Latino/a Phoenix-area neighborhoods (*Ibid.*) and his deployment of local police officers to enforce federal immigration laws (González, 2009: A5). Significantly, the Tucson sector of the U.S.-Mexico border is “the busiest sector in the country” for “illegal alien” apprehensions (U.S. Customs and Border Protection, 2009), further heightening tensions concerning immigration within the state. Although many border crossers enter Arizona legally, the

Department of Homeland Security estimates that there were 560,000 “unauthorized immigrants” living in Arizona in 2008 (Hoefler, Rytina, and Baker, 2009: 4). According to the Pew Hispanic Center (Passel and Cohn, 2009), undocumented immigrants comprised 4.0% of the U.S. population in 2008 and 5.4% of the labor force. In Arizona, the percentage is almost double, with unauthorized immigrants constituting about nine percent of the population and roughly 10% of the labor force. This is “the highest share of any state in the nation” (González, 2009: A5).

Consistent with much previous work on globalization, we view cities as important strategic sites for globalization, since global forces frequently find localized expression in cities (Sassen, 2006; Wonders and Michalowski, 2001). Phoenix, Arizona, is the fifth-largest city in the United States, with roughly 1.5 million residents in 2007, 30% of whom are of Hispanic or Latino origin (U.S. Census Bureau, 2009a). Tucson is the second-largest city in Arizona, with just under 519,000 residents in 2007, 40% of whom are of Hispanic or Latino origin (U.S. Census Bureau, 2009b). Although accurate city-level data on undocumented migrants are difficult to obtain, it is widely believed that most undocumented migrants in Arizona reside in these two cities, leading to their selection as our primary research sites.

Research Strategy

Our research strategy employed focus groups and interviews with staff at several agencies serving migrants in the state of Arizona. The use of focus groups as a research tool has a rich history in the social sciences (Hyden and Bulow, 2003). In particular, researchers have advocated for the use of focus groups when working with people of color, as well as vulnerable populations (Madriz, 2003; Pollack, 2003; Kamberelis and Dimitriadis, 2005).

We chose Arizona’s two largest cities, Phoenix and Tucson, as research sites due to their very sizable migrant populations. Participants were recruited through local nongovernmental organizations and/or social service agencies that provide services to migrants. By partnering with agencies that work directly with migrants, we hoped to meet migrants in a safe space and, thus, to limit any risk that might otherwise be attached to our research project. Locating agencies willing to partner took many months because many agencies, although supportive of our project, feared that participation might increase the risk of detection for (undocumented) migrants they serve. Agencies that were willing to form a research partnership were asked to sign an agency cooperation consent form, which permitted us to work with agency staff to recruit participants from programs offered by the agencies, to host the focus groups at agency sites, and to conduct brief interviews with agency staff.

Following best practices, we encouraged agencies to recruit focus group participants who had some familiarity with one another, either through existing social or familial networks (Madriz, 2003). We gave all participants an informational flyer in Spanish and English to insure full comprehension of our project’s goals. Throughout the recruitment and interview process, confidentiality and anonymity

were stressed to potential participants. By design, focus groups were conducted in English. We wanted to speak with migrants who could “get by” in English so that their experiences could not be simply attributed to a lack of language proficiency. At the same time, some words, phrases, and ideas could best be articulated by participants in Spanish; for this reason, interaction was occasionally in Spanish to insure accurate communication of ideas and perspectives. With the participants’ permission, all conversations were audio-recorded; detailed notes were also taken contemporaneously.

With their informed consent, after each focus group we conducted brief interviews with key agency staff. We asked staff to characterize the migrant population they serve and to describe the central issues faced by migrants in their respective communities. These interviews were useful for deepening our understanding of migrant experiences.

The Phoenix focus groups were held at two social service agencies. One provides educational opportunities to migrant women and the other a wide range of services to migrants and their families. As an incentive to participate, the latter agency supplied a \$10 gift card to a local grocery store. No other incentives were provided to focus group participants. Participants were told that by participating in the research, they would be adding their voices to the national immigration debate, which has largely excluded the viewpoints of migrants. In our view, this proved to be an important incentive for participation. The Tucson focus group was held at an agency site that provides literacy classes to migrants. Thus, we conducted three focus groups with 23 migrants and interviewed five staff members.

The methodological literature on conducting focus groups with vulnerable populations suggests that homogenous groups can create solidarity among participants and enable them to validate one another’s “everyday experiences of subjugation and survival” (Madriz, 2003; Kamberelis and Dimitriadis, 2005). Our focus groups were therefore conducted with migrant women. In a related project, we are more fully exploring the role of gender in shaping migrant experience. For this portion of the project, gender was not central to our analysis, but it is worth noting that the narratives analyzed below were provided by women. Since almost half of all migrants to the United States are women (Pew Hispanic Center, 2009), their perspectives are essential for exploring and understanding migrant experiences.

All but one of the focus group participants identified Mexico as their country of origin. The participants’ ages ranged from 23 to 41. At a general level, these demographics reflect national immigration trends. Mexico is the country of origin for 59% of the undocumented population in the United States (Passel and Cohn, 2009); of Mexican migrants, 43% are women and the median age is 35 (Pew Hispanic Center, 2009). Half of the focus group participants had lived in the United States for less than five years; six participants had lived here from six to 10 years; and four participants reported living here for over 10 years. Most of those interviewed voluntarily self-disclosed within focus groups that they were undocumented, but

a few had legal papers. This mix of long-term and recent residents, documented and undocumented migrants, was helpful for discerning the extent to which race operated as an independent force to shape migrant experiences.

Consistent with traditional techniques for analyzing focus group data, we worked together to identify common themes and patterns that emerged from participant narratives. We identified themes at the conclusion of each focus group and also after all focus groups had been completed. Perhaps more important, we sought to identify “critical stories” that captured significant majority or minority opinions (Krueger and Casey, 2009). Throughout this process, our goal was not to impose a structure on migrant narratives, but rather to listen to migrant voices in order to understand whether and how technologies of control affected their lives.

Disciplining Mobility and Racializing Public Space

In every focus group discussion, Maricopa County Sheriff Joe Arpaio emerged as one of the most powerful representations of the complex interplay between surveillance and enforcement rituals as a disciplinary force in the lives of migrants. Although we use Arpaio’s name specifically, we are speaking more broadly about what his persona has come to embody, not simply the power he holds as an individual. In the lives of many of the participants, Arpaio represents global disciplinary strategies in their localized form. He is the “mobile, elastic border,” the “gaze of surveillance,” and the myriad enforcement rituals that (re)inforce migrants’ “illegality” and vulnerability as a disposable source of labor.

One example of the broad impact Arpaio’s image has in the community is that when participants were asked to give their first impressions about the words “border,” “racial profiling,” “freedom,” and “immigration,” Arpaio was associated with each word. As one participant argues, “I don’t feel free here because of harassment; [because of] Sheriff Arpaio I am not free to visit Sedona or Flagstaff.” In addition, some participants mentioned Arpaio to explain how their access to, use of, and experience in public space has been restructured:

What Arpaio is doing now, we cannot go somewhere like the State Fair. You don’t go [out] feeling good. You do not go out of State. You cannot do a lot of things, like go places.

I feel scared of Sheriff Arpaio. I feel scared to go places on the weekend.

The technologies of control deployed by Arpaio heightened the sense of fear and vulnerability experienced by migrants with whom we spoke. Identifying public places in which they felt safe came more easily to participants than did detailing the long list of areas in which they felt unsafe. As one individual said, “*there are just too many—it’s the whole city.*” Other than their children’s schools, safe spaces were the private spaces of home and church. Travel to public spaces is limited and done only when necessary: “We don’t feel safe, but we must go, because we have

to buy something to live [like] food and clothes.” Prompted to address whether being women or migrants led to feeling unsafe in public spaces, the answer was definitively and consistently “*Being an immigrant.*”

The vulnerability felt in public space is so great that many participants said that they do not travel in areas where there is a known police presence for fear of detection. One participant told a story that powerfully captures how the threat of enforcement, rather than the enforcement itself, operates to discipline mobility:

[I] heard on the T.V. that Arpaio is going for the libraries. My little boy needs to go the library for school, but I will not take him anymore [because I have no papers], so my husband takes him now.

An experience in our second focus group illustrates how the policing of public space disciplines the mobility of migrants. At an agency in Phoenix, we were awaiting the arrival of a vanload of seven migrants who had agreed to participate in our project. The staff member responsible for organizing their attendance was in touch with the driver via cell phone and assured us that they were on their way. Two participants had already arrived, but our informal conversation with them was interrupted by an urgent request from a staffer to join her in the hallway. Two police vehicles were stationed in the agency’s parking lot, with their red lights blinking. Responding to a call next door, the officers had stopped in the agency’s parking lot. Witnessing this, the vanload of participants feared they had been set up and sped away. The staff member immediately called them to convey that the police presence was a coincidence, but received a brief reply of “how could you” before being hung up on.

Such stories underscore De Genova’s (2004 and 2005) argument that enforcement rituals serve a purpose beyond the netting of “illegal immigrants.” These rituals exacerbate migrants’ sense of vulnerability, by serving as a constant reminder of their “illegality,” and therefore “deportability.” One migrant narrative vividly illustrates this point:

Someone broke into my sister’s car and she was afraid to call the police because the guy was still in her car. When he left, she called the police, but they said there wasn’t anything that they could do because he left the car. But she was really scared because the guy said he was going to come back. She said she was afraid and the police asked for her address, but she didn’t give them her address because she was afraid...she’s not supposed to be here.

This story demonstrates how “illegality” deters individuals from seeking help even when they are the victims of a crime and/or their personal safety is at risk. In that narrative, the participant’s sister had to restructure her use of space and access to social services to avoid detection from the authorities; her sense of

vulnerability as an “illegal immigrant” disciplined her decision not to report her address to the police.

The pronounced sense of vulnerability in public space felt by many participants is illustrated by one person’s preparations to leave the house and the daily fear she experiences for her husband:

I drive every day to my job [and] to the school for my children. It is really stressful when you drive, because you see one patrol [car], “Oh my gosh,” you are thinking—it’s all you see. When I wake up in the morning, I check the car, the lights, because it is really hard. When my husband goes to work, it is really difficult, because you don’t know if he will come back this day....

Agency conversations reinforced findings that enforcement tactics restructure migrants’ access to, use of, and experiences in public space and highlighted counter-strategies migrants have developed in response to the disciplining of their mobility. For example, an immigration program manager at a long-standing community service organization in Phoenix characterized her client base as being “extremely fearful, stigmatized, and ashamed.” She believes migrants practice a number of “*tactics of evasion*” to avoid detection by the authorities. These include “not driving, not leaving the house, not socializing in public, under-reporting crimes, and not seeking medical attention.”

Further, this agency staffer believed that such tactics of evasion disrupt family networks because family members with legal status become hesitant to socialize or transport “illegal” family members, due to the “harsh” aiding and abetting laws passed in the state. Finally, she observed that many migrants simply “leave the state.”

In other agency conversations, staff members characterized the migrant population they serve in terms of restricted mobility and fear, revealed in statements such as: “There are areas of town [migrants] just don’t cross”; “I have heard [from migrants] that public spaces do not feel safe”; “[Migrants] no longer feel safe going to public parks”; “[Migrants] are afraid; they are staying in their homes...many have just left the state”; and “[Migrants] are terrified—[fear] is the biggest issue they are facing right now.” All of the agency staffers with whom we spoke believed that the various enforcement tactics performed by federal and local law enforcement officers in Arizona have heightened the fear and vulnerability of migrants and, as a result, have restructured migrants’ use of public space.

Significantly, participants’ narratives suggest that the surveillance and enforcement rituals employed in Arizona’s two major cities are racialized. For example, some participants reported that if you “look Hispanic” or have “dark skin,” you are at risk of being targeted by the police. “If you stand in the street and are Hispanic or Latin looking, [the police] stop you.” Another participant mentioned the phrase “racial profiling,” defining it as “What Arpaio is doing.” Following this discussion, participants were asked whether they experience discrimination in Phoenix; many

participants responded by nodding “yes.” Asked why they feel they are discriminated against or treated differently, participants in one focus group looked around the room at one another and a few whispered, “color.” This prompted one participant to relay this narrative:

Two years ago, I came from Mexico to the U.S. I was in a truck at the border and they stopped us and made us all get off the truck very quickly. They saw me, because of my color, and asked me for my visa. I gave him my visa and he said, “Grab all your things. Who are you with?” I said my husband, my children, and my mother-in-law. He took me to the office. I was there for three hours. My husband was in an office upstairs for three hours, too. We didn’t have any papers with us from the U.S. We were there for a very long time. They arrested my husband. I told them that my husband was working in the U.S. They kept us there for two days. They kept us all separate for two days, sleeping on the floor. They wouldn’t let me be with my baby, and I didn’t bring milk or diapers or anything. And my baby was crying from hunger. They took my husband’s visa away for five years and mine and my children’s for one year. I think it was because of my skin color, because everyone else on the truck was from here. And we all got off quickly—and the only [person] stopped [was] me.

Other participants discussed various forms of social sorting they had experienced; typically, they framed their experience of discrimination and racialization, in contrast to whiteness:

I have crossed three times in my life, but each time I had papers. The police stopped me each time and there were three, four, five police in a little room asking the same question. My character was nice. I said, “see my visa, I need to go from Mexico to U.S.A.” The police believed me because I had papers, but they stopped me three times. I think it is because of the color of my skin.

I think it is more free for the white people than the Hispanic people, because even if we have citizenship they are mean. If they see white people, they say, “You can go.” So that’s why I think [white people] are freer to travel and the Hispanic people [are less free to travel].

These narratives highlight Mohanram’s (1999: 8) argument that racialization “produces two types of bodies in space”: whiteness has the ability to move, resulting in the unmarking of the body. The production of blackness, in contrast, is signified through marking and is static and immobilizing. In this instance, whiteness is a material force, in part, because it enables different forms of mobility.

Migrants with legal papers also reported experiencing differential treatment based on their race, providing further evidence that the immigration climate, at

least in Arizona, is racialized and that technologies of control disproportionately target brown bodies. The story of one documented migrant illuminates this point:

One time I was putting my kids in the car and a police arrived. He saw the color of my skin and he said that I didn't have documentation and that I had left my children in the car. I said, "No, I was right here, putting them in the car." A Mexican woman was there and she said that I didn't leave them in the car alone; I was putting them in the car. And the police said, "Okay, someone is going to come and explain your rights to you." I told them that I have rights and papers and asked: "What is your motive for asking me for my papers?" The Border Patrol came and he checked [on the computer] and saw that I do have papers. He said that the police do this because they want to take people [deport them]. They asked all these questions because of the color of my skin.

Asked whether they thought that the climate toward migrants in Arizona is racialized, three staff members affirmed that it was. The first said, "it is racial, and if you notice on your tape, Joe Arpaio was mentioned several times as an issue that has come up a lot. People are wondering: Is it because of my skin color, it is because I am Latino, because I am Hispanic?" Moreover, her own family members had "been stopped several times without even having an excuse; they don't have a reason that they are being stopped, so, yes, definitely it is a racial issue." A second staffer agreed "completely [with her response], I think it is racial." The third added: "Absolutely [the climate is racialized]...I hear many stories of racism."

Most participants identified their race as the source of discrimination, but a few attributed their differential treatment primarily to language. In their view, speaking with a Spanish accent and/or not speaking perfect English marked them as "illegal" and therefore undeserving of social services, such as health care or protection from local law enforcement:

All the time language is the barrier, and sometimes when they see you they say, "Oh, you cannot speak English, then we cannot see you" or something, but when you say you can speak English, they say, "O.K."

[The police] say they don't know where [my] address is. I say "What?" I don't know why, because near to my house is a police station. You know why? Because they know I speak Spanish.

As noted, our conversations with migrants were in English. Despite their ability to communicate in basic English, some participants felt that officials, social service agencies, and store employees frequently used their lack of language proficiency to socially categorize them as "illegal immigrants" and, as a result, to deny them access to services and assistance. Thus, the enforcement of difference in this context is racialized, particularly given the discursive marking of brown Spanish-speaking

bodies as “illegal” in the popular media and imagery. Ostensibly, it is not possible to determine from a person’s appearance whether he or she is documented or a United States citizen. Yet the narratives here suggest that some law enforcement officers and social service employees use brown skin and Spanish as proxy for “illegality” and identity marker for being “out of place.”

Listening to Migrant Voices

Migrant narratives in Arizona affirm the literature that suggests that law enforcement officers and government officials employ technologies of control to discipline and restructure migrants’ use of, experience in, and access to public space. Narratives by staff at agencies serving migrants strongly support the perspective of migrants. In Arizona, some state actors combine surveillance and policing tactics, such as sporadic immigration raids and neighborhood “sweeps.” These disciplinary strategies insure that migrants, Latina/os, and those with Spanish accents are less free to use public space than others are.

These migrant narratives affirm that the technologies of control employed in Phoenix and Tucson, Arizona, are racialized and are often indifferent to the legal status of those targeted. These findings illuminate Coutin’s (2005) argument that the criminality of migrants has become individualized as a “condition of person,” allowing law enforcement to regulate public space and, increasingly, civilians. This is physically performed on the racialized bodies of those identified as “illegal.” Such strategies and tactics, which in Arizona target the bodies and spatial locations of those presumed to be Latina/o, significantly restructured the mobility of the migrants who spoke with us. Their narratives illustrate how global disciplinary strategies operate to reify connections between race, space, and “illegality,” in part by normalizing the enforcement of policies and practices that regulate mobility and sanction exclusion, neglect, denial of social services, and access to public space. Racialization of public space insures that whiteness becomes valorized as an all access card, while people of color are made to feel out of place and suspect. For brown-skinned migrants in Arizona, movement in public spaces becomes marked and subject to technologies of control. Their experience of public space is profoundly shaped by their sense of “ever-present” vulnerability as a deportable/disposable body (De Genova, 2004).

The surveillance and enforcement rituals used in Arizona’s two largest cities fostered a sense of fear and vulnerability and, consequently, *self*-discipline among participants. This finding is consistent with Razack (2002) and Parenti’s (1999) claims that surveillance is effective partly because it often becomes internalized. Virtually all participants regulated their mobility because of fear of surveillance and their perceived risk of being targeted by police. Undocumented and documented migrants raised the legitimate fear (given current enforcement practices) that they, or someone close to them, could be arrested and deported at any time. Arizona attorney Kara Hartzler reported seeing “40–50 jailings a month of people with

potentially valid claims to citizenship”; in her words, “these cases are surprisingly, painfully common” (Gamboa, 2009: A1).

Migrants regulated their mobility and modified their daily activities to avoid the risk of detection by technologies of control within urban spaces in Arizona. Accommodation strategies employed by migrants reveal their power to resist *and* the oppression they experience within Arizona. Participants chose to self-segregate in the limited areas that they identified as safe: home, church, and their children’s schools. Self-segregation is evidence that technologies of control, such as surveillance and policing, operate to cleanse or “purify” the body politic and to insure that public space—parks, libraries, streets, and hospitals—will be largely reserved for those privileged by citizenship, wealth, and, more important, whiteness (Romero, 2006; Amster, 2008).

Although our primary research focuses only on Arizona, it is a site of strategic importance in the immigration and border debate within the United States. We do not claim that this research can be generalized to all cities, or that these findings can be generalized to other migrant groups. Yet we believe that listening to the voices of migrants has strong validity for exploring whether and how global disciplinary strategies come to ground in a particular locale to shape migrant lives.

By listening to the voices of migrants, researchers can begin to untangle the complex ways in which technologies of control shape their lived experience. Their narratives show that the disciplining of mobility is partly *physical*—it is about controlling or manipulating the body through arrest, detention, or deportation. Mobility is also restrained *spatially*; public spaces are either experienced as accessible or inaccessible, safe or unsafe. Perhaps most profoundly, mobility is restrained in the *imaginary*—the construction of what is possible in one’s life. Migrants and Latinas/os have had little influence over the political processes that have created the technologies of control that play a key role in self-disciplining their mobility through internalized fear and vulnerability. This dialectic between technologies of control and internalized social control guarantees that migrants will be kept intentionally outside public space and creates the opportunity for broader public discourse about borders, immigration, and citizenship.

We hope that our research will inspire others to explore how global disciplinary strategies and technologies of control are reshaping public life for recent migrants in other locales and countries. We urge researchers to promote the inclusion of migrant voices in the broader debate about who ought have access to public space and public life in the wealthy democratic societies of the West. Since the work performed by migrants in the United States and in many other nations has been pivotal to global and national economic growth, social justice demands no less.

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Commentary: Organizing Tensions— From the Prison to the Military- Industrial Complex

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IN AUGUST 2001, THE DEVELOPMENT RELIEF AND EDUCATION FOR ALIEN MINORS ACT (DREAM Act), a proposal to assist select undocumented students in attaining legal status, was introduced into the 107th Congress by Senator Orrin Hatch of Utah. This bill has never received enough votes to pass; in 2003, 2005, 2007, and most recently in March 2009, modified versions of the bill were reintroduced. Although garnering more support each time, these versions failed to pass.¹ The 2009 version introduced by Senators Richard Durbin (D-IL) and Richard Lugar (R-IN) offered youth between the ages of 12 and 35 the possibility of legalization if they had arrived in the United States before the age of 16, lived here for five years, graduated from a U.S. high school or obtained a GED, and demonstrated “good moral character.” Those meeting these criteria would receive temporary residency for six years; permanent residence (with no conditions) within the six years would be granted to students who earned at least a two-year degree, completed at least two years of a Bachelor’s degree, or served two years in the U.S. military and received an honorable discharge. Failure to meet these conditions or being convicted of a major crime or drug-related offense would lead to the loss of temporary residency and deportation. Throughout the process, students would be ineligible for Pell educational grants.

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In the 2009 DREAM Act, military service is offered as a test of loyalty and a way to identify and reward “good” immigrants who merit citizenship. Many activists have noted that the act can be read as a de facto racial and economic form of the draft (Mariscal, 2009), since the number of undocumented Latinas/os (and other immigrant populations) able to finish two or four years of college has not been rising significantly (Gonzales, 2009; Santiago, 2008). Passel (2003) estimates that of the 80,000 undocumented youth who have lived in the United States for five years or longer that reach the age of 18 each year, 65,000 graduate from high school and only 7,000 to 13,000 enroll in post-secondary education.² Moreover, this legislation reproduces heteronormativity, since military service requires one to be gender conforming and heterosexual (or a closeted non-heterosexual). As in the World War I and World War II periods, naturalization and participation in the permanent war economy have become a viable script for vulnerable youth to gain legal status. Yet, this script attempts to erase how these systems or complexes, *military and prison*, actively and continuously harm some of the most vulnerable populations inside and outside the United States.

Since immigration detention is a central component of our prison system and military service serves as a potential pathway for legalization (for select youth), it is vital to examine how the prison and military complexes intersect and attempt to constrain and map futures for undocumented youth (Mariscal, 2009; Rodriguez, 2008; Davis, 2005). The military and the prison are networks that suture capital, communities, and the state to a permanent war and punishment economy. According to geographer and activist Ruth Gilmore, these complexes are intimately linked to our day-to-day lives:

It’s not just the business and military interests. We have all the people who are dependent on these expenditures of public money for the military. This includes all the people in all the towns that got the military bases and people who work at the bases. All the people in the academy who get federal grants and contracts to do classified and unclassified research and development. All of the intellectuals in the quasi-public nonprofits like the RAND Corporation that write reports for the military. Of course, you also have people like Lockheed, Boeing, the generals and Joint Chiefs of Staff and so forth. All of those people make up the Military Industrial Complex (Gilmore, n.d: 3).

These complexes also shape pathways for advocacy in progressive justice movements, in particular within the still far-too-separate immigration and criminal justice (anti-prison) movements. Strategies for legalization offered by the state and embraced by many vulnerable communities, such as the DREAM Act, trade on tropes of “innocence” and “merit,” thus reinforcing the idea that there are “real” criminals and undeserving or guilty immigrants who should legitimately be denied access to pathways for legalization. Our commentary contributes to the increas-

ingly important work of analyzing and critiquing strategies to access “rights.” Who benefits—materially and ideologically—from legislation such as the DREAM Act? Who does not? What are the contexts (and histories) of militarization in the lives of young people of color today? What does it cost radical justice movements when individuals and immigration rights movements support legislation that includes militarization, even as a short-term strategy?

Methods, Contexts, and Goals for Our Work

Our research and organizing team has been invested in progressive and just immigration reform that unifies families, eradicates punishing immigration policies, and challenges a permanent war economy. Individually, we have histories as scholars and activists working for justice and immigration reforms, but in 2007 we collectivized to formalize and deepen our individual work. We were outraged by ongoing media coverage that routinely depicted immigrants as “illegal aliens” and offered little historical context for immigration policies and trends in the United States (Newton, 2008). Immigration continues to shape our lives. Most of us were at some time undocumented, and all of us have relationships with individuals who are still undocumented. We also work at post-secondary institutions where students disclose to us that they are undocumented and ask us for assistance and advice.

We focused our work on students and youth who reside within the Chicago area in Illinois. Given our connections, local work was most feasible and valuable, and we believed it was important to address what is happening to the undocumented Latino population in the Midwest. Much of the previous research on this population was conducted in the Southwest and in California (Perez, 2009; Madera, 2008). Given conservative estimates of 500,000 undocumented persons, or about 3.5% of all Illinois residents, the situation is acute (ICIRR, 2004). Research suggests that 20,103 undocumented high school students live in Chicago, with 3,000 to 4,000 graduating each year (Illinois State Board of Higher Education, 2002; Mehta and Ali, 2003). In Chicago, approximately 6.1% of all undocumented students are enrolled in a post-secondary institution (Mehta and Ali, 2003). Most undocumented students attend the overflowing public community colleges because they are not eligible to receive federal or state financial aid. Illinois and 10 other states (California, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington, and Wisconsin) are supportive in terms of access to post-secondary education. In Illinois, undocumented students pay in-state tuition as long as they meet the required admissions criteria according to Illinois House Bill 60 of 2003 (Mehta and Ali, 2003).

Our work is a form of activist participatory research, reflecting a commitment to organizing that resists the civil death conferred by the state on growing numbers of undocumented students in colleges and universities across the United States.³ As of 2009, we had gathered over 40 narratives related to the lives and struggles of undocumented and formerly undocumented students. We offered workshops

for community college staff and faculty on the intersection of higher education policies and immigration policies. We have published editorials in local papers, participated in rallies and marches, circulated information on access to resources for the undocumented, advocated for policy changes in higher education and immigration, and helped youth to informally network and gain access to support and resources. Our work is to serve as allies to those most affected, to make visible the experiences of an erased population, to work at the local level to leverage resources and educational access for those in need, and to use our research and power to support systemic and structural changes in immigration and educational policies. We struggle to juggle these goals with our other fulltime demands as caregivers, students, workers, and justice-mobilizers in other movements. This work is ongoing and our short commentary outlines one aspect of our work.

“Tough on Crime and Immigration” to “Tough on Terror”

Recent scholarship and activism identify the growing role of immigration within our nation’s prison-industrial complex. From Abu Ghraib to the Cook County Jail to the U.S.-Mexico border, the military and prison work as an interlocking system to naturalize violence and punishment as a response to conflict. Legal theorist Teresa Miller (2002: 215) writes that mass incarceration policies provide “a template for the widespread detention of immigrants who lack proper documentation or have criminal convictions in their past.” With the merger of the Immigration and Naturalization Services into the Department of Homeland Security in 2001 (Bohrman and Murakawa, 2005), there was a corresponding shift from immigration as a service to an agency concerned with enforcement. A network of 400-plus private and public detention centers was established across the United States, making the undocumented an integral and expanding component of the criminalized class. The Immigration and Customs Enforcement (the largest U.S. enforcement agency) has a workforce of over 17,000. Its 2008 budget topped five billion dollars. The agency deported 977 non-citizens every day in 2008, a 23.5% increase over 2007 (U.S. ICE, 2008: VIII; III). As of June 2007, the agency acknowledged that “62 immigrants died in administrative custody since 2004” (Bernstein, 2007: 2).⁴ The *Washington Post* recently calculated that “with roughly 1.6 million immigrants in some stage of immigration proceedings, the government holds more detainees a night than Clarion Hotels have guests, operates nearly as many vehicles as Greyhound has buses, and flies more people each day than do many small U.S. airlines” (Hsu and Moreno, 2007).

With the federal 287(g) program that empowers local and state police to act as a federal immigration authority (Archibold, 2009), ongoing deportation raids in cities such as Postville, Iowa, in 2008 and in the Little Village neighborhood of Chicago in 2007, as well as the militarization of border areas to reassemble large prisons, immigration has become an integral part of the nation’s expanding prison-industrial complex (Evans, 2005; Davis, 2003, 2005; Gilmore, 2007b; Rodriguez,

2008). The Postville raid was “the Bush administration’s largest crackdown on illegal workers at a single site” (Hsu, 2008). Over 350 individuals were arrested, including people from Guatemala, Mexico, Israel, and Ukraine; many had children attending local schools at the time of their arrests (*Ibid.*). ICE agents were heavily armed in the raid at the popular Latino Little Village Plaza strip mall. As Romo and Kozlov’s 2007 CBS news report stated, “Immigration and Customs Enforcement agents were apparently targeting a ring that counterfeits and sells immigration documents in the area. Many people complained that others who had nothing to do with counterfeiting were also arrested.”

Like criminal laws, immigration policies serve as a form of labor control and as a means of disciplining marginalized populations.⁵ In 2008, Colorado authorities proposed that incarcerated workers could replace the potentially diminishing supply of migrant workers (Frosch, 2007). Employers and state politicians believed the ICE raids would result in fewer migrant workers in Colorado. Thus, the state’s prison population could potentially be paid “60 cents a day,” for weeding, harvesting, and other manual labor aiming to address the gap of the labor of the estimated 150,000 undocumented workers in the state of Colorado (*Ibid.*).

Public schools have also been an intimate partner in the prison-industrial complex. Although military service is a potential route to citizenship in the United States, the state employs criminalization and incarceration to contain marginal populations. The six public schools in Chicago run by the Department of Defense are located in communities of color (Meiners and Quinn, 2009; Sodavi and Banchemo, 2007). Youth of color are also drastically overrepresented at every level of the criminal justice system (National Council on Crime and Delinquency, 2007) and are underrepresented in colleges and universities (Santiago, 2008; Santiago and Brown, 2004). Gilmore (2007a) writes that the *prison and the military-industrial complex* actively constrain futures and shape myriad policies: education, immigration, criminal justice, and economic.

From “tough on communism” to “tough on crime,” the consistency between the two complexes lies in how broadly their reach has compromised all sorts of alternative futures. The main point is not that few corporations call the shots—they don’t; rather an entire realm of social policy and social investment is hostage to the development and perfection of means of mass punishment (Gilmore, 2007a: 42–43).

Gilmore stresses the importance of these systems in shaping life pathways for so many, both domestically and globally. Undocumented populations have often looked upon military service as the only option for escaping a de facto criminalized class. Serving in World War I offered white “aliens” a pathway to legalization because it demonstrated “loyalty—especially in its ultimate test” and therefore “qualified one to citizenship” (Ngai, 2004: 42). Enlisting during wartime generally is a test of hetero-masculinity and patriotism, with communities seeking status in

the nation-state often using this strategy to achieve legalization. After half a century of white supremacist policies that criminalized Asian migrants and regulated the labor market, the Japanese American Citizens League (JACL) advocated military service during World War II for Nisei (second-generation Japanese Americans) to demonstrate their fidelity to the United States. In 1942, the JACL's leader, Mike Masaoka, stated, "We had to have a demonstration in blood" (*Ibid.*: 182). This strategy was promoted even though the U.S. government had confined the West Coast Japanese population in internment camps between 1942 and 1945. In 1943, the Chinese Exclusion Act was repealed and many Chinese displayed buttons proclaiming "I'm Chinese" during the war for fear of being considered Japanese and thus incarcerated (Espiritu, 1992: 23).

Historically, military recruiting tools have specifically targeted communities on the margins of full citizenship, including white ethnics (Italians, Irish) and African Americans. Now, the *Yo Soy El Army* campaign targets Latina/os (NYCoRE, 2008). The Defense Department partnered with the Department of Education and city governments to sell its "brand" to young people and to secure positions of power over the lives of the most vulnerable youth. The U.S. military is aggressively recruiting Latinos, according to journalist Roberto Lovato:

The centrality of Latinos to the military enterprise can be seen in statements by Pentagon officials like John McLaurin, Deputy Assistant Secretary of the Army for Human Resources, who stated that in order to meet recruitment goals, Latino enlistments must grow to 22 percent by the year 2025 (2005: 2).

Latino military recruitment employs various tactics. Television ads depict mothers, fathers, and grandparents exhibiting an extreme sense of pride for their young loved ones who have joined the military. Other strategies consist of heavy recruitment by military personnel in local public schools or universities, where they set up a table in the cafeteria or roam the halls promising students money for their college education, as well as enlistment bonuses. According to Alvarez (2006):

In Denver and other cities where the Latino population is growing, recruiting Latinos has become one of the Army's top priorities. From 2001 to 2005, the number of Latino enlistments in the Army rose 26 percent, and in the military as a whole, the increase was 18 percent. The increase comes at a time when the Army is struggling to recruit new soldiers and when the enlistment of African-Americans, a group particularly disillusioned with the war in Iraq, has dropped off sharply, to 14.5 percent from 22.3 percent over the past four years.

Latino youth are also seen as “very patriotic” individuals, who serve the United States “with gratitude” and reenlist at higher rates than any other group of soldiers (*Ibid.*).

The military-industrial complex has had ongoing, tense relationships with public education. Chicago’s public school system is the most militarized in the nation, with other large, largely Black and Brown urban centers such as Philadelphia, Atlanta, and Oakland not far behind (Meiners and Quinn, 2009). Nearly 10,000 students in Chicago participate in Junior Reserve Officer Training Corps programs, beginning as early as middle school Cadet Corps, and another 2,400 are enrolled in one of Chicago’s six public Department of Defense (DOD) high schools and numerous other military schools-within-schools (Roa, 2009). Chicago is the only city in the nation to have academies representing every branch of the military (*Ibid.*).

The DREAMACT is layered onto this landscape through the hyper-militarization of youth of color, the history of military service as a potential limited pathway to access to citizenship, and the growing role of immigration as a central spoke in the carceral state.

Challenges of Organizing and Activist Research

We have circulated petitions and written professional letters supporting the DREAM Act because the youth we know and their families are deeply invested in it and have organized around its various legislative versions. Josue, an 18-year-old Latino male who emigrated with his family at the age of 10, discussed how an undocumented person could potentially market oneself to a legislator. For him, being perceived as “good” is the only game in town for possible legalization:

To a legislator, it depends if it is an election season or not, but you have to try to build your résumé, build yourself up by being involved in the community, by being involved in school, getting good grades, and so forth. Then you can present yourself to the legislator. I’ve done the best I can. I’m in the top five percent of overall students in the university, and when I graduate I will have a degree and won’t be another negative statistic for Latinos—one who hasn’t graduated, is working at minimum wage, and stuff like that. How can you help me? What can I do? You just can’t go to the legislator and say I need my legal status. It is a catch for both sides. If you’ve been a good student, it is easier for them to work for you. You must try to be the best you can, and not just want legal status.

Students often felt that they needed to consistently demonstrate that they were exemplary, leaving no room for mistakes. These youth negotiate complicated legal and personal situations: mixed-status families (sometimes undocumented mothers and documented siblings), deep depression and anxiety, working more than full-time at a non-living wage to support parents and siblings, and more. They are well

aware of the impact of the media in shaping their lives and constructing Latinos as scapegoats. Ricky, age 20, states:

I think they [the media] use them [undocumented Latinos] as scapegoats.... I think they praise them when they're necessary, but when something goes bad they're pretty much the first people that they blame it on.... They portray them as a good thing when they need cheap labor, but then when the economy is going bad, all of a sudden we're like a burden on everyone.

Recognizing that labor and economic anxieties are fueled by the mainstream media's portrayal of their struggles and knowing that access to resources hinges on this story, their political organizing is structured by the state's response—the DREAM Act. Lacking other options, Ricky, like many youth, considers taking extraordinary measures to access citizenship:

I have even gone to extremes, to tell my mom I think if I was more informed about it, that if the government said they would give papers to those who signed up for war, I would have done that, honestly. I think I would have done that for myself and for my family because it's like my brother is also about to attend college next year and if I were to do that it would make it easier on him.

We participate in advocating for *and* critiquing the DREAM Act, because reforms that augment the military and the prison state do not create futures that enable all of us to flourish. We promote life pathways that do not divide families, or privilege student over worker, youth over parent. The DREAM Act separates a population that typically accrues the most public sympathy—undocumented students—and gives this limited group access to pathways for legalization. Thus, it potentially makes it more difficult to pass more comprehensive immigration reform that includes an amnesty component for other undocumented groups that are less “attractive.”

As a team, we entertain conflicting ideas about the role and work of the military in a democracy. The military has entered each of our lives in different ways. For some of us, the military (in the United States and other countries) has provided life-changing employment opportunities for family members, saved lives, or ended lives. Despite these divergent personal histories, we agree that the responsibility of activists, organizers, and researchers is to name this political tension, and, as W.E.B Du Bois has argued, to practice radical democracy and imagine and work for immigration, prison, and military reforms that build an abolition democracy. Temporary initiatives such as the DREAM Act do not address the larger question of nation-state disenfranchisement of increasingly larger segments of our population. Nor does it challenge the persistent role of a carceral and punitive state that “renews, reinvigorates, and refreshes a culture of violence that presumes that people ought to kill one another all the time, whether or not war is declared” (Gilmore, n.d.: 3).

Building an abolition democracy, or a democracy that at least meets the full promise of the abolition of slavery, write Angela Davis and W.E.B. Du Bois, requires transforming the *structures and traditions* that safeguard power and privilege. That task is of equal weight to taking down those who visibly punish and oppress. Davis (2005: 96–97) contends that detention centers have:

thrived over the last century precisely because of the absence of those resources and the persistence of some of the deep structures of slavery. They cannot be eliminated unless new institutions and resources are made available to those communities that provide, in large part, the human beings that make up the prison population.

Strategies for access to the nation-state that turn on militarization and incarceration thrive because other “public” democratic institutions are not available to undocumented youth. Building a flourishing democracy requires organizing efforts to frame policies that are equitable and just for generations to come.

Acknowledgment: We are honored and challenged to do more by the men and women who shared their stories with us, and who continue to work for personal and political change. Feedback from reviewers raised valuable questions and made this commentary stronger.

NOTES

1. Many of the provisions of the DREAM Act were reintroduced as part of two failed Comprehensive Immigration Reform bills in 2006 and 2007 (The DREAM Act, 2009).
2. Most undocumented persons in the United States are Latinos, with Mexicans comprising 57% and other Latin American countries contributing 24%. Nationally, approximately nine percent are from Asia, six percent are from Europe and Canada, and four percent are from Africa and other countries. Some 1.7 million undocumented immigrants are children under 18. Children account for one of every six undocumented persons (Passel, 2005).
3. By *civil death* we refer to the reality that the undocumented, similar to those convicted of crimes, are prohibited from voting, employment, the use of social assistance benefits, and more.
4. The ACLU also released ICE documents in 2007 on Operation Endgame, which detailed ICE plans to remove 12 million people by 2012 (Rose and Ott, 2007).
5. According to Angela Davis (2000), recently freed African Americans were criminalized after the Civil War through the “Black Codes” of the Southern states. These incarcerated men provided a ready supply of laborers after the Civil War. Ex-slaves were not the only targets of these Codes, however, as numerous laws also addressed Indigenous peoples, criminalized their behavior, and subsequently framed them as exploitable labor (Ogden, 2005; Smith, 2005).

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Thinking (and Moving) Beyond Walls And Cages: Bridging Immigrant Justice and Anti-Prison Organizing In the United States

Jenna Loyd, Andrew Burrige, and Matthew Mitchelson*

We continue to find that the prison is itself a border. This analysis has come from prisoners, who name the distinction between the “free world” and the space behind the walls of the prison. This is an important interpretation that undoes the illusions of the powerful nation-states on the one hand and the seeming disorganization and chaos of capital’s travels on the other. There is a very specific political economy of the prison that brings the intersections of gender and race, colonialism and capitalism, into view (Davis and Dent, 2001: 1236–1237).

UNDERSTANDING THE PRISON AS A BORDER ENABLES US TO TIE THE PRESENT intensification of border fortification and expansion within long and unique histories of slavery, colonialism, and imperialism. The important particularities of these histories, and the people whose lives have been shaped by them, are brought together through these borders as much as they are kept apart. At the 2008 Left Forum conference, for example, two of the current authors participated in a session on the connection between walls and cages and organizing strategies to move beyond them. One of the panel’s speakers recounted a story about the difficulties of recognizing the commonalities of apparently different forms of migration policing in Queens, New York. Following September 11, South Asian and Muslim communities were rounded up here and nationwide in the name of national security

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and “fighting terrorism.” Meanwhile, agents of the newly founded Immigration and Customs Enforcement were conducting raids in another Queens neighborhood, this time targeting West Indian people as criminals engaged in the drug trade. These groups were each subject to racial profiling, detention, and deportation, yet they were positioned differently in relation to the state and dominant racial formations. The groups were skeptical of one another, one declaring “We’re not terrorists!” and the other “We’re not criminals!”

These commonsense responses among neighbors living in one New York borough illustrate how practices of civil death, which have strikingly similar effects, nonetheless isolate groups discursively and politically from one another. Criminalization and exclusionary migration policy are forms of “civil death” that create categories of people who are not afforded the broadest range of rights and responsibilities afforded to the most privileged “citizens.” Political organizing on these lines has the effect of legitimizing the racialization and state regulation of the other group, thereby bolstering at least one of what Andrea Smith (2006) calls the three pillars of white supremacy: slavery/capitalism, genocide/colonialism, and Orientalism/war. That is, such strategies reinforce the ways in which U.S. migration policy builds the domestic penal system and how nationalistic defenses of territorial integrity validate ongoing colonialism through a combination of military means *and* citizenship.

Walls and cages—the shorthand we use for U.S. migration policy and penal (“criminal justice”) policy—facilitate contemporary processes of racialized dispossession and capitalist restructuring (“globalization”). Understanding how these differentiations work is thus consequential for people’s lives and organizing possibilities. The dynamics that differentiate and isolate groups *simultaneously* converge and materialize in division’s sturdy tools: the bullet, the chain, the cuff, coils of concertina wire, the wall and the cage.

On any given day, there are nearly 2.3 million people in U.S. jails and prisons, and more than twice as many people—5.1 million—are under direct state surveillance through the parole and probation systems (Glaze and Bonczar, 2009). The racial disparities of the punishment complex are well known. Some 58% of the people in prison are sentenced on nonviolent drug offenses and people of color comprise 75% of these prisoners (Ahrens, 2008; The Sentencing Project, n.d.; Wacquant, 2001). Women are being caged faster than any other group, and migrant detention is proliferating at a remarkable pace (West and Sabol, 2009). Over 30,000 migrants are detained on any given night, and over 1.6 million migrants have been deported since 1996 (this figure does not include those who have taken “voluntary departure”).

The markedly increased caging of these particular groups is the predictable result, a decade later, of three infamous pieces of 1996 legislation signed into law under President Clinton: the Personal Responsibility and Work Act, which ended welfare as we knew it; the Antiterrorism and Effective Death Penalty Act

(AEDPA), which imposed minimum sentencing requirements; and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which broadened the categories of criminal and deportable offenses, *and* made them enforceable retroactively. This is an important moment in the deepening ties between immigration and penal policy, which build on the longer rise of the carceral state in the second half of the 20th century.

From the Left Forum to the U.S. Social Forum, Critical Resistance 10, and more informal settings across the United States, people are engaging in inter-ethnic and inter-national conversations about the convergence between walls and cages. These conversations link different groups of folks who aim to break the ideological divisions that isolate struggles against prisons (and all forms of state violence) from struggles for immigrant and economic justice. We view our individual and collective work as part of this important dialogue and political project of bridging prison abolition and immigrant justice movements. As activist-geographers, we are co-editing a book entitled *Beyond Walls and Cages*, which brings together the writings of people directly affected by these systems with those of organizers, artists, advocates, and researchers.

Our goals in this piece are twofold: we wish to trace some of the scales of mobility and immobility through which walls and cages work; and we want to link some of the violent deformations marshaled (and entrenched) through these sites to some of the transformative, abolitionist alternatives we envision. Against the violently deformed meanings of justice, community, and safety that walls and cages produce, we promote abolitionist strategies for moving from prisons' "bedspaces" to the homes where people can freely rest and dream.

Audre Lorde (1984: 37) once wrote that "poetry is not only dream and vision; it is the skeleton and architecture of our lives. It lays the foundations for a future of change, a bridge across our fears of what has never been before." In throwing in our lot with generations of abolitionists, the mix of theory and practice is our poetry, creating bridges toward each other to walk through fear and toward another future. If, as Edward Said (1983: 226) suggests, the circulation of ideas is one "enabling condition of intellectual activity," then part of our work is marking the barriers and exclusions through which people and ideas and love struggle to traverse to create (momentary) places. Showing these connections comes out of being in the mix in our various movements and roles and is a condition for being in this mix (Gilmore in Murphy et al., 2005). Accounting for our locations as abolitionist scholar-activists means that documentation and theorizing blur at the edges so that the present and the possible may approach each other. To make desired changes in the world possible, the circulation of ideas is an essential part. And so this essay reflects a node in the circulation of social struggles, a report on the state of connections as they exist in dispersed conversations and murmurings of liberation that are seeking to be materialized more fully.

Scales of Mobility and Immobility

Detention and imprisonment are inherently multi-scalar projects. As a powerful site of state sovereignty, cages are places in which a variety of territorializations of economic and state power converge. The nation-state (border) and the city hold host to the powerful dialectics of fixity and flow, incapacitation and mobility, such as undocumented presence within a national territory, driving while Black or Brown, or being at “the wrong place at the wrong time” in the neighborhood. Very often, “the crime” being punished amounts to a transgression against the state’s socio-spatial claims or the claims of private property. For now, walls and cages are deployed across these scales as the primary resolutions to these contradictions (Gilmore and Gilmore, 2008).

Thus, the cage links a host of places far beyond the prison’s walls (e.g., the nation, the city, and the home). Places are linked such that the rural prison reproduces the “urban criminal” and policing the border reproduces the nationalistic categories and practices of citizenship and war-making. In this sense, imprisonment is a multi-scalar process that draws in multiple spaces, where they converge in the cage. Regardless of the scale at which territorial claims are invoked (or revoked), detention and imprisonment always relentlessly settle on a “local” site. The human body bares all penalties. Yet by twist of ideological alchemy, those most harmed by migration and penal policy become the origins of threat to the “good” citizen and nation, as are their own harms, rather than nationalist policy or racism. This displaces responsibility for known harms away from the state, obscuring state violence and reinforcing the legitimacy of the state to forcibly regulate “criminals” and “aliens.”

Mobility is part of the human condition and international migration is part of the modern condition. Meanwhile, migration controls have become increasingly elaborate in tandem with the push toward freer international capital and commodity movement. Throughout the global South, neoliberal capitalist restructuring has resulted in the displacement of millions of people from rural livelihoods. This trend—in conjunction with industrial restructuring, privatization, deregulation, and worsening terms of trade—has resulted in international migration as a survival strategy for families, means of economic development for communities, and means of nation-states to pay off external debt.

Yet, even as freedom of movement becomes more imperative to economic survival, refugee and migration policies are becoming increasingly restrictive. We can see this at the nation-state and broader scales, with uniform boundary enforcement practices around what critics call Fortress Europe and Fortress NAFTA, and migrant interdiction occurring in sites far removed from national territories (Lahav, 1998; Mountz and Hyndman, 2007). These policies build on racialized colonial geographies and constitute a regime of selective mobility—global apartheid— inhibiting the free movement of the majority of the world’s people (Nevins, 2008; Sharma, 2005). This is a reversal of the post-World War II to early

1980s moment of migration liberalization in the United States and Europe, whose economies were rapidly growing and which were under Cold War anti-colonial (and post-Holocaust) pressure to reform *de jure* racial policies.

With intensified economic competition and a steady shift of labor-intensive industries from the 1960s on, from the U.S. North to the U.S. South and then to the global South, increasing sectors of the U.S.-born workforce face structural unemployment. And this economic restructuring was taking place as antiracist movements of the postwar era were breaking Jim Crow and demanding wholesale transformation of the racial economy. The disorder created by state and capitalist crises of the early 1970s on—and by the freedom, antiwar, and women’s movements—has (at least partially) been dealt with through mass incarceration (Gilmore, 1998/99; Parenti, 1999).

At the same time, migration to the United States has increased, with migrants often recruited into workplaces to break the organized power of the existing workforce. Far from economic globalization ushering in a liberalization of cross-border movement, U.S. migration policy since the mid-1980s has progressively relied on policing and penal strategies.¹ This is not paradoxical, because the racialized and nationalist enforcement of diminished rights creates a more exploitable and precarious workforce (Sharma, 2006). Repressive policing practices and nativist discourses create a climate of fear, which inhibits people’s everyday movement and collective organizing for improved working and living conditions. This replicates the effect of hyper-policing in poor communities of color. The fallout of these structural adjustments affect men and women of color differently: women have shouldered the work of coping and working to keep families together, fed, housed, schooled, and loved. As these cuts continue to stretch women’s capacities to respond, the criminalization of survival increasingly subjects women to direct policing and incarceration (Alexander, 2005: 181–254; Davis and Shaylor, 2001; Mohanty, 2003: 43–84).

Absolute control over boundaries, territory, and populations is a utopia (for some). The exclusionary premise of the nation and national territorial integrity is often legitimized through the idea of a shared national community and ideal of uniform treatment (justice). Yet the fiction of nationalist egalitarianism is revealed by racially differentiated citizenship (what Yen Le Espiritu [2003] calls “differential inclusion”). This is evident in racialized rates of involvement in the prison-industrial complex (PIC), and hence disenfranchisement from the vote and stripping of rights to entitlements, the permanent outsider status of some groups of people (regardless of how long they and their families have been here) based on racialized ideas of “unassimilable difference,” and the popular belief (heard increasingly post-September 11) that non-citizens do not have the same constitutional rights as citizens (Loyd and Burrige, 2007).

Absolute control over movement and territory is an unachievable goal, and inevitable failures are used as justifications for new spatial strategies of deter-

rence and ever more repressive controls. Spatial solutions that involve increased militarization and policing—zero-tolerance zones of all sorts, from interdictions on homelessness, drugs, assembly, and mere presence—shift unwanted activities *and people* elsewhere. These same activities continue, while a connected spatial infrastructure of walls and cages is built. As Gilmore and Gilmore (2008: 142) write, cages have become “catch-all solutions to social and political problems.” These solutions categorize people by status, but fail to address the processes that create these conditions of living and powerful markers of difference. Meanwhile, the effects of these failures are blamed on the people who are most hurt by them. Criminalizing homelessness, drugs, and migration turns *people* into problems, but fails to build homes, reduce the harms of drug use, or facilitate the free movement of people. Instead, criminalization produces spaces of harm (for some) that are termed, most ironically and insidiously, “bedspace.”

Sovereign Bespace

Prison, jails, and detention centers—euphemistically called “bedspace” (e.g., Department of Homeland Security Office of Inspector General, 2009)—exist on a fundamental continuum of unfreedom and confinement. As the rehabilitative ideals of the 20th century were left behind, a strange new carceral regime emerged: the warehouse prison (Morris and Rothman, 1998). In these cages we find the height of deformed meaning and stakes of abolitionist visions. For example, the piecemeal territorialization of the nation in the borderlands has simultaneously built in the nation’s interior a vast network of cages. To many, these cages are seen to be legitimate materializations of state power because an undocumented presence violates territorial integrity. Thus, migration prisons ironically and tragically become mechanisms for exclusion (or extrusion) of migrants from national territory. This maintains the ideological integrity of the nation as shared community. (U.S. military prisons located outside of the commonsensical U.S. domestic territory do the same thing ideologically, as uproars over closing down Guantánamo Bay and transferring prisoners to Michigan or Montana have shown.) The prison is, in all cases, an isolating container and an enactment of socio-spatial distance. In a Georgia town where the city jail was purchased by Corrections Corporation of America to hold immigrants, the mayor was dismayed that it is located “in the heart of the city.” “We feel it should be located someplace else” (Gunn, 2009). “Out of sight, out of mind” also creates conditions in which all people who are imprisoned are isolated from their loved ones and organized capacities for legal, spiritual, and caring aid.

Detention and imprisonment are not about space in and of itself; there is no prison without the prisoner. Detention is about detainees (and their captors). Although the lives of the imprisoned are at stake, human beings are discursively erased from a host of popular carceral geographies. Ultimately, the “bedspace”—the geographic scale at which spatially differentiated criminalization is reconnected in practice, and at which punishment is placed upon the body—has emerged in the prisoner’s stead.

The annual reports of Corrections Corporation of America (CCA) or Geo Group Incorporated (Geo Group) combine the private prison companies' 10-K filings to the U.S. Securities and Exchange Commission with glossy photographs and graphics. Such reports are designed to attract potential investors and to keep current investors happy. Ostensibly, they should contain a wealth of information on crime, punishment, and everything in between. Yet, the reports seldom talk about crime (let alone punishment), prison cells, razor wire, or gun towers. Human beings are conspicuously absent, save for the corporate executives and a few photographs of "correctional officers" and prisoners. By contrast, nearly every page of these reports contains the word *bed*, appearing a stunning 17 times on the first page of CCA's 2007 report alone. It is as if these corporations are not in the business of transporting and warehousing human beings, but rather "Bed Development." CCA reports that between 2005 and 2009, it will have built nearly 20,000 "beds" (CCA, 2008).

What does bed development entail? In a recent letter to Geo Group shareholders, two senior officers announce, "our organic project pipeline remains strong with nine projects currently under development totaling approximately 7,400 beds and representing \$143.0 million in annualized operating revenues" (Geo Group, 2008: 4). Though prison cells routinely cost tens of thousands of dollars to construct (Mitchelson, 2010), there is nothing hospitable or luxurious about these settings. The "organic material" (i.e., prisoners' bodies) is not shipped to a lovely getaway spot. Yet, the discourse of bedspace powerfully communicates that the prison, for all intents and purposes, works like a motel—a collection of beds in bedrooms.²

Of course, there is nothing remotely home-like about a cage. But you must ask prisoners themselves to hear about how bedspace (if they have it) is not like a motel's pillow-top mattress, and how bedspace does not replace their bed back home (if they have one). Here, as elsewhere, millions of imprisoned voices have been increasingly silenced during the penal state's ascent (Wacquant, 2002). A key ideological contribution of the bed's substitution for the prisoner, then, is the social death it renders upon its inhabitant. "The bed" reproduces its occupant—the imprisoned person—as *ungeographic*, placeless (McKittrick, 2006). Prisoners are selectively, and officially, rendered invisible. Their knowledge, words, and experiences cannot be part of the public, civil discourse that sets the terms of community and the future.

Socio-spatially, "bedspace" forecloses questions of justice by naturalizing the origins, destinations, walls, and cages that make up the massive penal institutions of the carceral state. Instead of a (current) prisoner who has come from home and been shipped like so much freight "up the river," bedspace is managed and reported as an occupancy level; it is as if prisoners are in cages *naturally*. Here, the discursive and material consequences of ascribing placelessness to human beings play out, as political possibilities are foreclosed by socio-spatial fatalism: "they" are "there" because they are "in their place." Or, following Gilmore (2007: 16), "households stretch from neighborhood to visiting room to courtroom, with a

consequent thinning of financial and emotional resources”; yet, bedspace renders these very real places irrelevant.

In many ways, *all* prisons hold host to capital accumulation.³ The private prison industry, however, is always ultimately beholden to its public funding. They are still ultimately sovereign spaces that are accountable to—indeed, extensions of—the state. We draw on the annual reports of private prison companies because they make the carceral economy of our times—incapacitation in bedspace—most clearly visible. As “bedspace” works to naturalize the dynamics of social death, it enfolds an ostensibly “economic” and “efficient” logic (and set of new capacities) in the construction of walls and cages. For example, the state (i.e., the Department of Homeland Security [DHS], 2009: 2) explains that “detaining versus releasing aliens increased the demand for detention bedspace.... ICE reported an increase in its average daily detention populations from more than 28,000 in FY 2007 to nearly 34,000 in FY 2008.” Increased policing practices are figured as “demand”—whose needs “the market” can naturally meet. Anticipating the continued “growth industry” in nationalism, CCA officers explain:

We continue to benefit from a positive environment where the demand for prison beds exceeds the supply, and we believe CCA is well positioned to take advantage of this market dynamic to continue building shareholder value (CCA, 2008: 2).

The boundary and the cage are naturalized through the commonsense of market demand even as so many practices of state sovereignty create these very spaces. In our view, the crucial question is this: What links the sovereign cage to the sovereign boundary? Ideologically, the answer is group differentiation. In bedspace, the political economy of nationalism *places* the punished, materially, and as Davis and Dent’s epigraph suggests, this pushes the border into some unexpected and deeply troubling places. As Alison Mountz (2004) reminds us, the geographic questions of “where” and “why” must be accompanied by the question of “who,” because human beings bear the border’s full weight. Because political space is socially produced, this makes the border’s placement all the more important.

Sovereign Cages: Militarizing (Im)mobility at the Boundary

The multiple geographic scales through which prisons and borders (or incarceration and migration) constitute each other are nowhere more evident than at the U.S.–Mexico border. However, since the implementation of border militarization strategies, such as “Operation Hold the Line” and “Operation Gatekeeper” in the early 1990s, as well as of zero-tolerance programs by DHS’s departments of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), incarceration and deaths of undocumented border crossers have increased significantly.⁴ As Heyman and Cunningham (2004: 294) write, such practices of

spatial exclusion and management assign and enforce “differential rights and duties through enclosure.” This necessarily “entails the allocation of unequal risk to various populations yet naturalizes such rights and risks as normal and proper consequences of territorial rules.”

As a matter of strategic policy, CBP has funneled migrants into remote areas, such as the Altar Valley in southern Arizona, shutting off safer routes of travel. Yet the U.S. government places the blame upon migrants, or their guides, for their own deaths (Nevins, 2003). Indeed, Doris Meissner, former head of the INS, acknowledged that the U.S. government was well aware that fencing off urban areas, as in San Diego and El Paso, and relying on the geography of the desert would lead to a rise in deaths (Cornelius, 2001). Since 2000, the numbers of deaths have reached into the hundreds every year.

Since the formation of the DHS in 2003, when immigration enforcement was placed under the cabinet-level Department of Homeland Security, there has been a notable devolution of scale from the federal to the state and local levels within border policing and militarization policies along the U.S.-Mexico borderlands. Heyman (1998) refers to this as the “local state” of border enforcement. Although bills aimed at “comprehensive immigration reform,” such as H.R. 4437 in 2006, failed to pass, the past few years have nonetheless seen a steady criminalization of unauthorized migration through a notably piecemeal approach to border militarization and interior enforcement practices.

Across the nine U.S. Border Patrol Sectors that comprise the southwest border, numerous border securitization projects and immigration policies have been implemented that are highly localized in their impact. Although the expansion of the USBP to 18,000 agents and the ongoing militarization of the borderlands through fencing and other methods have drawn attention, little noticed is how this process is further bolstered through the involvement of enforcement agents from agencies including the U.S. Fish and Wildlife Service, the U.S. Forest Service, Bureau of Land Management, local police and sheriff departments, and indigenous police forces such as on the Tohono O’odham reservation. This de facto marshalling of other federal agencies into migration policing bolsters the policing capacities of the CBP and further consolidates unauthorized presence as a criminal act for all government agencies to police.

Over the past decade, southern Arizona, and specifically the U.S. Border Patrol-designated “Tucson Sector,” has become known as the busiest and most deadly region of the U.S.-Mexico borderlands for undocumented migration. First implemented in Del Rio, Texas, in 2005, followed by Yuma, Arizona, and then Laredo, Texas, in 2007, “Operation Streamline” — officially known as the Arizona Denial Prosecution Initiative (ADPI) — was put into effect in the Tucson sector on January 14, 2008. In a press release reporting on the fiscal year 2008 successes of Streamline in the sector, CBP stated that close to 10,000 undocumented migrants were prosecuted, “sending a clear message that there will be consequences for entering illegally into

Arizona” (Customs and Border Protection, 2008). These expanding “zones of zero tolerance” (in CBP’s terms) now comprise over 500 miles of the 2,000-mile U.S.-Mexico border, with plans to extend the program into other sectors of the border. These spatial strategies of criminalization create additional vulnerability for those crossing without the permission of the state *and* necessarily increase repression of borderland communities, citizens or not.

“Operation Streamline” is being enforced most vigorously in the 262-mile-wide Tucson Sector. Each weekday in the Evo A. DeConcini courthouse in downtown Tucson, undocumented migrants, mostly from Mexico and Central America, are criminally charged under Streamline for having entered illegally into the United States. Of the approximately 800 to 1,000 migrants detained by the Border Patrol in this sector each day, up to 70 persons are randomly selected and processed through the federal criminal court system. Migrants found crossing within the Tucson Sector are therefore subject to being placed within the Streamline process, and in turn are criminalized unlike others committing the same act elsewhere along the border who are “voluntarily deported” without a criminal record. Each of the 70 detainees face up to 180 days in an ICE-funded facility, a formal removal (deportation) process, and a five-year ban on legal reentry into the United States. Even those who are not interdicted and imprisoned are harmed by “deterrence” policies, which are designed to *create* hardships for those entering the United States without documents. As migrants and their *coyotes* attempt to avoid such criminalized spaces, they are inevitably pushed to take increasingly arduous and lengthy paths to cross through the borderlands and onward into the interior.

In March 2008, just two months after “Operation Streamline” began, the U.S. District Court proposed to move public hearings on the program to the detention center at Davis Monthan Air Force Base. Located on the outskirts of the city, it is home to the new CBP headquarters. As such, the only public aspect of the operation would have moved behind detention center walls. The migrant detention industry had already become increasingly privatized or hidden behind institutional walls, affording the public, media, and migrant rights groups little access. Through considerable pressure from grassroots groups active in Tucson and elsewhere, the District Court reversed the decision, instead maintaining public hearings at the federal courthouse.

The militarization of space and strengthened collaboration between law enforcement agencies have increased criminalization of undocumented migrants and those providing humanitarian aid in the U.S.-Mexico borderlands. This has been most significant in the Tucson Sector, where volunteers with humanitarian groups have been arrested and fined for providing aid, such as leaving gallon jugs of water for border crossers in the desert or transporting critically ill people to a hospital. By funneling migration into more remote desert corridors and interdicting life-saving humanitarian aid, the USBP and other law enforcement agents seek to disorganize

the work of solidarity in the borderlands. Constrained mobility for migrants and aid workers makes the borderlands increasingly dangerous and deadly.

These piecemeal and arbitrary migration policies underscore how ideals of justice are deformed by absolutist nationalist desires. Localization of migration enforcement through the devolution of federal migration policy and enlistment of other agencies in interdiction measures has contributed significantly to the arbitrary nature of U.S. sovereign boundary enforcement. With law enforcement and land management agents acting as *de facto* border patrol agents, criminalization of migration has expanded. So, too, has the questioning of citizenship through increased surveillance and policing of who has the right to mobility in this region; for those deemed “out of place,” this means further curtailment of their rights.

Situating “Interior” Enforcement: Migration and the City

Global cities are the paradigmatic sites where people who have been dispossessed and forced across national boundaries work to make possible the lives of the well-heeled, who may travel freely (Sassen, 2006). The inevitable failures of boundary policing to secure territorial integrity have brought cities to center stage in the debate over U.S. migration. Movements for sanctuary, identification cards, and voting rights expand the meaning of belonging beyond the bounds of national citizenship to incorporate residence and participating in the life of the city (Ridgely, 2008; Varsanyi, 2006, 2008). On the flip side are restrictionist, nationalist policies such as ordinances that prevent day labor sites or renting residential property to non-citizens, as well as the devolution of federal migration enforcement to local police agencies through formal 287(g) agreements and contracts with local jails for detention space.

Cities capture the contradictory convergence of freedom of movement and coercive mobility. Beyond being sites of flight, cities are also the target of the over two decade law-and-order rage that has built the prison-industrial complex. Thus, prisons are one site in an expansive institution of “coercive mobility” (Clear et al., 2001), a state-run system of circular migration linking poor, working-class, people of color neighborhoods with penal institutions typically located in sites far from where they live (Gilmore, 2007; Kurgan, 2007). Most of the 2.3 million caged people will return to their communities, making prisons part of a vast infrastructure and economy of people being warehoused and then transported back home.

These many rounds of forced migration do not create safety in highly policed neighborhoods, but further stretch—and shred—family and community relations of support, trust, and mutual aid (Clear et al., 2001). This is akin to what happens to social networks in neighborhoods that are displaced through large-scale redevelopment (Fullilove, 2004; Greenbaum, 2008). Thus, mass incarceration contributes to the structural violence of economic abandonment, racial segregation, and social infrastructural disinvestment, resulting in the accumulation of bodily harms in particular places (Greenberg and Schneider, 1994). It thereby amplifies already serious

health crises in Black and Latina/o communities (Freudenberg, 2001; Golembeski and Fullilove, 2005; Lane et al., 2004; Willmott and Olphen, 2005).

By refusing to see migration in terms of the state definition—as crossing a national boundary—we can look at multiple scales of coercive migration, including that fostered by dispossession, economic dislocation, and mass imprisonment. The rights-stripping machinery of criminalization and migration policing builds on and consolidates racial hierarchies and ideologies, but “criminality” and “illegality” have the similar effect of naturalizing harms of dispossession and state coercion. Simultaneously, this machinery works to displace and disorganize, and thereby disempower, self-organized forms of care, mutual aid, and solidarity, whether known as the family, community, or labor unions. Thus, refusing this nationalist imaginary enables us to connect gentrification with rural land dispossession, and to see prisons—whether for people who have been charged with a criminal act or unauthorized presence in one sovereign space or other—as sites of dispossession. This, in turn, can open possibilities for creating places where death and exclusion are not effects of, or euphemized as, “safety” and “belonging.”

Secure Communities or Right to the City?

There is nothing natural (or permanent) about bedspace, so questioning its limits and what kind of future it can build becomes urgent. As Larson, a man imprisoned in Sing Sing, reminds us: “Anyone planning a prison they’re not going to build for ten or fifteen years is planning for a child, planning prison for somebody who’s a child right now” (in Ahrens, 2008). What kinds of places might we build to replace these deforming spaces?

The immigrant justice and decarceration movements had a big win in August 2009 when the Department of Homeland Security announced that it would end its use of the T. Don Hutto family detention center. This win was overshadowed, though, by the promise of ICE head, John Morton, to transform the patchwork of migrant detention, which is “very much dependent on excess capacity in the criminal justice system,” into a “truly civil detention system” (Bernstein, 2009b). This portends *additional* capacity for incapacitation of migrants and citizens, even as states struggle to pay for health care and schooling.

Lauded as a departure from George W. Bush’s heavy-handed migration policies, President Barack Obama’s administration nonetheless rejected a petition to create legally enforceable rules for immigrant detention (Bernstein, 2009a). He has pushed off promised “comprehensive” migration reform to 2010 and has failed to rein in the enforcement-only approach enshrined his predecessor (Preston, 2009). Raids may officially be off the table, but these terrifying spectacles are only the most visible of interior enforcement practices. Criminal prosecutions for migration violations have increased, and Obama has expanded the notorious 287(g) program and intends to implement the Secure Communities program nationwide.

The 287(g) program trains and deputizes local police agents as federal migration cops. Civil and immigrant rights advocates criticize the program's lack of focus and the racial profiling engendered by the program. Secure Communities promises to rectify these problems, but actually creates conditions for more of the same. It will formalize existing extralegal practices whereby police officers notify ICE or the Border Patrol of suspected undocumented immigrants in their custody, and will formally turn the nation's 30,000-plus jails into migration posts. At any point during one's time in custody—whether at a traffic stop, being booked, formally charged, awaiting trial, or serving a sentence—authorities can pass a person's identification information to the FBI and DHS. These officials are not deputized as migration agents, but simply act as couriers; responsibility for discerning legal presence and potential for deportation remains at the federal level. This massive dragnet solves one of DHS's fundamental problems—pinpointing the over 11 million unauthorized migrants in their mission of “insuring departure of all removable aliens” from the country—while simultaneously avoiding the expense and undercutting opposition to federalizing local police (Barry, 2009).

How can we turn this exclusionary vision of a “secure community” into a truly egalitarian, safe, and free one? Just as transnational migration has forced a rethinking of national citizenship as the means of rights, responsibilities, and democratic governance (Glick Schiller, 2005; Varsanyi, 2006), Right to the City (RTTC) prompts a rethinking of the premise of citizenship itself as an institution structuring mobility, residence, and place-making. RTTC has been gaining theoretical and practical traction in recent years (Harvey, 2003; Holston and Appadurai, 1996; Isin, 2000; Purcell, 2003). One of the principles of the movement is that inhabitants should be able to create the city in which they want to live. This is an imperative that integrates commitments to economic justice with collective and individual self-determination. Inhabitation, not national citizenship, becomes the basis for asserting claims to the social wealth we all create, and for making commitments to building healthy, safe, and sustainable communities.

Abolitionism can find its grounding in the city. Poor and working-class groups, regardless of citizenship, share many vulnerabilities to residential and economic dislocation, and use the same crumbling health systems and schools. Conflicts over the city and its infrastructures are inevitable, but “criminality” and “illegality” are powerful, state-legitimized means of resolving conflicts through exclusion rather than more just, life-sustaining means. “Coercive mobility” shows linkages between what appear to be disconnected groups of people and can make the freedom to move and freedom to stay put joint demands that link reconstruction of urban *and* rural livelihoods. Local jails are important crossroads for migrants set into motion by neoliberal restructuring and criminalized responses to its dislocations. The Secure Communities migration policy builds on the tremendous growth in numbers of police officers that have been put on the streets *and* the excess capacity of this very

system. Opportunities thus open for local anti-jail expansion campaigns to bring together immigrant justice, anti-prison, and prison reform groups.

As Rose Braz writes (in *The CR10 Publications Collective*, 2008), “abolition means a world where we do not use prisons, policing, and the larger system of the prison-industrial complex as an ‘answer’ to what are social, political, and economic problems.” When it comes to migration, abolitionism supports the free movement of people and questions the use of national citizenship (or other arbitrary exclusionary boundaries) to determine who gets to move where and whose social needs are prioritized over another’s (Cohen, 2006; Shantz, 2005; Sharma, 2003). Building economies and community institutions that foster creativity, care, self-determination, and mutual responsibility are among the abolitionist visions for a just society. That is, abolition is a vision for the future that can guide current action for making communities that create real safety and meet people’s needs.

Abolitionist visions can contribute to making the Right to the City a reality. There is a necessary relation between freedom of movement and freedom to inhabit, both of which are fundamental to being able to (re)create strong communities and just, sustainable livelihoods. Geographic mobility and immobility are necessarily related to the power to claim and shape relations and movement between different places. This is evident at the urban and international scales, as illustrated by the twinned spatial injustices of segregation-gentrification and national border controls-rural dispossession. In conditions of spatial confinement, freedom to move under conditions of one’s choosing is imperative. And in conditions of coercive mobility, being able to control space is also imperative. This makes freedom of movement and freedom to “stay home” or “stay put” (Bacon, 2008; Newman and Wyly, 2006) two sides of the same abolitionist efforts to create spaces for living with dignity and self-determination.

NOTES

1. When Jorge Bustamante (2008), the Special Rapporteur on the human rights of migrants, delivered a report on U.S. migration and refugee policy to the United Nations Human Rights Council, he concluded: “In the past decade the use of detention as an immigration enforcement mechanism has become more the norm than the exception in United States immigration enforcement policy.”

2. Some confusion is possible. The first CCA-managed facility actually was the Olympic Motel in Houston, Texas. The motel was leased and “renovated” by T. Don Hutto and others to imprison criminalized migrants while the Houston Processing Center was under construction (King, 1984).

3. This is true in a host of “public” contexts, from the local contractors who build access roads to new prisons (Mitchelson, 2010) to the prisoners in “public” prisons laboring for Eddie Bauer, Toys “R” Us, Victoria’s Secret, Microsoft, Spalding, IBM, Compaq, Texas Instruments, AT&T, Chevron, TWA, or Honda (Dyer, 2000; Lafer, 2003; Turner, 2008; Wright, 2003).

4. ICE was previously the Immigration and Naturalization Service (INS) and Customs and Border Protection was previously the United States Border Patrol.

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Some Barriers Detained Migrant Women Face

Anonymous*

I HAVE BEEN DEPRIVED OF FREEDOM SINCE MARCH 2007, AFTER BEING JUDGED AND sentenced in San Diego, California. I am now in federal immigration detention in Dublin, California, and am completely alone in this country. The attention we receive here as Mexican women is deficient, an ironic fact since 75% of this institution's population is Hispanic, primarily from Mexico. We are lost and the Mexican consulate has abandoned those of us here. As Hispanics we lack information on legal processes and on the path we need to follow to be transferred to our home countries, a legal right guaranteed by treaties between the United States and several countries. Sometimes the administration simply tells us that we have no rights. The only thing available for our protection is a small brochure in Spanish containing the facility's rules.

It is very sad to see the lack of real support for people lacking an education. Many women in this institution have not even completed elementary school and do not have the assistance they need. When they go to the doctor, there is no translator to explain their conditions or the medications they should take. Doctors do not fully explain what is wrong and we are prohibited from having other women serve as translators. Seeing such disrespectful treatment is discouraging and depressing.

Nobody ever comes to see us! As a Mexican woman, I am deeply disillusioned by the lack of organizations or institutions to intervene on our behalf; most of us here are treated like "stinking illegals." Although discrimination in these places is everywhere, the Mexican Consulate only intercedes when we are about to be deported. Our rights need to be respected and I write this to show that I do not accept the discrimination we are experiencing here and to demand support and attention to our situation. If the administration here finds out that I wrote this, I could be sent to segregation and be placed under "investigation." The threat of these measures keeps all women in fear of doing anything they might disapprove of.

There is no literature in Spanish provided. The little we have access to comes from women here who donated their books. Library workers only speak English,

* **EDITOR'S NOTE:** This author remains anonymous to foreclose any possibility of retaliation from the federal detention administration, however unlikely. The testimony reveals the violent relations between captives and their keepers, as well as how captives are stripped of their rights. The author hopes to provide a critical understanding of the daily battle migrant women face in federal immigration detention.

so we lack the necessary support for questions or legal needs concerning our cases. There is nothing in Spanish about the steps to take when we are going to be deported. Our consulate should provide that. There are too many imprisoned women here to receive such little attention.

I have contacted several institutions in my country of origin for clarifications on our options and our rights as Mexicans. We need information on the rules and regulations for transfers, on institutions that can help us, and for people who do not have a place to go when they are deported. Writing this is a risk because every day the rules here are stricter and organized against us, but people outside need to know our situation. We need to demonstrate that we cannot be treated unfairly just because we are Mexican. The U.S. and Mexican governments need to respect our rights.

Especially important is information on constitutional rights that cover transfers to our countries of origin. Treaties between countries should be respected, but Mexicans in this place are not afforded that information. The lack of attention to us means that some women here receive misinformation from others and thus waste time or make mistakes.

I hope people will help imprisoned migrant women in the United States receive *real* support and information about their rights, obligations, and options. That includes literature in Spanish about transfers and the deportation process; the rights of legal residents to appeal their deportation cases; and general legal attention. Information is needed on what Mexican women should do when they arrive in federal prison; what their expectations should be; and which services are available. Is there any assistance at the border for people who do not have anyone to help them when they are deported? What options do they have? Where can we go if our rights are not respected? For people without anyone in the United States, family members in Mexico cannot send them money. If someone in prison helps them, they are punished. Why is there no way for families in other countries to send money?

Although my family in Mexico and I have personally contacted the Mexican consulate, in almost three years I never received a visit or a response to my calls or letters. We need general information and we need outside pressure groups so that women in this place are not abandoned. Language, culture, racism, and a general lack of support are a few of the barriers that migrant women face in U.S. immigration detention centers. That issue must be addressed on both sides of the border.

Imprisonment, Deportation, and Family Separation: My American Nightmare

Esther Morales Guzman*

IN 1989, AT THE AGE OF 30 I EMBARKED ON A JOURNEY THAT I HAD WITNESSED MANY others undertake, leaving my beautiful state of Oaxaca, Mexico, and heading toward the United States. For 18 years I worked and lived in Los Angeles. I became pregnant with my daughter Eliza, who was born in Los Angeles almost 17 years ago. For 10 years it was just the two of us and we had a beautiful relationship. However, I began experimenting with different drugs, leading to a five-year prison sentence. During my imprisonment, Eliza stayed with her godmother, Margarita. Toward the end of my sentence, my cellmates told me that I looked unhappy. I did not reply. At night, I thought about my future and became frightened. I asked myself where I would go. I did not know Tijuana. I remembered seeing how people who did not know anyone in Tijuana slept at the bus station. Would that happen to me? Without money or possessions, I signed a voluntary departure and left the Valley State Prison for Women on June 7, 2008.

My first experience after being deported was with the Mexican police. The Border Patrol threw me out at 4:30 A.M. On the Mexican side of the border I stood wondering which way to walk. A female police officer grabbed me for looking suspicious. At the police station, they asked several questions and released me around 11:00 A.M. after reviewing my deportation documents. I then asked someone where the bus station was located. I was very hungry. As I walked, I recalled seeing a television show years ago about migrant shelters. After a while, I tracked down one of these shelters, Instituto Madre Assunta.

I had a difficult time while at the shelter. The director offered me a job that included cooking and cleaning. She treated me well until she discovered my prison history and withdrew the job offer. I could have stayed at the shelter for a few more days, but was so uncomfortable that I spent most of my time walking the streets of

* **ESTHER MORALES GUZMAN** migrated from Oaxaca, Mexico, to the United States in 1989. She was imprisoned on drug-related charges in 2003 and released in June 2008. Deported to Tijuana, Mexico, she became involved in the immigrant rights movement through a migrant women's shelter. Her 15-year-old daughter Eliza joined Esther after a five-year separation caused by Esther's imprisonment. Eliza returned to the United States to attend school. When Esther attempted to cross the border to join her, she was captured and sentenced to 27 months in federal immigration detention for her activist work. Esther will be released in September 2010.

Tijuana seeking a job. Lacking bus money, I walked down the hills from Colonia Postal, where the shelter is located, and eventually arrived at Avenida Insurgentes. There I found a job in a Chinese restaurant. I worked from 6:00 A.M. to 2:00 P.M. earning a thousand pesos a week—about \$90. Finding a job did not solve my problems. Getting to work on time meant leaving the shelter at 4:30 A.M. The shelter's director told me that it was too early to open the door. A social worker helped me transfer to Casa Refugio Elvira, another shelter where I felt better. Once settled in, I contacted my family in the United States. I let my daughter Eliza know that I had been released from prison and was living in Tijuana. We decided that she should eventually travel to Tijuana to see me.

At the shelter I met Elvira Arellano, who had received much media attention for taking refuge in a Chicago church. U.S. authorities had accused her of working with a social security number that did not belong to her and eventually deported her. In recognition of her struggle for immigrant rights, the shelter where I was staying was named after her. At the shelter I joined with Elvira and others in the cause for immigrant rights. I worked very hard, leafleting at the border, cooking, and taking care of a small thrift store that helped finance the shelter.

As time passed, Eliza and I made plans for her to visit during her school vacation in summer. The pressure of being away from Eliza made me feel desperate. Eliza was also affected. Knowing that I was out of prison, she imagined a different life with me. Although her passport was being processed, she did not wait for it, instead rushing to Tijuana. She let me know that family friends from Los Angeles would drop her off at the border; she gave me a day and time to wait for her. I arrived happy and nervous to meet Eliza that Saturday. Despite a wonderful reunion, we both felt strange. For a long time we just looked at each other without talking. Eliza smiled and her shoulders bowed. As I gazed at her I thought, "five long years and I finally have the joy of being with my daughter."

Everyone welcomed Eliza when we arrived at the shelter. She immediately began to help out. That Saturday we made a lot of money for the shelter by selling Oaxacan tamales and water at an event on a Tijuana beach. Eliza was introduced as the daughter of a deported migrant woman. When given the microphone, she first spoke in English and then in Spanish. The crowd was moved by her words. Tears came to her eyes when she finished speaking, and I hugged her. Someone in the crowd captured that moment and it appeared in a local newspaper and on various Internet websites, bringing Eliza considerable attention. Her time became filled with media interviews in Tijuana and San Diego. During a visit to the shelter, Alicia Llanos de Ramos, the first lady of Tijuana, congratulated Eliza for supporting the immigrant rights cause and suggested that Eliza be a public representative for children of deported migrants.

Eliza and I worked energetically for immigrant rights. She enjoyed the organizing efforts, but I realized that her dreams went beyond staying in Tijuana with me. Sadness came to her at night over friends left behind in the United States. During

my absence, Eliza had sought refuge from her solitude and sadness in that young group of friends. She missed them deeply and I asked what we should do. She responded, "Let's go. I want to live over there. I want my friends to meet you. I want to be happy like we were before, but not here. Please, let's go back." After I promised Eliza that we would return to the United States, she changed. She talked joyfully about our future together across the border.

Around the time that Elvira left to fulfill engagements in Chiapas, problems started to arise at the shelter. The director asked her to attend the Democratic National Convention in Denver, Colorado. She was to speak publicly there on the experiences and situation of families affected by deportations and to ask Barack Obama for immigration reform. Eliza initially agreed, but then declined the offer. She wanted to return to the United States as soon as possible. Eliza's response upset the director and the group she was part of. I respected Eliza's decision. When two migrant women argued one morning at the shelter, the director became hysterical and threw us all out. Frightened, Eliza told the director that she would continue to help her, but the director said that another girl had already taken place. We gathered our belongings and moved to the home of Carmelita, an older woman I had befriended in Tijuana. Eliza was desperate to return to the United States. I sought the help of a friend I had met at Instituto Madre Assunta who crossed the border weekly. Eliza returned to the United States with her.

Once I knew Eliza was home safe, I looked for a coyote to help me cross the border. If I could bring along 10 people, the coyote said I could leave with the next crossing. I hurriedly arranged it. Our journey began on September 29, 2008, at 4:30 A.M. Everything was fine until we reached a crossing. As the heat worsened, the guide—hung-over and high on marijuana—became disoriented and we got lost. After a moment's rest, we started walking again. But we immediately saw the danger: the Border Patrol was ahead of us. I tried to hide in an area with tall thorny plants. In a matter of seconds, my feet sank and I was soon chest deep in mud. The group got nervous and searched for ways to get me out. They cautioned me not to move and threw me an old wooden post. I grabbed it, and they were able to save me. My clothes and shoes were ripped off and black mud and small green creatures covered my body. I was horrified. My legs appeared to be deformed and I thought I was dying. Everyone began calling for help. The men removed their shirts and waved them in the air to catch the Border Patrol's attention. When the Border Patrol found us, I was immediately taken to the hospital. Everyone else was sent to immigration detention in San Diego.

Three days later, I was transferred to Metropolitan Correctional Center and from there to Geo Detention Center, both in San Diego. After that I was transferred to San Luis Regional Detention Center and then to Florence Detention Center, both in Arizona. Finally, I arrived at the Federal Correctional Institution at Dublin, California. The lawyer assigned to me in San Diego got the charge of crossing with a felony dismissed, leaving only the charge of illegal crossing. I thought I

would be deported after six months, but that was not the case. Support letters I had submitted with my file included one from Casa Refugio Elvira, which showed I had volunteered at the shelter. The prosecutor recognized Elvira Arellano's name and she supposedly conducted an investigation in Tijuana. She said that I had collaborated with Elvira Arellano and protected migrants, with the intent of later reintroducing them into the United States. My lawyer and I had not expected this from the prosecutor, who asked the judge to sentence me to 48 months. She sought to convict me for being undocumented and as an activist.

Crossing with a felony was never discussed, nor was my previous record. My lawyer pleaded for me to receive a second opportunity. He showed the court that I had written my story and had received second place in a writing contest. The anti-migrant and racist prosecutor stared firmly at me. I asked the translator to tell the prosecutor that her entire investigation was incorrect. My lawyer asked me not to speak, so I was quiet. After a momentary silence, the judge told the prosecutor that he needed "more evidence of what you are stating to prosecute this woman with 27 months." I was charged as an activist collaborator of Elvira Arellano. My lawyer assured me that I would be able to leave and that the judge was a fair Christian. My lawyer felt bad for me and had not expected what had happened in court. I was more surprised than sad. Elvira's struggle, our struggle, I thought, has not been in vain. I was simultaneously small and important because I was part of a movement and Elvira's name was being discussed in a federal court.

I received a 27-month sentence for being undocumented and an activist. Elvira communicated to me that she felt bad about what had happened in my case. I told her not to feel that way, that the struggle continues even inside, and that time passes quickly. In federal detention, I spend time conducting workshops for people about to be deported and offer them guidance. I share information about migrant shelters and about programs the Mexican government offers to repatriates. I also caution people to keep their deportation documents to prove that they were deported. Otherwise, the Mexican police will harass them, adding to the sadness of arriving in a border city like Tijuana with nowhere to go.