BROKEN BORDERS:  
Rhetorical Constructions of the “Illegal Alien” 
and the National Body  

by  

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Class of 2010  

A thesis submitted to the  
faculty of Wesleyan University  
in partial fulfillment of the requirements for the  
Degree of Bachelor of Arts  
with Departmental Honors in American Studies  

Middletown, Connecticut  
April, 2010
But let us not forget the power of imagination.

- Robert S. Chang
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I would like to thank Patricia Hill and Joshua Chambers-Letson for their guidance and encouragement in this project.

I am grateful for the unquestioning love and assistance my parents, Joe and Sharon, have given me.

I would have been lost without Emmy Levitas. I will always be grateful for her patient confidence and strength and humor.

And a big hug to my housemates, who accompanied me on this journey.
NOTE ON LANGUAGE

The term “illegal alien,” or “illegal immigrant,” is what Charles Stevenson would call a “persuasive definition,” in which the emotive meaning displaces the descriptive one, tying im/migrants to an inherent criminality, an irrevocable illegitimacy. In order to fully show and examine how im/migrants are rhetorically constructed, I still employ the terms; however, throughout the text, I put “illegal immigrant,” “illegal alien,” or “illegals,” in quotes so as to denaturalize their emotive meaning. I much prefer, and will also use interchangeably, “unauthorized” and “undocumented” im/migrant and “unlawful entrant.”

As Nicholas De Genova has pointed out, the term “illegal immigrant,” among other things, teleologically privileges the standpoint of the receiving country. I use the designation im/migrant and im/migration to point out that many undocumented workers only want to enter the country in order to work, accumulate and send home capital, and then return to their home communities. In fact, Mexican migration—the majority of undocumented im/migrants in the United States come from neighboring Mexico—has a transnational character that historically privileges circulation.

As the legal category of the “illegal alien” was constructed and then responded to by restrictive policies, patterns of Mexican migration have been

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2 Nicholas De Genova, "The Legal Production of Mexican/Migrant 'Illegality'," Latino Studies 2, no. 2 (2004).
forcibly shifted to patterns of immigration. Especially since the early 1990s, the advent of strict enforcement measures at the border and increased penalties for immigration violations—a strategy known as “prevention through deterrence”—amplified the risks and costs of crossing the border without authorization; these changes did not deter migration but incited migrants to minimize the number of times they crossed the border by remaining within the United States once they had made it across the border.\footnote{Douglas S. Massey, \textit{Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration} (New York: Russell Sage Foundation, 2002).}

Therefore, the very policies that attempted to prevent and regulate immigration actually contributed to its intensification, producing what had been migrants as im/migrants. The term im/migrant attests to the fact that the pattern of market-driven, circulatory migration has been disrupted.

While I acknowledge the historical factors that have produced undocumented migration as immigration, I also do not want to downplay the fact that many of the unauthorized im/migrants currently residing within the United States have become socially established, and as much as possible, incorporated within the communities where they have settled. Many retain transnational identities. They stay involved in the sociopolitical affairs of and send remittances and commodities to their former home, but have come to accept the United States as a home, instead of a host. Indeed, many have children who are U.S. citizens. Their participation in and contributions to the communities in which they have settled, however, are overlooked, taken for
granted, and actively ignored. In using the term im/migrant, I want to point to the fact that many within the undocumented population have embraced their residency and most likely desire to become naturalized citizens, to live without fear in their communities.

The debate over “comprehensive immigration reform” and the backlash following the 2006 protests for immigrant rights, however, indicate that undocumented residents remain marked as illegitimate outsiders, excluded from the national community and polity. Despite the reality of their inclusion, the “illegality” of undocumented residents, in state policies and public discourse, renders them permanent migrants, unable to cross that final boundary—represented here by a slash—between immigrant and migrant status: im/migrant. Therefore, the term attests to liminal position of inbetweenness of “illegal aliens” who “remain and yet somehow stay away.”

In using these terms, I hope to inject complexity into the characterizations of undocumented im/migrants, which have been reduced to a set of essentialist stereotypes in U.S. public discourse, largely by figures such as Lou Dobbs.

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4 María Josefina Saldaña-Portillo, "In the Shadow of Nafta: Y Tu Mamá También Revists the National Allegory of Mexican Sovereignty " American Quarterly 57, no. 3 (2005), pp. 774.
PROLOGUE

On October 26, 2009, Lou Dobbs announced on his radio show that a gunshot had been fired at him, his wife, and his house three weeks earlier. He gave a long account of the incident’s significance, which he began by stating, “If anybody thinks that we’re not engaged in a battle for the soul of this country right now, you’re sorely mistaken.” Dobbs presents the gunshot not only as an attack on him, his family, and his home, but also as an attack on the nation itself, on the fabric and ideals of the nation. He interpellates the listener into the ominous scenario, stating, “And the more you stay on the sidelines, the more you don’t make your voice heard, the more likely it is that we’re going to lose this battle for the soul of the nation.” The battle has two, very amorphous sides, which Dobbs outlines by describing the kind of nation each side represents. Rhetorically incorporating the listener again, he asks, “[A]re we going to have a nation in which we absolutely insist on the national interest being honored by all? Where we have a melting pot in which we assimilate new comers, in which we honor the fact that this is the most welcoming nation on the face of the earth?” Or, conversely, are we going to have a country “where law is simply suspended, where there are no consequences for breaking the law, whether you’re an illegal employer or an illegal immigrant”? “We” must choose between a unified, assimilationist

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nation of laws, or a nation in which “respect for our laws, respect for our borders, our ports, [and] our national sovereignty” is not upheld.

Dobbs continues by suggesting that the powers that be have already chosen sides, that “the national liberal media” has decided that “they will embrace illegal immigration no matter who is harmed, no matter how many laws are broken, or how few consequences there are for breaking those laws” and that government officials have been “pandering” and “playing politically correct games” instead of acting in the national interest. Therefore, it is up to ordinary American citizens to stand up and make their voices heard:

This is a time for citizens to be asking and demanding of their officials, “why?” Why are we not enforcing laws, why do we not demand respect for our sovereignty, why do we not demand honest, open, straightforward debate, not constrained by political correctness, or some sort of perceived appropriate path that does not involve the American way…why don’t we talk about how great this nation is, about the great things we accomplish, the great way in which we live, you know, the American way. All I’m asking for is truth, justice, and the American way. It is the least that any citizen should expect of his or her government, don’t you agree?

Dobbs does not explicitly define what he means by “the American way”; it simply stands in abstractly for the way “we” live in the United States. Dobbs implores American citizens to challenge misguided elites in Washington; he presents his listeners with the possibility of a radically altered American nation that they must work to prevent. Indeed, stopping undocumented immigration is represented as a national struggle that can only be won if American values and ideals—“truth, justice, and the American way”—are upheld by a committed and vocal citizenry.
From this perspective, undocumented im/migration and those who support it, and implicitly the im/migrants themselves, are seen as forces that undermine the nation. On one side, then, lies truth, on the other side, just lies; one side is honest, the other is politically correct; one side represents the “rule of law” and the American citizenry, the other represents illegality and “illegal immigrants”; ultimately, one side represents American values, while the other is un-American. For Dobbs, in the fight against “illegal immigration,” you’re either “with us or against us”—us being “authentic” U.S. citizens. Dobbs utilizes an affective binary logic to erect borders between Americans and others, between citizens and immigrants, between legal and illegal status, between “us” and “them.” Dobbs positions himself at the center of the “battle,” dodging bullets in order to speak truth to power; aligning himself with the “besieged” body of the nation, he performs the role of spokesperson and champion of “we the People.”

In this project, I attempt to deconstruct and contextualize the rhetoric of Lou Dobbs and, insofar as he is a salient voice in an increasingly widespread movement against “illegal immigration,” examine the rhetorical constructions of “illegal aliens” in contemporary public discourse. I scrutinize what have become dominant constructions of “illegal aliens” as social,  

6 Despite Dobbs’ claim that the bullet was intended him and his wife, the New Jersey State Police suggests that the shot, which struck the attic roof, was most likely a stray bullet from hunters in the area. Isabel Macdonald, “NJ Law Enforcement Appear to Contradict Dobbs’ Version of Gunfire Incident,” The Huffington Post, October 30, 2009.
economic, cultural, and racial threats to the institutions, laws, and identity of the U.S. nation. These narratives produce unauthorized immigrants as illegitimate outsiders, marked as incompatible with the national body. I argue that symbolic constructions of the boundaries of national membership emerge on and through the bodies of “illegal aliens.”

Chapter One introduces the narratives and characterizations of unauthorized im/migrants on Lou Dobbs Tonight on CNN from 2003 to 2009, focusing closely on the coverage during the upheaval over immigration reform in 2006 and 2007. Chapter Two situates Dobbs’ rhetoric within the history of unauthorized im/migration to the United States. I chart the development of state policies and anti-immigrant rhetoric that have dialectically produced the category of the prototypical, border-crossing Mexican “illegal alien” that still captivates the U.S. imagination. In the Epilogue, I look forward to what lies ahead in regard to immigration reform in the United States.
CHAPTER ONE
Constructions of the border and the ‘illegal alien’ on Lou Dobbs Tonight

Lou Dobbs, in his role as managing editor and anchor of the cable news program Lou Dobbs Tonight on CNN, played an instrumental role in disseminating and mainstreaming the perception of undocumented immigration as a “crisis” that threatens the nation. He began his career with CNN in 1980, when Ted Turner first launched the network. Initially he served as an economics correspondent and as anchor of Moneyline, the business-news program “watched by more C.E.O.’s than any other,” as it was billed. He became a media personality, a celebrity even; he spoke at business retreats and did promotional videos for firms such as Paine Webber and Lehman Brothers. His position with CNN secured him a place in the ranks of the business elite whom he interviewed on the show.¹ How then was he reborn as a populist champion of the middle-class and one of the most outspoken critics of U.S. immigration policy?

After a two-year hiatus, due to clashes with then-president Rick Kaplan, Dobbs returned to CNN and Moneyline in the spring of 2001. Catalyzed by the attacks on September 11, 2001, corporate corruption scandals, and what he perceived to be the erosion of the American middle

class, Dobbs began to take the show in a different direction.² Facing slipping ratings that trailed those of the newer financial shows on CNBC and Fox News, Dobbs made the decision to move away from middle-of-the-road journalism and highlight opinion on the show.³ CNN management supported the shift as long as the opinion segments were clearly labeled as such. It was a decision designed to give the program edginess and contradict the notion that CNN’s coverage was stale. These changes, then, resulted from a “mixture of conviction and commerce.”⁴ By May 2002, a year after his return to CNN, the ratings of Moneyline had doubled and the show was re-titled Lou Dobbs Tonight.

As the new populist champion of the American middle-class, Dobbs tackled outsourcing and its corporate practitioners in the recurring segment “Exporting America.” Dobbs transformed himself into a critic of free-trade policies and the spokesperson for economically anxious U.S. workers. His angry concern with the disappearance of jobs overseas was matched by his distress over foreign workers taking jobs at home.⁵ The faceless figure of the undocumented immigrant depressing wages, taking “American jobs,” and burdening social services and taxpayers became the focus of his “Broken Borders” segment. The federal government was simultaneously indicted for its failure to “secure our borders.” Dobbs’ exhortations to “secure the border”

³ Auletta, "Mad as Hell."
⁴ Ibid, 71.
were at the heart of his proposed solutions for dealing with undocumented immigration; it was also a favorite refrain when discussing national security in the segment, “Homeland Insecurity.”

These repeating segments highlighting the issues most important to Dobbs became trademarks of *Lou Dobbs Tonight*. The show developed a particular brand, and, as part of that, a proclivity for stories, reported by his own group of correspondents in the field, that adhered to Dobbs’ editorial narrative. And the ratings, the lifeblood of TV programming, responded positively; from 2003 to 2007, the audience for *Lou Dobbs Tonight* soared by seventy-two percent. In the same time frame, Dobbs focused in on “illegal immigration” and its reported effects on the American middle class, as his main cause. His obsession with undocumented immigration to the United States really took off in 2004 with the re-election of George W. Bush, who supported a guest worker and legalization plan for undocumented immigrants in the United States, which he opposed. Consequently, an economic nationalist, “Dobbsian” stance emerged prominently in the 2006 midterm elections and in immigration reform debates.

In early 2008, United Stations Radio Network began broadcasting the *Lou Dobbs Show* on national airwaves. In his radio show, Dobbs took up the

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7 Jacob Weisberg, “The Lou Dobbs Democrats,” *Slate* (November 8, 2006). Weisberg discusses the emergence of a protectionist, anti-illegal-immigration, economic nationalism during the 2006 congressional elections, drawing a connection to Dobbs’ policy positions and rhetoric on CNN.
8 It is still on the air, three hours a day, five days a week.
same issues he tackled on CNN; under no journalistic or editorial constraints, Dobbs’ fiery opinions made up the sole material of the show, along with call-ins from his listeners, who were as exasperated as he was. Similarly, every night on CNN, Dobbs read comments emailed in by upset viewers; he also offered a nightly poll about an issue featured on the broadcast in which the viewers could vote. Unlike the federal government, Dobbs presented himself as in-touch and, moreover, with the interests of American citizens at heart.

Aligning himself with middle class workers, Dobbs performed the role of an outraged spokesperson. He had become the “voice for the real economic anxiety felt by many Americans”\(^9\); or, as the pre-recorded opening of the radio show puts it, “Mr. Independent” fighting for “truth, justice, and the American way” — a tell-it-like-it-is, decidedly masculine, American maverick fighting against freeloading “illegal immigrants” and corrupt corporate and political elites exploiting the middle class.

After a peak during the 2008 election, however, Dobbs’ ratings on CNN fell. His ratings were down twenty-nine percent in May of 2009 compared with May 2008. They continued to fall throughout June and July, partially due to Dobbs giving extensive airtime to the controversial “birther movement,” which claims that President Obama is not a citizen of the United States.\(^{10}\) In the fall of 2009, a chorus of voices, led by the Drop Dobbs and

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Basta Dobbs campaigns, began to pressure CNN to remove Dobbs. The groups accused Dobbs of spreading misinformation and hatred about undocumented im/migrants and Latinos. On November 11, 2009 Lou Dobbs resigned from CNN, citing differences with the direction CNN’s management was taking.\footnote{Brian Stelter and Bill Carter, “Lou Dobbs Abruptly Quits CNN,” The New York Times, November 12, 2009.}

Dobbs defended himself against the charges raised by the campaigns demanding his removal, maintaining that his problem is not with immigrants, but with illegal immigration, and that he has never uttered a hateful word about “illegal aliens,” immigrants, or Latinos in his career.\footnote{Lou Dobbs, “The Truth About Immigration,” loudobbs.com, December 2, 2009, http://www.loudobbs.com/blog?action=viewBlog&blogID=-744737085256637687 (accessed April 10, 2010)} Of course, Dobbs does not consider the possibility for conceptual and linguistic slippage from the term “illegal alien” to “criminal alien” to simply “criminal” — with contextual connotations of Mexican drug smugglers and/or violent gang members — or the moral binary it erects between U.S. citizens, legal immigrants, and “illegals.” Furthermore, over the years, Dobbs has produced stories about the diseases migrants carry, portrayed immigrants as invading forces and inhuman tides and masses, associated migrants with terrorists, and given much air time to sensationalist reports about “criminal illegal alien” violence. However, his rhetoric has taken immigration policy, rather than im/migrants as its object, thereby allowing him to assert that he is
sympathetic to and does not disparage im/migrants. Indeed, he vehemently insists that he is pro-immigrant but “anti-illegal immigration.”

Rather than directly assailing im/migrants, Dobbs constructs and attacks the permeability of the border and the federal government’s putative unwillingness to seal it. Dobbs and his correspondents report on the harmful effects wrought on the nation by such a porous border. *Lou Dobbs Tonight* promulgates narratives of undocumented immigration as an economic burden on the state and on taxpayers and a cause of criminal activity; another prominent narrative on the show, albeit much more tacit, is that “illegal immigration” is changing and threatening the ethnic, political, and cultural fabric of the nation. The discussions and analysis on the show are always framed in terms of national sovereignty—territorial, economic, legal—that is violated by the presence of “illegal aliens.” That violation begins at the U.S.-Mexico border; Dobbs’ rhetoric about “illegal immigration,” which I turn to next, is framed by the border and its permeability. Indeed, Dobbs constructs his restrictive, enforcement first arguments for controlling unauthorized im/migration around the image of a “broken border.”

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THE BORDER

America has become a nation of broken borders.  

The specter of an “open” or “broken border”—and thus the need to “secure the border”—frames Dobbs’ coverage regarding “illegal immigration,” as well as much contemporary anti-illegal-immigration discourse. “Illegal immigration” is constructed as a problem of border integrity.

DOBBS: Tonight our border with Mexico is simply wide open. The entire southern border is some 2,000 miles long, but amazingly only 75 miles of it, or less than 4 percent, is fenced...

More than simply porous, Dobbs hyperbolically represents the border as “wide open.” The “open border” is given as the primary reason that there are so many “illegal immigrants” residing in the United States. Without strict controls, such as the fence that Dobbs obliquely advocates for in the above quotation, “illegal aliens” are free to flow across into the United States.

DOBBS: After years of promises and billions of dollars, it’s as easy as ever to cross into this country, especially from Mexico…. [O]ur border with Mexico is wide open. As [CNN Correspondent] Casey Wian reports, undercover

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16 Dobbs also suggests that unauthorized immigration is caused by the availability of jobs and, in turn demands employer audits and fines. However, employer sanctions are a distant second to the solution of “securing the border.”
investigators had a 90 percent success rate as they tried to enter this country illegally.\textsuperscript{17}

The lack of border security, despite funding for enforcement, suggests that the border is in crisis, a zone over which the federal government has no control.

Dobbs constructs a “broken border crisis” — paralleling the “illegal immigration crisis” — that has not been and must be addressed.\textsuperscript{18} The phraseology of “broken borders” or the “broken border crisis” signifies not only a physically broken border — as in, broken open or broken into pieces — but also a border that is not functioning properly. It cannot fulfill its main purpose of keeping unsanctioned people out of the country; and, by failing to block the entry of possibly dangerous people, to keep those within the boundaries safe. Reflexively, Dobbs constructs a normative purpose for the border, which has been relinquished. Since it is “wide open,” the southern border has become an ineffective boundary — unable to keep “them” out for “our” sake.

The “crisis” of the “broken border” is that the United States has lost control of the ability to regulate immigration and thus insure national security.


\textsuperscript{18} The phrase “broken border crisis,” albeit used much less frequently than “illegal immigration crisis,” remains a powerful framing device. E.g., Lou Dobbs Tonight, CNN, September 26, 2005; December 6, 2005; January 17, 2006; July 7, 2006.
DOBBS: The issue is who comes into this country and who stays. That is the sovereign decision and power of any nation. The United States has abdicated that sovereignty and has simply permitted a wholesale invasion of illegal aliens into the United States. Many use the number 11 or 12 million. Other studies put the number at 20 million. The fact is, we don’t know how many illegal aliens, with any precision, are in the United States.

But we do know this: the United States government is not in charge of the border. The United States remains insecure, because it has no security at its ports. It has no security at its borders. And those are basic requirements for any attempt to control immigration.¹⁹

Utilizing militaristic language, Dobbs characterizes “illegal immigration” as a monumental invasion. Allowing the border to remain “wide open” is equated with surrendering to an invading and occupying force of “illegal aliens.” Indeed, by “permitting” millions of aliens to unlawfully cross the border, the federal government “abdicates” its sovereign right to regulate who enters and settles within the nation.

Dobbs’ militaristic language raises alarm about the “broken border crisis” and effectively constructs “illegal aliens” as enemies overrunning the nation-state, foreign agents infiltrating behind the front lines. Border insecurity becomes a general national insecurity insofar as enemies cannot be kept out, thereby reinforcing the association between threats to national security and immigration in post-9/11 America.

DOBBS: We’re in a war on terror. For the million illegal aliens or so, whatever estimate you want to use, who cross that border, any one of which can be a terrorist.20

Those streaming across the border are presented as national security threats insofar as any one of them could be a terrorist plotting an attack. Indeed, the “terror threat facing the nation from our broken border crisis” is frequently reported and discussed by Dobbs and the correspondents.21 The lack of control over the border and the resulting invasion are threats to the integrity, sovereignty, and security of the United States.

The “crisis” of the broken border and the resulting “invasion” of “illegal aliens” is presented as one of monumental proportions, with alarming repercussions for Americans, including the heightened possibility of a terrorist attack. “Illegal immigration,” resulting from the wide-open border, however, is much more frequently described as detrimental or threatening to U.S. economic security than to national security. Much of Dobbs’ rhetoric revolves around the putative economic costs of “illegal aliens” residing within the United States.

DOBBS: Illegal aliens cost U.S. taxpayers billions, tens of billions of dollars every year in direct costs. Our tax dollars are paying for a huge range of services for illegal aliens, from health care to education. And the costs are rising

and rising dramatically every year, because, again, the federal government is failing to secure our borders.\textsuperscript{22}

Dobbs insists that “illegal aliens” represent a cost to society; that “illegal aliens,” who utilize social services and public benefits, are a drain on state resources and a burden on taxpayers who fund those services.\textsuperscript{23} Implicitly, “illegal aliens” are constructed as a cost because they have no legitimacy—legal or moral—to use public benefits and services, which are viewed as reserved for U.S. citizens and legal residents.

The usage of social services and public benefits by “illegal aliens” is labeled as an unnecessary and avoidable cost that arises from the open border and that could be prevented if the border were to be “secured.” Indeed, as Dobbs outlines above, every year that the federal government fails to make the border secure, such costs will dramatically rise. The “broken border” is ineffective and porous, thereby allowing for an “invasion” of “illegal aliens” who come to exploit and leech off the social safety net of the United States. The social and economic costs that “illegal immigrants” pose to the nation originate—and therefore can and should be stopped—with the transgression

\textsuperscript{22} Lou Dobbs Tonight, CNN, April 7, 2005, 

\textsuperscript{23} Although it is not my objective to discuss it here, there is a large amount of research that has concluded that undocumented immigrants contribute greatly to the economy—through working, consumption, and even paying taxes—and are overwhelmingly economically beneficial in the long run. Cf. "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments," (Washington D.C.: Congressional Budget Office, December 2007).
of the border. Dobbs frames “illegal immigration” and its putative ills with the image of a broken border.

Dobbs lays the “crisis” on the border at the feet of the federal government, which he indicts the federal government for its “outright failure to secure our borders or to enforce our immigration laws….”24 Continued “illegal immigration” and the lack of enforcement mechanisms, such as increased Border Patrol presence and double-layer steel fencing, along the border serve as evidence of federal ineptitude. The federal government is represented as completely derelict in its duty to control “illegal immigration” into the United States.

DOBBS: The federal government is doing almost nothing to secure our borders and doing almost nothing to enforce our immigration laws in this country.25

Dobbs’ attacks on the federal government work to further represent the severity of the situation on the border, depicting a lack of will power or ability on the part of elected officials to come up with and implement a solution to the “crisis.” In some instances, the situation on the border is attributed to negligence, in others, to an active decision on the part of the federal government.

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DOBBS: Tonight, the government’s refusal to enforce our national immigration laws, both at the border and within our country, stands clearly exposed.26

Strangely utilizing personification, Dobbs suggests that the government actively or consciously refuses to secure the border or enforce the law, remaining unconcerned with the “illegal immigration” and “broken border” crises.

The failure to “secure the border” is portrayed as an outrageous lack of concern at the governmental level, as elected officials “refuse to acknowledge the impact of that crisis on Americans everywhere.”27 The “illegal immigration crisis,” produced by the “open border,” has dire repercussions for all Americans, which elected officials who are supposed to represent the national interests continue to ignore.

DOBBS: Communities all across the country are dealing with the consequences of the federal government’s failure to secure our borders.28

By “consequences,” Dobbs is referring to the economic costs of the local and state programs required to accommodate “illegal aliens,” such as emergency health care and public education. Furthermore, it is suggested that the federal government, by turning a blind eye to the “invasion” of unauthorized

im/migrants and failing to fix the broken border, is refusing or failing to protect U.S. citizens.

DOBBS: The federal government is failing not only to secure our borders, but to defend American citizens whose identities are under attack…. Illegal aliens are stealing Americans' Social Security numbers and their identities, and the federal government is doing absolutely nothing to stop it.29

The complicity of elected officials in the harmful actions of “illegal aliens” is reinforced through such assertions of criminal behavior on the part of undocumented im/migrants. The federal government, as a vague entity, is depicted as going against or disregarding the interest of the People of the United States.

The attacks on the federal government can be viewed as part of a larger strategy to manufacture outrage and catalyze political action for more restrictive immigration policies. Indeed, Dobbs has broadcast from Hold Their Feet to the Fire on several occasions 30 and, albeit mostly on his radio show, implores viewers to “make their voices heard.” Furthermore, by lambasting the government, Dobbs performs and solidifies his position as “Mr. Independent,” fighting for the average American against the corrupt and out-of-touch elites and special interests in Washington. As part of his Mr. Independent, ear-to-the-ground image, the show is also frequently hosted live.


30 Hold Their Feet to the Fire is an annual rally / lobbying campaign for stricter immigration laws—sponsored by the restrictionist Federation of Americans For Immigration Reform (FAIR)—that features broadcasts by numerous talk radio show hosts from Capitol Hill. Dobbs covered the event in 2007 and broadcast both his radio and TV show from the event in 2008.
in a town-hall format, allowing audience members to make their grievances heard. Dobbs aligns himself with his concerned viewers against the crises of the “broken border” and “illegal immigration” and a neglectful federal government.

In a similar vein, reports on localities and states that propose and/or succeed in passing measures that target unauthorized im/migrants are common on *Lou Dobbs Tonight*. Local and state governments from New Jersey to California have introduced and/or passed harsh laws attempting to regulate the hiring of undocumented workers and restrict their access to social services and even housing, creating a decentralized patchwork of diverse policies across the nation. Dobbs extols such ordinances as attempts to protect local communities from the undue stress of “illegal immigration.”

DOBBS: *This city* [Valley Park, Missouri] *is trying to eliminate what it determines to be a threat to the well being of the community, as a number of other communities have.*

The threat is, of course, the presence of unauthorized im/migrants, who “strain…state, local and federal services whether they be welfare, medical, or social services.”

Dobbs presents these localities as besieged communities responding and attesting to the effects of the “broken border crisis.”

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33 Ibid.
DOBBS: Communities are now taking action on their own, precisely because the federal government has failed to secure our borders or to enforce our immigration laws. Hazleton [Pennsylvania] passed ordinances barring local businesses and landlords from hiring or housing illegal aliens.³⁴

Such ordinances are construed as necessary for counteracting the dereliction of the federal government, its failure to “secure” the “open border.” Passed in July of 2006 and set to go into effect that November, the Hazelton Illegal Immigration Relief Act imposed a 1,000 dollar-per-day-fine on landlords who rented to “illegal aliens,” stipulated that the business license for any employer who hired “illegal aliens” would be revoked for five years, and declared English the only language for all city government services.³⁵ The law and Hazelton became nationally known as a test case for these kinds of measures, largely due to its coverage on Lou Dobbs Tonight and to the outspoken mayor, Lou Barletta, who fashioned himself as an anti-illegal-immigration-activist and later ran for congress.³⁶

Dobbs also closely focused on the lawsuit that the American Civil Liberties Union (ACLU) and the Puerto Rican Legal Defense and Education Fund (PRLDEF) immediately filed against Hazelton; the legal organizations stated that the ordinance would ensnare legal immigrants and lead to racial

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profiling. The law, however, was formally challenged on the grounds that it unconstitutionally violated the exclusive power of the federal government to regulate immigration as stipulated by the Supreme Court. Indeed, a federal district court judge ruled it unconstitutional, as well as an infringement on the due process rights of the landlords and illegal immigrants, in July of 2007.

On *Lou Dobbs Tonight*, the lawsuit was presented as having been carried out by powerful special interest groups unconcerned with the plight of localities facing the “illegal immigration crisis.”

*DOBBS: Hazleton is facing powerful and well-funded opposition from, among others, the ACLU and a considerable number of the illegal alien amnesty and open borders lobby.*

The ACLU, and a shadowy group of others, is condemned as part of an influential lobby that supports “illegal aliens” and advocates for open borders. Dobbs presents the organizations as moneyed special interests attacking the small community of Hazelton, with which he aligns himself; battle lines are drawn and tensions inflamed over the issue of unauthorized immigration. During another broadcast, one correspondent calls the plaintiffs in the case “national illegal alien groups.” In the case of Hazelton,

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37 Michael Powell and Michelle Garcia, “Pa. City Puts Illegal Immigrants on Notice.”
and much more broadly, non-profit, non-partisan civil liberties groups that advocate for the rights of “illegal aliens” are marked as disloyal to the interests of the United States.

The ACLU and other groups that have sued to various local ordinances from being enacted, such as the League of Latin American Citizens (LULAC), the Mexican American Legal Defense and Education Fund (MALDEF), and the National Council of La Raza (NCLR), are labeled as “open borders activists” or “open borders advocates,” and part of an “open borders lobby.”

\[DOBBS: \text{They [the ACLU] are pro illegal immigration, pro open borders, and they are fighting at every quarter to stop enforcement of U.S. immigration law.}^{42}\]

The groups are placed in opposition to the efforts of beleaguered small communities, standing in the way of their attempts protect themselves in the face of federal unwillingness to secure the border and enforce immigration law.

\[DOBBS: \text{Cities are trying to crack down on illegal alien day laborers, but the illegal alien open borders lobby [is] trying to block those efforts at every turn in court.}^{43}\]
The label “open borders” pejoratively equates the actions of such organizations with keeping the border open and effectively increasing “illegal immigration.”

The label attests to the power of the open border as a framing device; it is applied to organizations and individuals as a denigrating shorthand, an effort to reject and mark them as illegitimate by associating them with “illegal aliens” and the “open borders” that allow their entry.

DOBBS: Well, illegal immigration and our borders, which remain insecure, are two of the biggest challenges facing the country. But open borders, pro-illegal alien advocates continue to push for more illegal aliens and cheap foreign labor to be allowed into the country.44

“Open border advocates,” who are viewed as standing in the way of fixing the problems of insecure borders and “illegal immigration,” are marked as disregarding the laws and institutions of the country—as essentially un-American. Indeed, these groups—especially the Hispanic advocacy organizations MALDEF, LULAC, and NCLR, which Dobbs also refers to as “socio-ethnocentric” or “ethnocentric interest groups”—are attacked and portrayed as un-American.45

WIAN: Complicating the job of border security, every success is met by lawsuits and protests by people who support expanded rights for illegal aliens[….]


45 E.g., “Dobbs on ‘ethno-centric interest groups’ calling for him to be fired: ‘these are the most un-American, frightened people in the world,’” Media Matters for America, September 18, 2009, http://mediamatters.org/mmtv/200909180029 (accessed April 10 2010).
DOBBS: Yeah, it’s a fun group of people, highly rational, committed to the American national interests, the common good of American citizens, all of them. [...] Ethnocentric interest groups, the U.S. Chamber of Commerce, the right wing and the left wing combining in this country to go about absolutely debasing the value of citizenship in this country, debasing the value of work in this country by American citizens.46

Dobbs sarcastically paints “ethnocentric interest groups” as opposed to the common good and interest of American citizens, as well as actively “debasing” citizenship in the United States. Pro-business organizations on the right are also attacked for working to keep the border open so as to insure cheap labor for employers. Furthermore, “illegal aliens” are implicitly constructed as illegitimate lawbreakers undeserving of inclusion in the national community. Together, “illegal immigrants” and the pro-business and civil rights “open border advocates” are forces that threaten to undermine the American nation—its institutions, sovereignty, and security.

The continued failure of the federal government to “secure our borders” is supplemented by the demands and actions of “open borders advocates” and “ethnocentric special interests.” The “illegal alien open borders lobby” is depicted as stifling efforts to provide security at the border and, therefore, contributing to the insecurity of the nation as a whole. Labeling these groups as supporting and advocating for “open borders” reinforces the notion that the “broken” or “open” border is the cause of economic hardships and national insecurity. The solution affirmed is the need to “secure the border” in the face of opposition from disloyal special interests.

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and elected officials who—unlike Mr. Independent, Lou Dobbs—do not have the interests of common Americans at heart.

It is important to note that the rhetoric contained in these episodes of Lou Dobbs Tonight was broadcast during the national political upheaval over “illegal immigration” from late 2005 to mid 2007. Dobbs’ rhetoric urgently targeted the possibility of the passage of the Comprehensive Immigration Reform Act (S.B. 2611)\(^47\) that provided a path to legalization for undocumented im/migrants who had been residing in the United States for at least five years, a provision termed “amnesty” by those who opposed the measure. Dobbs decried the bill as an “amnesty” for “illegal aliens,” orchestrated by special interest groups and pressure from business organizations.

Dobbs attacked the plan night after night, stating that the bill rewarded illegal behavior with “amnesty.” Amnesty, a term still widely employed in contemporary discourse around undocumented im/migration, operates in a manner similar to the “open borders” label, framing the legislation and its supporters as disdainful of U.S. institutions and laws and as essentially un-American. Indeed, by allowing “illegal aliens” onto the path to citizenship, amnesty is equated with a further opening of the borders.

\[\text{DOBBS: The response of the Bush White House and administrations before it, and its partners in the U.S. Senate, is what they call comprehensive immigration reform. But let’s be clear: their plan is to simply give illegal}\]

aliens amnesty to effectively further open our borders and not resolve the issues of law and order, legality and illegal immigration.\textsuperscript{48}

The measure is depicted as “giving away” the rights and economic benefits of U.S. citizenship to an undeserving population of lawbreakers, which is, as explicitly stated above, construed as a debasement and devaluation. It is viewed as giving away what should be reserved for those who—according to their legal status—belong. Ultimately it constitutes an opening of the border, because it essentially allows “them” to become “us,” to attain what “we” possess through unlawful means.

In the discussion of the “broken” or “open border” and its inability to stop the “invasion” of “illegal aliens” that threatens American institutions and laws is buried the apocalyptic scenario of the dissolution of the nation through demographic change.

DOBBS: We're certainly going to be Mexico at this rate. [...] The Mexican population, a country of about 100 million people, with an estimated 20 million of their citizens already living in this country – many of them legally of course – but 3 million illegal aliens crossing our borders, most of whom are Mexican citizens. The idea that this administration will not enforce the border [...] is to most of us, to most Americans, absolutely unbelievable.\textsuperscript{49}

Mexican “illegal immigrants” are presented as overwhelming the country and the processes of assimilation and instigating swift demographic change.


\textsuperscript{49} Lou Dobbs Tonight, CNN, June 1, 2006, http://transcripts.cnn.com/TRANSCRIPTS/0606/01/ldt.01.html (accessed April 10, 2010). Here, we also see that despite the common rhetorical formation “open borders” or “secure our borders” the focus is principally on “the” border—the Southern border.
This ultimate anxiety of open borders dovetails with anti-amnesty discourse; giving away citizenship to undocumented residents—who are predominately from Mexico— is perceived as facilitating a demographic transformation of the United States. “Amnesty” further opens the border, rewarding illegal behavior and purportedly providing incentive for further “illegal immigration.” Furthermore, it allows the unlawful aliens to become lawful citizens and permanently settle, to have families and bring in other family members legally though family reunification preferences.

Within the discourse of open borders and amnesty, unauthorized im/migration from Mexico is constructed as a critical threat to the nation, to its national and economic security and its very sociocultural fabric. The migration of “illegal aliens” is rhetoricized as an invasion and dire crisis that affects all Americans. As evinced by the refrain, “every city is a border city, and every state is a border state,” the ineffective and porous “broken border” has allowed massive problems to permeate the interior of the nation.

As I have shown, the problem is constructed around the broken and open border; therefore, the answer becomes simply fixing and controlling the border. In the face of “illegal immigration crisis,” the need to “secure the border” is affirmed.

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DOBBS: Is it potential [sic] to stop them? Of course it is. There is a, sort of a nihilistic, fatalistic view on the part some of Americans, principally the elites and principally in the media, that suggests the United States no longer has the will or the wherewithal to control its own borders.

If that’s the case, we should simply put up a flag – a white flag – and surrender, because then we have no nation at all. That is an absurdity. Of course we can control those borders. And, of course, we can secure this nation. Otherwise, we will lose in the global war on terror, and we will certainly lose our sovereignty, because we can’t control our borders. I don’t accept that at all.\(^\text{52}\)

This statement draws on the established trope of an invasion of “illegal aliens,” to which the United States has purportedly abdicated its sovereignty and surrendered. Again, illegal immigrants are depicted in the language of war—constructed as an occupying force, closely associated with the threat of terrorism. The nation is under siege not only from terrorists trying to “destroy our way of life,” but also immigrants who are invading U.S. sovereign territory, exploiting the social safety net, and waging a demographic insurgency. The solution that is reaffirmed, and presented as an ultimately achievable goal, is the need to secure the border against these external threats.

\(\text{DOBBS: This country has been built on a tradition of getting done what others say is impossible. I can't imagine anyone saying this is impossible. It [securing the border] seems relatively straightforward and simple.}\(^\text{53}\)

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\(^{52}\) Lou Dobbs on *Paula Zahn Now*, March 29, 2006.

\(^{53}\) Lou Dobbs Tonight, CNN, April 27, 2005

Dobbs extols the exceptional history and character of the U.S. nation, declaring that the United States has the capability and power to secure the southern border easily, if only there were a political will to do so.

Dobbs frequently reiterates his belief that the problem lies with the derelict political elites and well-funded advocacy of special interests, which work to keep the border open.

DOBBS: When we talk about will – and let's be clear – the will of the American people is absolutely straightforward. They want illegal immigration stopped. They want the borders secure. The lack of will is on the part of the political elites in Washington operating at the behest of their corporate masters to bring in a little more cheap labor.54

It is not American citizens who lack the determination to secure the border, but their elected officials, who are represented as acquiescent to big business interests. Again, Dobbs performs as the spokesperson for the average, concerned American and attacks the government for disregarding the national interest. However, more than simply representing a well-defined public opinion, Dobbs himself is engaged in its production. Although many polls suggest that Americans favor tougher preventative measures against unauthorized immigration, they also strongly support allowing undocumented residents to legalize their statuses; opinion on the plan to build a fence along the U.S.-Mexico boundary is consistently divided equally.

between support and opposition. In short, although “illegal immigration” is a divisive and emotional issue, there is broad support for some sort of a comprehensive approach to reform; there is a complexity ignored in the circumscribed view of the issue on Lou Dobbs Tonight. Dobbs reinforces support for the securitization of the border, while calling into question the legitimacy of proposals for legalization. Indeed, Dobbs asserts that border security should be the first response and that anything else is a betrayal of the American citizenry.

Although it is never specifically defined, “securing the border” is a euphemism for policing and enforcement measures, such as a border fence, surveillance technology, and an exponential increase of Border Patrol agents along the southern border. Dobbs consistently demands that such “security” initiatives be a first solution in dealing with “illegal immigration.”

DOBBS: The reality is that illegal immigration is a serious burden on taxpayers in this country. It is a violation of our laws and it has a huge cultural impact and frankly, border security is essential first, no matter what.

The U.S.-Mexico boundary must be fortified and secured in order to protect the United States from costs and threats brought by “illegal immigrants” flowing across the “broken border.” Dobbs is referring to the putative economic and social costs of “illegal aliens,” such as usage of public benefits,

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depressed wages, lost jobs, and overflowing prisons, but also more ambiguous cultural expenses, which implicitly suggests the now familiar idea that waves of Mexican “illegal aliens” are overwhelming and transforming “American culture.”

As an “essential first solution,” then, border security is a necessary prerequisite to immigration reform.

DOBBS: It seems to me be straightforward. We cannot reform immigration, if we cannot control immigration. We cannot control immigration unless we can secure our borders and control those borders.57

Only after the border has been successfully secured, when “illegal immigration” is controlled, can reform be brought to the table. Dobbs suggests that, without border security, reform is impossible. What Dobbs’ logic here posits, however, is the notion that border security and immigration control can be achieved solely through enforcement mechanisms, rather than or alongside an overhaul of immigration policies.

DOBBS: And what’s most troubling to most Americans I believe is that this government and both parties and this president […] have refused to insist upon enforcement of our laws in this country. We have immigration laws on the books that would have resolved nearly every aspect of this over the past decade.58

Instead of perceiving the policies themselves as misguided or faulty, the “problem” is seen as a result of the failure of the U.S. federal government to

enforce the laws already on the books, which are uncritically accepted.

Indeed, the “illegal immigration crisis” has been produced by what Dobbs considers to be “an abject refusal to enforce our laws” at the border and within the country.\textsuperscript{59}

Such a refusal to enforce the law has produced the “broken border” and thus the inundation of “illegal immigrants” that threatens the American nation. The problem is not the laws themselves—despite the fact that they have actually produced and shaped undocumented immigration as it exists today\textsuperscript{60}—but the failure to implement them. Therefore, the solution is to restore the integrity of the border by enforcing the laws that regulate admission and immigration to the United States. Rather than considering reform of immigration laws to open legal channels as a means to ensure national and border security, Dobbs’ position—which is representative of anti-illegal-immigration advocacy more broadly—emphasizes and is based on punitive mechanisms as a means to establish control.

This position arises from the fact that the anxiety of “open borders” conflates and compounds the “illegal immigration crisis” with fears of a terrorist attack after 9/11 and drug trafficking and related violence entering the United States from Mexico.

\textsuperscript{60} CF. Douglas S. Massey, Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration (New York: Russell Sage Foundation, 2002).
DOBBS: The country understands, I believe on all sides of this, it doesn't matter what you do with immigration reform, it doesn't matter what you do with the war on drugs, it doesn't matter what you do on terms of the war on terror, if you can't secure the border, you can't prevail.\(^{61}\)

Framing unauthorized im/migration as a problem of border integrity interconnected with the “wars” against terrorism and drugs, constructs the struggle to control unauthorized im/migration as a war, which can either be won or lost, as well. Indeed, unauthorized im/migration is described in the language of war, as one can see in the common trope of an “illegal alien invasion” that threatens security and sovereignty of the nation. Dobbs constructs the border as a first and last line of defense that must be fortified for protection of the country.

A “secure border,” then, is presented as a solution not only to the economic and cultural threats of unchecked “illegal immigration,” but to those posed by terrorists and drug smugglers.

DOBBS: Here’s the deal. If you want to bring home troops [...] bring them home from Iraq. Bring them home from as many as we possibly can from Afghanistan. Bring them here to secure the border. And also, at the same time, be fighting the most imminent threat to this country's public security and safety. That is by stopping drug trafficking, the flow of illegal aliens and terrorists across that border, potentially. There is a thought for you in which everything would come together – one comprehensive approach, Mr. President.\(^{62}\)

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\(^{61}\) Lou Dobbs Tonight, CNN, May 20, 2005, May 20, 2005

\(^{62}\) Lou Dobbs Tonight, CNN, March 27, 2009
Dobbs’ exhortation that President Obama station troops along the border highlights the punitive, militaristic approach to regulating immigration. Instead of concerted reforms to control im/migration by opening legal channels, Dobbs naturalizes and reinforces punitive strategies that criminalize migrants, conflating them with terrorists and drug runners as pressing public safety concerns. Indeed, in response to the uncertainty of the post 9/11, economically globalized world, Dobbs forwards the “comprehensive solution” of borders fortified against the proliferating threats to the United States.
INTERNAL THREATS

People enter the country seemingly at will, without regard for our laws. They threaten our safety and security, they use our resources, they take our jobs. 63

As I have begun to show, the presence of “illegal aliens” is represented as undermining U.S. national security, sovereignty, and identity. Rhetorically framed by the broken border and the need to provide border security, the coverage of Lou Dobbs Tonight focuses on the putative ramifications of the “illegal immigration crisis,” the negative effects of the “illegal aliens” who cross the “broken border” and settle within the country. The rhetoric of Dobbs, his guests, and correspondents constructs Mexican unauthorized im/migrants as irrevocably foreign outsiders that, by virtue of their presence in the interior of the country, undermine and threaten the institutions, laws, and boundaries of the United States.

As gestured to above, one of the most prevalent arguments against continued “illegal immigration” is that the im/migrants are a threat to U.S. economic security—a cost and economic burden on state resources and taxpayers. It is suggested by Dobbs at the anchor desk, and in the reports of the roving correspondents, that “illegal aliens” utilize social services and public benefits and yet contribute nothing to the economy. Unauthorized im/migrants, then, are constructed as illegitimate burdens and exploitative intruders taking advantage of the United States and its citizens.

63 Dobbs, War on the Middle Class., pp. 134.
“Illegal aliens” and their children are presented as costly due to their use of medical services, the public education system, and their presence in the prison system.

DOBBS (voice over): An estimated 10 million illegal aliens now live in this country. That's more than double the number only 10 years ago. The breakdown in our immigration system is taking a toll on the economy.

JOHN KEELEY, CENTER FOR IMMIGRATION STUDIES: We spend in excess of $7 billion a year in primary and secondary education for illegal alien children. You have health care costs. Hospitals in the Southwest spend hundreds of millions of dollars a year in providing emergency care services to illegal aliens. And I would say the costs of incarcerating illegal aliens are considerable, hundreds of millions of dollars a year.

[...]

DOBBS: Meanwhile, an estimated 700,000 illegal aliens cross our borders each year.64

This video-report by Dobbs that features the former director of communications for Center For Immigration (CIS) — a “low-immigration think tank,” whose stance is not acknowledged65 — illustrates the economic cost analysis of unauthorized im/migration on the show and the established pattern of concentrating on the local and short-term costs while disregarding undocumented workers’ larger contributions to the economy. As usual, the problem is framed by the unauthorized transgression of U.S. borders.

65 CIS was founded and funded by the activist, restrictionist group FAIR. Its studies, reports, and media releases consistently support a restrictionist agenda. However, CIS has achieved credibility and is frequently cited by the media due to its lack of strident anti-immigrant rhetoric and economic basis. “Center for Immigration Studies,” Right Web, Institute for Policy Studies, http://www.rightweb.irc-online.org/profile/Center_for_Immigration_Studies (accessed April 10, 2010).
In addition to the alleged described exploitation of state resources, unauthorized im/migrants are reported as creating unemployment for and depressing the wages of poor American citizens.

**DOBBS:** The huge invasion of illegal aliens into this country over the past several years, millions every year, could soon create a new underclass of poor Americans. Illegal aliens are now competing directly with millions of U.S. citizens for jobs, forcing many into unemployment and into poverty. […]

**DOBBS:** Illegal aliens are taking jobs from American citizens even though many illegal aliens have little or no education. The Census Bureau now says more than half the Hispanic and Latino immigrants into this country over the past four years did not complete high school. In point of fact, about one third of those immigrants had no more than an eighth grade education. 66

Dobbs’ equates “illegal immigration” with the creation of an underclass of poor Americans who have had their jobs usurped by uneducated, undocumented workers. Rather than exploring the structural forces contributing to the low education levels and declining wages of U.S. citizens, Dobbs merely blames undocumented workers for “stealing” jobs. What is particularly troubling, however, is the fluidity with which Dobbs moves from “illegal alien” to “Hispanic and Latino immigrants”; Dobbs conflates Latino immigrants with the category of “illegal alien,” pointing to a tacit racialization of Latinos as “illegal.” In the context of the “invasion” from south of the border, one can see that and how fluid the line is between “illegal alien” and Latino immigrants and ultimately Latinos in general as

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threatening “American culture.” Dobbs also suggests that, unauthorized and authorized, Latino im/migrants and their citizen children are part of the low-skilled underclass themselves, likely to burden the social safety net, taking more than what they put in.

Dobbs frequently forwarded this narrative of unauthorized im/migrants during the debates over immigration reform in 2006 and 2007 on his show and, acting as an immigration expert on other popular CNN shows, such as Anderson Cooper 360 and The Situation Room, to a wider viewing public. For example, in an appearance on Nancy Grace, he stated,

Well, illegals are not paying taxes. [...] The net cost of illegal immigration to American taxpayers is an estimate, and those estimates run anywhere from $50 billion to $200 billion in depressed wages, cost of social services. It’s a remarkable burden. There’s tremendous benefit, without question, to those illegal employers who boost their profits by exploiting illegal labor, but that is not a benefit to the rest of the economy or to each of us as taxpayers. [...] We have a very real problem that that’s causing a great, great amount of pain and immense burden to this economy.

“ Illegal aliens” are marked as undeserving of social services and jobs, meant for U.S. citizens and legal residents, not only because they unlawfully entered the country, but because they supposedly pay no taxes back into the system, a patently false claim.

The nonpartisan Congressional Budget Office (CBO), compiling reports from 1994 until 2007, estimates that between fifty and seventy-five

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67 I further explore this slippage below, as well as from a historical perspective in the next chapter.

percent of undocumented im/migrants pay federal, state, and local taxes, including income, payroll, and social security taxes. While it is true that state and local governments face the brunt of costs due to undocumented residents’ use of services and are rarely reimbursed by the federal government, which receives most of the tax revenue from im/migrants, spending for unauthorized immigrants accounted for around five percent of total state and local expenditure for those services.\textsuperscript{69} During a recession even these relatively small amounts can catalyze severe restrictionist sentiment.

Such information is left out of the outspoken assertions of Dobbs and the reporting on \textit{Lou Dobbs Tonight}. The negative economic effects of “illegal immigration” are portrayed as unequivocal, unbalanced by countervailing data. The positive contributions of undocumented workers—who pick the crops, pack the meat, load the trucks, cook and serve the food, build the infrastructure, and maintain the homes of American citizens—are erased from the record discussion or actively denied, as in the quotation above, in which Dobbs suggests that only “illegal employers” who hire undocumented workers benefit from their cheap labor.

More important than the lack of factual accuracy of such statements is the consistent representation of unauthorized im/migrants as deleterious, burdensome, illegitimate outsiders that are not part of, do not contribute, and thus have no right to benefit from the U.S. economy.

\textsuperscript{69} “The Impact of Unauthorized Immigrants on the Budgets of State and Local Goverrnements.”
DOBBS: The country has a long and honorable tradition of welcoming legal immigrants to this nation, but in recent years there's been a huge influx of illegal aliens. By some estimates as many as 20 million live in the United States right now. Those illegal aliens are, among other things, depressing wages for U.S. citizens and draining local and state and federal budgets of much-needed funds for the education and the healthcare and social services of and for Americans.70

Dobbs’ rhetoric erects a binary between taxpaying U.S. citizens and parasitic “illegal aliens” — “they” cost “us” money, which is a problem because “they” have no right to be here, let alone use “our” institutions. Furthermore, such rhetoric reinforces a good alien/bad alien dichotomy between legal residents—who are construed as responsible, honest, “good aliens” — and unlawful entrants—who are seen as uninvited intruders, lawbreakers, or “bad aliens.”71 Immigrants are categorized according to whether or not they are a benefit or a cost to the United States; whether or not an immigrant is viewed as a benefit or a cost, and thus as legitimate or illegitimate, is measured predominately by their formal legal status. The rights of citizenship—and formally awarded legal status—are valued and given priority over the universal rights of human beings.

This view of undocumented im/migrants was manifested in the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) that passed the house at the end of 2005,72 also known as the

Sensenbrenner Bill, after its author, Chairman of the House Judiciary Committee James Sensenbrenner (R-WI). The act would have, among many other draconian provisions, created a new federal crime of “unlawful presence” thereby making presence within the country without documentation a felony had it been passed. The bill sparked massive immigrant rights protests in which millions participated across the country in the spring and summer of 2006; for example, on April 10th, around 500,000 people peacefully marched in Los Angeles and more than 400,000 took to the streets in Chicago on May 1st.

Dobbs featured Representative Sensenbrenner on the show multiple times during that period to discuss the bill with him and the need for border security.

SENSENBRENNER: If we don’t do something effective and workable, we’re going to have 20 million more illegal aliens in the next ten years according to a demographic study I’ve seen. They’ll flood our schools, our health care system will collapse and our social services system will end up being overtaxed, and we’ve got to get control of our borders, because if we don’t, we’re going to see our economy collapse.

DOBBS: We know the estimates by the most authoritative and recent study put the suppressed wages at $200 billion a year, as a result of immigration, both legal and illegal. We know that the costs, the estimated costs run about $50 billion for services, and I can’t tell you, Mr. Chairman, how many people have said to me, typically, open borders activists, in support of illegal aliens, in

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that they provide $7 billion in Social Security taxes every year, as if that is some sort of reasonable offset.\footnote{Lou Dobbs Tonight, CNN, April 1, 2006, \url{http://transcripts.cnn.com/TRANSCRIPTS/0604/01/ldt.01.html} (accessed April 10, 2010).}

Sensenbrenner presents “illegal aliens” as a tsunami “flooding” the country, inundating and threatening public institutions, social services, and economy. Dobbs supports these alarmist assertions—albeit using the immense number of what all immigrants purportedly cost—of the threat undocumented im/migrants pose to U.S. economic security. As the discussion continues, border security is presented as the only realistic solution in the face of these disastrous threats.

**DOBBS:** The thing that I have a difficulty understanding, and I'd love to know what your reaction is, why there should be any debate. It seems to me you cannot possibly, and if anybody will defeat the logic of this syllogism I'll be glad to step aside in the national discussion and debate on illegal immigration and border security. We cannot reform immigration, if we cannot control immigration. We cannot control immigration unless we can secure our borders and control those borders. Is there something here I'm missing?

**SENSENBRENNER:** No. There's nothing you're missing. And what is being asked here, and apparently what the Senate Judiciary Committee has gone along with, is having illegal aliens jump to the head of the line over the legal immigrants who have applied and done it the right way and are patiently waiting for their number to get to the top of the pile. That's not what America is all about.\footnote{Ibid.}

They play off one another as if from a script, drawing on and reproducing the established tropes of anti-illegal-immigration rhetoric; Dobbs offers his enforcement-first logic for border security, which Sensenbrenner
unequivocally reinforces. The catastrophic economic impact of unauthorized immigrants points to the vital need to fortify the border and protect U.S. economic security.

Moreover, the salient voices of Dobbs and Rep. Sensenbrenner, conversing within the parameters of anti-illegal-immigration discourse, have a distinct political objective here, mobilizing support for H.R. 4437, the bill which will “secure the border” in the face of the “invasion” of “illegal aliens” that drain U.S. resources. Sensenbrenner criticizes the senate’s Comprehensive Immigration Act for giving “bad alien” lawbreakers “amnesty,” allowing them to jump in front of the lawful, “good aliens.” Such a provision is presented as “not what America is all about,” as patently un-American. These statements construct unauthorized immigrants as opposite American values. As intruders without respect for the law, exploiting and burdening U.S. institutions, they are marked as an illegitimate presence irrevocably outside membership in the national community. Even those who have resided and have been employed within the country for five years are marked as undeserving of legal status and a chance naturalize. Despite the reality of their integration into U.S. communities in which they have been living for years, legal integration is presented as an impossible violation of “what American is about” —of the “American way.”

The construction of “illegal aliens” as internal outsiders threatening the nation is largely achieved through rhetoric about their deleterious effects
on the economy and on taxpayers, presenting them as exploitative intruders taking advantage of the United States. Such rhetoric is by no means confined to these few examples I have given; Dobbs, the guests that he debates and interviews, and the video “news reports” by correspondents in the field, commonly make such claims. Indeed, as calculated by Media Matters for America, a media watchdog group that was later involved with the Drop Dobbs campaign, out of the approximately 260 shows of Lou Dobbs Tonight in 2007, seventy-one—or twenty-seven percent—aired claims about “illegal aliens” draining resources and/or not paying taxes. However, of the 260 shows, only 182 directly discussed “illegal immigration”; thus, claims about the economic burden of im/migrants were found in thirty-nine percent of broadcasts discussing immigration in 2007.77

The economic costs argument is one of the most prevalent arguments used by anti-illegal-immigration advocates in public discourse. Another common narrative of the internal threat that undocumented im/migrants pose to the nation is their putative criminality, which is also commonly found on Lou Dobbs Tonight. According to Media Matters, ninety-four shows, or fifty-two percent of “illegal immigration” coverage focused on crime.78 These reports focus on the number of “illegal aliens” in prisons, the number of “criminal illegal aliens” supposedly roaming the streets, and sensationalistic

78 Ibid.
reports of crimes committed by individual undocumented persons, all of which work together to imagine unauthorized im/migrants as criminal in addition to their already emphasized status as lawbreaking “illegals”—as both illegitimate and dangerous.

Dobbs has been consistent in claiming that undocumented persons make up a large portion of the U.S. prison population.

*DOBBS:* But just about a third—just about a third of the prison population in this country is estimated to be illegal aliens.79

He frequently cites that “illegal aliens” make up thirty-percent of the prison population in the United States.

*DOBBS:* And we should point out the number of illegal aliens in our jails, estimated anywhere from 20 to 30 percent, are prisons, both state and federal.80

He makes a point to note that this number applies to all prisons, both state and federal, a sheer misrepresentation. Rather, the number he gives refers to the total number of non-citizens in federal prison—which is, more accurately, twenty-seven percent.81 However, that percent refers to the total number of *non-citizens*, both “legal” and “illegal” immigrants, of which it is very difficult to ascertain what proportion is unauthorized.82 Moreover, that number only

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82 The slippage here also belies Dobbs’ careful efforts to inscribe a difference between legal and illegal im/migrants so as to argue that his show is pro-immigrant.
accounts for non-citizens in federal prisons, not the larger state and local prison populations. The high ratio of non-citizens in federal prison derives from the fact that most immigration-related offenses are under federal jurisdiction. Federal prisons, however, only hold around ten percent of the total incarcerated population. The total foreign-born population in U.S. prisons—state, local, and federal—is actually 5.9 percent; the proportion of that percentage who are “illegal aliens” is unknown.

Quantitative data, which is seen as factual and thus privileged as true, purportedly provides evidence of the criminality of “illegal aliens.” The number of thirty-percent, given without any of the above background as to what the number actually signifies, is utilized to simply represent “illegal aliens” as a population of criminals, bringing social ills into the United States. Dobbs’ rhetoric of the social costs of immigrants, represented by their proportion in prison, also dovetails with the rhetoric of their economic costs.

*DOBBS: [...]Illegal aliens are also an increasing part of America’s prison population and its burden to taxpayers. The cost to taxpayers is simply astonishing.*

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84 “Prison Brief for the United States of America,” International Centre for Prison Studies.
85 Such statements are also easily defended; challenged by the New York Times, Dobbs denied attributing the number of 30% to “illegal aliens” and stated that he was referring to the fact that non-citizens account for that proportion of federal prisons, thus hiding behind the accuracy of that statistic. Leonhardt, "Truth, Fiction, and Lou Dobbs."; *Lou Dobbs Tonight*, May 30, 2007.
Not only are unauthorized im/migrants tied to criminality, but also to the economic costs of maintaining prisons and law enforcement, doubly marking them as illegitimate burdens.

Dobbs assumes the posture as champion of the average American, criticizing the federal government for allowing the states to “pick up the financial burden,” and spend “billions of dollars on criminal illegal aliens.”

Lou Dobbs Tonight correspondents, reporting on small towns having to cope with the costs of “illegal immigration,” reinforce ideas of “illegal alien” criminality.

KITTY PILGRIM (voice-over): Hazleton, Pennsylvania, population 31,000, has seen its illegal alien population soar. The police chief says something had to be done about it.

CHIEF ROBERT FERDINAND, HAZLETON POLICE: We’re having a problem with violent crimes being committed by illegal aliens in the city. The last murder we had was involving illegal aliens. The last major drug bust we’ve had involved illegal aliens.

[...]

PILGRIM: Tonight, a quiet night. Only a few kids. But now the police chief says any illegal involved in gang activity will be turned over to ICE, to be deported. There are no clear numbers on how many illegals are in Hazleton. Mayor Lou Barletta says pressure was on him to do something.

MAYOR LOU BARLETTA: As the mayor of this city, I have an obligation to do something to restore and protect the quality of life in this city.

[...]

PILGRIM: Now, the mayor says he has only a small budget to provide services for the legal residents of Hazleton, and he says he is tired of spending so much of that money on crime -- Lou.

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The video report reinforces the idea that unauthorized im/migrants are a socioeconomic burden on Hazelton, causing a veritable crime wave in the city.

The need to “do something” to protect the city from this threat of “criminal illegal aliens,” of course, prompted the passage of the aforementioned Illegal Immigration Relief Act. Indeed, in an act of political theater, Barletta wore a bulletproof vest to the city council meeting to vote on the act, because of, as he explained, the surge in crime committed by “illegal immigrants” that menaced the town. Yet, as the ACLU noted during the trial that ultimately struck down the legislation, only 4 of 428 violent crimes in Hazleton were carried out by unauthorized im/migrants and, as Hazelton’s attorney added, 18 non-violent ones. The supposedly impartial or objective journalism in the video report, however, simply presents the statements of the police chief and mayor as fact, corroborating—and disseminating—their narrative. The report objectivizes and reinforces the construction of unauthorized im/migrants as dangerous criminals.

The impersonal construction of “illegal aliens” as lawbreakers as a group—in prisons and overrunning small towns—is supplemented by lurid reports of crimes committed by individual undocumented im/migrants. The usually violent or deadly offenses are presented as exceptionally tragic due to

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89 Michael Powell and Michelle Garcia, “Pa. City Puts Illegal Immigrants on Notice.”
the fact that the crimes could have been prevented if only the border was secured and laws were enforced.

DOBBS: An illegal alien, tonight, is in a Nebraska jail, held on $1 million bail. He's accused of causing a car crash that took the life of a 4-year-old girl. The illegal alien has four prior DUI convictions; his driver's license had been previously suspended. Many who are horrified by this tragedy want to know simply why the driver had not been deported.91

The consequences of this accident are undoubtedly awful. It is clear that the individual should not have been driving. However, the report turns the incident into a rallying cry for increased enforcement measures, specifically the 287 (g) program—given the title of the section of the Immigration and Nationality Act it was established by—that allows local law enforcement agencies full federal authority to enforce immigration laws through agreements with Immigration and Customs Enforcement (ICE). Indeed, immediately after the report by his correspondent Dobbs poses the poll question of the night: “Should immigration status checks be routine with every arrest in this country?” The response, given at the end of the broadcast, was ninety-nine percent affirmative.

The specific instances of crimes committed by undocumented persons are turned into sensationalistic evidence of the need for greater border security and immigration enforcement, supporting and supported by the more abstract statistics of “criminal illegal aliens” in the United States.

DOBBS: We have seen estimates on the number of criminal illegal aliens in this country -- we're talking about serious criminal illegal aliens in this country -- ranging from half a million to 600,000 on the streets, with something like an effective task force from ICE out there of 3,000 agents. This is, by any analysis, a hopeless effort for the part of ICE without significant increases in staff and resources[...].

Funding and personnel increases for immigration enforcement agencies become a serious need in the face of the threat posed by 600,000 “criminal illegal aliens” roaming the streets of America.

These non-citizen absconders, technically called “fugitive aliens,” are persons who have been ordered deported or removed by an immigration judge (or have failed to appear before one), but have not left the country. ICE distinguishes between those with a criminal history or are otherwise dangerous, and those who have no criminal history whatsoever; 600,000 is approximately the total population, not just “serious” criminal offenders. Over seventy-five percent have no criminal record and, accordingly, neither did seventy-three percent of those “fugitives” deported from 2003 to 2008.

Dobbs blurs the line between those undocumented immigrants with criminal records and those who have simply remained after removal proceedings, labeling the largely non-criminal population as “serious criminal illegal aliens,” furthering the construction of unauthorized...

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im/migrants as a dangerous threats to the public safety. To combat the excessive problems they pose, then, he advocates for an increase in personnel and funding for immigration enforcement.95

The discussion of “criminal illegal aliens” is characterized by a terminological messiness in which slippage or blurring of one category into another is inevitable. The statuses of “fugitive alien,” “criminal alien”—which refer to any non-citizen, authorized or otherwise—are frequently used interchangeably with “criminal illegal alien.” Furthermore, what exactly constitutes a “criminal illegal alien” is unclear; the term is usually used to signify undocumented persons who have committed violent crimes, despite the fact that majority of criminal convictions of undocumented im/migrants are drug- or immigration-related offences.96 Such language allows for the connection of “illegal aliens” to criminality to be almost natural. Thus, “illegal aliens” are multiply constructed as “illegal” by their unauthorized presence within the country—metonymically taking on the unlawfulness of their mode of entry—and by their association with criminal offenses; as both illegitimate and dangerous socioeconomic threats.

95 Despite Dobbs’ assertion that the removal of these “fugitives” is underfunded and understaffed, the budget of the National Fugitive Operations Program (NFOP), has grown 23-fold since 2003, from $9 million to $218 million in 2008; and personnel has been increased by 1,300 percent. These resources have been disproportionately channeled towards apprehending aliens with no criminal record, rather than those who might pose a threat to public safety. Ibid.

The im/migration and continued presence of these illegalized aliens is, then rhetorically constructed as an “invasion” overwhelming the country. They are constructed as invaders insofar as they are lawbreakers, stealing into the United States in order to leech off the social safety net and exploit the economy, threatening the national and economic security of the country.

*DOBBS: The invasion of illegal aliens into this country is one of several threats to our wealth, our standard of living, our quality of life.*

The “illegal alien invasion” thus becomes a threat “us” all, to “our” quality of life, to the very way in which “we” live. In the language of warfare, “they” are a constructed as a monolithic mass invading and occupying U.S. territory—undermining sovereignty and usurping the rights that belong to legitimate citizens and law-abiding “good aliens.”

In the 2006 protests against the Sensenbrenner bill that criminalized unauthorized im/migrants and those that “aided” them, as immigrants (documented and undocumented) and their supporters spilled into the streets of major cities across the country, marching for inclusion in the national community, this narrative of “illegal immigration,” was employed on *Lou Dobbs Tonight* to frame their actions.

*DOBBS: As many as 100,000 people today marched through the streets of Chicago. They were there protesting Congress' efforts to increase border security and stop the invasion of illegal aliens.*

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Rather than marching for rights and recognition of immigrants as valuable members of their communities, the protesters are represented as marching against border security so as to continue the invasion of “illegal aliens.”

Dobbs portrays the marchers as all “illegal aliens,” or supporters of “illegal aliens,” illegitimately trying to influence the political process in the United States, demanding rights in a country where they do not belong.

*DOBBS: Illegal aliens, their supporters once again tonight trying to influence the country’s political process with new protests and demonstrations. The largest demonstrations have been in Los Angeles today, where illegal aliens and their supporters are demanding rights of U.S. citizenship often while flying Mexican flags.*

The fear that the United States has “abdicated” the sovereign right to regulate immigration, capitulating to an army of “illegal aliens,” is vindicated as these invaders arrogantly attempt to dictate U.S. policy. Despite being only referred to as “illegal aliens,” a purportedly neutral legalistic term, “they” that make up the invading population are clearly marked as Mexican, and more broadly, Latino. Indeed, in the public discourse surrounding the protests, the Mexican flags flown at the protests—alongside which other Latin American flags were less frequently displayed—became a symbol of the invasion and occupation of the United States by an “army” of unauthorized im/migrants from Mexico.

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99 Lou Dobbs Tonight, CNN, March 27, 2006
Flags, as political icons, have a palpable symbolic meaning. As David Kertzer writes, a flag is “not simply a decorated cloth, but the embodiment of a nation,” visually representing the national identity of a country.\textsuperscript{100} The fact that the Mexican flag was prominently shown at the protests was seized upon by anti-illegal-immigration groups and pundits to point out the un-American tendencies of the marchers, suggesting that their allegiance was to Mexico, not the United States; protestors were characterized as an army of “illegal aliens” and their supporters demanding the United States to “surrender” rights of U.S. citizenship while waving the flag of a foreign nation.

Despite the fact that U.S. American flags were also widely displayed by the marchers—who saw themselves as displaying their cultural heritage rather than disloyalty to the United States \textsuperscript{101}—Dobbs focused on “illegal aliens and their supporters” displaying the Mexican flag and “[paying] a profound lack of respect to the American flag.”\textsuperscript{102}

\textit{Lou Dobbs Tonight} also fanned the flames with reports on the supposed plan to “reconquest” the American southwest.

\begin{quote}
\textbf{DOBBS:} There are some Mexican citizens and some Mexican-Americans who want to see California, New Mexico and other parts of the Southwestern United States given over to Mexico. These groups call it the reconquista, Spanish for reconquest. And they view the millions of Mexican illegal aliens in particular entering the United States as potentially an army of invaders to
\end{quote}

\begin{footnotes}
\item[101] As one protester (a Mexican-American citizen) noted, “St.Patrick’s day just passed. Just because they wave an Irish flag doesn’t mean that they care about Ireland more than they do the U.S.” Ibid., pp. 158.
\end{footnotes}
achieve that takeover. Christine Romans reports.

(BEGIN VIDEOTAPE)

ROMANS (voice over): In San Diego today, another sea of Mexican flags echoing the nationalist theme in protests earlier this week. Chants celebrating La Raza, the race, and signs proclaiming the true history of the Southwest. A Southwest they say still belongs to Mexico. Long downplayed as a theory of the radical ethnic fringe, la reconquista, the reconquest, the reclamation, the return, it’s resonating with some on the streets. It’s the idea that the Southwest United States is stolen land called Aztlán. […] A surprisingly common theme among open borders advocates, even some Spanish language media.

It is explicitly stated that “illegal immigration” is part of an irredentist plan to re-conquer the U.S. Southwest, which was Mexican territory until after the Mexican-American war—a conspiracy widely circulated by anti-illegal-immigration groups. The theory is based on the idea that Aztlán, the mythic homeland of the Aztec people, is the U.S. Southwest, as it was claimed by Chicano activists in the 1969 manifesto, Plan Espiritual de Aztlán, which called on Chicanos to unite against oppression in their homeland.103 The “nationalist theme” of Mexican flags at the rallies is equated with a reconquest of the Untied States by an invasion of Mexican “illegal aliens.”

ROMANS: California Congressman Dana Rohrbacher calls the attitude arrogant and dangerous.

REP. DANA ROHRBACHER (R-CA): And now we see that hundreds of thousands of these people, if not several million, are willing to wave the Mexican flag and not seek assimilation in the United States, but are instead declaring their allegiance to Mexico while here illegally. This can cause huge problems. If only a fringe element of them want to commit acts of violence in the future in order to push their claim of legitimacy in terms of their right to

103 Heidi Beirich, "Paranoid Style Redux," in Intelligence Report (Southern Poverty Law Center, 2007).
this area that we now occupy in the United States, it can cause great damage and loss of life in our country.

[...] ROMANS: Aztlán has long been the provident of the radical fringe. A lot of open borders groups disavow it completely. But the growing street protests in favor of illegal immigration, Lou, are increasingly taking on the tone of that very radicalism.\textsuperscript{104}

Congressman Rohrbacher insists, “these people” who wave the Mexican flag, are not assimilating into U.S. culture, but are declaring their allegiance to Mexico, and, in fact, may engage in a violent separatist movement; he reproduces the Aztlán conspiracy in full. Importantly, Rohrbacher suggests that all of those waving flags are “here illegally,” despite the fact that the protests involved many citizens as well as legal immigrants. By waving the Mexican flag, the protesters are marked as “illegal,” illegitimate members of the national community.

Supporting the Congressman’s comments, Romans suggests that the radical ideology of the reconquista is generally found in the marches. Similarly, in another report, \textit{Lou Dobbs Tonight} correspondent Lisa Sylvester suggests that the groups organizing the rallies “want amnesty for all, and many openly embrace the reconquista movement: Mexico taking over the southwestern United States."\textsuperscript{105} Furthermore, criticizing those demonstrating for demanding rather than asking for rights, she offers the marchers “a lesson


\textsuperscript{105} Lou Dobbs Tonight, CNN, May 2, 2006 \url{http://transcripts.cnn.com/TRANSCRIPTS/0605/02/ldt.01.html} (accessed April 10, 2010).
in democracy: mob rule does not work. Laws are made on Capitol Hill, not on the streets of America.” Despite engaging in peaceful, grass roots democratic protests, the demonstrators are characterized as an illegitimate, angry “mob” that will have no say in the policies that affect them; she denies their desire for recognition as part of and inclusion in the polity, regarding them only with suspicion. Like Rohrbacher, she represents the actions of those in the streets as essentially un-American.

In the midst of the national debate over immigration reform, which has material consequences for undocumented residents, Dobbs and his correspondents symbolically attack unauthorized im/migrants, portraying them as an invading and colonizing foreign army, a simultaneously interior yet external threat to the sociocultural fabric of the nation. The protests are presented as attempt by Mexican “illegal aliens” to keep the border open—demanding citizenship rights for those here and allowing for continued immigration—that will eventually result in the destruction of the U.S. nation. This view of the protests dovetails with anti-amnesty rhetoric during the immigration debates happening on Capitol Hill at the same time.

DOBBS: Washington Times columnist Diana West has written a provocative, disturbing look at the future of this nation and what would happen were President Bush to successfully push his amnesty program through. West writes that if amnesty were to become law, the United States would cease to be a nation altogether. [...] The issue, as you said, that the nation would cease to exist, what do you mean by that?

WEST: Well, the kind of provisions that are in the Senate bill, for both legal immigration that we can try to project, and then illegal immigration that we can only imagine, has the effect of a demographic tsunami, and it will be
mainly Hispanic. It will be mainly Mexican. And so, what the question becomes is, do we want to become a northern section of Latin America? Do we cease to become literally an English-speaking people, become bilingual, and/or Spanish-speaking? And with these questions, you really begin to get at the heart of the matter, a demographic, a new demographic. […] When you import such a large demographic speaking one language, you have really altered the mix.\textsuperscript{106}

West portrays Mexican unauthorized im/migrants as a tidal wave inundating the United States, completely altering and producing a new demographic makeup of the country, turning “us” into a Spanish-speaking, “northern section of Latin America.” Dobbs agrees with her, stating, as I have quoted above, “We’re certainly going to be Mexico at this rate.” Anti-amnesty rhetoric merges with the rhetoric surrounding the marches on \textit{Lou Dobbs Tonight}, reinforcing the idea of a “reconquest” of the U.S. Southwest through a continued immigration-invasion of Mexican nationals.

One of the major arguments against the passage of the Compressive Immigration Act, which got considerable play on the floor of the senate itself, was that it would allow for an unprecedented level of new immigration and naturalization. On May 15, 2006, Robert Rector of the Heritage Foundation put out a report stating that bill would allow 103-193 million immigrants to enter the United States over the following 20 years.\textsuperscript{107} The number was achieved by adding up the number of unauthorized im/migrants who would be allowed to legalize their status, the visa categories over 20 years—

\begin{flushright}
\textsuperscript{106} \textit{Lou Dobbs Tonight}, June 1, 2006.
\end{flushright}
including those not been affected by S.B. 2611—and the maximum number of family members that could be brought in legally by the new permanent residents. The low-end number of net immigrants is equivalent to the entire population of Mexico, and the high-end number, more than the total population of all of Central America. Rector later scaled back his number to 66 million, which was still 3.3 times the number of current legal immigration per year.108

The report, which was given considerable converge on Lou Dobbs Tonight,109 augmented the fears of a continued demographic invasion of Mexican immigrants; the astronomical numbers inflamed the backlash against the proposed legislation. Indeed, the rhetoric of the “illegal alien invasion” represents “amnesty” as disastrous because it allows Mexican “illegal aliens” to become legal residents and apply for the admission of family members, thus accelerating the purported sociocultural transformation of the United States. Despite regularly professing support for legal immigration, Dobbs adamantly opposed the increases in immigration if legal channels were opened to the predominately Mexican “illegal aliens,” pointing to an anxiety about the kind of immigration more than its formal legal

108 In contrast, the National Foundation For American Policy put the number at 28 million over 20 years, while the Congressional Budget Office put the number at 16 million. Carolyn Lohead, “Senate swayed by analyst's immigrant count,” The San Francisco Chronicle, June 20, 2006.
109 E.g. May 19, 24, 25; June 12, 26, 2006.
Thus, Dobbs accepts and reproduces racialized nationalist affect that constructs Mexican im/migration as a threat to the economic, national, and cultural sovereignty of the United States.

In the same time period of the immigration protests and debates, Dobbs also interviewed Patrick Buchanan, who holds similar but more extreme views. Buchanan again forwarded the argument again that that Mexico was engaged in a reconquest of the southwestern states.

DOBBS: Pat Buchanan has written a fierce indictment of the Bush administration, its complete failure to secure our borders. Buchanan calls the flood of illegal aliens into this country an outright invasion. Buchanan says the Mexican government is in effect trying to reannex the American southwest with its illegal alien policies.

[...]

BUCHANAN: The government of Mexico is pushing its poor and unemployed into the United States to ease social pressure on itself. Secondly, they get $16 billion in remittances back to Mexico. Third, it is awoken to the idea that it can reannex the American southwest, which it used to hold, linguistically, culturally, ethnically and socially – not militarily – by pushing all these people in there and creating a gigantic fifth column in America. [...]

Can anyone say George Bush or the leadership of Congress are enforcing our immigration laws or defending the states against an invasion which is right in the Constitution, Lou?

DOBBS: You put it forward as a rhetorical question. The obvious answer is so clear and present and so is the danger.

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110 Columnist Ruben Navarrette confronted Dobbs on this position, saying, “It concerns you that if you grant this kind of legalization to people who are here illegally, they might bring legal relatives in...What’s the problem Lou, they’re here legally?” To which Dobbs retorted, “Now you’re asking us to squander our judgment and national sovereignty and let [former Mexican president] Vicente Fox decide who comes in and how many come in” and ended the interview. Lou Dobbs Tonight, June 26 2006.

Mexican unauthorized im/migration is represented as a systematic strategy by the Mexican government to create a fifth column in the United States that will effectively undermine and transform U.S. culture and society. Both men suggest that the federal government is derelict in its constitutional duty to protect the country from an “invasion,” as set out in Article IV Section 4 of the U.S. constitution. Here, one can clearly see how the “invasion” of “illegal aliens,” in any context, becomes a code word for the “reconquest” of America by an army of Mexican im/migrants.

Mexican “illegal aliens” are constructed as unwilling to assimilate or as actually unassimilable themselves, marked as perpetual outsiders to the national community and the polity, ineligible for both legal and cultural citizenship. Furthermore, such a construction of “illegal aliens” is directly tied to their settlement in the United States insofar as it is construed a process of colonization, thus marking Mexicans and Mexican Americans alike, as well as Latinos and Hispanics more broadly, as outside national membership.

Those who are invading “us” are not simply legal or national outsiders but cultural and racial “others.” The rhetoric surrounding the “illegal alien invasion,” the, is intertwined with what anthropologist Leo Chavez has titled the *Latino Threat Narrative*, in which Latino immigrants and citizens are characterized as unable or unwilling to integrate into U.S. society and culture:

Allegedly, they do not learn English, they seal themselves off from the larger society, reproducing cultural beliefs and behaviors antithetical to a modern life, such as pathologically high fertility levels that reduce the demographic presence of white Americans. Latinos are presented
as an unchanging people, standing outside the currents of time and history, merely waiting for the opportunity to revolt and to reconquer the land that was formerly theirs.\textsuperscript{112}

Mexican and Latino unauthorized im/migrants, as well as their citizen children and future generations are constructed as destructive forces on American social, economic, and cultural institutions.

Despite his adamant claim that he is not anti-immigrant, but anti-illegal-immigration, the coverage on \textit{Lou Dobbs Tonight} has represented “illegal aliens” as unequivocally economically detrimental, unproductive, and undeserving of any social services or public benefits; concentrated on criminal offenses committed by unauthorized im/migrants, effectively portraying the group as felonious, on top of their “illegality”; represented their continued “invasion” as a threat to American institutions and culture, and a insidious strategy to “reconquer” the what was formerly Mexican territory. Unauthorized im/migrants—presented as an undifferentiated, monolithic population—are constructed as illegitimate and dangerous threats to the laws, economy, institutions, and very fabric of the United States.

\textbf{VISUAL DISCOURSE}

Such racialized constructions of the—Mexican—“illegal alien” are buttressed in various ways by the visual medium of television news. The images that accompany the coverage on \textit{Lou Dobbs Tonight} underscore the

\textsuperscript{112} Chavez, \textit{The Latino Threat.}, pp. 177.
“realness” of the rhetorical constructions of “illegal aliens” and their putative threat to the nation. A report by Christine Romans on March 27, 2006, amidst the upheaval over the immigrant rights protests and the proposed legislation in Washington, provides a perfect example of how images connotatively reinforce the characterizations and narratives of “illegal aliens.” Significant video stills from broadcast are embedded in the transcript below and descriptions of fleeting shots are found in brackets, so as to give the reader an idea of what images typically accompany the rhetoric on the show.113

DOBBS: The advocates of amnesty for illegal alien workers often claim they’re necessary to our economy. In reality, illegal alien workers in this country are a boon only to the employers who exploit them. As Christine Romans now reports the presence of as many as 20 million illegal aliens in the United States is taking a tremendous toll on almost every aspect of our society.

(BEGIN VIDEOTAPE)

An image of individuals jumping over border fence

CHRISTINE ROMANS, CNN CORRESPONDENT (voice-over): Today, anywhere from 3,000 to 8,000 illegal aliens will cross the border. Most disappearing into American society [busy street full people]. A wave of illegal immigration affecting every aspect of American life [men working on a roof]. Undercutting wages and jobs for low-skilled Americans [man chopping vegetables in kitchen] and legal immigrants and crowding classrooms [student writing], hospitals [man in hospital bed] and prisons [men in orange jumpsuits].

Jan Ting is a former immigration official now teaching law.
JAN TING, TEMPLE LAW SCHOOL [shot of man speaking]: We've really cut off the bottom rung of the economic ladder for the less-skilled, less-educated portion the American work force [image of individuals crawling under a border fence].

ROMANS: According to the Pew Hispanic Center, more people are now coming here illegally than through legal channels. [Men raising hands in oath taking] More than half enter without a high school education [young students], and American public schools educate their children.

The Federation for American Immigration Reform says taxpayers spend $12 billion a year on primary and secondary school education for children here illegally.
Another $17 billion for the American-born children of illegal aliens, known as anchor babies.

It is federal law to provide free emergency health care to those here illegally. Congress has set aside a billion taxpayer dollars each year to reimburse all hospitals. A total, administrators complain, is a fraction of their costs. Meanwhile, employers hire cheap labor with virtually no risk.

The Government Accountability Office found only three employers fined in 2004 for illegal hiring, down from 417 in 1999.

At the same time, America’s criminal justice system is bulging with these citizens of other countries. According to the Federal Bureau of Prisons, 30 percent of federal prisoners are not U.S. citizens.
At a cost of $63 a day [men walking in orange jumpsuits, $63.57 PER DAY and then $3.3 MILLION superimposed] taxpayers spend more than $3 million dollars every day to house non-U.S. citizen in our federal prisons. Most are thought to be illegal aliens.

(END VIDEOTAPE)

ROMANS: Up to 20 million people are in this country illegally. An incredible boon for companies, but allowing limitless illegal immigration, as this country has, is an incredible drain on so many other parts of American society.
DOBBS: One of the frustrations, Christine, as you well know is people talk about how important they are to the economy and in point of fact, that's a fiction. It's not important to the economy except at the barest of minimum margins. Very important, however, to those who exploit these people who come here for decent hard-working wages that are denied them in their own country, principally Mexico. And this legislature, this Congress, this Senate, had better start dealing with this issue, honestly. Because as you can see what from what we're witnessing and reporting on here today, this is a problem that is certainly not going to go away and a crisis that's only worsening.

As one may begin to glimpse from this transcript and the embedded stills, the images work to reinforce the central message of the reporting and analysis. The viewer is presented with the object of the discourse, jumping over and crawling under fences, working in agriculture and construction; images of burdened social institutions. However, more than buttressing the information given, the visuals give it an emotional, tangible presence and urgency. The images produce coded information that conveys certain underlying messages about the issue at hand. For example, the large numbers stand apart from the actual amounts they signify, working to represent “illegal aliens” as an illegitimate burden, a monumental drain on the nation-
state. As Leo Chavez has suggested, “such numbers become images,” that
gloss over the significant socioeconomic context from which they emerge.114
More than anything the number-images announce: “TOO MUCH!” The tall
and bold text jumps off the screen, announcing that this is, indeed, a crisis of
monumental proportions.

The images, like the rhetoric over the years of Lou Dobbs Tonight, read
and depict “illegals” as criminal and illegitimate, freeloaders who drain social
services and depress wages. The images discursively produce knowledge,
providing circumscribed ways of seeing and understanding “illegal
immigration,” working in tandem with the rhetorical representations of
unauthorized im/migrants. Such discursive formations emerge from a
linking of power and knowledge that, as Stuart Hall has suggested, “not only
assumes the authority of ‘the truth’ but has the power to make itself true.”115
The ability of privileged information to assume veracity is very much present
insofar as Lou Dobbs Tonight—broadcast on a national network with an
average viewership of around 800,000116—constructs ways of seeing and
responding to “illegal aliens.” This emerges saliently in the connotative
meanings of the images above—that is, what is liminally and culturally
signified.

114 Chavez, The Latino Threat., pp. 27.
115 Stuart Hall, “The Work of Representation,” in Representation: Cultural Representations
116 “CNN Anchor Dobbs Quits Cable Network After 27 Years,” November 12, 2009,
March 19, 2010).
For example, the report states the familiar figure of thirty-percent of inmates in federal prisons are non-citizens in order to support the argument that “illegal aliens” are an economic drain on the country. Connotatively, the image reproduces the idea that “illegal immigrants” are criminals. The large numbers displayed with prisoners in jumpsuits in the background loudly broadcasts the supposedly large portion they make up of the prison population. The power of the image, drawing on and reproducing the construction of “illegal aliens” as criminal by definition and inclined to further criminality, glosses over the inconsistencies of the data—the fact that, the proportion of inmates that are “illegal aliens” is unknown but is less than six percent of all prisons, as I have explained above. This context is lost in the visual and verbal connotation of im/migrant “illegality,” in the sense of having committed a crime but also being an illicit presence within the nation. The images of prisoners bring this “illegality” to life, making it visible.

The visual information on the show is simultaneously two-dimensional and embedded with a discursive and cultural depth. A similar depth is found in the frame that associates a seventeen billion dollar cost with the children of undocumented im/migrants born in the United States, so-called “anchor babies.” The term arises from the belief that “illegal aliens” have children on U.S. soil so as to indirectly be able to attain U.S. citizenship and its benefits, conferred on the child under the 14th amendment to the Constitution. These children supposedly act as “anchors” since they will be
able to apply (after twenty-one years) for their family’s legal residence through the preference for family reunification in U.S. immigration law. The trope of the “anchor baby” is a part of the racialized discourse surrounding Latina hyper-sexuality and hyper-fertility. The trope of the “anchor baby” connotes the reproductive fecundity of Latinos as a drain on society insofar as they give birth to children that, as U.S. citizens, become parasites on welfare and social services.

The construction of the “anchor baby” not only denies the humanity of both mothers and children—reducing them to manipulators and tools in a quest to benefit from U.S. institutions—but also denies the legal status of the child as U.S. citizen. Indeed, including the purported cost of educating “anchor babies” connotes that they are not considered members of the national community. The child is imagined as illegitimate, undeserving of citizenship, the right to public education, and participation in the national body. They are marked as outsiders, what Mae Ngai terms, “alien citizens,” by the virtue not of their legal status, but their biopolitical ties to “illegal aliens.” Indeed, they are perceived as “infecting” the national body, speeding along the demographic reconquest and invasion wrought by Mexican “illegal aliens.”

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117 Chavez, The Latino Threat.
The educational, medical, and social expenses that cascade across the screen stand in stark contrast to the relative lack of employer sanctions, further inflaming the notion that the “illegal alien invasion” is an out of control problem that the government is doing nothing to combat. As the broadcast suggests, the enforcement of employer sanctions has declined steadily from the early 1990s; the number Romans gives is accurate.\textsuperscript{119} However, the report leaves out that, as audits, fines, and criminal proceedings against employers have declined, immigration enforcement at the worksite has increasingly targeted im/migrants. From 2002 to 2006, arrests of undocumented workers during raids increased 650 percent.\textsuperscript{120} Furthermore, more and more migrants nabbed during raids have been charged with criminal offenses, such as identity theft.\textsuperscript{121} Conversely, only 90 criminal arrests have targeted company personnel officials from 2002 to 2008.\textsuperscript{122} This background to the accurate statistic is not given; as in all of the reports on \textit{Lou Dobbs Tonight}, the actual effects of tough enforcement-first “solutions,” played out on the bodies and lives of immigrants, is erased.


\textsuperscript{121} Muzaffar Chishti and Clare Bergeron, “Iowa Raid Raises Questions,” \textit{Migration Policy Institute}, \url{http://www.migrationinformation.org/USfocus/display.cfm?id=686} (April 10, 2010)

Similarly, the positive economic impacts and contributions of undocumented residents are negated. The integration of undocumented workers into the U.S. economy is characterized as “a fiction.” Dobbs presents Mexican “illegal aliens” as the only ones who benefit from the work they do; indeed, more than just report the costs of “illegal immigrants,” the segment constructs the expenses to the U.S. as benefits to the im/migrants — “illegal benefits,” as the title of the report prominently displays. The contributive force of undocumented workers is negated as they are simultaneously presented as a drain on the institutions and the wealth of the United States, thus, drawing on and reproducing the construction of undocumented im/migrants as illegitimate outsiders with no right to benefit from being in the United States. Tellingly, the title “Illegal Benefits” displayed behind Romans is embedded in the graphic of a damaged chain-link fence that usually holds the segment title “Broken Borders,” reinforcing the notion that the problem arises from the lack of border security and the idea that these “illegal aliens” have violated and are outside of the boundaries of the national community.
‘Illegal aliens’ and the boundaries of the national body

“We cannot divorce growing emphasis on ‘illegal aliens’ from the long history in the United States of largely-raced based anti-immigrant sentiment rooted in fear and/or rejection of those deemed as outsiders, a history that is inextricably tied to a context of exploitation and political and economic marginalization of certain immigrant populations.”

The discourse of Dobbs and his guests on CNN replicates well-established historical precedents and narratives about the deleterious effects of immigrants on the fabric and character of the nation. Throughout the 19th and into the 20th century, immigrants were constructed as outside the national community and as invading, criminal, corrupt, diseased, and cultural, political, and racial threats to the national body. As Joseph Nevins suggests, contemporary anti-illegal-immigration discourse cannot be dissociated from the larger patterns and tropes of anti-immigrant sentiment that are as old as America itself.

PATTERNS of NATIVISM

The ethnocentric and nationalistic xenophobia and opposition to immigrants in the United States has been termed “nativism.” John Higham, in his seminal text on U.S. nativism, Strangers in the Land, notes that critics of the

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“Know-Nothing” movement targeting Irish Catholic immigrants coined the term in 1840. The movement, which ironically called its organizations “Native American” parties, espoused an anti-foreign ideology, noting that its mission was to protect the nation from destruction by foreign elements.\(^2\)

Higham defines nativism as “intense opposition to an internal minority on the ground of its foreign (i.e. un-American) connections” that is perceived to threaten the nation from within.\(^3\) Energized by nationalism and ethnocentrism, nativist sentiment has historically been preoccupied with the loyalty of foreign minority groups and their putatively negative effects on the “American way of life.” Nativism is not simply opposition to immigrants, although it often has taken that form, but opposition to sociocultural difference and its perceived threat to national unity. Therefore, nativism is as much about determining who or what is un-American as it is about defining what is or should be American—imagining a national ideal along sociocultural, political, and racial lines. However, this is not to suggest that nativism is merely symbolic. It is sparked by material factors—such as economic recessions and national crises—and produces material consequences—such as punitive legislation, state coercion, and mob violence. Through material means, usually legislative action, nativism “seeks the ritual

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\(^3\) Ibid., pp. 4
purification of American society, the separation of those who belong from those who do not” thus enhancing the status of “real” Americans.⁴

Although specific movements and articulations varied in response to historical context and the characteristics of the foreign group in question, nativist sentiment in the United States has developed distinctive historical patterns. According to Higham, three main themes are found in the historical currents of American nativist sentiment: anti-Catholicism, anti-radicalism, and the greatness the Anglo-Saxon “race.”⁵ These tropes in nativist thought have energized the nativist movements that have swelled and ebbed over the course of U.S. history.

Anti-Catholic sentiment was common among Anglo settlers in the colonial era and flared up again in the 19th century with the influx of Roman Catholic Irish immigrants.⁶ Nativists saw the Catholic Church as authoritarian and ultimately irreconcilable with the American ideals of individual freedom and liberty. Thus, the flood of immigrants was seen as a threat to American institutions.⁷ Anti-immigrant and anti-Catholic nativist sentiment proliferated in publications, instigated mob violence in the 1830s and 1840s, and coalesced into a political movement in the 1850s. The members of the Know-Nothing movement formed the American Party, which

⁵ Higham, Strangers in the Land.
⁷ Higham, Strangers in the Land.
elected seven Know-Nothing governors and forty-eight representatives to the 34th Congress in 1854 and 1855. The American Party dissipated as swiftly as it ascended as slavery emerged as the focus of national politics leading up to the Civil War; however, the movement attested to the power of nativist sentiment in America and its success in displacing political and economic turmoil onto the bodies of allegedly un-American foreigners.

Anti-immigrant nativists also perceived immigrants as harbingers of subversive and radical politics. Anti-radical nativism crystallized in the 1790s, sparked by the French Revolution, helped to give birth to the Alien and Sedition Acts, which attempted to stifle both foreign radicalism and native dissent. Anti-radical nativism exploded with the labor upheaval in the late 1880s, catalyzed by mass strikes and boycotts. The bombing in Haymarket Square in Chicago in 1886, which was hastily attributed to six immigrants, released an outburst of hysteria blaming terrorism and radicalism on an invasion of insidious foreigners. Fears of foreign radicalism rekindled anti-Catholic nativism, attributing labor unrest to intervention by Rome. Despite the incompatibility of anti-Catholic and anti-Radical representations of immigrants—submissiveness to tyranny and as revolutionary agitators—the two overlapped to produce European immigrants as disloyal and threatening.

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to American institutions and republican freedoms.\textsuperscript{11} Anti-radical and anti-
Catholic nativists denounced immigration as a national problem, organizing into American Protective Association (APA), the membership of which surged during the depression of 1893.\textsuperscript{12}

Despite nativist backlash, the \textit{laissez faire}, open door immigration policy prevailed, largely due the interests of capital and industry, feeding westward expansion and industrialization in the 19\textsuperscript{th} century. Immigrants were prized for their contributions to the growing economy. Furthermore, fragmented nativist movements could not topple confidence in processes of assimilation; Americans had produced an image of themselves as an inclusive nationality forged in the melting pot, at once diverse and united.\textsuperscript{13} This cosmopolitan expression of nationality extended to the national mission of America as the land of liberty, providing asylum for the “huddled masses yearning to breathe free.” However, as John Higham notes, “Emma Lazarus’ image of the immigrants as ‘tempest-tost’ and yearning to breathe free reflected one aspect of the spirit of her age; her picture of them as wretched refuse mirrored another.”\textsuperscript{14} Anti-Chinese hysteria in the late 19\textsuperscript{th} century brutally attested to this fact.

\textsuperscript{11} Higham, \textit{Strangers in the Land}.
\textsuperscript{12} Ngai, \textit{Impossible Subjects}; Tichenor, \textit{Dividing Lines}.
\textsuperscript{13} Higham, \textit{Strangers in the Land}.
\textsuperscript{14} Ibid.
Chinese immigration was a trickle in comparison with the European influx—approximately 250,000 from 1850 until the Exclusion Act of 1882\(^\text{15}\)—but it inspired a vicious and successful nativist movement. Welcomed at first as desirable laborers in mining, manufacturing, and the construction of the railroads, Chinese workers soon became the targets of discrimination and mob violence. Organized labor fanned the flames, condemning Chinese “coolies” as strikebreakers and for stealing jobs from and lowering wages for American citizens. The depression of the 1870s, which was felt particularly hard in the Western states, where the majority of Chinese immigrants had settled, catalyzed nativist sentiment. Anti-Chinese hysteria consumed Western state politics and state and local governments enacted segregation laws, regulations barring Chinese entry, and taxes on Chinese businesses.\(^\text{16}\)

The Chinese were represented as moral, cultural, and racial inferiors to whites who associated them with criminality, opium addiction, prostitution, paganism, leprosy and other diseases; an unassimilable race that threatened American institutions.\(^\text{17}\) A special congressional committee set up to investigate Chinese immigration, presenting its findings in 1877, concluded that the Chinese race was incapable of adapting to social and political institutions established by the “Aryan or European race” and lacked

\(^{15}\) Tichenor, *Dividing Lines*.
\(^{17}\) Tichenor, “Same Old Song.”
“sufficient brain capacity” for self-government. Chinese were stigmatized as un-fit for membership in the national body. Indeed, as historian Mae Ngai writes, “Asian migrants collided with the racial imperatives of American manifest destiny, the ideology of continental expansion that had declared the West the domain of Anglo-Saxon civilization.” Acting on nativist pressures, large bipartisan majorities in Congress barred Chinese immigration in the Chinese Exclusion Act of 1882. Riots followed the act as anti-Chinese belligerents endeavored to purge America society of the “yellow peril.”

The Exclusion Act not only banned immigration, but also declared residents racially ineligible for naturalization, codifying nativist notions of Chinese unassimilability. Thus, exclusion produced Asians as permanent foreigners, guaranteeing their subjugation and marginalization. Moreover, in response to a constitutional challenge to the Chinese exclusion—Chae Chan Ping v. United States, in 1889—the Supreme Court, upholding the Act, gave Congress plenary power to regulate immigration insofar as it was integral to the regulation of foreign affairs. Accordingly, in 1893, the court decided that the United States had the power to exclude or deport, in war or in peace, any “foreigner of a different race” without constitutional protections of due

18 — — —, Dividing Lines., pp. 102.
19 Ngai, Impossible Subjects., pp. 18.
20 The ban, which lasted for ten years, was periodically extended until its repeal in 1943.
21 Reimers, Unwelcome Strangers; Tichenor, Dividing Lines.
22 Ngai, Impossible Subjects.
process associated with criminal punishment. In this way, Chinese exclusion and the resultant Supreme Court rulings laid the foundation for the racially motivated restrictive immigration policy of the early twentieth century.

The Chinese Exclusion act was one in a series of federal immigration acts, beginning in 1875, which established qualitative criteria for the selective exclusion of immigrants that were determined to be racially, socially, economically, politically, or biologically undesirable. Of note are the Immigration Act of 1875, which prohibited the importation of “prostitutes,” with the unstated purpose of barring single Chinese women from immigrating to join Chinese men already in the United States; the Immigration Act of 1882, which denied entry to “lunatics, idiots, and persons likely to become public charges”; the Expatriation Act of 1907, stipulating that women assume the citizenship of their husbands and, thus, forfeit their citizenship in marrying a foreigner; and the diplomatic “Gentlemen’s Agreement” between Japan and the United States that curbed Japanese immigration in 1908. Anti-immigrant groups had slowly begun to chip away at the open door policy, targeting the racialized bodies of Asian immigrants and women who dared to intermingle with foreign aliens.

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23 Fong Yue Ting v. United States, 149 U.S. 698 (1893), in which a Chinese immigrant challenged the constitutionality of the Geary Act, which required Chinese to acquire and carry permits or face deportation or one year hard labor.
24 Ngai, Impossible Subjects. I will refer to these excludable categories henceforth as “qualitative restrictions” or “qualitative controls” on immigration, in an attempt to distinguish them from the quantitative restrictions, i.e. national quotas, legislated first in 1921.
25 Tichenor, Dividing Lines; Reimers, Unwelcome Strangers.
Anti-foreign sentiment grew in the late 19th and early 20th centuries, increasingly using racial arguments to restrict immigration. Drawing on the scientific racism of Social Darwinism, nativists aspired to construct an immigration system that excluded ethnic groups they regarded as inferior. As the Chinese and Japanese immigrant populations declined and immigration from Southern and Eastern Europe swelled, nativists attacked the new immigrants arriving from Italy, Russia, Hungary, and Greece. The new immigrants, like those who came before them, were charged with bringing “a great and perilous change in the very fabric of [the] nation.” Nativists warned that continued immigration and “racial” mixing would taint the American stock.

Amid growing concern over the new immigration, Congress established the Dillingham Commission, chaired by Senator Dillingham of Vermont, to investigate immigration. The commission published a forty-two-volume report that attested to the contrast between the old and new streams of European immigration and utilizing social-scientific research to supposedly vindicate eugenicist and nativist claims that the new immigrants were incompatible with “American civilization.” The new European immigrants were depicted as the “degraded races” of Europe, unassimilable, incapable of self-government and, therefore, a threat to American

26 Higham, Strangers in the Land; Reimers, Unwelcome Strangers.
27 Massachusetts Senator Henry Cabot Lodge, quoted in, Tichenor, “Same Old Song.”, pp. 28.
28 Ibid.
institutions—an inflow that had to be staunched. The report recommended mandating a literary test for admission in the country and reaffirmed the importance of the ban on Asian immigration.\textsuperscript{29}

During World War I restrictionists capitalized on wartime anxieties to pass more stringent legislation. “The war,’ John Higham writes, “virtually swept from the American consciousness the old belief in unrestricted immigration.”\textsuperscript{30} The historic confidence in the processes of assimilation was dismantled by a wartime demand for national unity, as well as the rising influence of eugenic conceptions of the nation. Overriding President Wilson’s veto, in 1917, Congress mandated the recommended literacy test and prohibited immigration the “Asiatic Barred Zone,” running from Afghanistan to the Pacific, effectively excluding immigration from most of Asia and the Pacific islands.\textsuperscript{31} The act also established a head tax for entry into the country and added a slew of excludable categories on qualitative grounds. However, despite the exclusionary immigration policies, immigration from Europe continued to increase, catalyzing Congress to undertake further measures.

Albert Johnson, a hard-line restrictionist who assumed the chair of the House Committee on Immigration in 1919, John Laughlin, a noted eugenicist appointed as “expert eugenics agent” to the House Committee, and Senator Dillingham led the charge for an exclusionary national regulatory system.\textsuperscript{32}

\textsuperscript{29} Reimers, \textit{Unwelcome Strangers}.
\textsuperscript{30} Higham, \textit{Strangers in the Land}, pp. 301.
\textsuperscript{31} Ngai, \textit{Impossible Subjects}.
\textsuperscript{32} Reimers, \textit{Unwelcome Strangers}.
Energized by wartime nationalism, the lingering anxieties of the Red Scare, the proliferation of scientific racist discourse and racial nativism, job scarcity due to demobilization and the mechanization of mass production, and fears of an influx of “hordes” of war torn refugees, Congress passed the Emergency Quota Act of 1921 with broad support.\textsuperscript{33} The Act limited European immigration to 3 percent of the foreign-born of each nationality present in the United States in 1910 and capped total admissions at 355,000 for one year.\textsuperscript{34} Although a temporary piece of legislation—extended in 1922 for two more years—the law was a turning point in U.S. immigration policy, framing it in terms of national origin quotas, and thereby paving the way for the more stringent quota legislation of 1924.

Led by John Trevor, a New York lawyer and Johnson’s unofficial adviser, restrictionists claimed that the 1921 quotas discriminated against northwestern Europeans, who had arrived earlier, thus reflecting the racial status quo.\textsuperscript{35} Therefore, it was decided, instead of 1910 levels, 1890 levels should be used to establish the national origin quotas, which would, for example, reduce the Italian quota from 42,000 to about 4,000 and the Polish from 31,000 to 6,000.\textsuperscript{36} The Johnson-Reed Act of 1924 codified this decision, restricting immigration to 155,000 a year, establishing temporary quotas based on 2 percent of the foreign-born population in 1890, and mandating

\textsuperscript{33} Ngai, \textit{Impossible Subjects}.
\textsuperscript{34} Higham, \textit{Strangers in the Land}; Tichenor, \textit{Dividing Lines}.
\textsuperscript{35} Higham, \textit{Strangers in the Land}; Ngai, \textit{Impossible Subjects}.
\textsuperscript{36} Higham, \textit{Strangers in the Land}. 
that permanent quotas be determined by 1927. In deference to southwestern agribusiness interests, Congress placed no numerical restrictions on immigrants from the Western Hemisphere, amid considerable nativist opposition.\textsuperscript{37} In 1929, after many delays, the permanent quota system went into effect, allocating quotas to each nation in proportion to its share of the \textit{white} population in 1920.

In addition to differentiating “desirable” from “undesirable” Europeans the law also constructed persons of “colored races” in contradistinction to whites from “white countries”—differentiating race from ethnicity. The law excluded immigration for persons racially ineligible for citizenship, i.e. all Chinese, Japanese, and South Asians. Therefore, assimilation took on a twofold meaning: For Europeans, assimilation was a matter of socialization—due to their perceived “whiteness”—but Asians were racially unassimilable and ineligible for citizenship.\textsuperscript{38} Indeed, “the law constructed a white American race, in which persons of European descent shared a common whiteness distinct from those deemed to be not white” and imagined the “colored races” as “outside the concept of nationality and, therefore, citizenship.”\textsuperscript{39}

The restrictive immigration policies of the late 19\textsuperscript{th} and early 20\textsuperscript{th} centuries institutionalized hierarchies of nationality and racialized anti-

\textsuperscript{37} Nevins, \textit{Operation Gatekeeper}.
\textsuperscript{38} Ngai, \textit{Impossible Subjects}.
\textsuperscript{39} Ibid., pp. 25-27.
foreign sentiment, codifying an exclusionary racial vision of the American nation. Moreover, in barring diverse categories of immigration, the laws effectively produced the legal status of “illegal alien” and a need for immigration law enforcement. The boundary policing mechanisms that were developed to exclude and prevent unauthorized immigrants produced drastic changes in Mexican migratory patterns in the U.S. Southwest, constructing the Mexican as the prototypical “illegal alien.”

MAKING THE BORDER: IMMIGRATION RESTRICTIONISM and MEXICAN RACIAL FORMATION

The U.S.-Mexico border was a site of contention long before modern techniques of boundary policing and the contemporary debate over extralegal immigration. The border was established by force, through westward expansion driven by the ideology of Manifest Destiny and Anglo-Saxon superiority. In 1830, thousands of proslavery Southerners flocked to Texas, which was then a territory of Mexico, in search of new lands for agricultural cultivation; by 1835 Anglo settlers vastly outnumbered the number of Mexicans Tejanos and, a year later, successfully rebelled. In 1845, under proslavery President John Tyler, the United States annexed the Republic of Texas, which provoked Mexico, sparking the U.S-Mexican War in 1846. The

An unintended result of the annexation was the absorption of around 100,000 Mexican citizens living in the territory who, as the Treaty stipulated, would automatically become U.S. citizens unless they announced intentions otherwise.\footnote{An estimated two-thousand Mexican nationals remained Mexican citizens, Ngai, \textit{Impossible Subjects}.} Emerging out of conquest, American citizenship, however, was not consensual; it marked the new status of Mexicans as a conquered population. Paradoxically, as Ngai notes, citizenship marked Mexicans in the United States as “white,” since in 1848 only free white persons could naturalize. Indeed, the California constitutional convention of 1849 formally extended to Mexicans the same citizenship rights afforded to white persons.\footnote{The right to naturalize for Mexicans was upheld in a federal district court in San Antonio 1897, \textit{Cf. In re Rodriguez}, 81 F. 337; (1897) U.S. Dist.} Mexican whiteness, however, was an unstable legal status; it did not preclude Mexicans from racialized discrimination and coercion in the U.S. project of pacification of its newly acquired land and peoples.

Over the course of the second half of the 19th century, in the context of Euro-American manifest destiny, Mexicans residing in the U.S. Southwest were violently dispossessed. Indeed, “pacification” involved armed violence, intimidation, and the imposition of American political institutions. Mexican Americans resisted Anglo control, occasionally engaging in violent resistance,
as in the Cortina War of 1859-1860 and the Plan de San Diego uprising of 1915-1916. However, the processes of coercive dispossession, coupled with mass Anglo in-migration, effectively reduced Mexican Americans to a landless laboring class in the Southwest; Mexicans became subjugated and racialized as foreigners in the land that was formerly their home. After pacification of the region, the border was defined by the regulation of the flow of Mexican im/migrant workers into the region.

Mexican migratory networks were well established in the United States by the early 20th century, due to kinship networks in the region and the demand for manual labor created by restrictions on Asian immigration. Mexican migration at that time had an informal, unregulated character, involving frequent movement back and forth between Mexico and the United States, although many immigrants did choose to settle where there was work in the United States. It was only after 1910 that there was a massive upsurge in Mexican im/migration, spurred on by instability due to the Mexican Revolution and a spike in the demand for and recruitment of workers in the United States.

A small number of immigration inspectors on horseback patrolled the Mexico and Canadian borders beginning in 1904; however, immigration inspectors focused primarily on preventing surreptitious Chinese entry.

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Unauthorized entry of Mexicans was of little concern to immigration authorities; indeed, until 1919, Mexicans did not have to apply for admission at ports of entry. Mexican immigration was largely regulated by labor market demands in the Southwest; fed by the migration of Mexicans, as well as white farmers and businessmen, the region underwent an economic transformation to commercial agriculture. Over the course of the 1920s, almost 500,000 Mexicans entered the United States on visas, and many more unofficially, to work and settle.

The intensifying Mexican inflow, in the larger context of mass European immigration, led to increased state efforts to control the influx of people in the country. As shown above, in response to the pressure of nativist and anti-immigration groups, Congress moved to restrict immigration—both qualitatively and quantitatively—thereby creating the category of the “illegal alien,” as barred immigrants endeavored to cross into the United States without legal authorization. The restrictive laws not only created “illegal aliens” but also the punitive response to them, producing deportation as a central focus of immigration policy.

The mechanism of deportation had been around since the exclusion of the Chinese, but the 1924 legislation changed its utilization, removing the statue of limitations and providing for the deportation of any person entering

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45 As I will show, narratives of Mexicans as docile workers, with little interest in settling in the United States, reinforced the lack of concern over their movement in the border region until the late 1920s.
46 Nevins, Operation Gatekeeper; Ngai, Impossible Subjects.
U.S. territory without a visa or inspection. To combat increased unauthorized entries and facilitate deportation of “illegal aliens,” the Quota Act of 1924 provided for the formation of the Border Patrol. In 1925, Congress empowered Border Patrol agents to arrest, without warrant, any alien attempting to enter the United States without authorization.\textsuperscript{47} Over the course of the 1920s and 1930s, the Border Patrol grew in size and in clout, concentrating on the prevention of alcohol trafficking during Prohibition and regulating the flow of Mexican undocumented immigration.\textsuperscript{48}

With the passage of the quota legislation and the formation of the Border Patrol the nature of the border changed from a “soft” frontier across which Mexicans moved freely to a “hard,” exclusionary boundary.\textsuperscript{49} Required to apply for admission, pay an eight-dollar head tax (mandated in 1917) and ten-dollar visa fee (mandated in 1924), undergo humiliating medical examinations and de-lousing fumigations, many Mexican immigrants resorted to unauthorized entry. Furthermore, Mexicans applying for visas faced a cruel catch-22: if they revealed prearranged job contracts, they would be barred from entry due to the prohibition on contract labor; however, if they denied having a job contract, they were excludable on the grounds that they were “liable to become a public charge.”\textsuperscript{50} Thus, although exempted

\textsuperscript{47} Ngai, \textit{Impossible Subjects}.
\textsuperscript{48} Dunn, \textit{The Militarization of the U.S.-Mexico Border}.
\textsuperscript{49} Ngai, \textit{Impossible Subjects}.
from numerical quotas, Mexicans increasingly entered without inspection or documentation.

As the border hardened, so did the distinction between legal and illegal entry. Crossing without documents, the possibility of deportation became a real threat. In the late 1920s, the Border Patrol began to apprehend and deport aggressively; the number of unauthorized Mexican im/migrants deported mushroomed from 1,751 in 1925 to more than 15,000 in 1929.\(^{51}\)

Deportation and administrative exclusion made the border into a cultural and racial boundary, demarcating sovereignties and inscribing difference. Indeed, the possibility of deportation from the United States “loomed perhaps as the single greatest indication that Mexicans did not belong.”\(^{52}\) The aggressive actions of the Border Patrol reified Mexican foreignness, marking them as excludable, external, and illegitimate. As historian George Sanchez writes, the creation of the Border Patrol was crucial in defining the Mexican as the “other,” the “alien,” in the region.... [U.S. immigration officials] would consistently denigrate those who crossed at the bridge.... Eventually crossing the border became a painful and abrupt event permeated by an atmosphere of racism and control— an event that clearly demarcated one society from another.\(^{53}\)

The Border Patrol further contributed to the racialized exclusion of Mexican im/migrants and Mexican Americans alike—forced to live under system of

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\(^{51}\) Ibid.


Jim Crow like segregation in the Southwest—from the mainstream of American society.\textsuperscript{54}

The hardening of the border and the subsequent production of deportable aliens, however, served the interests of commercial agriculture in the Southwest by creating a vulnerable, subordinate, transnational workforce. Restrictive immigration policies and the continued demand for and recruitment of laborers coalesced to produce Mexicans as unlawful im/migrants, whose presence was paradoxically desired and utilized but legally prohibited and thus deportable. Commercial growers welcomed unauthorized entrants as a cheap source of labor, easily obtained in surplus, and controllable, since they could simply be deported across the boundary line. As sociologist Timothy Dunn writes, “while immigration enforcement could be inconvenient for growers, it also gave them powerful means to control and discipline to wield over Mexican undocumented immigrant laborers.”\textsuperscript{55} The threat of deportation became an expedient control mechanism in terms of disciplining and regulating labor. The rise of restrictive immigration policies—and therefore the category of the “illegal alien” and the proliferation of deportation—worked to produce Mexican im/migrants as a disposable, temporary workforce, essential to the

\textsuperscript{54} Ibid.
application of the “revolving door” policy in which periods of large-scale immigration alternated with mass deportation.\textsuperscript{56}

The pacification and subsequent “hardening” of the U.S.-Mexico border thus played a central role in the racial formation of Mexican im/migrants and Mexican American citizens in the United States. Although Mexicans were legally “white” and could technically accrue the benefits of that status, immigration policies and public representations in United States produced them as racialized “others,” marked as “aliens” by the sociopolitical and spatial presence of the border. The mass repatriation drive during the Great Depression, and the nativist characterizations that fed the effort, spectacularly illustrated that Mexicans were construed as foreigners, becoming threats to the integrity and identity of the nation in a time of crisis.

COMPETING NARRATIVES of THE MEXICAN BODY and THE GREAT REPATRIATION

In the 1930s, over 500,000 Mexican nationals and Mexican Americans—tens of thousands of citizens and residents—were forcibly expelled from the Southwest and Midwest.\textsuperscript{57} The majority of those departures were “voluntary” repatriations, the result of pressure from local authorities and an atmosphere of hostility and racial animus, rather than formal deportation.\textsuperscript{58} In her essay, “Constructing Rhetorical Borders: Peons, Illegal Aliens, and Competing

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{56} Ibid.
\item \textsuperscript{57} Ngai, \textit{Impossible Subjects}.
\item \textsuperscript{58} Juan Ramon García, \textit{Operation Wetback: The Mass Deportation of Mexican Undocumented Workers} (Westport: Greenwood Press, 1980); Nevins, \textit{Operation Gatekeeper}.
\end{itemize}
\end{footnotesize}
Narratives of Immigration,” Lisa A. Flores examines the public narratives and characterizations of Mexican im/migrants leading up to and during the repatriation campaign. These constructions cultivated and fueled the performatively exclusionary deportation/repatriation drive while providing a rhetorical space for discussions of race and the nation.

Drawing on the discourse of race, nation, and immigration, were two competing narratives—which Flores terms the “narrative of need” and the “Mexican problem narrative”—of Mexican im/migrants, Mexican Americans, and their place in the United States. The two competing narratives were the result of competing interests. Agricultural and industrial businesses crafted the narrative of need in which Mexicans were represented as an ideal source of labor, while restrictionists and nativists forwarded the narrative of Mexicans as socioeconomic and racial threats to the nation.

To avoid the common restrictionist characterizations of immigrants as threatening hordes, as with Chinese and southeastern European immigrants, the narrative of need represented Mexican im/migrants as docile “peons,” ideal for meeting the economic needs of the nation. Mexicans were presented as uneducated, docile laborers who would work for low wages and were unlikely to organize or strike. The peon characterization represented Mexican
immigrants as an ultimately controllable and temporary workforce perfectly suited to agricultural labor.⁵⁹

Mexicans were described as willing and able to do difficult agricultural jobs; as inherently suited to picking crops in the California sun. As one author put it in 1929, “Ignorant, tractable, moderately industrious, and content to endure wretched conditions of life which most white laborers would not tolerate, the Mexican peon has proved a great boon to employers in the Southwest.”⁶⁰ The contentment of Mexican laborers in their work, along with their general docility and lack of education, assuaged fears of immigrant radicalism and un-American sentiment. The peon label also signified a lack of ambition or thrift, which translated to the inability to move up the ladder into more skilled positions or to save money to buy land and settle down.

The return of these laborers to Mexico was assured; peon laborers would not settle down due to their lack of ambition and their strong ties to their homeland. As expressed in the Dillingham Commission report, “While they are not easily assimilated, this is of no great importance, as most of them return to their native land. In the case of the Mexican, he is less desirable as a citizen than a laborer.”⁶¹ Such characterizations informed the decision to exempt Mexicans from quantitative restrictions in 1924.

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⁶⁰ Ibid., pp. 370.
⁶¹ Nevins, Operation Gatekeeper, pp. 104.
The narrative of need, presenting Mexicans as economically beneficial yet benign and temporary workers so as to quell fears of unassimilable and undesirable immigrants arriving *en masse*, was effective because it did not threaten the borders of national identity.\textsuperscript{62} It rendered Mexican im/migrants as irrevocably outside membership in the national community. This “positive” narrative of Mexican migration circulated widely in the 1920s, successfully competing with nativist rhetoric to inform policy and public sentiment. However, as the 1920s came to a close, with the U.S. economic situation deteriorating, anti-Mexican sentiment began to grow.

In response to increased migration and visibility of Mexican im/migrants in the 1920s, the Mexican problem narrative depicted Mexican immigration as immense and out of control. Economic hardships and employment shortages of the Great Depression further inflamed anxieties about increased immigration; the need for restriction was increasingly presented as necessary for economic security—to secure jobs and relief for Americans in a time of scarcity. The nativist “Mexican problem narrative” largely supplanted the narrative of need, directing attention to the vulnerability of the border and the boundaries of national membership, and drawing on lingering fears of unassimilable and undesirable aliens.

The characterizations of Mexicans as peon laborers, which constructed them as outside the national body, reinforced such readings of Mexican

\textsuperscript{62} Flores, "Constructing Rhetorical Borders."
immigration. By contesting the notion that Mexicans were only in the United States temporarily, as migrant laborers, the Mexican problem narrative turned the construction of Mexicans as peon laborers into criteria for their continued exclusion from the national community.\(^{63}\) Mexicans were depicted as uneducated, ambitionless, and thus unworthy of citizenship. Furthermore, as anti-Mexican sentiment increased, the characterization shifted from docile to criminal and diseased. Immigrants were constructed as bearers of tuberculosis, syphilis, smallpox, and typhus, as well as social “illnesses,” such as an inclination to criminality.\(^{64}\) Mexicans were seen as infecting the national body.

The two competing narratives worked together to produce Mexicans im/migrants as “a foreign body, distinct from and distasteful to an American body.”\(^{65}\) Such narratives, which erected rhetorical boundaries between and Americans and Mexicans, between the Mexico and the United States, were operative in garnering support for stricter immigration laws and eventually for the deportation/repatriation drive. In 1929, Congress made unlawful entry into the United States a misdemeanor, punishable by one year in prison and/or a $1,000 fine, and made a second unlawful attempt at entry a felony, punishable by two years in prison and/or a $2,000 fine. As Ngai astutely notes, “Positive law thus constituted undocumented immigrants as criminals,

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\(^{63}\) Ibid.

\(^{64}\) Ngai, *Impossible Subjects*.

\(^{65}\) Flores, "Constructing Rhetorical Borders," pp. 374.
both fulfilling and fueling nativist discourse.”\textsuperscript{66} Indeed, the emphasis on criminality and disease effectively displaced the characterization of Mexicans as docile peons and temporary laborers.

The putative criminality of Mexican im/migrants ranged from stealing jobs from Americans, to violent crime, to general subversiveness, but was increasingly denoted by unlawful entry. As Flores writes, “The emphasis on criminality of entry [allowed] for linkages between Mexican and criminality such that Mexican immigrants [became] almost inherently, even naturally, criminal simply by virtue of their migration to the U.S,” thereby “constituting Mexicans as potentially significant threats” to the nation.\textsuperscript{67} Mexicans, associated with both criminality and unlawful entry, emerged as the prototypical “illegal alien.”

The mass deportations began targeting “undesirable aliens” — those having committed major, yet undefined, crimes — for, according to U.S. Secretary of Labor William N. Doak, there were an estimated 100,000 deportable “criminal aliens” inside the United States — in 1931.\textsuperscript{68} Quickly, however, deportable “criminal aliens” were conflated with those having simply unlawfully entered the country to work; raids and sweeps commenced, and newspapers detailed the arrests made. Closely following the drive, publicizing the deportation threat, print media contributed to the

\textsuperscript{66} Ngai, \textit{Impossible Subjects}, pp. 61.
\textsuperscript{67} Flores, “Constructing Rhetorical Borders,” pp. 377. Such representations laid the foundation for the criminal-“illegal alien” nexus that still characterize discussions of unauthorized immigration today.
\textsuperscript{68} Ibid.
hostile atmosphere of surveillance and intimidation that, along with organized pressure from relief workers, resulted in almost tens of thousands of “voluntary” repatriations. Newspapers reported that most of those unlawfully in the United States were Mexican, which, although accurate, consolidated the public perception of Mexicans present in the United States as “illegal” regardless of citizenship status.\(^{69}\) Indeed, the drive and its atmosphere caused the departure of a large number of U.S. citizens of Mexican descent, although many Mexican Americans supported the measures in the attempt to distance themselves from the pejorative label of “Mexican” and affirm their “American-ness.”\(^{70}\)

Thus, identities had begun to “harden” in the American Southwest along with the “hardening” of the boundary itself. The rise of boundary policing and deportation, practices that determine who belongs and who does not, was crucial to the formation of American and Mexican identities. Crossing the border became the quintessential act of “illegal immigration” and Mexicans became quintessential “illegal immigrants.” The criminalization of entering the United States without documentation transitorily linked Mexicans to “illegality” and criminality. Thus, the social position of Mexicans in the United States, as inherently foreign and criminal, was performatively enacted in the repatriation campaign. State policies

\(^{69}\) Ibid.  
\(^{70}\) Ngai, *Impossible Subjects*. 
worked to construct identities that were drawn on and reinforced by public narratives and representations of Mexicans.

The conflicting, competing characterizations of Mexican im/migrants in both the narrative of need and the problem narrative presented “an underlying argument about the nation and its membership.” The narratives represented Mexicans as perpetual outsiders, inferior and primitive others who threatened the American national body and its values. These narratives, in turn, solidified support for restrictive state policies, notably aggressive deportation and boundary policing. In this way, legal and cultural processes worked dialectically to produce ideas of Mexican-ness and state policies regarding Mexican im/migrants.

The formation of policies, and characterizations, geared towards Mexican im/migrants were influenced by competing interests, those of agriculture and industry colliding with those of restrictionists and nativists. This push and pull was responsible for constructing a “revolving door” policy, of welcoming and expelling, importing and deporting, Mexican im/migrants. Such a strategy of continued with the Bracero Program in the mid-20th century.

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BRACEROS, “WETBACKS,” and the REVOLVING DOOR

From the turn of the century, Mexican labor was readily accepted if not desired, becoming indispensable to the growth and accumulation of capital in the Southwestern region of the United States. However, Mexicans were subjected to socioeconomic and spatial segregation similar to that in the Jim Crow south. Regardless of citizenship status, Mexicans were perceived as foreign and inferior outsiders and even threats to the national community, as shown above. The racialization of Mexicans was informed by this dialectic between their putative racial and cultural threat and their sought after, yet ultimately temporary, labor power.72 The Bracero Program emerged out of and institutionalized the racialized socioeconomic relations that produced Mexicans im/migrants as a source of disposable labor.

The Bracero Program began in 1942, in response to wartime labor shortages and the pressures of agribusiness. The program, which was made up of a series of binational agreements, facilitated the migration of short-term contract workers from Mexico to the United States. The two nations signed a wartime agreement in 1942 and the first “braceros” arrived in September. Under the agreement, which laid the foundation for the span of the twenty-two year program, individual Mexican nationals signed contracts with the Department of Labor to work in the United States for a one-year period. The contract guaranteed Mexicans the “prevailing wage,” room and board,

employment for at least 75 percent of the working days of the contract, and could be terminated if the employers did not comply with such standards. The agreement also stipulated that braceros would not be subject to discrimination and that contract violations would be investigated by representatives of both governments. By 1947, almost 300,000 Mexican nationals had been imported to work in agriculture and on railroads in the United States.  

Under periodically renewed agreements, from 1948 to 1964 the United States imported an average of 200,000 braceros a year, who sent home approximately 30 million dollars in remittances each year. Despite the benefits of the program for many Mexicans, in general the work was hard and living conditions were poor. Many braceros were assigned to employers who paid them much less than the prevailing wage rate; complaints about inadequate housing and subsistence were common. The program’s adverse affect on domestic wages in the United States was unmistakable, since farmers often illegally paid workers less than the going rate. Eleven thousand formal complaints were lodged by braceros just from 1954 to 1956, although the government rarely terminated employer contracts. Many braceros “skipped” on their contracts to return home or to try finding work.

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74 Ngai, *Impossible Subjects*.
on their own, becoming part of the large population of undocumented workers in the Southwest. Indeed, despite the hope that the program would stem “illegal immigration,” unauthorized entry increased.

Mexican and U.S. political leaders imagined the Bracero Program as a means to manage migration; however, due to the high cost of applying and the fact that there were far more applicants than available contracts, many Mexicans resorted to crossing without sanction. Furthermore, U.S. commercial growers, especially in border areas, recruited unauthorized im/migrants—commonly and derogatorily referred to as “wetbacks”—in an attempt to pay lower wages and avoid bureaucratic red tape. The INS also encouraged extralegal immigration through the common practice of legalizing unauthorized im/migrants, known as “drying out wetbacks,” a process in which undocumented workers returned to Mexico by placing one foot on Mexican soil and then entered the United States through an official entry port and were issued legal documents. Indeed, the line between “wetback” and bracero was fluid; Mexican im/migrants of illegal and legal statuses worked side by side.

An influx of “illegal” im/migrants accompanied the importation of braceros. Apprehensions of undocumented Mexican workers rose from

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76 Ngai, Impossible Subjects.
77 Carrasco, "Latinos in the United States: Invitation and Exile."
78 García, Operation Wetback; Nevins, Operation Gatekeeper; Ngai, Impossible Subjects.
26,000 in 1944 to 180,000 in 1947 and around 500,000 in 1950.\textsuperscript{79} As apprehensions of unauthorized im/migration grew alongside the Bracero Program, some state officials raised the alarm, reproducing nativist narratives and racialized characterizations. As during the Depression, “illegal immigrants” were blamed for host of social ills. An INS report in 1953, for example, associated “illegal aliens” with criminality; the district attorney from Imperial County, California stated “wetbacks” were “criminal types from Mexico.”\textsuperscript{80} Organized labor fanned the flames, attributing rising unemployment and radicalism to “illegal” migrants and demanding more punitive legislation.\textsuperscript{81} Mexican American groups were some of the most vocal in demanding punitive policies towards “wetbacks”; as during the mass repatriations of the 1930s, Mexican Americans rearticulated their claims to the rights of citizenship against the backdrop of “illegal” Mexican migration.\textsuperscript{82}

The rising number of “wetbacks”—presented largely through apprehension statistics and rhetoric in the media—caused public alarm. The national media magnified public anxiety by running stories about the “wetback invasion” and broadcasting reports tying undocumented Mexican im/migrants to high levels of crime, disease, drug usage, subversive activity,

\textsuperscript{79}Christopher Rudolph, \textit{National Security and Immigration: Policy Development in the United States and Western Europe since 1945} (Stanford: Stanford University Press, 2006). Apprehension statistics are never clear indicators of actual migration, but are conveniently used to agitate for greater restrictive measures.

\textsuperscript{80}Ngai, \textit{Impossible Subjects.}, pp. 149.

\textsuperscript{81}García, \textit{Operation Wetback}; Nevins, \textit{Operation Gatekeeper}.

\textsuperscript{82}Ngai, \textit{Impossible Subjects}. 
and high welfare costs. “Illegal immigration” was presented as a national crisis; the “wetback” became a problem, rather than a symptom of a larger structure of problems. Marked as illegitimate by their “illegality” and as social pathogens, the im/migrants were ultimately seen as threats to be expelled.

Facing increased pressure, the Eisenhower Administration initiated a massive roundup and deportation program entitled Operation Wetback, led by retired army general Joseph M Swing. According to Swing, the “alarming, ever-increasing flood-tide” of undocumented immigration constituted “an actual invasion”; indeed, Operation Wetback was orchestrated like a military operation, an attack on internal enemies. Through the mobilization of a militarized dragnet, the campaign resulted in the apprehension of more than 850,000 undocumented Mexican workers. The operation utilized highly-visible raids and sweeps and media attention to depict the administration as committed to regulating unauthorized immigration and policing borders. It was also designed to orchestrate a climate of fear that would cause migrants to “voluntarily” flee, which many migrants did. However, concurrent with the deportations, in a concession to commercial growers, the legalization of “wetbacks” reached new highs. “Illegal immigration,” then, was curbed insofar as unauthorized im/migrants were legalized. Despite Swing’s

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83 García, Operation Wetback.
84 Ngai, Impossible Subjects., pp. 155.
theatrical declaration, “The border has been secured,” Operation Wetback was only a short-term solution.

Operation Wetback was essentially spectacle to ease public anxiety and to coerce farmers into employing workers through “legal” channels; it was not, however, a departure from established enforcement strategy. Indeed, the campaign, alongside legalization and continued importation of braceros, solidified what has been termed the “revolving door policy,” the alternating importation and deportation of Mexican labor since the 1920s. Immigration laws were selectively enforced to allow for surplus labor for agribusiness and railroad maintenance that could be easily deported back across the U.S.-Mexican boundary when faced with public backlash, usually magnified by a recession and/or unemployment, as in the recessions of 1920-1922, the Great Depression, and 1953. Operation Wetback should be seen, then, as an attempt to further regulate and shape the flow of migrants and consolidate of state control over migrant labor.

The neocolonial “revolving door policy” was foundational in making Mexican im/migrants into a temporary, subordinate, and vulnerable workforce. According to Timothy Dunn, Operation Wetback “forcefully illustrated once again that Mexicans were welcome in the United States only

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88 It should be noted, however, that the Mexican government fully approved of the enforcement campaign, helping to ship apprehended migrants into the interior of Mexico, in the hopes of establishing greater control over migration to the United States. Cf. Hernández, "The Crimes and Consequences of Illegal Immigration."
as long as their labor was needed, and then only so long as their arrival was
arranged by means of state mechanisms.” Furthermore, it contributed to
and reproduced the racialized conception of Mexicans, regardless of
citizenship status, as foreign and inferior, outsiders to the mainstream
American identity and community. Indeed, the mass deportation emerged
out of racialized notions that social ills inhered in Mexican migrant bodies.
Like the massive repatriation campaigns discussed above, it performatively
inscribed such social relations, from which U.S. agriculture and industry in
the region benefited.

The availability of Braceros and “wetbacks” permitted labor-intensive
agriculture to expand, thereby creating a demand for Mexican workers in the
U.S. Southwest. Domestic workers who faced Bracero competition in the
fields moved to industrial jobs, leading to "labor shortages" that brought more
Braceros. Many areas of rural Mexico became dependent on remittances,
which prompted the establishment of migration networks in the United
States. Thus, the Bracero program sowed the seeds and for later Mexico-U.S.
migration. As legal channels dried up, however, im/migrants that relied on
agricultural work in the United States were forced to enter unlawfully. The
decline in bracero contracts from 1959 to 1964—due to the rapid
mechanization of cotton and sugar beet harvesting, as well as continued

90 Ngai, Impossible Subjects.
91 García, Operation Wetback.
opposition from organized labor—predictably resulted in an increase of unauthorized im/migration. After the termination of the Bracero Program in 1964, U.S. employers shifted from Braceros to recruiting and employing undocumented workers and unauthorized im/migration swelled.\footnote{Nevins, \textit{Operation Gatekeeper}; Ngai, \textit{Impossible Subjects.}} The revolving door at the border continued to turn.

Along with the opposition of organized labor and the mechanization of crop harvesting, Mae Ngai cites a “liberal turn” in public sentiment, informed by the broader agenda of civil rights during the 1960s, for the termination of the Bracero Program, which had come to be associated with substandard conditions for the contract-workers. The liberal critique of immigration policy produced the Hart-Cellar Act of 1965, which dismantled the racist system of immigration control and laid the groundwork for contemporary unauthorized im/migration.

**THE LEGAL PRODUCTION of MEXICAN ILLEGALITY**

Immigration legislation during the Cold War replaced the formal importation of Mexican laborers in the Bracero Program with an informal system that permitted the exploitation of “illegal” im/migrants. According to Peter Andreas, “all that changed was the legal status of the Mexican workers,” who continued to be recruited by U.S. employers that had become
reliant on them. This was largely facilitated due to the fact that employers faced no repercussion in the face of the law. Indeed, in the Immigration and Nationality Act of 1952, Congress made it illegal to “harbor, transport, or conceal illegal entrants,” but, the so-called Texas Proviso, stipulated employment not to be considered as harboring or concealing. The Texas Proviso extended impunity to employers while punitive measures were focused on the im/migrant worker.

The continued demand for and recruitment of undocumented workers facilitated the spike in unauthorized immigration after the Bracero Program. The long established stream of Mexican im/migration to the United States largely reverted to unauthorized channels during the final years of the Bracero Program and in the wake of its termination. Increasing unlawful entry by Mexican im/migrants figured in the debates over liberal immigration reform in the 1960s and the decision to quantitatively restrict immigration from the Western Hemispheres in the Immigration and Nationality Amendments Act of 1965 (“Hart-Cellar Act”).

The Hart-Cellar Act built upon the Immigration and Nationality Act of 1952 (“McCarran-Walter Act”), which brought the fragmented immigration and naturalization laws under a single code that, as amended, remains the foundational immigration law today. Although the McCarran-Walter Act

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94 Nevins, *Operation Gatekeeper*. 
ended all racial restrictions on naturalization, it largely maintained the status quo, refining and affirming the national origins quotas system. The bill allocated only 100 quota slots per country to those in the Asia-Pacific region (except for predominantly white New Zealand and Australia); further narrowed and refined the quotas, establishing occupational preferences that privileged the immigration of skilled workers; and drastically expanded and stiffened deportation policy. The passage of the bill catalyzed liberals to voice demands for and organize to achieve reform, a goal finally met thirteen years later.95

Liberal reformers represented the national origins quotas as fascist, un-American laws that were blight on the perception of America as a paragon of democratic and moral leadership, a strategy that was informed by and largely successful due to Cold War politics.96 They demanded a system that extended formal equality to all nations. The Hart-Cellar Act, passed in 1965, repealed the system of national origins quotas and replaced it with a new system of quotas that applied to all countries. The ceiling on immigration was raised to 290,000 per year and each country in the Eastern Hemisphere was allocated 20,000 slots with preferences for immigration based on family reunification and specialized professional expertise.

95 Ngai, Impossible Subjects; Rudolph, National Security and Immigration; Tichenor, Dividing Lines.
96 Ngai, Impossible Subjects.
The bill was announced and celebrated as—and in many ways was—a watershed in liberal immigration reform. However, despite the abolition of national origins, the new system was still unquestioningly built on numerical restriction, further producing it as “a normative feature of immigration policy.”\textsuperscript{97} Indeed, as the bill expanded the possibilities for immigration from eastern and southern Europe, Asia, and Africa, it applied numerical restrictions on the previously quantitatively unlimited immigration from the Western Hemisphere.

The creation of a 120,000 hemispheric quota disproportionately affected Mexico, the largest sending country in the hemisphere. Following the system of established migration networks and the twenty-four years of labor importation under the Bracero Program, Mexicans had no alternative but to continued to im/migrate to the United States; however, with the new quantitative quotas, the intensifying migration was forced into unlawful channels. Indeed, in 1968, when the new law took effect, there were 151,000 Mexican aliens deported, exceeding the number of slots for the whole hemisphere. In 1976, there were 781,000 Mexican expulsions.\textsuperscript{98} The new law effectively produced Mexican im/migration as “illegal,” perpetuating the “revolving door” policy.

As Nicholas De Genova notes, the INS statistics of apprehensions of unauthorized border-crossers served to “continuously re-stage the U.S.-

\textsuperscript{97} Ibid., pp. 229.
\textsuperscript{98} Ibid.
Mexico border in particular as the theater of an enforcement “crisis” and thus [re-rendered] ‘Mexican’ as the distinctive national name for migrant ‘illegality.’” ⁹⁹ Astronomical apprehension rates impressed Congress to begin investigating the increase in unlawful entry along the border as early as in 1969. And, as the federal government focused on “illegal immigration” across the southern U.S.-Mexico border, so did the national media. ¹⁰⁰ Focusing on unauthorized crossings and apprehensions, the media characterized “illegal immigration” as “out of control” and an as “invasion.” Thus, while Mexican im/migrant “illegality” was legally produced by the quantitative restrictions in the Hart-Cellar Act, it was endlessly reproduced in the national media. The media coverage irritated public anxieties and contributed to a growing perception of a “crisis” on the U.S.-Mexico border.

**ILLEGAL ALIEN INVASION**

In the late 1960s and early 1970s, public concern around “illegal immigration” began to mushroom; the border was constructed and perceived as being “out of control,” overrun by an “invasion” of Mexican “illegals.” Governmental officials and public sentiment, both responding to and forming the other, began to favor drastically increasing boundary policing and enforcement in order to stop the influx. The alarmist perception of the “illegal alien invasion” across the border was augmented by many factors, including

⁹⁹ De Genova, "Mexican/Migrant 'Illegali
ty'."
¹⁰⁰ Nevins, *Operation Gatekeeper.*
the rise of the Chicano movement in the late 1960s—which led to fears of a Quebecois-like, Mexican separatist movement in the U.S. Southwest—and the energy crisis of and recession of the early to mid-1970s. Unauthorized Mexican immigration was primarily constructed as a “out of control” problem, however, by increased media interest. The number of articles in papers and features in magazines covering unauthorized immigration—as well as the number that linked the “problem” expressly to Mexico—skyrocketed.\textsuperscript{101}

Beginning in 1973, major mainstream media outlets began to run stories on the putative ills, such as criminality and a declining standard of life for U.S. citizens, and the immense proportions of “illegal immigration.” The stories frequently featured growing apprehension statistics and ominous warnings from politicians and public officials. Although actual numbers were very hard to ascertain, Leonard Chapman, commissioner of the Immigration and Naturalization Service (INS), announced estimates as high as ten to fifteen million “illegal immigrants” living in the United States. These numbers were accepted and perceived as credible since they were backed by the authority of the INS; by way of a compliant media, these outrageously exaggerated estimates entered the public discourse, underscoring the belief that immigrants were inundating the nation.\textsuperscript{102}

\textsuperscript{101} Ibid.
\textsuperscript{102} Chavez, \textit{The Latino Threat}. 
The outspoken Chapman also directly linked Mexican “illegal immigration” to poverty, crime, and unemployment, suggesting that he could reduce unemployment by fifty percent if he deported three to four million “illegals.”

Chapman, however, was not the only official speaking out on the issue. U.S. Attorney General William Saxbe called the presence of Mexican “illegal aliens” a “severe national crisis” and called for one million to be deported; CIA director William Colby suggested that “illegals” were more dangerous than the Soviet Union in posing the threat of an American Quebec; and President Gerald Ford blamed “illegal aliens” for “interfering with our economic prosperity.”

“Illegal aliens” were “flooding” across a border over which the United States was said to have lost control.

Increasingly, politicians began to use the language of “invasion” to convey that unauthorized Mexican immigrants were a threat to the socioeconomic and national security of the nation. Stories and reports in major media outlets vindicated, reproduced, and disseminated these constructions of “illegal immigration,” creating their own disastrous scenarios. The December 1974 cover of America Legion Magazine, for example, featured a cartoon drawing of a mass of swarthy, stereotypical Mexican campesinos wearing sombreros overrunning the United States and converging upon a series of buildings labeled, welfare, housing, schools, jobs, and medical aid. The title at the top, in bold black letters reads “Our Illegal Alien

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103 Nevins, Operation Gatekeeper., pp. 64.
104 Ibid., pp. 63.
Problem.” In the April 25, 1977 issue of *U.S. News and World Report*, with the cover headline, “Border Crisis: Illegal Aliens Out of Control?” unauthorized Mexican im/migrants were characterized as invaders coming to abuse welfare, steal jobs, and engage in criminal activity. Another *U.S. News and World Report* cover from July 4, 1977 that reads “Time Bomb: Why there will be no end to the invasion of illegals” features a picture of a long line of Latinos, who have been apprehended by INS, with their hands above their heads.

Picking up where public officials left off, these magazines represented unauthorized im/migrants as coming in droves to exploit U.S. public benefits and social institutions and detrimentally affect the economy of the United States. Such stories reinforced public perceptions of Mexican “illegal aliens” overrunning the country and, insofar as they focused on the porous southern border, the need for boundary enforcement solutions. Mainstream media thus contributed to an increasingly alarmist discourse about Mexican im/migration, facilitating a growing anti-illegal-immigrant public sentiment.

During this period, however, legislation coming out of Congress was further deepening Mexican unauthorized im/migration to the United States. In 1976, new amendments to the Immigration and Nationality Act imposed the fixed quota of 20,000 visa slots per country from the Eastern Hemisphere

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105 Chavez, *The Latino Threat*.
107 Ibid.
on nations in the Western Hemisphere, which further reduced legal channels for Mexican migration. In 1978, separate hemispheric quotas were unified into a worldwide maximum that was, two years later in the Refugee Act of 1980, reduced by 20,000 to a ceiling of 270,000. Thus, visas for Mexico were drastically decreased to only 18,200 slots, effectively illegalizing even larger numbers of Mexican im/migrants who, unable to obtain a visa, chose to enter unlawfully in order to find work.\textsuperscript{108} Thus, during the proliferation of public alarm over “illegal immigration” and the “out of control border,” in large part constructed by politicians and officials themselves, U.S. immigration law further contributed to the production of im/migrant “illegality.”

The new laws perpetuated the “revolving door” policy that benefited the interests of U.S. capital, providing a flexible, controllable migrant workforce. Indeed, despite the public alarm and political theater, unauthorized im/migration continued in very much the same way as it had under the Bracero Program, albeit informally. Boundary enforcement was increased under President Carter, enough to demonstrate a commitment to border security to the public but not enough to hamper im/migrant flows, which continued in a circulatory fashion.\textsuperscript{109} However, the rate of apprehension did increase; those arrested at the border were released and

\textsuperscript{108} De Genova, "Mexican/Migrant 'Illegality'."

\textsuperscript{109} Massey, Beyond Smoke and Mirrors.
then tried again until they succeeded in crossing. Indeed, in 1978, apprehensions of Mexican im/migrants rose more than one million.\textsuperscript{110}

The increase in illegalized im/migration, which was fed back to the public in the form of apprehension statistics, reinforced the perception of a “crisis” along the border, solidifying alarmist representations of “illegal aliens” as an invading force overrunning the country. In this alarmist discourse, im/migrants continued to be presented as a threat to U.S. socioeconomic security; however, they also were constructed as reproductive threats to the nation. The rhetoric of the “invasion” presented the danger of “illegal aliens” settling in the United States and having children, who would not assimilate and thus become internal threats to the sociocultural fabric of the nation.

For example, the cover story of a \textit{U.S. News and World Report} published on Jan 29, 1979, “Illegal Aliens: Invasion Out Of Control?” asserted, “the traditions of Mexican Americans remain undiluted, refreshed daily by an influx of illegal immigrants from the mother country.”\textsuperscript{111} The story suggested that Mexican Americans were permanent foreigners, culturally and linguistically separate from mainstream U.S. society and culture, maintaining allegiances to their “homeland.” Thus, the increasing numbers of Mexican “illegal immigrants” and their children were represented as foreign yet internal others who threatened the unity of the nation; furthermore, as the

\textsuperscript{110} Tichenor, \textit{Dividing Lines}.  
\textsuperscript{111} Chavez, \textit{Covering Immigration}, pp. 225
Quebec model suggested, they posed the possibility of a future Mexican separatist insurrection.

In the early 1980s, the influx of “illegal aliens” was repeatedly constructed as a “reconquest” of the area that formerly belonged to Mexico, with the ultimate goal being either re-annexation of the American southwest, or the formation of a new Hispanic nation. An August 1985 piece in *U.S. News and World Report* entitled, “The Disappearing Border: Will Mexican Migration Create a New Nation?” reiterated the reconquest theme in detail, even suggesting that *all Hispanics* in the Southwest were involved in the planned takeover. Indeed, by the mid-1980s, it was clear that the rhetoric of invasion and reconquest by Mexican “illegal aliens” had become firmly entrenched in public discourse, casting Mexicans, Mexican Americans, and other Latinos as permanent foreigners and threats to the national body. Throughout the 1990s and early 2000s, articles in popular magazines, a slew of restrictionist books, and pundits such as Lou Dobbs continued to reproduce the narratives of “illegal alien invasion” and “reconquest” of the United States.

In the context of widespread anxieties about Mexican “illegal immigration,” as well as the controversial Mariel boatlift in 1980, a “growing number of Americans [perceived] their country as under siege from without.” Responding to the public concern over immigration, local and

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112 Ibid.
113 Ibid.
federal politicians made the “out of control” immigration system and border an issue in their election campaigns. Ronald Reagan, after his election in 1981, exponentially expanded the INS to “regain control of the borders” from “illegal immigrants,” drug smugglers, and a possible “tidal wave” of refugees from Central America.\(^\text{115}\)

In 1986, the Immigration Reform and Control Act (IRCA) was passed; explicitly geared towards dealing with the issue of undocumented im/migration, it included a selective legalization program, an agricultural guest worker program, federal sanctions against employers who knowingly hired “illegal aliens,” and consolidated resources for the Border Patrol. Initially IRCA caused a sharp decline in apprehensions due to the legalization program, but rates began to increase again by 1989. By 1990, it was clear that the legislation was ineffective in curbing “illegal immigration.”\(^\text{116}\)

Widespread concern over what was considered to be “out of control” unauthorized im/migration and its putative socioeconomic, cultural, and political effects produced significant changes in immigration policy. Federal funding and legislation steadily increased throughout the late 1970s and 1980s, intensifying and consolidating boundary policing and enforcement on the southern border in an attempt to deter “illegal immigration.” The failure of IRCA to stop unauthorized Mexican im/migration, however, inflamed

\(^{115}\) Dunn, *The Militarization of the U.S.-Mexico Border*.

restrictionist sentiment. In the 1990s, the “loss of control” on the border and the theme of “invasion,” continued to frame “illegal immigration” in public discourse.117

The anti-illegal-immigration backlash was acute in California, where the largest population of unauthorized im/migrants in the country resided; furthermore, the state also faced an economic downturn and budget crisis in the early 1990s. Economic insecurity magnified demographic tensions, transmuting white middle-class anxieties into nativistic political action.118 By 1993, more than 20 restrictionist bills denying state benefits to “illegal aliens” had been put before the state legislature.119 In 1994, Pete Wilson revitalized his failing reelection campaign for Governor of California by blaming the budgetary woes on “illegal immigrants.” He affirmed his commitment to supporting hardworking U.S. citizens by denying social services for undocumented residents and embraced the controversial Proposition 187 state ballot initiative.120

Prop 187, also known as the Save Our State initiative (SOS), denied all social services and public benefits to unauthorized im/migrants, such as public education and all non-emergency medical services, including prenatal care. The referendum passed with fifty-nine percent of the vote in November

117 Andreas, Border Games; Massey, Beyond Smoke and Mirrors.
120 Nevins, Operation Gatekeeper.
of 1994; Wilson also won the Governorship. Sixty-seven percent of whites—who made up eighty-percent of the California electorate at the time—voted for the measure. Although the initiative was deemed unconstitutional by a federal judge, its passage sent ripples across the country, inspiring copycat legislation. As Kitty Calavita notes, the initiative was a “political statement, supported to primarily send a symbolic message” of discontent. It was also a chance to rhetorically and symbolically reaffirm the sociocultural boundaries of the national community.

As the title of the initiative—SOS—suggests, those who voted for the measure believed the state of California needed to be saved from a “crisis” caused by “illegal aliens”—im/migrants were viewed as “invading” and threatening “our” state. Indeed, in the mediated debates around Prop 187—mediated in the sense of being carried out through but also shaped by the media—unauthorized im/migrants were characterized as threatening internal outsiders. Proponents of the measure presented them as illegitimate drains on social services and institutions reserved for U.S. citizens; as immoral lawbreakers; as not assimilating, but undermining U.S. language, culture, and society; as highly fertile invaders turning the United States into a Third World country; their supporters, and implicitly the im/migrants

themselves, were portrayed as un-American. The debates over the proposed law allowed for restrictionists to reaffirm their claim to legitimacy on and though of the racialized bodies of unauthorized im/migrants.

Politicians responded to the angry outcry that culminated in California’s passage of Proposition 187 with increased rhetoric about the need for enforcement and policing at the U.S.-Mexico boundary. Although border security was low on his agenda when he assumed office, by 1993, Clinton had become a vocal proponent of tougher measures. In a speech on July 27, 1993, he stated, “The simple fact is that we must not, and will not, surrender our borders to those who wish to exploit our history of compassion and goodwill.”

His solution, as suggested by his militaristic language, was to expand and weaponize border enforcement. Indeed, from 1993-1999, the INS grew at an unprecedented rate, more than doubling the number of active Border Patrol agents and acquiring defense and surveillance technologies originally developed for military use.

As a result of the perceived need to “regain control” of the border the INS began new offensives that were part of a larger strategy of “prevention through deterrence.” Using fencing, floodlights, surveillance equipment, law enforcement personnel, and strict penalties for violators, the INS constructed a wall of enforcement at points of high unauthorized traffic. The intended

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124 Nevins, Operation Gatekeeper., pp. 89.
125 Andreas, Border Games.
goal was to shut down frequently used routes of entry, funneling traffic to remote areas that were difficult to cross; costs and risks of unauthorized crossing would then become so great as to deter entry completely.  

The strategy was first implemented by the local officials in El Paso in 1993, as Operation Blockade (later Operation Hold-the-Line); after its success there, it was incorporated into the strategic plan of the INS and reproduced in San Diego in 1994 (Operation Gatekeeper), Nogales in 1995 (Operation Safeguard), and southeast Texas in 1997 (Operation Río Grande). The operations were heralded as a success insofar as unauthorized immigration through major U.S. border cities slowed to a trickle.

The real outcome of the new strategy, however, was not to deter unauthorized immigration, but only to push it into more remote, less visible areas. Thus, crossing became more dangerous for migrants, resulting in more deaths; furthermore, human smuggling, which became widely utilized, was intensified, diversified, and made exponentially more lucrative. Immigrants were not deterred, but rather, since the costs and risks were so high, settled in the United States rather than attempting multiple crossings. However, the strategy was expanded because it was politically efficacious—beefed up enforcement forced migrants into less visible areas, reassured the public, and

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127 Andreas, *Border Games*. 
allowed public officials to demonstrate their resolve to “control the border” and “illegal immigration.”  

The buildup of border enforcement mechanisms and strategies continued in 1996 when Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which authorized funding for more fencing, new military technology, and the hiring of at least 1,000 Border Patrol agents per year. Indeed, by 2002 the INS budget was thirteen times the size of the 1986 budget, an increase mainly due to funding for enforcement divisions, such as the Border Patrol. After the tragic attacks on September 11, 2001 and the creation of the Department of Homeland Security in 2003, which took over the duties of INS, the trend toward boundary policing and enforcement build-up was consolidated. And vocal anti-illegal-immigration advocates, such as Lou Dobbs, continued to raise the alarm about the “out of control,” border which millions of “illegal aliens” flooded across, overburdening U.S. social institutions and threatening the ethno-cultural fabric of the nation.

128 Ibid; Dunn, _The Militarization of the U.S.-Mexico Border_; Massey, _Beyond Smoke and Mirrors_; ———, “Understanding America’s Immigration ‘Crisis’.”
129 Massey, “Understanding America’s Immigration ‘Crisis’.”
EPILOGUE

On March 21, 2010, between 200,000 and 500,000 immigrants and supporters of immigrant rights marched on the Mall in Washington, D.C. Gathering peacefully and waving American flags, they called on President Obama to make good on his campaign promise of “comprehensive immigration reform.” In a pre-recorded speech, televised to the demonstrators, Obama affirmed his commitment to such reform.1 The Obama administration has begun to review the most controversial parts of the immigration system, including worksite raids, immigrant detention, and the local law enforcement 287(g) agreement program; however, in fiscal year 2009, deportation rose to a record 388,000; and a quota of 400,000 deportations has been set for fiscal year 2010.2 The administration has also begun to further expand the capacity of the sprawling detention system and, despite a commitment to focus more on “serious criminal offenders,” is aggressively pursuing undocumented im/migrants whose only offenses have been reentry after deportation (8 USC § 1326) and visa fraud (18 USC 75 § 1546).3 While professing a commitment to reform, the Obama administration

3 Ibid.
has been consolidating and streamlining the system already in place, most likely in an attempt to look tough as it pushes new legislation.

A possible model for the new legislation was outlined in an op-ed by Senators Charles E. Schumer (D-NY) and Lindsey Graham (R-SC) a few days before the march on Washington. The piece contained familiar promises for strengthening border security and interior enforcement, a guest-worker program, and a “tough but fair” path to legalization for those already here. Some enforcement mechanisms they recommend include a “fraud-proof,” biometric Social Security card required for anyone who wants to work in the United States, increased Border Patrol staffing and funding, and further expanded enforcement to round up undocumented im/migrants who commit crimes. The legalization program requires those applying to admit they broke the law, pay a fine, pay back taxes, do community service, pass a background check, and be able to speak English. In short, it looks remarkably similar to the Senate bill proposed in 2006, which sparked so much controversy, albeit with added enforcement measures and the biometric national ID card.

Restrictionist organizations and politicians have already begun decrying the proposed bill and the march as another attempt at “amnesty,” using anxieties about unemployment to frame their opposition. The anti-immigration organization NumbersUSA launched a state-by-state grass roots

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campaign, “STOP Amnesty in 2010” in order to “protect unemployed workers” from the bill and its unstated goal: “more foreign workers.” The day the op-ed was released, Representative Lamar Smith (R-TX) announced the Reclaim American Jobs Caucus, which already has 40 participating Congress members. In his announcement, Smith implied that “illegal aliens” were the reason that Americans were still unemployed and asserted, “if the immigration laws we have on the books were enforced, we could cut unemployment in half.”

The response to the march on the Washington took on the same inflammatory tone, recalling the racialized, alarmist representations of the 2006 protests. In a press release the day after, the Federation of Americans for Immigration Reform (FAIR) described the recent march on Washington as “illegal aliens [descending] on our nation’s capital to demand amnesty...carrying banners from their home countries.” And the president of the hard-line anti-illegal-immigration Americans For Legal Immigration, William Gheen, wrote, “We are dubbing this Amnesty march the March Against America...These marchers are advocating the overthrow of American

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Immigrant and citizen demonstrators are again being marked “illegal,” un-American, and threatening to the institutions and fabric of the U.S. nation.

Representative Ted Poe (R-TX), speaking on the floor of the House on March 22, stated,

As I looked over this very peaceful crowd and all those people marching, I wondered why there were no American flags...Even the talk of amnesty causes a flood of people to come across our southern border. Amnesty is no answer to the problem because the problem is the lack of border security.”

He reaffirmed the need to secure the border with U.S. troops in the face of the tidal wave of “illegal immigrants” and what he calls the “border war” waged by drug cartels on communities on the U.S. side. Later that week, employing the well-established trope of “anchor babies,” columnist George Will suggested that, in order to “[remove] the incentive for illegal immigration,” the 14th amendment to the U.S. constitution should be revised so as to end birthright citizenship for children born to undocumented residents.

In state politics, California GOP Gubernatorial candidate Steve Poizner, trying to outdo his anti-amnesty opponent Meg Whitman, is running on an anti-illegal-immigration platform to “end taxpayer-funded benefits for

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illegals” and “save California.” 11 The proposal is eerily similar to Proposition 187 in 1994, which Governor Wilson successfully rode to the state house. In March, the Arizona legislature began debating S.B. 1070, which might be the harshest local anti-illegal-immigration law ever. The bill makes the presence of “illegal aliens” a criminal trespassing offense, prohibits undocumented access to public benefits, requires all non-citizens to carry their immigration papers with them at all times, and authorizes law enforcement to arrest, without a warrant, any person suspected of committing an offense that makes them deportable. 12 And in the GOP senatorial primary there, ultra-restrictionist J.D. Hayworth, who has reproduced the theory that “illegal Mexicans” are carrying out a “reconquest” of the Southwest, is only seven percentage points shy of incumbent John McCain, who is being challenged for supporting “amnesty.” 13

As one can see, the rhetorical constructions and narratives of “illegal aliens” and the U.S.-Mexico border in crisis that I have located and examined in the rhetoric of Lou Dobbs are part of a well-established anti-illegal-immigration movement and discourse. Despite Dobbs’ resignation from

CNN, the history of the 2006 and 2007 immigration debates in which he was such a salient voice, is already repeating itself; anti-illegal-immigration rhetoric is as widespread and incendiary as ever. The impact of the recession and the recent drug-related violence in Mexico has only augmented the proliferation and acceptance of the rhetoric that constructs “illegal aliens” as illegitimate burdens and dangerous threats to the United States.

The “illegal alien” has been in formation since the turn of the century; the rhetorical constructions that naturalize and reproduce Mexican im/migrant “illegality” are powerfully persistent. Thus, by fitting Dobbs into the historical trajectory of anti-immigrant sentiment, I hope to overturn the false simplicity of these bounded notions. I hope to de-naturalize the contemporary “illegality” of unauthorized Mexican im/migrants, showing how they have been produced as such. I wish to allow for an opening from which we can imagine a better community.
Note: CNN transcripts are cited in the text in full. All electronic sources last accessed April 10, 2010


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