

IMMIGRANT ANXIETIES:  
1990S IMMIGRATION REFORM AND THE NEOLIBERAL CONSENSUS

Christina Gerken

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Committee:

Robert Buffington, Advisor

I-Fen Lin  
Graduate Faculty Representative

Susana Peña

Ellen Berry

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## ABSTRACT

Dr. Robert Buffington, Advisor

*Immigrant Anxieties: 1990s Immigration Reform and the Neoliberal Consensus* concentrates on the discursive intersections between immigration, anti-terrorism, and welfare reform that developed in the mid-1990s debates over immigration reform in the United States. Drawing on Michel Foucault's work, this project analyzes the discursive strategies that created, shaped, and upheld a race-specific image of a "desirable" immigrant. I argue that government debates, media discourse, and public perception were part of a larger regime of knowledge/power that continually produced and reinforced the neoliberal ideal of a responsible, self-sufficient subject. This underlying neoliberal logic with its reductionist insistence on cost-benefit analysis foreclosed any attempt to engage in a serious moral/ethical debate about the merits and effects of the U.S. immigration system. At the same time, my research demonstrates that despite this foreclosure of the terms of debate, the mid-1990s discourse on immigration was characterized by a productive tension between its underlying neoliberal assumptions and other often contradictory values and objectives. In addition, I interrogate how long-standing and deep-seated anxieties about immigrants' race, class, gender, and sexuality intersected with neoliberal logic in both the public discourse and the legislative process.

My dissertation examines congressional debates and mainstream newspapers to illustrate how immigration discourse circulates and how these distinct discursive sites work intertextually within the larger discourse to reinforce, supplement, and even contradict each other. Chapter 3 examines the neoliberal logic behind the restructuring of the family preference category to show how Congress used an explicit pro-family rhetoric to justify measures intended to activate legal immigrants' capacity for self-sufficient citizenship. Chapter 4 interrogates the discursive construction of "illegal aliens" as "anti-citizens." Chapter 5 explores the linkages between media and legislative discourse. Chapter 6 focuses on the mainstream media's use of human interest stories, demonstrating how these stories served as an important tool to negotiate widespread anxieties about immigrants' race, class, and sexuality.

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# 1 INTRODUCTION

In spring 2006, millions of immigrants and their U.S.-citizen supporters rallied and spoke out against immigration reform proposals that sought to criminalize and deport millions of undocumented workers, many of whom had lived in the U.S. for decades.<sup>1</sup> Most notably, protestors were concerned about the passage of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437) in the U.S. House of Representatives. Yet in addition to their concerns about anti-immigrant legislation, a growing coalition of grassroots organizations and well-established immigrant and human rights groups voiced their disapproval of the accusatory rhetoric that was used to rationalize the criminalization of undocumented workers and initiate a backlash against humanitarian organizations that provided support to immigrants.<sup>2</sup>

Activists attacked H.R. 4437 on two levels: First, they responded to the government's economic argument, which contended that undocumented workers were undesirable because they represented a burden on the U.S. economy. Immigrant advocates rejected the notion that undocumented workers and their families consumed more in public benefits than they contributed in taxes. In an effort to illustrate immigrants' positive economic impact, for example, organizers encouraged immigrants to stay home from work and boycott all aspects of business and commerce on May 1, 2006, which was dubbed the "Day without Immigrants." In addition,

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<sup>1</sup> On March 10, 2006, approximately 100,000 immigrants and their supporters assembled in Chicago, starting a wave of demonstrations that eventually swept over the entire United States. While protestors assembled on almost any given day, most sources agree that the largest rallies were held on April 10, 2006, the "National Day of Action for Immigrant Justice." According to organizers, this day alone "included events in more than 140 cities in at least 39 states" (*CNN*, April 10, 2006).

<sup>2</sup> Among many provisions, H.R. 4437 would criminalize unlawful presence in the United States and turn the entire population of undocumented immigrants into felons. U.S. citizens and legal permanent residents who were in close contact with undocumented immigrants and assisted them in any way could be charged with a misdemeanor. In addition, H.R. 4437 would further expedite deportation procedures and eliminate judicial review of immigration court decisions. F. James Sensenbrenner's (R-WI) bill would also create a mandatory employment verification system, expand the definition of "aggravated felony," and authorize local law enforcement officers to enforce federal immigration laws.



protestors consistently emphasized that entire sectors of the U.S. economy had become dependent on a cheap and flexible labor force of undocumented workers. Without a steady supply of immigrants, U.S. citizens would have to triple their expenditures for nannies, maids, and gardeners, prices for agricultural products would skyrocket, and labor-intensive industries might be forced to move production to other countries.

Second, protestors reminded the American public that most undocumented workers were hard workers with strong family values, who stayed out of trouble and led exemplary lives. They argued that immigration reform was not just an economic issue, but that reform measures were also a reflection of our beliefs, values, and historical commitments to immigrants and their families. According to the “National Council of La Raza,” the nation’s largest Hispanic civil rights organization, the debate’s accusatory tone and the House bill’s harsh and unforgiving treatment of undocumented workers represented “a grave threat to deeply-held American values, including due process of law, family unity, and the safety and security of all Americans.”<sup>3</sup> In peaceful demonstrations across the country, immigrants and their supporters waved American and Mexican flags, held up signs that read, for example, “We are not criminals” and “We are not terrorists,” and chanted “today we march, tomorrow we vote.” The newly-formed “We Are America Alliance,” a nationwide coalition of immigrant, human rights, and labor organizations, estimated about 14.25 million potential new citizens among legal permanent residents who could be eligible to vote in the 2008 presidential election.<sup>4</sup>

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<sup>3</sup> On December 7, 2005, the National Council of La Raza wrote an open letter to the House Judiciary Committee, urging Representatives to vote against the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437).

<sup>4</sup> As of November 2006, the “We Are America Alliance” was supported by the following organizations: the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA); the Center for Community Change; the Illinois Coalition for Immigrant and Refugee Rights (ICIRR); the Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition; the National Association for Latin and Caribbean Communities (NALACC); National Capitol Immigration Coalition (NCIC); the National Day Laborers Organizing Network (NDLON); the New American Opportunity Campaign (NAOC)/Coalition for Comprehensive Immigration Reform (CCIR); the New York

While it remains to be seen whether these protests will have a lasting impact and change the course of immigration reform measures in the United States, Congress has apparently abandoned some of the harshest provisions, including F. James Sensenbrenner's (R-WI) proposal to turn undocumented immigrants into felons. In addition, politicians from both ends of the political spectrum are currently making a concerted effort to discuss "illegal" immigration as a purely economic issue and downplay the more controversial and emotionally-charged aspects of the debate. In a special field hearing in San Diego on August 2, 2006, for instance, the House Committee on the Judiciary examined the economic consequences of "illegal" immigration.<sup>5</sup> In his opening statement, Chairman Sensenbrenner, the person behind H.R. 4437, formulated the hearing's purpose as follows: "Today's hearing will focus on the impact that illegal immigration has on the pocketbooks of Americans, on the taxes that we all have to pay, and the benefits that the Government can afford to give us" (United States Congress, House, August 2, 2006). According to Sensenbrenner, "most economists agree that illegal immigrants impose a net fiscal cost on American Government and American taxpayers" (United States Congress, House, August 2, 2006).

In these strictly economic terms, Chairman Sensenbrenner expressed his concern about the Comprehensive Immigration Reform Act of 2006 (S. 2611) and the so-called Reid-Kennedy Bill, which opposed mass deportations of undocumented workers and instead called for an orderly legalization process for deserving individuals. In contrast to Senators Edward M. Kennedy (D-MA) and Harry Reid (D-NV), Sensenbrenner believed that a legalization program "likely would be a tremendous burden upon U.S. taxpayers" since "illegal immigrants represent

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Immigration Coalition (NYIC); Pinos y Campesinos Unidos del Noroeste (Northwest Treeplanters and Farmworkers United) (Woodburn, OR); Service Employees International Union (SEIU); and UNITE HERE.

<sup>5</sup> Expert witnesses included: Michael D. Antonovich, L.A. County Supervisor; Kevin J. Burns, Chief Financial Officer, University Medical Center, Tucson; Robert Rector, The Heritage Foundation; Leroy Baca, L.A. County Sheriff; and Prof. Wayne Cornelius, University of California, San Diego.

a net loss to the U.S. economy because they generally consume more in Government benefits than they pay in taxes” (United States Congress, House, August 2, 2006). As opposed to his earlier contention that undocumented immigrants should be detained and deported like criminals and potential terrorists, however, Sensenbrenner was now careful to frame immigration reform as a purely economic issue.

Yet not everyone agreed with Sensenbrenner’s assessment that undocumented immigrants represented a net burden and should thus be excluded. Expert witness Wayne Cornelius, a Professor of Political Science at the University of California at San Diego, came to a different conclusion. In his testimony, Cornelius argued that an amnesty provision would be economically profitable for the United States. He testified that “we should legalize as many as possible of undocumented immigrants already here to reduce their vulnerability to exploitation and increase their contributions to tax revenues” (United States Congress, House, August 2, 2006). Similarly, in a hearing before the Senate Judiciary Committee, expert witness Dan Siciliano, the Executive Director of the Program in Law, Economics, and Business at Stanford Law School and a Research Fellow at the American Immigration Law Foundation (AILF), insisted that mass deportations and lower immigration quotas made no economic sense. Instead, he explained that, if the U.S. government found a way to ensure that the current population of undocumented low-skilled “workers were a part of the transparent and competitive ‘above ground’ economy, the economic benefits of immigration could be even greater than what we have already experienced” (United States Congress, Senate, April 25, 2006). During the same hearing, Barry R. Chiswick, a Professor of Economics at the University of Illinois, Chicago, questioned the government’s insistence that “legal” immigration was fundamentally different

from “illegal” immigration. From an economic perspective, he argued, it was more productive to distinguish between high-skilled and low-skilled immigrants.

While politicians and expert witnesses had differing opinions on the economic impact of undocumented immigrants and, even more importantly, the ideal immigration policy, they generally agreed that immigration was first and foremost an economic issue. Especially after millions of Americans had spoken out against punitive immigration reform measures, such as the aforementioned Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, the U.S. government made a concerned effort to downplay the importance of race, nationality, family, and other emotionally-charged issues. Instead, committee meetings and congressional debates repeatedly pronounced that “any reform to immigration policy should be evaluated by considering how immigrants [...] impact our nation’s economic prosperity” (Dan Siciliano, United States Congress, Senate, April 25, 2006). On the one hand, this explicit focus on immigrants’ economic contributions was certainly a reaction to the public outcry against earlier reform proposals. On the other hand, however, the current debate about immigration reform also represents a continuation of economically-oriented reform measures that were passed in the mid-1990s. These welfare and immigration reform bills sought to eliminate immigrants’ access to public services and ensure that future generations of immigrants would not only be self-sufficient but also able to make significant contributions to the U.S. economy.

My dissertation examines the immigration reform discourse that took place in the mid-1990s. In particular, I am interested in the productive tension between Congress’s pronounced effort to discuss immigration reform as an economic issue and the underlying anxieties about immigrants’ race, class, gender and sexuality. As part of a larger neoliberal reform process in the mid-1990s, politicians linked welfare legislation, measures that were supposed to prevent/fight

terrorism, work-related acts, family- and marriage-related provisions, and proposals to develop a nation-wide identification system to the presence of “legal” and “illegal” immigrants.<sup>6</sup>

Immigrants were repeatedly cited as one of the principal causes for the nation’s high poverty rate, the increasing costs of social welfare, a decline in traditional values, and the need to pass ever more invasive and restrictive measures.

Starting with the amnesty for undocumented workers in 1986 and continuing through the current debate about a guest-worker program, the U.S. government has discussed immigration-related measures on a regular basis. My dissertation focuses specifically on the watershed events in 1995-96. During this relatively short period of time, President Bill Clinton signed into law three major pieces of legislation that have had a significant impact on the lives of immigrants: the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA),<sup>7</sup> the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA),<sup>8</sup> and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).<sup>9</sup> Taken together, these three laws have significantly altered the rights and responsibilities of immigrants in this country.

My dissertation thus argues that these two years – 1995 and 1996 – are of particular importance for the history of U.S. immigration. The discourse surrounding this legislation has altered the way Americans conceive of immigrants and immigration, while the public perception has, in return, continued to affect the nature of political discourse. Accordingly, my dissertation analyzes the cultural work being done by the language of anti-immigration and anti-immigrant legislation as reflected in the debates surrounding the three aforementioned laws. I show that

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<sup>6</sup> E.g. the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Workforce Improvement and Protection Act of 1998 (WIPA), the Defense of Marriage Act of 1996 (DOMA), and the REAL ID Act of 2005.

<sup>7</sup> Public Law 104-132; signed into law on April 24, 1996.

<sup>8</sup> Public Law 104-193; signed into law on August 22, 1996.

<sup>9</sup> Public Law 104-208; signed into law on September 30, 1996.

these laws are not only a reaction to perceived crises, but that they also represent active attempts to shape the popular perceptions of these crises. In short, I argue that political debates, media discourse, and public perception are inextricably linked in complicated ways.

I am particularly interested in the ways that anxieties about immigrants' race, class, gender, and sexuality shape the neoliberal immigration discourse of the mid-1990s. Tellingly, the legal discourse – congressional debates, committee reports, and speeches by President Clinton – contains little specific information about immigrants' race, gender, and sexuality. In an attempt to appear non-discriminatory, politicians have developed an elaborate, abstract way of talking about immigrants that appears to be race-less and gender-less. Yet even though there are very few specific references, the discourse is full of code words, metaphors, and images that allude to immigrants' racial characteristics. For instance, countless politicians opened their remarks with a reference to their own ancestors, who came over from Europe, worked hard, assimilated quickly, and lived the American Dream. However, they followed up these personal comments with complaints about the unwillingness of contemporary immigrants to give up their own customs, religious beliefs, and languages. Instead of joining the melting pot – an outdated, problematic metaphor often used in congressional debates – these more recent immigrants were supposedly reluctant to assimilate. This kind of rhetoric downplays the fact that many immigrants do not *refuse* to assimilate but that deep-seated prejudices, structural discrimination, and racism effectively prevent immigrants, especially immigrants of color, from “blending in” with the majority. Even more importantly, this seemingly race-neutral language about assimilation and the melting pot was used to keep up the pretense that concerns about immigration were not about race or racist anxieties, but about immigrants' willingness and ability to behave a certain way and adhere to “our” expectations.

This insistence that race was not a central concern was not only dominant in the political discourse, but it also informed the media discourse. Interestingly, even conservative critics like CNN anchor Lou Dobbs and reactionary radio talk hosts like Michael Savage, Roger Hedgecock, and Rush Limbaugh were careful to frame their critique of “illegal” immigrants in race-neutral terms. For the most part, they were quite reluctant to discuss race and dismissive of guests who brought up the issue. On October 28, 2006, for instance, Lou Dobbs expressed his concern about the “invasion of illegal aliens.”<sup>10</sup> In response to this alarmist rhetoric, Rosa Rosales, the president of the League of United Latin American Citizens (LULAC), cautiously remarked that “we’re not being invaded, you know? What’s all this hysteria? Is it because the Latino population is growing in such great numbers that we fear the voting power?” Lou Dobbs, however, was unwilling to even acknowledge the fact that most immigrants were indeed Latino. Instead, he reacted quite condescendingly and tried to return to the color-blind discourse he was so comfortable with. He replied: “All right. Rosa, I was so proud of you. Rosa, I was so proud of you, and then you bring up race.” When John Trasvina, the interim president of the Mexican American Legal Defense and Education Fund (MALDEF) agreed with Rosales’s assessment that the anti-immigration discourse was informed by racist anxieties, Dobbs claimed that bringing up race was “the last refuge of people without arguments. It is the last refuge of people without fact.”<sup>11</sup>

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<sup>10</sup> The guests on the show included Rosa Rosales, the president of the League of United Latin American Citizens (LULAC) and John Trasvina, the interim president of the Mexican American Legal Defense and Education Fund (MALDEF); Robert Rector, the President of the Heritage Foundation; Representative Michael McCaul (R-TX), a member of the Homeland Security Committee; Dan Stein, the president of FAIR (Federation of American Immigration Reform); and Roy Beck, the executive director of Numbers USA.

<sup>11</sup> This argument was apparently quite popular with Lou Dobbs. On April 2, 2006, Dobbs argued that “to say that anyone involved in this debate is a xenophobe or a racist seems to be the first thing uttered when they have run out of facts to support their view.” In a conversation with Leo Chavez, a professor at the University of California and an author of several influential books about undocumented immigrants, Dobbs insisted that Hispanic organizations must have no convincing arguments for “illegal immigration” since “every time this issue is brought up, illegal immigration, [they] want to charge racism, or xenophobia.”

In contrast to this general reluctance to talk openly about race, Congressional Debates and media representations of immigrants and immigration reform were heavily influenced by a larger discourse about “family values.” Obviously, the concept of “family values” is inherently flexible and dependent on a society’s economic, political, cultural, and religious systems and beliefs. Hence, in a U.S. context, the term “family values” has been used to justify a wide variety of perspectives, including everything from conservative Christian values (e.g. pro-marriage and traditional heteropatriarchal gender roles, opposition to cohabitation, premarital sex, and abortion) to calls for parent-friendly employment laws, affordable child care, access to birth control and abortion, and support of alternative family and kinship structures. By the mid-1990s however, “family values” had become largely synonymous with a conservative ideology that promoted the traditional nuclear family as the only living arrangement worthy of governmental support and protection. Not only did the “Defense of Marriage Act” (DOMA) become law in 1996, but family values issues were also prevalent within a number of public policy debates. Most prominently, the U.S. Government decided to use the immigration and welfare reform acts of 1996 as a way to force immigrants – and, with regard to the Personal Responsibility Act, poor citizens – to conform to heteronormative notions of the family and to punish those people who did not live in traditional heterosexual relationships.

One of the main discursive strands in the immigration debate focused on the reform of the family reunification category. Predictably, most politicians seemed to agree that the ability to reunite with immediate family members was an important cornerstone of the American immigration system. In accordance with the customary family values rhetoric, politicians proclaimed that it would be un-American to separate married couples and their small children. However, the legal status of other family members – such as the adult children of U.S. citizens



and legal permanent residents, as well as their brothers and sisters – was open to question. While several Representatives wanted to eliminate these family preference categories entirely, others were reluctant to proclaim that adult children, for instance, were no longer part of the nuclear family.

While the discourse about immigration reform was repeatedly connected to family values and other humanitarian concerns, the following chapters will demonstrate that the driving force behind 1995-96 immigration reform rhetoric was a concern about immigrants' economic impact. While most economists seem to agree that, on average, immigrants contribute more in taxes than they consume in welfare, social security, and health care benefits, it is important to acknowledge that the costs for newly-arrived immigrants are unevenly distributed. Since most of immigrants' taxes are paid to the federal government, states like California, Texas, and Illinois complain about unfunded mandates, i.e. they do not receive enough state and local taxes from immigrants to cover all their expenses. Yet in addition to this general cost-benefit assessment, economists also emphasized that an individual's potential to develop into a so-called "net contributor" was largely dependent on their level of education and marketable job skills. The discourse thus made a sharp distinction between skilled and unskilled immigrants. On the one hand, the discourse acknowledged that certain skilled workers – such as computer specialists, doctors, and nurses – were needed to fill an increasing number of job openings. These educated immigrants could not only be expected to become net contributors, but they would also be able to lead middle-class lives. However, this class status also caused anxiety and some people felt threatened by immigrants' undeniable success. As a result, there was a lengthy discourse about measures to protect American workers from "unfair" competition and the possibility of giving out temporary visas to make sure that immigrants could be forced to leave if they were no longer needed.

Unskilled workers, on the other hand, caused a different kind of anxiety. Oftentimes, politicians implied that unskilled immigrants were also undocumented – a conflation that is certainly not correct. In addition, migrant farm-laborers as well as unskilled workers in restaurants, hotels, and certain factories were described as an unassimilated, foreign underclass that posed a threat to American society. Since these individuals were frequently forced to accept extremely low wages and dangerous working conditions, and since many of them were unable to have a “stable home” and live in prototypical nuclear families, they were perceived as a danger to the American value system. My dissertation not only identifies the specific nature of these anxieties, but it also shows how exactly these anxieties influenced the immigration discourse were refracted through the dominant neoliberal rhetoric.

## 1.1 Discourse Analysis

Even though the following chapters will make frequent references to specific bills and amendments, my analysis is primarily concerned with the 1995-96 immigration/immigrant *discourse*. My interdisciplinary approach, which can best be described as a “critical discourse analysis,” is located at the intersection of linguistics, cultural studies, feminist theory, and critical race theory. In different contexts, the term “discourse analysis” has been used to describe a wide variety of methodological approaches, most of which are only of limited value for my particular project. Linguists, in particular, have a very different understanding than I do of what discourse analysis entails (Entman 2000, Jäger and Link 1993, van Dijk 1997, 1999, 2000). Their studies typically select a list of written or oral texts, identify certain characteristic speech patterns (e.g. pronoun usage, metaphors, tropes, images), and provide a quantitative analysis of these phenomena (e.g. how often does a particular newspaper use flood imagery to refer to

contemporary immigrants?). While a quantitative approach might help to illustrate the pervasiveness of certain problematic images, it is my assertion that this type of analysis ignores the causes and effects of discriminatory language. I think it is problematic that many linguists examine texts “out of context” by neglecting to take the role of the author and the setting into account.

In some cases, linguistic discourse analysis is specifically concerned with the way that racial anxieties entered the mainstream media discourse about immigration reform. In *Brown Tide Rising*, for example, Otto Santa Ana argues that, while mainstream media rhetoric was not as overtly racist as white supremacist groups’ diatribes against immigrants and racial minorities, the media’s reliance on problematic metaphors “contributes to demeaning and dehumanizing the immigrant worker” (Santa Ana 2002, 101). His analysis of *Los Angeles Times* coverage between 1992 and 1998 revealed that immigrants from Latin American countries were commonly equated with dangerous waters (tide, flood, wave etc.) and described as animal-like or as dangerous invaders. According to Santa Ana, “these metaphors are not merely rhetorical flourishes, but are the key components with which the public’s concept of Latinos is edified, reinforced, and articulated” (Santa Ana 2002, xvi). These conclusions might very well be justified but they don’t get at the more insidious aspects of immigration discourse. In particular, Otto Santa Ana’s insistence on the ubiquity of discriminatory metaphors misses the more subtle strategies that make this discourse so powerful.

My interdisciplinary approach to discourse analysis demonstrates that the neoliberal discourse on immigration of the mid-1990s was fundamentally different from earlier more openly racist discourses. Even though problematic anti-immigrant images and metaphors were quite common, journalists at respectable mainstream newspapers made a conscious effort to

appear non-discriminatory and frame immigration reform measures as necessary attempts to make a costly system more economically efficient. While I agree with Santa Ana's claim that "contemporary U.S. public discourse on minority communities is oppressive," my analysis demonstrates how the media discourse (like its political counterpart) disguised its racist effects by mostly refraining from the personalized attacks and overt racism that characterized earlier immigration discourses (Santa Ana 2002, 11).

In contrast to these quantitative approaches, which are narrowly focused on specific images, metaphors, and other linguistic phenomena, my analysis is more interested in the complex connections between discourse, power, and governmentality. I examine *how* and *why* certain rhetorical strategies were used and how this rhetoric was connected to the way politicians and the media framed the immigration "problem." Yet even though my dissertation is primarily interested in the content and the social implications of the immigration discourse, my analysis is firmly grounded in textual analysis and based on a limited data set. My data collection follows rules similar to those used by many linguists (Entman 2000, Jäger and Link 1993, van Dijk 1997, 1999, 2000). Specifically, my analysis will focus on the time period between January 1995 – two months before the 104<sup>th</sup> Congress published the first House Report on Immigration – and November 1996, two months after the passage of the Illegal Immigration Act of 1996.<sup>12</sup>

Much like Nancy Naples' work on the Family Support Act of 1988, I will utilize Michel Foucault's approach to discourse analysis to examine this data set (Naples 2003, 109ff). In *The Archaeology of Knowledge and the Discourse on Language*, Foucault argues that "a discursive formation is not [...] an ideal, continuous, smooth text that runs beneath the multiplicity of contradictions [...]. It is rather a space of multiple dissensions; a set of different oppositions

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<sup>12</sup> More specifically, House Report 104-469 (Immigration in the National Interest Act of 1995) was published on March 4, 1995 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was signed into law on September 30, 1996.

whose levels and roles must be described” (Foucault 1972, 155). As such, discourse draws on a wide variety of issues and connects them in complicated and sometimes contradictory ways.

Unlike most immigration scholars, I will treat the debates surrounding immigration reform as a heterogeneous, contradiction-ridden discursive formation that cannot and should not be analyzed in isolation. Instead, my dissertation will address the important intersections between immigration, anti-terrorism, and welfare reform and demonstrate how the rhetorical connection of these issues has shaped the popular perception of the “immigration crisis.”

In this process, I will illustrate how and why certain issues dominate the discourse, while other seemingly relevant aspects are pushed to the background. With regard to the social welfare discourse, for instance, Naples demonstrated that “welfare dependence, not poverty or unemployment, is viewed as the social ill that is the appropriate target for state action” (Naples 2003, 110). In the context of the 1995-96 immigration debates, we will see that the assessment of immigrants’ potential to contribute to the U.S. economy came to overshadow most other concerns. Even though politicians and the mainstream media frequently cited immigrants’ cultural contributions, their adherence to heteronormative family values, and America’s historical commitment to legal immigrants as important factors, these types of arguments were most often advanced to support a particular interpretation of the dominant neoliberal project. In short, my dissertation not only argues that the U.S. immigration reform discourse was inherently connected to a larger neoliberal reform project that stressed personal over societal responsibility and economic efficiency over social welfare, but it also demonstrates how this neoliberal logic was connected to concern about immigrants’ race, class, gender, and sexuality.

In contrast to Naples, whose analysis is limited to the political sphere, my dissertation examines how these issues are played out in different contexts. In particular, I compare and

contrast the political discourse and the mainstream media discourse on immigration and immigrants. My discussion of political discourse analyzes congressional debates, committee reports, and speeches by President Clinton. My media analysis focuses on three major newspapers: *The New York Times* (NYT), *The San Francisco Chronicle* (SFC), and *The Houston Chronicle* (HC). I selected these particular papers because of their wide circulation and because they are located in three geographically distinct metropolitan areas with a large and unusually diverse population of immigrants. Based on my analysis of these political and mainstream media sources, I show how immigration discourse “circulates” in American society. Most importantly, I examine how immigration proponents and opponents used the same set of key issues and concerns to defend their position – all without ever questioning the neoliberal logic that grounded the discourse itself.

## 1.2 The Emerging Neoliberal Consensus

My dissertation situates the immigration discourse in 1995-96 in the larger theoretical framework of neoliberalism. Most prominently, scholars of neoliberalism have argued that neoliberal governments are characterized by the attempt to restructure the social welfare system in such a way that it becomes more economically profitable. As part of this neoliberal project, governments shift responsibility from the state to individual citizens and their families. Welfare benefits are regarded as investments in promising individuals who are willing and able to follow certain rules. For example, neoliberal subjects are expected to take calculated risks and invest in their own abilities. They are supposed to act as entrepreneurs of themselves. Building on this extensive work on U.S. attempts to reorganize the welfare state in accordance with neoliberal objectives (Brown 1999, Bryson and Lister 1994 Cammissa 1998, Fox Piven and Cloward 1993,

Fraser and Gordon 1992, Gilens 1999, King 1999, Lamer 2000, Naples 2003, Orloff 1993, Quadagno), I argue that neoliberalism is also an extremely useful lens to examine the immigration reform discourse in the mid-1990s.

Following Nikolas Rose's work on neoliberalism (which he prefers to call "advanced liberalism"), I will show how governments negotiate conflicting interests and rationalize their decisions. In *Powers of Freedom*, Nikolas Rose criticizes scholars who "suggest that the contemporary reconstruction of government is an inevitable response to a transformation of the conditions that made social government and the welfare state possible" (Rose 1999, 139). Instead, Rose argues that government is primarily a work of thought, not a mere reaction to social, economic, and cultural circumstances. In order to understand the historical significance of the emerging neoliberal consensus, scholars thus need to examine larger intellectual and political histories that made it possible.

Shortly after the Second World War, a group of European intellectuals called attention to the dangers inherent in any state-driven social engineering. Friedrich von Hayek, in particular, was critical of the fact that modern states had influence over the tax system, the welfare system, housing, urban planning, public transportation, and many other important aspects of social life. According to von Hayek, the state had been gradually expanding its power over its citizenry: not only was it able to determine which groups were worthy of support, but it was also able to impose certain values and moral codes on people who sought access to state services. Eventually, he argued, this trend would lead to totalitarianism. Yet instead of promoting a return to classic liberalism, a group of economists and jurists known as the *Ordoliberalen* suggested a new neoliberal framework. They wanted to free the market from subsidies and government regulations which, in their eyes, had fostered the development of extensive business monopolies

while making workers dependent and unmotivated. Within this neoliberal framework, the state would promote a new set of values that would encourage individuals to become actively involved in shaping their own lives. Rather than passively accepting the status quo, citizens were expected to act like self-interested consumers who aggressively sought after new opportunities for personal advancement.

In the United States, it took some thirty years for these ideas to enter the public debate over social welfare. As Lyndon B. Johnson's 1960s War on Poverty once again expanded New Deal social welfare programs, however, neoliberals became increasingly vocal in their critique of big government. In 1980, U.S. voters finally endorsed a presidential candidate who promised to end the era of big government spending. In its stead, President Ronald Reagan proposed a dramatic tax cut, especially for the upper classes, that was supposed to give the economy a boost and reduce unemployment. These results would, in turn, justify abolishing Johnson era welfare programs. Yet while President Reagan embraced neoliberal ideas about freeing the market, he combined these beliefs with a traditional conservative rhetoric about the importance of heteronormative family values and Christian beliefs.

The Reagan administration also addressed the growing number of undocumented immigrants present in the United States – an issue that had garnered considerable public attention since the early 1980s. In 1986, President Reagan signed the “Immigration Reform and Control Act” (IRCA) into law. This act represented an interesting compromise between the anxieties of the average American worker and the needs of big business. On the one hand, IRCA made it illegal for employers to hire undocumented immigrants. On the other, the law offered legal status to all immigrants who could prove that they had lived in the U.S. since January 1, 1982. While this amnesty provision was certainly meant as a concession to employers, it also benefited some



3 million undocumented immigrants who applied for permanent legal residency.<sup>13</sup> Even more important in this context is the fact that this law, by closing the U.S. labor market to additional undocumented workers, represented a clear violation of the neoliberal free market doctrine. Despite President Reagan's popularity, he left a problematic legacy for future administrations. While inflation was under control and the economy had started to boom after 1983, these positive achievements were hardly the result of Reagan's domestic politics. In addition, President Reagan's neoliberal rhetoric had largely ignored serious social problems and structural weaknesses in the American economy.

The first Bush administration continued this trend. Due to the general improvement of the economy, the cutbacks on the social safety and the failure to address deeper-seated problems did not show much of an effect at first. As the economy slowed down in the early 1990s, however, the long-term effects of Reaganism began to be felt. The savings-and-loan industry collapsed, America fought a costly war in Kuwait, unemployment rose, and the number of Americans with incomes below the poverty line increased from 31.9 to 34 million in a matter of a few months. Yet apart from tax increases and short-term emergency aid to the most needy, President George H. W. Bush did little to address the problem.

When Bill Clinton was elected in 1992, he thus faced difficult challenges on the domestic front. The middle class had become increasingly vocal in their critique of the welfare state and the federal tax system. A combination of social issues – white anxieties over affirmative action, a conservative backlash against abortion, out-of-wedlock births, feminists, and homosexuals, as

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<sup>13</sup> According to the Department of Homeland Security, an estimated 5 million undocumented immigrants were living in the U.S. in 1986. Approximately 3.9 million of those were potentially eligible for legalization. Some 3 million unauthorized immigrants registered and tried to achieve legal status, 2.68 million of those were granted legal status. The main amnesty program was open to those people who could document continued physical presence in the U.S. since January 1, 1982. The second program was for "Special Agricultural Workers." (<http://uscis.gov/graphics/aboutus/history/may1987.htm>).

well as controversies over the alleged collapse of heteronormative family values, to name a few – added to the general dissatisfaction. After the devastating results of the 1994 midterm election, President Clinton embarked on a radical reform course that pledged to “end welfare as we know it.” In response to Congress’s passage of the welfare reform act, President Clinton reassured reporters that he intended to sign the law because “the current welfare system undermines the basic values of work, responsibility, and family, trapping generation after generation in dependency and hurting the very people it was designed to help” (Public Papers of the President, William J. Clinton, July 31, 1996). Even though government spending on social welfare had continually grown since the first half of the twentieth century, government programs had been ineffective in reducing poverty and unemployment. Instead of continuing this trend towards increased government intervention, President Clinton promoted a neoliberal approach that emphasized work, independence, and personal responsibility. This tactic allowed him to problematize the government’s role on a much more fundamental level than previous administrations had. In contrast to Presidents Reagan and Bush, who had merely decreased the funding for certain programs, while increasing governmental spending in other areas, Bill Clinton developed a much more cohesive rhetoric that explained why the welfare state had to be radically restructured.

In his analysis of neoliberal reform movements in the U.S. and much of Western Europe, Nikolas Rose has argued that neoliberal governments see the relation of the social and the economic in such a way that “all aspects of social behavior are reconceptualized along economic lines” (Rose 1999, 141).<sup>14</sup> Neoliberal governments no longer seek to govern through expansive

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<sup>14</sup> Please note that Nikolas Rose prefers the term “advanced liberalism.” According to Mitchell Dean, neoliberalism generally refers to “specific styles of the general mentality of rule,” whereas advanced liberalism designates “the broader realm of the various assemblages of rationalities, technologies, and agencies that constitute the characteristic ways of governing in contemporary liberal democracies” (Dean 1999, 149f). Since my analysis is primarily focused

state apparatuses, “but through the regulated choices of individual citizens” (Rose 1996, 41). Accordingly, citizens are seen as clients who choose to consume certain services and expect to pay a certain price for these choices. Moreover, government services represent an investment in a promising individual, one who is likely to develop into a productive citizen.

Even though most critics have focused on welfare reforms to exemplify the logic of emerging neoliberal governments in the United States and in Western Europe, the consequences of this new way of thinking have been much more far-reaching. Neoliberal governments have shifted power and funding from the federal to the state level, limited worker protection laws, put an increasing emphasis on private insurances, restructured the public education and the criminal justice systems, and reorganized immigration laws in accordance with economic objectives. As Eithne Luibhéid has argued, “key concerns for [...] neoliberal governance have been how to produce self-governing individuals, and how to ensure that self-governing relationships are directed toward ends that the state deems appropriate” (Luibhéid 2005b, 71). To this end, neoliberal governments employ a combination of different strategies, including financial rewards and penalties, the removal of privileges, and the curtailing of certain fundamental rights (e.g. the right to privacy), in order to control their “populations.”

This neoliberal approach to governing populations is generally accompanied by an elaborate discourse explaining why certain outcomes are desirable and why certain situations warrant fundamental reforms and invasive measures. In this context, the following chapters will examine one of the most consequential of these neoliberal discourses: the discourse driving actual legislative changes in immigration law. I strongly agree with Mitchell Dean’s claim that “discourses on government are an integral part of the workings of government rather than simply

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on the rhetoric used to justify certain measures, I will use the term “neoliberalism” throughout my dissertation – even when I make references to Rose’s scholarship.

a means of its legitimation” (Dean 1999, 26). Language is not a second-order phenomenon that is shaped by a much more fundamental logic. Instead, an analysis of the discourse surrounding a particular issue – such as the question of who should be allowed to immigrate – exposes the concerns and values that are at stake and shows how they are interconnected.

As my analysis will show, politicians did not argue simply that “economic government is to be desocialized in the name of maximizing the entrepreneurial comportment of the individual,” as Nikolas Rose has put it (Rose 1999, 144). Undoubtedly, a one-sided emphasis on economic objectives would have enabled opponents to launch a powerful critique about the reform plan’s lack of empathy and disregard for vulnerable women and children. With this in mind, politicians carefully constructed an emotional rhetoric that combined economic interests with a strong focus on fundamental values and virtues, worthy of preservation. According to this modified “compassionate” neoliberal discourse, neoliberal reform measures were seen not only as profitable to society, but also as beneficial to individuals: an opportunity to improve their chances of becoming contributing members of society, and thus increase their feeling of self-worth. In the end, the vigorous debate about values also served the essential ideological function of deflecting attention from the crude economic calculus at the heart of the larger neoliberal project.

### 1.3 Literature Review

The body of literature on immigration is vast and heterogeneous. Especially in the last few years, immigration has become a controversial topic that has produced an ever-increasing body of popular literature. Authors and politicians such as Peter Brimelow (*Alien Nation*, 1996), Jared Taylor (*The Real American Dilemma*, 1998), Jon E. Dougherty (*Illegals*, 2004), Patrick J.

Buchanan (*State of Emergency: The Third World Invasion and Conquest of America*, 2006) and Tom Tancredo (*In Mortal Danger: The Battle for America's Border and Security*, 2006) have reached millions of Americans with their alarmist, anti-immigration, and anti-immigrant rhetoric. Increasingly, these “concerned citizens” not only speak out against “illegal” immigration, but they have also formed organizations committed to intercepting “illegal” border crossers and arresting undocumented immigrants who are already present in the United States.

The “Minutemen Project” is one example for such an organization with an explicit anti-immigrant agenda. Founded by Vietnam Veteran Jim Gilchrist and openly endorsed by Representative Tom Tancredo (R-CO), the “Minuteman Project” portrays itself as an organization that will “do the jobs Congress won’t do.” Since their highly publicized effort to patrol the U.S.-Mexico border, founder Jim Gilchrist and *New York Times* bestselling author Jerome R. Corsi (whose 1972 Ph.D. in Political Science from Harvard provides academic credentials), have also written a book about their *Battle to Secure America's Borders*. Throughout the book, Gilchrist and Corsi paint an alarmist image of “illegal aliens.”<sup>15</sup> As opposed to the commonly-accepted estimate that there are about 10-12 undocumented persons in the U.S., the book maintains “that there are currently 30 million illegal immigrants in the United States, with ten thousand or more crossing the borders every day” (Gilchrist and Corsi 2006, 20). The authors also point out that “this invasion is the equivalent of *four army divisions a week* entering and occupying American territory” (Gilchrist and Corsi 2006, 21; their emphasis). On top of this military imagery and a remarkable array of flood metaphors and other problematic images, Gilchrist and Corsi talk about a “tsunami of illegal aliens” and a “Trojan Horse invasion” that threatens to destroy middle-class America. In addition, they consistently refer to

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<sup>15</sup> Jim Gilchrist and Jerome R. Corsi insist that “illegal alien” is the only accurate term. They write that “the government wants to say ‘unauthorized migrant’ precisely because that terminology sounds a lot less scary than the honest and straightforward description of these people as the ‘illegal aliens’ that they in fact are” (2004, 29).

undocumented persons as “unvetted, unapprehended aliens,” “impoverished, uneducated illegal immigrants,” and “millions of impoverished, uneducated Hispanic nationals.” And in case this rhetoric is not racially specific enough, Gilchrist and Corsi also add a number of sections where they describe their exact target and make it unmistakably clear that they are primarily concerned about undocumented Latino immigrants. In their chapter on the U.S. War on Terror, for instance, they elaborate that it is essential to put an end to “illegal” immigration because otherwise “the uneducated impoverished from Mexico will be followed by the uneducated impoverished from Central America, to be followed by the uneducated impoverished from South American countries, including drug-cartel infested Columbia” (Gilchrist and Corsi 2006, 180). Yet despite the fact that the Minutemen are not shy to express their aversion to Latino immigrants, they are still careful to portray themselves as a “multi-ethnic project” that does not target a particular race, but a social problem that may or may not carry racial associations.

Due to their populist appeal and their public visibility, some of these anti-immigrant activists and writers also get a chance to voice their opinions in Congress. Peter Brimelow, for instance, was invited to talk about the “Impact of Immigration on Welfare Programs” in front of the House Ways and Means Committee on November 15, 1993. In addition, representatives from national anti-immigration organizations, such as the Federation for American Immigration Reform (FAIR), the Heritage Foundation, and Negative Population Growth, testified regularly before Congress. Dan Stein, FAIR’s executive director, repeatedly warned that “welfare fraud and abuse is rampant” among “illegal aliens” and insisted that no immigrant, whether documented or undocumented, should be eligible to receive welfare benefits in the U.S. (United States Congress, House, November 15, 1993).<sup>16</sup> Similarly, Robert Rector, a Senior Analyst at the

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<sup>16</sup> In addition, Dan Stein testified before the Senate Judiciary Committee on March 14, 1996 and before the House Judiciary Committee on June 29, 1995.

Heritage Foundation, voiced his opposition to immigrants in numerous hearings.<sup>17</sup> In particular, he claimed that “the United States welfare system is rapidly becoming a deluxe retirement home for the elderly of other countries” and that “welfare is becoming a way of life for elderly immigrants” (United States Congress, House, June 29, 1995 and Senate, February 6, 1996).

These conservative critics thus not only influence public opinion on immigration and immigrants, but they are also able to influence policy decisions more directly through Congressional testimony.

Leaving the alarmist anti-immigration treatises aside, serious scholars have also shown considerable interest in immigration reform and immigrants’ role in U.S. society and have looked at these issues from a number of different disciplinary angles. The following discussion will distinguish between economic analyses; studies that focus on race, gender, and sexuality; and Foucauldian approaches that are primarily concerned with the meaning of discourse, power, and governmentality.

Economic analyses of immigration and welfare reform were inextricably linked with the mid-1990s political discourse and the policymaking agenda. Several economists working on cost-benefit analyses of immigration have been regularly invited to discuss their findings in Congress and to make recommendations for more economically profitable immigration policies.<sup>18</sup> Yet despite similar research questions and methodological approaches, these scholars have come to widely differing conclusions. On the one end of the spectrum, a number of researchers deduced that the current generation of immigrants represented a net drain on the U.S. economy (Borjas 1990, 1992, 1994, 1995, 2001; Huddle 1993, 1995, and 1996; Simcox 1994).

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<sup>17</sup> The Heritage Foundation describes itself as “a think tank whose mission is to formulate and promote conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense” (<http://www.heritage.org/about>).

<sup>18</sup> On different occasions, Michael Fix, Wendy Zimmerman, David Simcox, Donald Huddle, George Borjas, and Vernon Briggs testified before Congress in 1995-96.

However, even among these researchers, the numbers varied widely. While Donald Huddle estimated that immigrants had cost the U.S. economy \$ 42.5 billion in 1992, David Simcox countered that the net deficit caused by documented and undocumented immigrants was closer to \$29.14 billion (Simcox 1994). George Borjas generally agreed with Huddle's estimates and added that "one single factor, the changing national origin mix of the immigrant flow, can explain much of the decline" in immigrants' potential to develop into net contributors (Borjas 1994, 1685). Borjas even admitted that "economic factors by themselves should not and will not decide the outcome of this debate" (Borjas 1996, 73). At the same time, however, he also maintained that most other factors – including immigrants' race and ethnicity – could be included into his economic model. According to Borjas, economists needed to acknowledge that "ethnicity has external effects on human capital accumulation," but he was not convinced that this model needed to recognize the effects of racism and discrimination more specifically (Borjas 1994, 1712).

On the other end of the spectrum, several scholars developed models which suggested that contemporary immigrants were in fact net contributors who paid more in taxes than they received in benefits. Chief among these researchers were Michael E. Fix and Jeffrey S. Passel of the Urban Institute, who cautioned that most other studies had failed to assess immigrants' economic contributions correctly. They maintained that Donald Huddle's figures were based on faulty data, since he had overstated the size of the immigrant population as well as service costs and job displacement impacts. Moreover, Huddle had not only underestimated immigrants' tax payments, but had also failed to acknowledge the economic benefits generated by consumer spending and the tax revenues and additional jobs that had been created by immigrant-owned



businesses. Based on their own estimates, Fix and Passel concluded that immigrants had created a surplus of \$28.7 billion in 1992 (Fix and Passel 1994).

Most other economists have been less interested in calculating exact figures and more concerned with developing an immigration policy that would maximize immigrants' economic contributions. Most of these scholars have insisted that a more economically profitable immigration policy needs to offer a greater number of visas – both permanent and temporary – for high-skilled as well as low-skilled workers (Chang 1997; Jacoby 2006). At the same time, however, these scholars have also cautioned that the U.S. government needs a system to ensure that these new immigrants would not become a burden on U.S. taxpayers. In accordance with the larger neoliberal reform project, they have suggested a number of measures that are meant to increase personal responsibility and diminish the U.S. government's financial risk. Howard F. Chang, for instance, has applied trade principles to immigration law. Based on his model, which aimed at raising national economic welfare, "the optimal response is not nontariff restrictions on immigration, such as quotas. Rather, the appropriate response is fiscal. In such cases, we can use a tariff, that is, a tax imposed only on immigrants, to restrict access to all our public goods and public entitlements" (Chang 1997). However, Chang has also cautioned that the U.S. should "at least allow immigrants access to public entitlements when the benefits to natives from such access exceeds the costs of providing the access" (Chang 1997). Access to public schools, for instance, represents an "investment in the human capital of immigrant children [that] provides them with skills that will yield external benefits in the future" (Chang 1997). Other economists have also suggested that an ideal immigration policy would assess a prospective immigrants'

potential to develop into a productive member of society and base immigration decisions as well as access to public services on individual qualifications.<sup>19</sup>

In contrast to these economic assessments, which have been primarily concerned with immigrants' quantifiable impact on the U.S. economy, sociologists have expressed more interest in the role that the economic anxieties of U.S. citizens have played in their attitude towards immigration and immigrants. As has been the case with the widely divergent findings about immigrants' economic contributions, however, some of these sociological studies have attached great importance to economic anxieties, while others have maintained that non-economic factors such as racial anxieties and prejudices are a much better predictors of anti-immigrant attitudes. Frank D. Bean, Robert G. Cushing, Charles W. Haynes, and Jennifer V. W. Van Hook, for example, have argued that "economic anxiety, more than concern over the possibility of increased racial/ethnic competition and tensions stemming from racially and ethnically diverse immigration flows, is at the root of current perceptions that immigration levels are too high" (Bean, Cushing, Haynes and Van Hook 1997, 263). Similarly, Gordon H. Hanson, in *Why Does Immigration Divide America*, concludes that Americans support immigration restrictions because they believe that immigrants represent a net drain on U.S. public finances. While he explicitly denies the importance of race, he cites immigrants' sexuality as one of the reasons why many Americans are opposed to high levels of immigration and generous welfare benefits for immigrants.<sup>20</sup> Yet in accordance with his economically-oriented approach, Hanson argues that Americans are primarily concerned about the fiscal effects of immigrants' supposed tendency to

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<sup>19</sup> Paul T. Schultz, for example, argued that public benefits should be treated as an investment. Based on his model, immigrant children should be allowed to get a free public education and receive other services because "this is a social investment the United States may want to make" (Schultz 1998, 246). For elderly immigrants, on the other hand, "the transfer of public funds is not justifiable as an investment in the future productivity of Americans" (Schultz 1998, 246).

<sup>20</sup> In his introduction, Hanson explains that he will rely "almost exclusively on economic motivations for political opposition to immigration. I will leave unexplored the claim that opposition to immigration is rooted in conflicts over identity" (Hanson 2005, 8).

have large numbers of children. He writes: “As low wage-earners, these immigrants are likely to pay little in taxes and to make large demands on public expenditures relative to other US residents. Compounding their demands on public services, immigrants also tend to have large families” (Hanson 2005, 27).

In contrast, Daniel J. Tichenor has questioned the validity of studies that focus exclusively on economic concerns and labor market demands. In *Dividing Lines*, Tichenor seeks to explain how and why U.S. immigration policies have changed over the course of time. His research indicates that economic models are inadequate because “major restrictive reforms can be codified during times of prosperity and expansive ones during economic down-turns” (Tichenor 2002, 22). Yet while Tichenor believes that the U.S. does not simply tailor its immigration policies to economic demands, he is equally apprehensive of studies that stress “the resilience of nativist and racist traditions in American political life” (Tichenor 2002, 192). Instead, he argues for a multi-faceted approach that takes into consideration a variety of factors as well as the specific historical circumstances.

Similarly, Robert Suro, in his examination of the mid-1990s immigration backlash, argues that “many of those fears were based on exaggerated assumptions about immigration’s negative impact, but at the same time they reflected accurate perceptions that the presence of immigrants was changing the country in important ways” (Suro 1996, 10). According to Suro, the dominant discourse in the mid-1990s tended to conflate justified concerns and groundless accusations to create a threatening image of immigrants’ impact on U.S. culture, society, and the economy. The controversy about the future of the English language illustrates this tendency to combine economic concerns with cultural anxieties. While scaremongers had little evidence that Spanish was likely to become the dominant language in the U.S., other critics were correct in

their claims that bilingual education programs for immigrant children had resulted in increased public expenditures in certain school districts. Due to the importance and complexity of this issue, it is hardly surprising that presidential candidates and other politicians felt compelled to make vague declarations about their commitment to protect “our values” and fight commonly-accepted problems such as “criminal and illegal aliens” and high costs for immigrant-specific services. Suro concludes that this convoluted rhetoric made it all the more difficult to develop rational immigration policies.

Other scholars are not only convinced that racial anxieties are the strongest predictor of anti-immigrant attitudes, but they have also maintained that economic arguments have been specifically used to downplay the fact that immigrants’ racial background does indeed play a role in the debate.<sup>21</sup> Stacy Takacs, for example, concludes that “race and gender conflicts that structure the current immigration debate [...] are covered over by appeals to the ‘economic realities’ associated with immigration” (Takacs 1999, 605). Similarly, Jack Citrin, Donald P. Green, Christopher Muste and Cara Wong have found that personal economic circumstances and attitudes fail to predict a person’s attitude towards immigration policies. However, they also acknowledge that “beliefs about the economic consequences of immigration have political ramifications when they serve as legitimating arguments for restrictionist policies in a culture that discourages open expressions of nativism or xenophobia” (Citrin et al. 1997, 877). Several authors have also suggested that the harsh treatment of immigrants of color reflected U.S. citizens’ attitudes towards domestic minorities (Johnson 2004, Chavez 1997). Due to legal

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<sup>21</sup> Peter Burns and James G. Gimpel, for example, argued that “attitudes on immigration policy are highly contingent upon stereotypical beliefs about the work ethic and intelligence of other groups, especially among whites. The role of self-interest, as measured by personal economic forecasts or by one’s national economic outlook, is not as important to attitudes on immigration” (Burns and Gimpel 2000, 222f).

constraints and commonly accepted norms of political correctness, though, white citizens have been unable to act on their prejudices and have targeted immigrants instead.

Over the last few years, there have also been several other noteworthy works that focus on the role of race, gender, and sexuality in immigration discourse and policy. Most recently, *American Quarterly* dedicated their September 2005 issue to the study of “Legal Borderlands: Law and the Construction of American Borderlands.” While several of the articles represent exciting new approaches to the topic, Siobhan Somerville’s essay is of particular importance for my dissertation project. In “Notes toward a Queer History of Naturalization,” Somerville combines questions of citizenship, sexuality, and nationality to critically interrogate the idea that an immigrant is “someone who desires America” (Somerville 2005, 659). Somerville’s research shows that the popular image of the eager-to-assimilate immigrant has influenced legal decisions on immigration from the late eighteenth century until today. In addition, Somerville makes an important argument that laws are not transparent statements of state power, but that the language of juridical documents represents an attempt to shape the public’s perception of reality. My dissertation expands on this conclusion by showing how language and images circulate in and through different types of media.

*American Quarterly*’s special issue is only one example of a growing body of critical immigration scholarship. In *Targeting Immigrants*, for example, Jonathan Xavier Inda explores “the conjunction between knowledge and governmental practice” (Inda 2006, 2). His study “is concerned, on the one hand, with the kinds of knowledge, the specific problematizations, and the various authorities that have constructed ‘illegal’ immigrants as targets of government; and, on the other, with the specific tactics, techniques, and programs that have been deployed to manage this population, particularly at the US-Mexico border” (Inda 2006, 2f). Following Foucault’s

work on governmentality, Inda describes how “assorted forms of knowledge, modes of calculation, kinds of governing authorities, and technical means intertwine to construct particular objects – in this case ‘illegal’ immigrants – as targets of government” (Inda 2006, 8). Inda’s examination of scholarly writings, expert testimonies, and government publications demonstrates how “illegal aliens” have been problematized as unethical beings – or, as Inda phrases it, as “anti-citizens” – who need to be policed and, ultimately, excluded from U.S. society. *Targeting Immigrants* is not just concerned with the discursive construction of the “illegal alien” in the late twentieth century, but also explores how the U.S. government has used specific programs and technologies, such as widely publicized border patrol initiatives, to manage “illegal” immigration.

Other scholars remind us that policies that have seemingly failed to achieve their alleged purpose are nevertheless hailed as a success in many cases. Justin Akers Chacón and Mike Davis, for instance, argue that the militarization of the U.S.-Mexico border is “a success from the point of view of policy-makers. It has strengthened the control of business over immigrant labor, provided political capital in the ‘War on Terror,’ and is, in itself, a profitable institution, as defense contractors compete to corner the emerging market of border enforcement” (Chacón and Davis 2006, 205). Chacón and Davis conclude that highly publicized border enforcement efforts such as “Operation Hold the Line” in El Paso, TX, “Operation Gatekeeper” in San Diego, CA, and “Operation Safeguard” in Nogales, AZ were never meant to stop “illegal” immigration. Instead, they serve to criminalize undocumented border crossers, create the impression that the U.S. government is “getting tough” on “illegal aliens,” and ensure that big business will continue to have to access a large cheap labor force.

In another study, San Hea Kil and Cecilia Menjivar explore how “public policy, rhetoric, criminalization, and militarization have turned the border into a violent place” (Kil and Menjivar

2006, 164). They are interested in the effects the dominant discourse has had on the social and political climate in the United States. Kil and Menjivar argue that the current anti-immigrant discourse criminalizes and racializes “illegal aliens.” Hence, politicians and the mainstream media not only validate vigilante groups like the “Minutemen Project,” but they also encourage racist and violent actions against immigrants. While I agree with Kil and Menjivar’s assessment that the anti-immigrant discourse has had a number of problematic effects, not least of which is the formation of militia-type organizations, and while I applaud their acknowledgement of the violence involved in immigration “control,” I also believe that the discursive focus on economic objectives and the reluctance to talk openly about immigrants’ race, ethnicity, and nationality has proved much more damaging than the rare instances of outright racism. In particular, my analysis will demonstrate how exactly the neoliberal framework of immigration reform discourse has systematically downplayed the racist, sexist, and heterosexist implications of contemporary immigration policies and, in that way, helped to cover up the violence produced by their racist and sexist effects.

Other immigration scholars have specifically looked at how widespread anxieties about immigrants’ race, class, gender, and sexuality have intersected with U.S. immigration policies. In, *Entry Denied*, for example, Eithne Luibhéid “investigates how the U.S. immigration control system has served as a crucial site for the construction and regulation of sexual norms, identities, and behaviors since 1875” (Luibhéid 2002, x). Drawing on Foucault’s conceptualization of the links between power and knowledge, Luibhéid offers a complex analysis of specific immigration case histories. In addition, Eithne Luibhéid and Lionel Cantú Jr.’s recently published edited collection (*Queer Migrations*) has proved extremely useful for my project. The authors in *Queer Migrations* utilize a diverse body of scholarship, including queer theory, critical race theory,

sociology, history, literary theory, and the visual arts “to bring immigration scholarship and sexuality scholarship into productive dialogue, in ways that challenge existing frameworks in both fields while indicating how the lives of queer migrants can be usefully studied” (Luibhéid 2005, ix).

Even though my dissertation does not specifically focus on queer migrants, the work of Luibhéid and her collaborators represents a valuable model for my analysis of discursive strategies. Throughout her work, Luibhéid emphasizes that the U.S. does not simply employ ready-made concepts of race, gender, and sexuality to admit, reject, and deport certain immigrants. Instead, Luibhéid shows how the U.S. government as well as individual INS officers are continually redefining these categories. My dissertation makes a similar argument about the role of politicians and the media by demonstrating how both groups engage in this large-scale effort to describe and label the immigrant population.

In addition, Michel Foucault’s work on truth, knowledge, and power is of major importance for my analysis of the larger social and structural implications of the (anti-) immigration discourse of the mid-1990s. Whereas many political scientists portray legislative and executive bodies as independent forces that exert power over a large and diverse group of citizens, Foucault work calls this top-down approach into question. For Foucault, it is important to determine how democratic governments justify and enforce their decisions without using brute force.<sup>22</sup> One of the key questions Foucault is trying to answer is: How is a democratic government able to get its citizens to follow certain rules and yet maintain a certain degree of happiness, welfare, and personal freedom at the same time? Foucault writes

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<sup>22</sup> These governmental goals and techniques are subsumed under the concept of “governmentality.” For Foucault (1991), the concept of governmentality is intended to critique the liberal interpretation of citizenship.



What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression (Foucault 1984, 61).

Seen in this light, the state is an important but not an omnipotent player in this power network that can "only operate on the basis of other, already existing power relations. The state is superstructural in relation to a whole series of power networks that invest the body, sexuality, the family, kinship, knowledge, technology, and so forth" (Foucault 1984, 64). According to Foucault, governments – in combination with a whole network of other institutions – are responsible for the "conduct of conduct."<sup>23</sup> Through citizens' moral and religious beliefs, aspirations, and family structures, the state tries to shape the conduct of its populace. Accordingly, Foucauldian scholars are interested in the forces that create, shape, and uphold these belief systems. Instead of blaming individuals for their inability to succeed by U.S. standards, Foucauldian scholars believe that it is more productive to analyze the system behind these standards. We need to ask how these narrow standards of what qualifies as "normal," "acceptable," and "successful" came into being and who is interested in upholding them.

The following analysis thus uses Foucault's work to examine how exactly the 1990s discourse produced a consensus that stricter immigration laws, which shifted financial responsibility onto immigrants and their sponsors and limited non-citizens' legal protections, were necessary, rational, and economically profitable. In addition, my dissertation interrogates how politicians and the mainstream media juxtaposed an idealized image of responsible, self-

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<sup>23</sup> Foucault explains that governmentality can also be described as the "conduct of conduct."

sufficient legal immigrants, who eagerly adhered to heteronormative family values, to altogether negative depictions of undocumented workers, who were commonly perceived as an unassimilable underclass. Based on this discursive distinction, politicians and the media were able to justify invasive new measures that supposedly rewarded desirable behavior and punished those individuals who had forfeited their right to remain in the U.S. and access widely available services such as welfare benefits and public education. In short, I use Foucault's work to demonstrate how this explicit focus on "rational" neoliberal reform measures was used to disguise the racist and heterosexist effects of the discourse and the resulting reform measures.

#### 1.4 Chapter Overview

Drawing on Michel Foucault and Nikolas Rose's work, the following chapters will examine the discursive strategies that created, shaped, and upheld images of "desirable" and "undesirable" immigrants. I argue that government debates, media discourse, and public perception were part of a larger regime of knowledge/power that continually produced and reinforced the neoliberal ideal of a responsible, self-sufficient subject. This underlying neoliberal logic with its reductionist insistence on cost-benefit analysis foreclosed any attempt to engage in a serious moral/ethical debate about the merits and effects of the U.S. immigration system. At the same time, my research demonstrates that despite this foreclosure of the terms of debate, the mid-1990s discourse on immigration was characterized by a productive tension between its underlying neoliberal assumptions and other often contradictory values and objectives grounded in an earlier liberal discourse on human rights with its moralistic concerns about civility and its sentimental appeals to humanitarian needs. In particular, I interrogate how long-standing and

deep-seated anxieties about immigrants' race, class, gender, and sexuality intersected with neoliberal logic in both the public discourse and the legislative process.

My dissertation examines congressional debates and mainstream newspapers to illustrate how immigration discourse circulates and how these distinct discursive sites work intertextually within the larger discourse to reinforce, supplement, and even contradict each other. Chapter 2 accomplishes two important objectives: First, it provides a brief overview of major immigration laws and policies from the colonial period until the late twentieth century. This analysis demonstrates how classic liberal notions of citizenship, which combined political, economic, and social criteria, have influenced various historical exclusions in American immigration law. Second, this chapter demonstrates how the immigration, welfare, and anti-terrorism measures that were passed in 1996 were fundamentally different from earlier approaches to these concerns. This section determines how these interrelated reform measures can be understood as an integral part of a larger neoliberal framework.

Chapter 3 examines the neoliberal logic behind the restructuring of the family preference category. An analysis of congressional debates and committee reports shows how Congress used an explicit pro-family rhetoric to justify measures intended to activate legal immigrants' capacity for self-sufficient citizenship. By focusing on the controversy over the family reunification system, this chapter demonstrates how politicians from both ends of the political spectrum managed to insert family values and moral obligations into a discourse that was largely dominated by economic considerations.

While Chapter 3 is primarily concerned with the Congressional discourse about the legal immigration system, Chapter 4 interrogates the discursive construction of "illegal aliens" as "anti-citizens." While Congress was eager to portray legal immigrants as responsible, hard-

working, community-minded individuals who had the potential to develop into productive members of society, they were reluctant to acknowledge that undocumented immigrants were anything but lawbreakers and low-cost laborers. In contrast to the discourse about legal immigration, which constantly weighed humanistic concerns against economic considerations, Congress was quite comfortable to discuss undocumented immigrants' economic impact without much regard to the human side of the issue. Taken together, these two chapters explain how these two discursive depictions of an idealized "legal immigrant" on the one hand and a threatening "illegal alien" on the other were mutually constitutive of each other and how these two images worked intertextually.

In Chapter 5, I look at three major newspapers – the *New York Times*, the *Houston Chronicle*, and the *San Francisco Chronicle* – in order to explore the linkages between media and legislative discourse. Even though journalists were critical of overzealous politicians and punitive reform measures, I contend that the media's reliance on alarmist language and stereotypical images ultimately reinforced the sense that there was a burgeoning immigration crisis that warranted immediate action. Yet in contrast to linguistic approaches to the immigration discourse, which tend to focus exclusively on the role of discriminatory language, my analysis will demonstrate that the neoliberal discourse on immigration of the mid-1990s was radically different from earlier overtly racist discourses (Entman 2000, Jäger and Link 1993, Santa Ana 2002, van Dijk 1997, 1999, 2000). In particular, I examine the different strategies that the mainstream media discourse deployed to disguise its racist effects by mostly refraining from the personalized attacks and overt racism that characterized earlier immigration discourses.

Chapter 6 focuses on human interest stories. This chapter demonstrates how the mainstream media used these stories as an important tool to negotiate widespread anxieties about

immigrants' race, class, and sexuality. I contend that human interest stories represented an integral part of the neoliberal project. In particular, I argue that the dramatic examples of many immigrants' apparent inability to escape poverty and adhere to heteronormative family values were used to validate the discourse's focus on individual deficiencies. My analysis of stories, special reports, and multipart series about documented as well as undocumented immigrants examines how mainstream newspapers juxtaposed negative examples of immigrants who had failed to live up to the neoliberal ideal of an active citizen with stories of successful immigrants whose entrepreneurial spirit had ensured economic stability and happiness for their families.

## 2 HISTORICAL OVERVIEW OF U.S. IMMIGRATION LEGISLATION

Immigration to the United States has had a profound impact on the nation's political, economic, social, and cultural life. Since 1840, some 60 million persons from all over the world have migrated to the United States.<sup>24</sup> The volume of immigration has varied significantly in response to the economic and political situation in both the U.S. and in the sending countries. Most scholars divide the history of U.S. immigration into four periods: During the first wave of immigration (1840-1890), almost 15 million British, Irish, German, and Scandinavian people arrived at America's shores. In the second period (1891-1920), an additional 18 million immigrants settled in the U.S., most of them from South-Eastern Europe (Italy, Austria-Hungary, as well as Russia), with a considerable minority of East Asians.<sup>25</sup> The third period (1920-1965) brought another 7.5 million immigrants, including a growing number of Mexicans. The ongoing fourth wave, which began with the passage of the Immigration and Nationality Act of 1965, has attracted an increasingly diverse group of newcomers from Mexico, Latin America, and various Asian countries. Between 1965 and 2006, approximately 25 million new immigrants have entered the U.S. (DeSipio 1998, Fix and Passel 1994, Lemay and Barkan 1999).

Even though the U.S. has a long history of actively recruiting foreign workers and encouraging immigrants to settle in the United States, the federal government – as well as individual states – has also made an effort to exclude those persons who were deemed undesirable. Over the course of time, the criteria used to distinguish between desirable and undesirable immigrants have changed considerably. Depending on the domestic situation and the

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<sup>24</sup> This chapter focuses on voluntary immigration only. However, in addition to 60 million voluntary immigrants, approximately 12 million Africans were brought to America as slaves.

<sup>25</sup> Please note that some scholars offer slightly different periodizations. Lemay and Barkan (1999), for instance, distinguish between a period of unrestricted admission (Colonial Period to 1880) and a period of unlimited immigration and limited naturalization (1880-1920). DeSipio argues that the Civil War should be used to mark the end of the second period (1841-1860) and the beginning of the third period (1865-1920).

changing characteristics of the immigrant flow, immigration policies have reacted to economic considerations, national security concerns, specific ideas about a unified national identity, immigrants' racial characteristics, and anxieties about immigrants' gender and sexuality. At different points in U.S. history, one or more of these concerns have dominated the debate surrounding immigration legislation, while others were deemed less important. However, official discourse has often tended to connect these issues in complex ways.

This chapter will provide a brief overview of major immigration laws and policies. In particular, I am interested in the ever-changing criteria that were used to exclude certain categories of people. Subsequent chapters will argue that the immigration reform debates in 1995-96 were dominated by neoliberal objectives, which introduced a new emphasis on contracts and market forces. Even though I will provide evidence that illustrates the continuing discursive importance of family values and other humanistic concerns, I will show how this neoliberal rhetoric was the principal means used to justify the reorganization of the legal immigration system along economic lines. Instead of evaluating individual immigrants, more recent reform measures have tended to develop risk management strategies that might be applied to all potential immigrants. This actuarial discourse, which was based on the idea that all immigrants were potential risks that needed to be assessed and contained, was accompanied by the elimination of a social safety net for newly arrived immigrants. While certain undesirable groups, such as criminals, prostitutes, and drug addicts, were still categorically excluded, other potential risk groups were allowed to enter under certain conditions. In those cases, the state shifted responsibility to immigrants and their sponsors, expecting them to manage risks and provide support.<sup>26</sup>

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<sup>26</sup> Please note that this discussion is limited to the legal immigration system. In contrast to the discourse surrounding the reform of the legal immigration system, the rhetoric about undocumented immigrants was much more focused

Historical documents suggest that this actuarial approach differs significantly from earlier immigration laws. In order to understand the significance of this shift, it is necessary to provide historical background. The first part of this chapter will highlight some of the major immigration reforms from the colonial period until the late twentieth century and discuss how the U.S. tried to exclude specific groups at different points. In particular, this analysis will demonstrate how classic liberal notions of citizenship, which combined political, economic, and social criteria, have influenced various historical exclusions in American immigration law. In the second main section, I will provide a detailed analysis of the neoliberal logic behind the immigration reform discourse in 1995-96 and explain how immigration reform became interconnected with a larger discourse about welfare reform and a growing concern about terrorism.

## 2.1 The Exclusionary Logic of Early Immigration Laws

As the following section will demonstrate, U.S. immigration laws have seen a lot of significant changes over the last three centuries. Until the early 20<sup>th</sup> century, immigration laws tended to be fairly eclectic. Not only did the U.S. not have a federal immigration law until 1875, most of the early attempts to regulate immigration focused on a few specific groups who were deemed particularly undesirable. Based on a multiplicity of different factors – such as the state of the economy, the social climate, and race and gender relations – Congress determined whether certain groups should be allowed to enter the U.S. If Congress came to the conclusion that a particular group did not represent a welcome addition to the national community, this group was excluded.

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on individual characteristics, undocumented immigrants' willingness to break the law, as well as their negative impact on the welfare state. Tellingly, the discourse largely ignored the fact that, for the most part, undocumented immigrants actually represented the quintessential independent, self-sufficient, and economically-minded neoliberal subject (see Chapter 3 for a more extensive analysis of the debate about undocumented immigrants).



Furthermore, U.S. Congress was quite unapologetic when it came to these explicit exclusions. As a relatively young nation, the U.S. had a vested interest in preserving national unity and admitting only those individuals who would further its advancement. And since immigration laws were designed to reinforce contemporary norms, values, and social hierarchies, the motivation behind these exclusions was regarded as self-evident and not subject to further discussion. In addition, Congress felt that there was no need to spell out the criteria that should be used to distinguish desirable from undesirable immigrants. Instead, immigration inspectors were expected to base their decisions on omnipresent social norms and values. When the law called for the exclusion of all “idiots and insane persons,” for instance, officers presumably knew what characteristics and types of behaviors they were supposed to look for.

Early immigration laws relied heavily on a person’s background to determine exclusion. If a prospective immigrant had committed a crime, violated a norm, or belonged to a certain racial group, he/she was banned from entering the U.S. The reform measures in the mid-1990s, on the other hand, established a complex actuarial system that tried to assess whether a person had the *potential* to develop into a self-sufficient subject. This new immigration system downplays the importance of race and other inherent characteristics. Instead, it shifts responsibility to each individual immigrant and claims that it is possible for everyone to develop into a desirable candidate. If a person is denied an immigrant visa, it is due to their own lack of ambition or marketable qualifications. The subsequent analysis will demonstrate how U.S. immigration laws have gradually progressed from outright exclusions to a de-personalized system that claims to be color-blind and non-discriminatory.

### 2.1.1 From the Province Laws of 1700 to the Immigration Act of 1990

Due to the American colonies' desire to attract settlers, colonial immigration laws offered special privileges and generous naturalization statutes to all potential European immigrants.<sup>27</sup> Yet beginning in the mid-eighteenth century, various colonies started to become more selective. Accordingly, they enacted statutes that restricted the flow of immigration. On March 12, 1700, for instance, the Massachusetts Bay Colony passed a law that required the master or commander of a ship to provide authorities with a list of passengers. If a passenger appeared to be "impotent, lame, or otherwise infirm, or likely to be a charge to the place," he/she needed someone to provide a bond on their behalf. Subsequent provincial laws specified these public charge provisions and gradually increased the bond.<sup>28</sup> In 1756, the Massachusetts Province laws declared that "any sick or otherwise impotent and infirm person" who was unable to post a bond of one hundred pounds should be prevented from entering the United States. Even though the impact of these statutes was fairly limited at the time, scholars have argued that they have served as a model for subsequent national legislation and were thus of major historical importance.<sup>29</sup>

It was not until March 3, 1875 that the U.S. enacted its first federal immigration legislation – the Page Law. The passage of this law was preceded by a number of important historical developments which, taken together, seemed to threaten the dominant white culture. In particular, the end of the Civil War and the passage of the Fourteenth Amendment had led to increased racial tensions and anxieties. At the same time, the racial composition of the immigrant population began to change. By 1875, immigrants from Southern, Central, and Eastern Europe

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<sup>27</sup> In 1790, all "free white persons" were allowed to naturalize after only two years of residency. In 1798, the Alien and Sedition Acts lengthened the residency requirement to 14 years. However, there were no further requirements.

<sup>28</sup> The Province Law of 1700 deemed the sum of five pounds as sufficient to ensure that an immigrant did not become a public charge. On June 29, 1722, the bond was set at one hundred pounds. The Massachusetts Province Laws of 1756 confirmed this amount and specified the classes of persons included under the public charge provision. See Lemay and Barkan 1999 for additional information.

<sup>29</sup> See, for instance, Lemay and Barkan 1999.

had begun to outnumber those from northwestern Europe and Asian immigrants had started to enter the West Coast in increasing numbers. In contrast to earlier generations of immigrants, these newcomers were perceived as racially inferior and unassimilable. In an attempt to justify and uphold America's strict racial hierarchy, several eminent scholars – such as Samuel G. Morton, Josiah C. Nott, and Louis Agassiz – developed a comprehensive scientific theory about race as a biological category with meaningful social consequences.<sup>30</sup> According to these theories, new immigrants were not only less intelligent and thus more likely to become public charges, but they were also said to have a stronger tendency to commit crimes, pose a public health risk, and exhibit anti-American behavior.

These alarmist arguments effectively ended the prevailing tradition of welcoming almost everyone. Yet instead of developing a comprehensive immigration system that systematically excluded all persons who were deemed inferior, the Page Law narrowly focused on two of the most controversial figures of the time: Asian prostitutes and convicted criminals of all races and nationalities. According to immigration scholar Eithne Luibhéid the targeting of Asian prostitutes, in particular, “underscores the salience of intersecting racial, gender, class, and sexual categories in constructing alleged ‘threats’ to white patriarchy” (Luibhéid 2002, 5). In addition, Luibhéid argues that this category – “prostitutes,” or, as the Page Law phrased it,

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<sup>30</sup> Samuel G. Morton (1799-1851) was a physical doctor who became famous for his systematic large-scale experiments on the differences in brain sizes. He measured the skulls of different people and came to the conclusion that Europeans had the highest brain capacity. The second rank went to the Chinese, third to Southeast Asians, fourth to American Indians and last to the Australian Aborigines and Africans. His findings have since been proved wrong but he is still considered to be a pioneer of American science.

Josiah C. Nott was an eminent physician who published a work on “The Types of Mankind” which made no little noise in its day and was widely discussed by other scientists.

Jean Louis Rudolphe Agassiz (1807-1873) is considered to be one of the key figures of geology and organic biology. He was in contact with important intellectuals such as Ralph Waldo Emerson and Henry Wadsworth Longfellow, founded the Museum of Comparative Zoology, and formulated a highly influential theory of the Ice Ages. In addition to these groundbreaking studies, Agassiz was also known for his theory that God had created a number of different human species and that “Negroes,” in particular, were not just biologically different from, but also inherently inferior to the white race. According to the *Journal of Blacks in Higher Education*, Agassiz should be remembered as “the father of scientific racism” (*Journal of Blacks in Higher Education* 8 (1995): 38).

immigrants who entered the U.S. “for lewd and immoral purposes” – was neither predetermined nor self-evident, but open to different interpretations. I would argue that the same argument holds true for the law’s targeting of “persons who are undergoing sentence for conviction in their own country of felonious crimes other than political.” This ambivalent language meant that immigration inspectors had a certain degree of flexibility when it came to determining a prospective immigrant’s eligibility to enter. Yet even though these standards were not set in stone, they were not arbitrary either. Immigration inspectors were expected to base their judgments on social norms and values that had been produced in everyday interactions, instead of relying on individual volition.

On August 3, 1882, Congress passed a law that further extended the rights and responsibilities of state commissioners of immigration and provided additional grounds for exclusion. In particular, Section 2 ruled that “if on such examination there shall be found among such passengers any convict, lunatic, idiot or person unable to take care of himself or herself without becoming a public charge, [...] such persons shall not be permitted to land.”<sup>31</sup> At first glance, these restrictions focused exclusively on individual immigrants and personal characteristics, not on immigrants’ group membership, race, class, or nationality. However, it is important to note that these factors certainly impacted the commissioner’s attitude, their willingness to ask specific questions about criminal backgrounds and sexual histories, and, most importantly, their interpretation of the information they received. Based on the social norms and the racial attitudes of the time, immigration officers then made a decision about whether a certain individual seemed desirable or not. Therefore, the impact of these statutes was far from race-, class-, or gender-neutral.

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<sup>31</sup> Section 4 upheld the provision that excluded criminals: “all foreign convicts except those convicted of political offenses, upon arrival shall be sent back to the nations to which they belong and from whence they came.”

With the passage of the Chinese Exclusion Act, the U.S. entered a new phase of racially-specific immigration statutes. At the same time, Congress continued its practice of passing laws that excluded those persons who were deemed to be a threat to the white patriarchal system. Notably, the list of persons included under this category continued to grow and the language used to describe these individuals and their perceived defects became gradually more hostile. In 1891, with the passage of the first federal Immigration Control Act, Congress ruled that the following persons were to be excluded:

All idiots, insane persons, paupers or persons likely to become public charges, persons suffering from a loathsome or a dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another.

As part of the major codification of immigration laws in 1903, Congress made changes to the criteria used to classify excludable immigrants and added scientific language to clarify some of their categories. For example, instead of simply excluding all “insane persons,” the law now added that this category consisted of persons “who have been insane within five years previous” and “persons who have had two or more attacks of insanity at any time previously.” For the first time, Congress also added anarchists and terrorists to the list of undesirable immigrants. In 1903, potential immigrants could thus be excluded on racial grounds, for economic reasons, because they represented a security or public health threat, because their past behavior had violated the moral code of the United States, or because an immigration officer determined that they were likely to violate U.S. norms and values in the future.

With the passage of the Immigration Act of 1917, the U.S. further expanded the grounds for exclusion and added a literacy requirement.<sup>32</sup> Every potential immigrant over sixteen years of age had to read a few sentences in their native language – or, preferably, in English – in front of a state official who then determined whether this person was literate. Interestingly, however, Congress also acknowledged that immigration laws were not only supposed to serve economic purposes and select qualified immigrants, but that they also had an obligation to reunite families. Accordingly, the Immigration Act of 1917 exempted the parents, grandparents, spouses and unmarried or widowed daughters of any U.S. citizen or legal permanent resident from the literacy requirement.<sup>33</sup> Apparently, America's historical commitment to family values outweighed the importance of certain skills, such as the ability to read.

After the categorical exclusion of Chinese immigrants in 1882 and the broadening of this category to all “natives of any country, province, or dependency situated on the Continent of Asia” in 1917, the U.S. experienced a continuing influx of Eastern and Southern European immigrants to fill unskilled labor positions. In 1921, the U.S. thus decided that it was no longer sufficient to exclude individual European immigrants who were deemed undesirable. Instead, the U.S. enacted the first numerical limit for all immigrants from the Eastern Hemisphere. The First

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<sup>32</sup> For the most part, the Immigration Act of 1917 reiterated the criteria used in previous laws. In particular, Section 3 held that “the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, [...] persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted [...] of a felony or other crime or misdemeanor involving moral turpitude; polygamists or persons who practice polygamy or believe in and advocate the practice of polygamy; anarchists/ or persons who advocate the overthrow by force or violence of the Government of the United States, or of all forms of law [...] or who advocate the assassination of public officials, or who advocate and teach the unlawful destruction of property [...]; prostitutes, or persons coming to the United States for the purpose of prostitution or unmoral purposes [...]; persons hereinafter called contract laborers [...]; persons likely to become public charges [...]; persons whose ticket or passage is paid for with the money of another.”

<sup>33</sup> Interestingly, the Immigration Act of 1917 does not exempt the unmarried or widowed sons of U.S. citizens and legal permanent residents from the literacy requirement.

Quota Act of 1921 imposed a strict quota system that limited the number of immigrants from each country to 3 percent of the foreign-born persons of that particular nationality who were present in the U.S. in 1910. In 1924, Congress adjusted the overall ceiling from 350,000 immigrants per year to a maximum of 150,000 immigrants by 1929. Even more importantly, however, the Johnson-Reed Act of 1924 made a pronounced attempt to give preferential treatment to immigrants from northwestern Europe. Instead of basing quotas on the 1910 census, when the proportion of immigrants from Southern and Eastern Europe was already significant, the Johnson-Reed Act ruled that the allocation of slots should be based on the 1890 census.<sup>34</sup> In addition, the Act also established the following preference categories: at least 50% of the quotas of each nationality should be reserved for the parents of U.S. citizens and, if the quota were higher than three hundred, to skilled agricultural workers. The remaining slots were open to unmarried dependent children and wives of legal permanent residents.<sup>35</sup>

This newly established preference system represented an explicit attempt to reproduce the dominant white heteropatriarchal structure of American society. Not only did the Johnson-Reed Act give preferential treatment to British, Irish, and German immigrants and explicitly excluded Asian nationals, but the selection criteria also imposed a specific version of the nuclear family on potential immigrants. In particular, bonds between parents and children and husbands and wives were deemed worthy of protection, while all other forms of relationships were dismissed as less formative and, ultimately, less desirable. And, as Eithne Luibhéid has argued, “the preference given to wives and female fiancées reflected the patriarchal assumption that women immigrants were passive and dependent followers of pioneering male immigrants” (Luibhéid 2002, 16).

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<sup>34</sup> In 1929, President Hoover changed the quota system yet again. While he retained the 150,000 cap on immigration, he allocated quotas based on the 1920 census. This system remained in place until 1965.

<sup>35</sup> Under this Act, the spouses and unmarried children of U.S. citizens were not subject to any numerical limitations.

The Immigration and Nationality Act of 1952 – commonly referred to as the McCarran-Walter Act – continued to prioritize this particular version of the white, heteropatriarchal family. This Act, which has remained the basic immigration law for more than fifty years, mainly consolidated previous immigration statutes into a single law. As such, the McCarran-Walter Act retained the national quota system; reiterated the long-established exclusion criteria for persons likely to become a public charge, pose a public health or national security risk, or violate religious or moral values; and continued to give preferential treatment to Northwestern European immigrants. However, the Act also contained a number of significant changes. Most notably, the act removed all explicit racial, gender, and nationality barriers to U.S. citizenship and lifted the ban on Asian immigration. While this amendment signified a change in the official attitude towards Asia and Asian immigrants, the decision to discontinue this outright exclusion was mainly a symbolic gesture that had little practical impact. Between 1952 and 1965, the quota of immigrants from the Asia-Pacific Triangle was capped at 2,000.

In addition, the McCarran-Walter Act enacted a slight revision of the preference system. Whereas earlier laws had reserved the majority of visas to family members of U.S. citizens and legal permanent residents, the Immigration and Nationality Act of 1952 allotted the first 50% of the quota to “immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants.” The next 30% of visas were reserved for parents of U.S. citizens and the remaining slots were made available to spouses and unmarried children of legal permanent residents.<sup>36</sup> Yet even though economic considerations started to

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<sup>36</sup> The spouses and unmarried sons and daughters of U.S. citizens were given special priority. As “immediate relatives,” they were not subject to direct numerical limitations.



compete with family values, there was no indication that the U.S. was ready to abandon its historical commitment to the nuclear family.

With more women entering the labor market during World War II, the U.S. experienced a marked shift in gender relations. When U.S. soldiers came home after the end of the war, many of them were anxious to return to traditional family structures and assert their position as the primary breadwinner. Yet many women were reluctant to abandon their careers and resume life as mothers and wives. The war also served as a critical divide in the social history of gays and lesbians. While the majority of young men entered a sex-segregated military, young women were offered the opportunity to leave their tight-knit family structures and move to metropolitan areas for war-time employment. This new-found freedom from traditional heteropatriarchal family structures enabled young people to express their sexual identity much more freely. During the war, a vibrant gay subculture developed in cities along both coasts. This new visibility, however, provoked a violent conservative backlash in the early 1950s. Increasingly, Americans linked their anxieties about homosexuals to the widespread panic over Communism.

It is hardly surprising that immigration reform measures reflected these Cold-War anxieties. On the one hand, the McCarran-Walter Act contained provisions which facilitated the admission of refugees from Communist nations, because, as Eithne Luibhéid has argued, “the presence of these refugees seemed to validate the United States’ claims about the evils of Communism and the desirability of capitalism” (Luibhéid 2002, 19). On the other hand, U.S. Congress explicitly stated that the medical exclusion criteria were meant to include gay and lesbian immigrants. Starting with the Immigration Act of 1917, the U.S. had excluded persons who were found “mentally defective” or who had a “constitutional psychopathic inferiority.” Even though these classifications were certainly open to different interpretations, the

Immigration and Naturalization Service (INS) had made it very clear that this classification included self-identified homosexuals. “In 1950, the Senate Committee on the Judiciary reported that the ‘classes of mental defectives should be enlarged to include homosexuals and other sex perverts’” (Green 1987, 141).<sup>37</sup> In reaction to widespread anxiety about the rise of a homosexual subculture, the Judiciary Committee discussed various options to ensure that homosexual immigrants would be effectively excluded. The Public Health Service observed that, instead of creating a separate class for homosexual immigrants, it would be more effective to issue Class A medical exclusion certificates – which were reserved for persons who were “afflicted with a psychopathic personality” – to potential immigrants who were judged to be gay or lesbian.<sup>38</sup>

While the language that was used to refer to gay and lesbian immigrants remained intentionally vague in 1952, the Immigration and Nationality Act of 1965 (INA) added a new class of medical exclusions for “sexual deviants.”<sup>39</sup> Gays and lesbians were now explicitly barred from entry. Tellingly, this was not the only measure aimed at imposing traditional heteropatriarchal family values on immigrants. Whereas earlier reform measures had started to shift the focus away from family reunification to a greater emphasis on education and job skills, the Immigration and Nationality Act of 1965 actually reversed this trend. Starting in 1965, 74% of all visas were allotted to family members of U.S. citizen and legal permanent residents.<sup>40</sup> Only

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<sup>37</sup> *Boutilier v. INS* (387 U.S. 118), a 1967 Supreme Court decision which affirmed the common practice that homosexuals were held excludable under 212 (a) (4) of the Immigration and Nationality Act of 1952 cited the following evidence to support their verdict: “Beginning in 1950, a subcommittee of the Senate Committee on the Judiciary conducted a comprehensive study of the immigration laws and in its report found ‘that the purpose of the provision against ‘persons with constitutional psychopathic inferiority’ will be more adequately served by changing that term to ‘persons afflicted with psychopathic personality,’ and that the classes of mentally defectives should be enlarged to include homosexuals and other sex perverts.’ S. Rep. No. 1515, 81st Cong., 2d Sess., p. 345.”

<sup>38</sup> See Davis (2006), Edwards (1999), Green (1987), and Luibhéid (2002) for additional information about the treatment of gay and lesbian immigrants and the legal changes that affected their ability to immigrate to the U.S.

<sup>39</sup> This provision remained in place until 1990, when the Immigration and Nationality Act of 1990 withdrew the phrase “sexual deviation.”

<sup>40</sup> 20% of all immigrant visas were reserved for the unmarried sons or daughters of U.S. citizens, the next 20% went to the spouses and unmarried sons and daughters of legal permanent residents, 10% were reserved for the married

one tenth of all immigration visas were reserved for “qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.” The same number of visas was made available to unskilled workers who were willing and able to fill existing labor shortages. Finally, a mere 6% of visas were reserved for refugees.

Concomitantly, the 1965 INA also reflected the dominant values of the Civil Rights era and finally abolished the racially motivated quota system. Instead, the INA ratified a provision that allotted 20,000 immigrant visas to each country and set an overall ceiling of 160,000 immigrants for the Eastern Hemisphere. With regard to the Western Hemisphere, the INA established an annual 120,000 immigrant cap, with no limits for individual nations.<sup>41</sup> While the 1965 INA represented a step towards more racially inclusive immigration politics, its effects were rather limited. Because non-European immigrants had been effectively barred from the U.S. for decades, there were few U.S. citizens and legal permanent residents of color who were able to petition for family members after the passage of the 1965 INA. The only groups who really profited from this reform measure were Eastern and Southern European immigrants. According to immigration scholar David Reimers, this effect was far from accidental. His analysis of Congressional documents shows that, while the U.S. government felt pressured to strike the most blatantly racist provisions from the law, they were reluctant to initiate a more fundamental

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children of U.S. citizens, and an astonishing 24% of immigration visas were allotted to the brothers or sisters of U.S. citizens.

<sup>41</sup> Notably, this was the first time that the U.S. deemed it necessary to restrict immigration from Canada and Mexico, as well as from Middle and South America. Initially, the INA did not apply the preference system to the Western Hemisphere. On October 20, 1976, though, Congress amended the 1965 INA. As a result of the 1965 law, potential immigrants from the Western Hemisphere received visas on a first-come first-served basis. This had led to situations where immediate family members had to wait in excess of 2 years, while distant relatives received their paperwork in a much more timely fashion. To rectify this situation, Congress extended the preference system to the Western Hemisphere.

reform. Consequently, the legal “changes were intended to be cosmetic rather than substantive.”<sup>42</sup>

During the late 1960s and the 1970s, immigration policies remained uncontroversial and, apart from a few minor amendments that were passed with bi-partisan consensus, there was little debate about immigration reform. In the early 1980s, however, the political climate began to change and immigration reform became, once again, a hotly debated topic. Interestingly, Congressional Debates during the 98<sup>th</sup> Congress (1983-84) foreshadowed a lot of the issues that continued to dominate the debate in 1995-96. In addition, many of the key players in 1995-96 were already active on the Judiciary Committee and the Immigration Subcommittee during the 98<sup>th</sup> Congress. Most notably, Immigration Subcommittee Chair Alan K. Simpson (R-WY) and ranking members Edward Kennedy (D-MA) and Strom Thurmond (R-SC) developed one of most groundbreaking reform proposals during the 98<sup>th</sup> Congress: they advocated an amnesty program for undocumented immigrants who had resided in the U.S. for an extended period of time.<sup>43</sup> A few politicians expressed concerns that these legalized immigrants could petition for additional family members and thus cause an already overburdened legal immigration system to collapse. Still others were worried that the amnesty provision might lead to increasing expenditures for social welfare programs. Generally speaking, though, the Immigration and Control Act of 1983 (S. 529) caused surprisingly little controversy and was approved by the Senate by a wide margin (76-18).

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<sup>42</sup> Cited after Luibhéid (2002, 22).

<sup>43</sup> The original provision would have granted amnesty to all undocumented immigrants who had resided in the U.S. since before January 1, 1977. In addition, those who had arrived between January 1, 1977 and January 1, 1980 would be given temporary legal status that could be turned into permanent status upon further review. Senator Edward Kennedy (D-MA) introduced an amendment that would have moved the cut-off date to December 31, 1981. However, that amendment was defeated by a wide margin (3-12). See Gimpel and Edwards (1999) for additional information.

However, there were several amendments that are worth noting. Early on in the debate, Senator Jesse Helms (R-NC) introduced an amendment that would have allowed states to deny undocumented immigrants' access to public schools and other public benefits. Senators Alan K. Simpson (R-WY) and Edward Kennedy (D-MA) were both strongly opposed to this amendment, arguing that it was unfair to punish innocent children and deprive them of the right to get an education. In the end, the Helms-Amendment was defeated on a 34-60 vote. On the following day, Senator Gordon Humphrey (R-NH) argued that newly legalized immigrants should be temporarily disqualified from receiving public assistance for a minimum of five years. Several members of Congress – including Senators Simpson and Kennedy – argued that, as tax-paying members of society, legalized immigrants should be eligible for public support. Even though the Humphrey Amendment was initially rejected, it finally made its way into the Immigration Reform and Control Act of 1986 (IRCA).

Yet in contrast to the relatively unanimous votes in the Senate, the House version of the bill (H.R. 1510) turned out to be much more controversial. Due to the increasing controversy about the amnesty provision and in anticipation of a highly competitive presidential primary season, Congress decided to delay further discussion until after the election. A full year after the legislation had been reported out of committee, the House finally held a general hearing on the Immigration and Control Act.<sup>44</sup> In total, 69 amendments were offered and a lengthy debate followed. Since it is beyond the scope of this project to offer a detailed analysis of all of these suggestions, I will focus on one of the most controversial aspects: the amnesty provision.

In their analysis of Congressional politics, Gimpel and Edwards found evidence which suggests that most representatives actually favored an orderly legalization process for some

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<sup>44</sup> The Rules Committee had decided to use the Judiciary Committee version of the bill as the base document and allow other committee to offer amendments. See Gimpel and Edwards (1999, 161f) for additional information.

undocumented workers.<sup>45</sup> However, there was much disagreement about the criteria that should be used to determine who was eligible and who should be forced to leave the U.S. Because there were no reliable statistics about the number of undocumented immigrants, several representatives raised concerns that there might be millions of eligible candidates who were all eager to naturalize. One possible solution to this perceived problem was to raise the residency requirement. E. Clay Shaw (R-FL), for example, offered an amendment that would have moved the eligibility date from January 1, 1982 to January 1, 1980, thus cutting off a significant number of newly-arrived immigrants.<sup>46</sup> Another popular suggestion expected potential candidates to fulfill additional requirements. Dan Lundgren (R-CA), for example, presented an amendment that would have required every person who wished to alter their status to permanent resident to pass an English language proficiency exam. Jim Wright (D-TX) thought that candidates should not only be fluent in English, but should also be tested on their knowledge of American history and government. Interestingly, while the Lundgren Amendment had failed to garner sufficient support, Congress embraced the Wright Amendment and passed it on a 247-170 vote.<sup>47</sup>

After the House had passed a compromise version of the amnesty provision by a narrow 216-211 margin, conference meetings began in September 1984. While the conference committee members tried to resolve the differences between the House and the Senate version, another major stumbling block appeared: funding. Border state representatives, who were understandably concerned about this issue, insisted on full reimbursement of increased costs for education, health care, and other public services. In the end, Congress was unable to reach a compromise and action on immigration died in October 1984.

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<sup>45</sup> Apparently, Representative Bill McCollum (R-FL), who “represented a conservative, white, central-Florida constituency in and around the city of Orlando,” was the only person who offered an amendment that would have eliminated the amnesty provision entirely (Gimpel and Edwards 1999, 164). This amendment was rejected.

<sup>46</sup> “The Shaw effort failed on a 177-246 vote” (Gimpel and Edwards 1999, 163).

<sup>47</sup> The Lundgren-Amendment was rejected by a 181-246 margin (Gimpel and Edwards 1999, 163).

During the 99<sup>th</sup> Congress, however, politicians were more determined than ever to pass a substantial immigration reform that contained some kind of amnesty provision. In the Senate, Alan K. Simpson (R-WY) was once again instrumental in the passage of this legislation. In May 1985, he introduced a slightly altered version of his bill (S. 1200), which, according to Gimpel and Edwards, “raced through the legislative process” (1999, 169). The House version of the bill (H.R. 3810) was sponsored by Peter Rodino (D-NJ) and Romano Mazzoli (D-KY).<sup>48</sup> Even though several provisions turned out to be highly controversial – including the funding issue which had caused the stalemate in the 98<sup>th</sup> Congress – a compromise was reached and both Chambers approved the conference report in October 1986.<sup>49</sup>

The 1986 “Immigration Reform and Control Act” (P.L. 99-603) was by far the most extensive and influential immigration reform measure since the passage of the INA of 1965. In addition to the amnesty provision, which enabled approximately 2.7 million persons to legalize and gain legal permanent residency status, the IRCA also contained a number of other remarkable provisions.<sup>50</sup> Most notably, the IRCA established a “Temporary Disqualification of Newly Legalized Aliens from Receiving Certain Public Welfare Assistance,” which made newly legalized immigrants ineligible for public benefits for a period of five years. As we will see in the following section, this provision and the general debates about immigrants’ welfare eligibility foreshadowed some of the controversies that became even more pronounced during the 104<sup>th</sup> Congress (1995-96). In addition, the IRCA also established sanctions for employers

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<sup>48</sup> In addition, the Senate and the House also discussed various options for a guest-worker program. In the end, the IRCA established a new “H2-A” program for agricultural workers, but it did not ratify a more comprehensive guest-worker program.

<sup>49</sup> The House version of the bill demanded full federal reimbursement of all costs, whereas the Senate version offered a block grant of \$3 billion over the next six years. In the end, the conference report contained a provision that promised immigrant-receiving states \$1 billion per year for the next four years. The Senate accepted the conference report by a 63-24 margin, the House ratified it by a margin of 238-173 (Gimpel and Edwards 1999, 176).

<sup>50</sup> In the end, the IRCA granted legal resident status to all undocumented immigrants who had entered the U.S. before January 1, 1982 and had worked at least 90 days per calendar year. The aforementioned language and American history requirements were stricken from the final version of the bill.

who knowingly recruited and/or hired undocumented immigrants. Knowing that this provision might lead to increasing levels of discrimination of foreign-looking and -sounding individuals on the job market, Congress added a section that prohibited employment discrimination based on national origin or citizenship status and established civil penalties for violations.

After this groundbreaking effort to reform the treatment of undocumented immigrants, the 101<sup>st</sup> Congress turned towards the legal immigration system. After the elections, some new central players emerged. On the Republican side, the Immigration Subcommittee chairmanship was given to Lamar Smith (R-TX), who has been one of the leading figures in the immigration debate ever since. On the Democratic side, Bruce Morrison (D-CT) was awarded the position of chairman of the Subcommittee on Immigration, Border Security, and Claims. Meanwhile, Senators Edward M. Kennedy (D-MA) and Alan K. Simpson (R-WY) continued to work as a team and formulate bi-partisan reform proposals. Kennedy, in particular, had become increasingly concerned with the effects of the 1965 INA on the national origins of immigrants. According to him, the undue emphasis on family reunification had all but shut out European immigrants. This situation, Kennedy argued, was untenable, in violation of America's historical commitments, and in dire need of reform. As a result, Kennedy and Simpson developed a bill that emphasized job skills and shifted visas away from family reunification. Their bill eliminated the preferential treatment of immediate relatives of U.S. citizens, who had been exempt from the numerical limits in the past, and capped the total number of immigrant visas at 600,000 per year – 480,000 for family members and 120,000 for immigrants who possessed special skills.<sup>51</sup>

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<sup>51</sup> The original proposal set an even lower annual limit (590,000), but this number was changed to 600,000 during committee markup. The first Kennedy-Simpson bill also contained an English language proficiency requirement, which was eliminated after a number of Asian and Hispanic interest groups had voiced their strong opposition. During the Senate floor action, the numbers were once again altered. "In final form, the bill was amended to authorize 630,000 visas – 480,000 for family reunification and 150,000 for skilled immigrants" (Gimpel and Edwards 1999, 187).



The House was split between two entirely different reactions to the perceived immigration problem. On the one hand, Democrats such as Bruce Morrison (D-CT) and Howard Berman (D-CA) introduced bills to increase the number of available visas and, in the case of Berman, exempt immediate relatives of legal permanent residents from numerical limitations. Both of these suggestions were supposed to reduce the immigrant backlog and help to reunite families who had been separated for an extended period of time. In reaction to the changing national origins of contemporary immigrants, Charles Schumer (D-NY) introduced a new “Diversity Category” which would reserve a number of visas for immigrants from underrepresented – i.e. European – nations. On the other hand, Lamar Smith (R-TX) and John Bryant (D-TX) advocated more restrictive policies, especially for unskilled family members. In the end, the more liberal proposals prevailed and the House bill increased annual immigration quotas to 800,000.

On November 29, 1990, Congress passed the compromise version of the Senate and House bills. The Immigration and Nationality Act of 1990 (P.L. 101-649) increased the worldwide annual immigration level to 675,000 (a 37 percent increase), including 480,000 family-based immigrants, 140,000 employment-based immigrants (up from 54,000), and 55,000 “diversity” immigrants.<sup>52</sup> Immediate relatives of U.S. citizens (i.e. their children, spouses, and parents) were still exempt from numerical limitations (Sec. 201 (2)(A)(i)). In addition, Section 111 of the INA of 1990 also reformed the family preference system and established the following four categories: (1) unmarried adult sons and daughters of U.S. citizens; (2) spouses

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<sup>52</sup> There was also a temporary provision that was set to expire after three years. This compromise provision increased immigration visas to 700,000 per year for the next three years. 520,000 of those visas were reserved for family members.

and unmarried children of permanent residents; (3) married sons and daughters of U.S. citizens; and (4) brothers and sisters of adult U.S. citizens.<sup>53</sup>

## 2.2 The Neoliberal Reform Discourse in 1995-96

During the 104<sup>th</sup> Congress, Representatives discussed more than a dozen original immigration bills with hundreds of amendments. While the final version of the immigration reform law – which was signed into law by President Bill Clinton on September 30, 1996 – primarily focused on border enforcement, undocumented immigrants, and a reform of the sponsorship system, previous debates had contemplated much more far-reaching reform measures. In addition to these immigrant-specific provisions, however, the 104<sup>th</sup> Congress also passed a comprehensive welfare reform and a new anti-terrorism law both of which affected the rights and responsibilities of immigrants.

The following section will provide a chronological overview of the legislative process in 1995-96 and lay the groundwork for the next two chapters, which will focus on the discursive strategies that linked these three areas of legal reform. Even though my main focus will be on the “Illegal Immigration Reform and Immigrant Responsibility Act” (IIRIRA), I will briefly discuss two additional acts that were passed in 1996: the “Personal Responsibility and Work Opportunity Reconciliation Act” (PRWORA) and the “Antiterrorism and Effective Death Penalty Act” (AEDPA). Taken together, the debates surrounding these three pieces of legislation formed a

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<sup>53</sup> The following number of visas were allocated for each category:

1 <sup>st</sup> preference:	unmarried adult sons and daughters of U.S. citizens (23,400 plus visas not required for 4 <sup>th</sup> preference)
2 <sup>nd</sup> preference:	2(a): spouses and unmarried minor children of permanent residents 2(b): unmarried adult sons and daughters of permanent residents (114,200 plus visas not required for 1 <sup>st</sup> preference)
3 <sup>rd</sup> preference:	married sons and daughters of U.S. citizens (23,400 plus visas not required for 1 <sup>st</sup> or 2 <sup>nd</sup> preference)
4 <sup>th</sup> preference:	brothers and sisters of adult U.S. citizens (65,000 plus visas not required for 1 <sup>st</sup> , 2 <sup>nd</sup> , or 3 <sup>rd</sup> preferences).

discursive terrain that created a new interpretation of the role of immigration and immigrants in U.S. society.

As the following analysis will show, these reform measures were primarily motivated by a neoliberal logic that attempted to reorganize the U.S. immigration system as a market-like structure. Under this neoliberal project, potential immigrants were regarded as customers who wished to obtain a desirable commodity – an immigrant visa. In order to obtain this commodity, individuals had to follow certain rules, accept personal responsibility, and provide proof that they were unlikely to become a financial burden or a security threat. While earlier immigration laws tended to balance a variety of different aspects, this new neoliberal project subordinated political and social rationales to an economic project. Instead of arguing that family reunification visas were important for social reasons, for instance, politicians stressed the fact that traditional nuclear families represented an important support structure that could help a newly-arrived immigrant stay off welfare.<sup>54</sup> In addition, “criminal aliens” and potential terrorists were not only undesirable because they represented a threat to U.S. citizens, but they were also subject to deportation because they had violated the social contract. Therefore, even non-violent offenses such as tax evasions and fraud were classified as “aggravated felonies” for immigration purposes and could lead to a deportation order.<sup>55</sup>

Yet even though economic considerations drove the legislative process, political, social, and even cultural arguments were strategically used to justify certain provisions. In a way, the market-like structure of the new immigration system was interpreted as an ethic in itself. Not only did this new focus on economic principles substitute the traditional emphasis on social norms and moral values, but Congress also implied that the demands of the market should act as

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<sup>54</sup> See Chapter 23 for a discussion of the logic behind that family reunification discourse.

<sup>55</sup> See Chapter 4 for more information.

a guide for all human action. It thus became a potential immigrant's moral duty to take the initiative and reorganize their lives in such a way that they could achieve maximum success in the labor market. This underlying logic was noticeably different from the reasoning behind earlier immigration legislations.

### 2.2.1 Immigration Reform in the 1990s

The Immigration and Nationality Act of 1990 mandated the formation of a bi-partisan Commission on Immigration Reform to examine the accomplishments of earlier immigration policies and make recommendations for the future. President Clinton appointed former Congresswoman Barbara Jordan (D-TX) to chair this nine-member advisory commission.<sup>56</sup> In September 1994, after numerous “public hearings, fact-finding missions, and expert consultations,” the U.S. Commission on Immigration Reform released their first interim report, which focused solely on “illegal” immigration (U.S. Commission on Immigration Reform 1994). This report, *U.S. Immigration Policy: Restoring Credibility*, found it to be self-evident that undocumented immigrants were undesirable. Since they had no legal right to join the U.S. labor market, it did not even matter whether their hard physical labor and their willingness to take temporary positions and accept minimal wages had had a positive impact on the U.S. market. Undocumented immigrants had disobeyed the rules of the game and should not be rewarded for their behavior.

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<sup>56</sup> Originally, the Commission was chartered to focus on “illegal” immigration only, but their mandate was soon extended to provide an analysis of the legal immigration system as well. The Commission consisted of Vice Chair Lawrence H. Fuchs (Jaffe Professor of American Civilization and Politics, Brandeis University), Michael S. Teitelbaum (Program Officer, Alfred P. Sloan Foundation), Richard Estrada (Associate Editor, Dallas Morning News), Harold Ezell (President and Founder, Ezell Group), Robert Charles Hill (Partner, Jenkins & Gilchrist, P.C.), Warren R. Leiden (Executive Director, American Immigration Lawyers Association), Nelsen Merced (Chief Executive Officer, Inquilinos Boricuas en accion / Emergency Tenant Council) and Bruce A. Morrison (Chairman, Federal Housing Finance Board).

Therefore, the Commission recommended a three-fold strategy to reduce the number of undocumented immigrants and decrease public expenditures on this population. First, and most important, the U.S. needed to prevent as many illegal entries as possible. In order to achieve this, the 1994 Report advocated increased resources for border management, additional personnel to patrol the U.S.-Mexico border, the construction of additional barriers (i.e. fences), tighter airport security with more INS officers, improved interagency cooperation (between INS and Customs), and the introduction of a land border crossing fee that could help finance these costly endeavors. Second, the Jordan Commission called for the development and implementation of a fraud-resistant system for verifying work authorizations and a vigorous enforcement of sanctions against employers who knowingly hire undocumented workers. Third, the Report proposed that undocumented immigrants should not be eligible for any publicly-funded services except emergency care and programs necessary to protect public health and safety. At the same time, however, the Commission explicitly stated that they were strongly opposed to “any broad, categorical denial of public benefits to legal immigrants” (U.S. Commission on Immigration Reform 1994, 23).<sup>57</sup>

Soon after the Jordan-Commission released their interim report, the Democrats lost their majority in the House and the new Speaker, Newt Gingrich (R-GA), launched a new round of immigration reform debates. Significantly, Gingrich advocated the formation of several influential Congressional task forces, which were to develop specific policy recommendations. The Congressional Task Force on Immigration Reform,<sup>58</sup> which was chaired by Elton Gallegly

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<sup>57</sup> According to Gimpel and Edwards, “the pro-immigration ethnic groups, such as the National Council of La Raza and various Asian-Pacific American organizations, wondered if Simpson and Smith had influenced the Commission’s findings and recommendations. There were rumors that the staff of the Commission had not arrived at their decisions independently, but had been subject to political pressures from Capitol Hill” (Gimpel and Edwards 1999, 220).

<sup>58</sup> This task force went on several fact-finding missions, one of which became mired in scandal. On June 10, 1995, the task force toured various immigration facilities in Miami (including Krome Service Processing Center and

(R-CA), a keen supporter of California's Proposition 187, consisted of 54 members and was organized in six topic-oriented working groups.<sup>59</sup> Taken together, the Jordan Commission and the Congressional Task Force's recommendations – which, apart from some minor differences with regard to numbers, were basically identical – set the tone for the ensuing debate.

On January 24, 1995, Senator Alan K. Simpson (R-WY) introduced the first comprehensive immigration reform bill to warrant significant debate during the 104<sup>th</sup> Congress: S. 269, the Immigrant Control and Financial Responsibility Act.<sup>60</sup> Simpson's bill, which contained provisions to increase border patrol, improve the work authorization verification system, reform asylum, exclusion, and deportation procedures, and limit immigrants' welfare usage, was soon joined by two competing reform proposals. On March 21, 1995 Dianne Feinstein (D-FL) submitted S. 580, the Illegal Immigration Control and Enforcement Act. Six weeks later, Senator Edward M. Kennedy (D-MA) offered yet another comprehensive immigration reform bill (S. 754), which included measures to prevent "illegal" immigration and reduce employment opportunities of undocumented workers who were already present in the United States.

Alan K. Simpson (R-WY), who had taken over the position as chair of the Senate Subcommittee on Immigration from Senator Edward M. Kennedy (D-MA), soon started to build bi-partisan alliances. "In May 1995, Simpson's subcommittee staff sat down with the staff of

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Miami International Airport). Soon after the visit, 47 INS employees sent a letter to the Attorney General. In this letter, the INS officers claimed that INS management deliberately deceived the task force to create the impression that these facilities were well-managed and efficiently run. A few days before the task force's visit, INS management increased staff and moved almost 40 percent of the detainees at Krome to other detention facilities and local jails. Apparently, some criminal aliens were also released to the community. Assistant Attorney General Stephen Colgate and Assistant Deputy Attorney General David Margolis reviewed the record and decided that serious misconduct had occurred.

<sup>59</sup> Proposition 187 was passed in California in November 1994. Among other things, Proposition 187 established that undocumented immigrants should be excluded from all Public Social Services (Section 5), Publicly-Funded Health Care (Section 6), and Public Elementary and Secondary Schools (Section 7).

<sup>60</sup> There were two earlier reform proposals: On January 4, 1995, Representative Bob Stump (R-AZ) had already introduced H.R. 373, the Immigration Moratorium Act of 1995. On the next day, Senator Richard Shelby (R-AL) had presented a similar act in the Senate (S. 160). Both bills, however, died quickly.

Senators Edward M. Kennedy (D-MA) and Dianne Feinstein (D-CA) in order to garner their support by inviting their input” (Gimpel and Edwards 1999, 239). In the end, all three Senators agreed to combine their bills and staff members convened to reduce the three different versions to a common denominator. “In the event more than one bill contained a similar provision, the staff members chose the toughest version” (Gimpel and Edwards 1999, 239). When the Subcommittee on Immigration voted on this combined bill, which was still called S. 269, only Paul Simon (D-IL) and Edward M. Kennedy (D-MA) voiced their opposition.

In June 1995, the U.S. Commission on Immigration Reform sent their second interim report, *Legal Immigration: Setting Priorities*, to Congress. According to the Commission, the allocation of immigrant visas needed to reflect the demands of the U.S. labor market and make sure that newly-arrived immigrants would be self-supporting. However, this economic rationale was underlined by a number of cultural and social considerations. In the end, the report recommended a significant reduction of legal immigration levels, a reallocation of visas away from unskilled laborers and distant family members to skilled workers and the nuclear family, and an increased emphasis on the “effective Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity” (U.S. Commission on Immigration Reform 1995, xxx). On June 22, 1995, only days after the Jordan Commission’s Report was released, Representative Lamar Smith (R-TX) took up their recommendations on legal immigration reform and sponsored H.R. 1915 (Immigration in the National Interest Act).<sup>61</sup> The first version of this bill cut the number of immigrants to about 200,000 a year, eliminated several family reunification categories (e.g. brothers and sisters of U.S. citizens) and introduced an income requirement for U.S. citizens and

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<sup>61</sup> H.R. 1915 was a preliminary version of H.R. 2202. “When the subcommittee favorably reported H.R. 1915 on July 20, it instructed that the bill be reintroduced as a clean bill, which was subsequently awarded a new number, H.R. 2202” (Gimpel and Edwards 1999, 230).

legal permanent residents who wished to sponsor a family member. Initially, this income requirement was set at 200% of the federal poverty line. In addition to these legal immigration reform proposals, Smith's bill also contained an assortment of provisions that would have affected refugees, asylum seekers, and undocumented immigrants. According to Smith, legal and "illegal" immigration were inextricably linked and could not be looked at separately. Throughout the debate, he strongly advocated reform proposals that tackled both issues in tandem.

Alan K. Simpson (R-WY) championed this comprehensive approach. When he suggested merging the Senate versions of the legal (S. 1394) and "illegal" immigration reform bills (S. 269) on November 3, 1995, he proclaimed that "curbing or even stopping illegal immigration is not enough. [...] The American people are increasingly troubled about the impact legal immigration is having on their country. Poll after poll shows us this. The people have made it so very clear they believe the level of immigration is too high" (United States Congress, Senate, November 3, 1995). The new omnibus proposal (S. 1394) represented one of the harshest anti-immigration legislations in decades. Compared to the House version, however, Simpson's bill was slightly more generous. S. 1394 wanted to lower the annual level of non-refugee admissions from 675,000 to 540,000, reduce employment-based immigration, eliminate several family reunification categories, and establish income requirements for sponsors (at least 125% of the poverty line). On November 28, 1995, the Senate Immigration Subcommittee agreed to move S. 1394 out of the subcommittee.<sup>62</sup>

Shortly afterwards, however, various individuals and organizations started to question the logic behind these comprehensive reform proposals that combined legal and illegal immigration reform. In particular, representatives of the American Immigration Lawyers Association (AILA), who served as expert witnesses in multiple Committee hearings, voiced their concern that "in

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<sup>62</sup> Senators Kennedy (D-MA) and Simon (D-IL) were the only two committee members who opposed the bill.



this immigration debate there is an overriding myth. That myth is the myth that illegal immigration can be controlled by reforming legal immigration. These are related, but they are distinctly separate” (Daryl R. Buffenstein, AILA, United States Congress, House, June 29, 1995). Various Representatives from both parties agreed with this assessment and expressed their positive attitudes towards legal immigrants. In addition, high-tech business executives lobbied Congress to remove the provisions concerning skilled workers. According to this influential business coalition, U.S. companies were dependent on their ability to recruit qualified foreigners if they wanted to survive in a highly competitive international market. In an attempt to strengthen their claims even further, these lobbyists formed an alliance with various minority and immigrant rights groups, who had long since criticized the claim that legal immigrants were just as much of a problem as undocumented workers. While it was hardly surprising that the business lobby focused on the economic aspects of immigration reform, it is remarkable that immigrant rights groups abandoned their traditional concerns about racism, discrimination, social and cultural rights of minorities and advanced the same neoliberal rhetoric. Citing statistics that illustrated legal immigrants’ achievements, these organizations underlined the business lobby’s demands and asked Congress to split the bill and consider both issues separately.

In the end, this unlikely alliance proved successful. On March 14, 1996, Senator Spencer Abraham (R-MI) proposed an amendment to split S. 1394 into two different bills: a legal and an “illegal” immigration reform bill. Abraham’s proposal was immediately endorsed by Senators Arlen Specter (R-PA), Mike DeWine (R-OH), Russell D. Feingold (D-WI), and Paul Simon (D-IL). After little debate, the Senate Judiciary Committee decided to split the bill. In the meantime, the House had decided to adopt the Chrysler-Berman-Brownback Amendment, which sought to

eliminate the cuts in legal immigration.<sup>63</sup> However, these successes came at a high price. While politicians from both parties had responded positively to the idea that legal immigrants were commendable human beings who contributed to U.S. society in multiple ways, they were far less willing to acknowledge that undocumented workers deserved any kind of protection. Quite to the contrary, the discourse about undocumented immigrants became increasingly hostile.

Undocumented immigrants were constantly referred to as lawbreakers and criminals, who had made a conscious decision to disregard U.S. laws. Oftentimes, politicians insinuated that undocumented immigrants did not stop at violating U.S. immigration laws. They were also allegedly more prone to join gangs, commit violent crimes, and pose a national security threat. In an attempt to draw a sharp distinction between the merits of legal immigration and the problems inherent in “illegal” immigration, numerous speakers glorified documented immigrants as ambitious, hard-working people who adhered to traditional heteropatriarchal family values and made invaluable contributions to U.S. society and economy. Undocumented immigrants, on the other hand, were oftentimes described as uneducated and unskilled men who had abandoned their families and preferred communal living arrangements.

Much of the debate also focused on undocumented immigrants’ use of public services. Elton Gallegly (R-CA), in particular, repeatedly argued that undocumented immigrants “consume precious social benefits that are denied every day to legal residents who are truly entitled to those benefits” (United States Congress, House, September 25, 1996). While most politicians agreed with this statement – and the initial report from the Jordan Commission, which had recommended that all non-emergency public services should be made unavailable to

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<sup>63</sup> This bi-partisan amendment, which had been proposed by Representatives Dick Chrysler (R-MI), Howard Berman (D-CA), and Sam Brownback (R-KS), was agreed to by a comfortable margin (238-183). Not only did the majority of Democrats support the amendment, but Chrysler, Berman and Brownback had also garnered the support of 75 Republicans.

undocumented immigrants – there was much debate over the role that public education should play in this context. When Elton Gallegly originally proposed a Proposition 187-type amendment, which allowed states to deny undocumented immigrants access to public schools, he was joined by most of his colleagues. Even though the Gallegly Amendment caused an emotional and divisive debate, the Amendment was passed (257-163) and integrated into the House version of the bill (H.R. 2202). On March 21, 1996, the House passed H.R. 2202 by a wide margin (333-87).

A few weeks later, the Senate began their debate of two separate bills. On April 10, 1996, Senator Orrin Hatch (R-UT) introduced S. 1664, the Illegal Immigration Act of 1996, and S. 1665, the Legal Immigration Act of 1996. Yet several Senators were still dissatisfied with the decision to discuss these issues separately. Knowing that it would be much more difficult, if not impossible, to pass an immigration reform bill that solely focused on legal immigrants, Senator Alan K. Simpson (R-WY) made repeated attempts to integrate legal immigration provisions into S. 1664. On April 24, 1996, for example, Simpson presented an amendment to reform the family preference system and decrease the number of visas that were available for family reunification. Instead of exempting immediate family members of U.S. citizens from the quota system, Simpson argued that there should be a firm ceiling of 480,000 family-sponsored immigrants that included everyone. According to Simpson, “chain migration” had caused a deskilling of the immigrant flow and had thus had a negative impact on the U.S. labor market. Senators Abraham (R-MI) and DeWine (R-OH), however, were unwilling to accept this point. Not only did they dismiss Simpson’s anecdotal evidence about chain migration as fictional, they also expressed their disapproval of his attempt to reintroduce legal immigration reform into a debate about undocumented immigrants. Not surprisingly, Simpson’s amendment was quickly defeated on a decisive 20-80 vote.

After these legal immigration provisions had been deleted from S. 1664, the Senate invoked cloture and passed the bill almost unanimously. Only Senators Russ Feingold (D-WI), Bob Graham (D-FL), and Paul Simon (D-IL) cast no-votes (Gimpel and Edwards 1999, 268). Interestingly, however, there were a number of other stipulations for legal immigrants that remained in both the Senate and the House bill. Both S. 1664 and H.R. 2202 contained provisions that made the affidavit of support, which had to be signed by U.S. citizens and legal permanent residents who wanted to sponsor a family member, legally enforceable. In addition, both versions of the “illegal” immigration bills established income requirements for potential sponsors and stipulated that a certain percentage of the sponsor’s income should be “deemed” available to the immigrant if he/she applied for public services. Despite the rhetoric about splitting the bills and examining both issues separately, the 104<sup>th</sup> Congress had eventually come to the realization that the political climate would have made it impossible to pass a comprehensive legal immigration reform to reduce the numbers and change the priority categories. However, the affidavit of support and the deeming requirements had become entwined into a larger debate about welfare reform, personal responsibility, and self-sufficiency. As prime examples of cost-saving neoliberal reform measures, these provisions had been endorsed by representatives from both parties, as well as by minority and immigrant rights organizations. To ensure their ratification, these two issues were thus taken out of a controversial legal immigration reform bill and rejoined with the much more popular “illegal” immigration bill.

Following the passage of “illegal” immigration reform bills in the Senate and the House, a conference committee faced the daunting task of combining the two bills and reconciling the differences between them. While previous Congresses had always relied on bi-partisan committees, the Republican majority decided to exclude Democrats from the decision-making

process in 1996 – a decision that would cause a lot of controversy in the end. Yet even the Republican committee members had a difficult time building a consensus among themselves. Although the committee unanimously agreed that the neoliberal reform project called for provisions that shifted responsibility to immigrants and their sponsors, members had different ideas about the exact numbers and the list of programs that should be affected. In particular, the Republican conference committee struggled to reconcile three major differences between the House and Senate versions: First, S. 1664 expected future sponsors to prove that their annual income was at least 125% of the federal poverty line, whereas H.R. 2202 set the income requirement at 200%. Second, there was much disagreement about which types of public services should be included under the “deeming requirement.” Whereas the House version made educational programs and student loans available to all recent immigrants, regardless of their sponsor’s income, the Senate version merely exempted current recipients from the deeming requirement, while applying the deeming requirement to future applicants for higher education loans and grants. Third, the House version still contained the Gallegly Amendment, which gave states the option to deny undocumented immigrants the right to receive a public education.

In late July, the conference committee finally reached a compromise. After lengthy debates, they had decided to include the Gallegly Amendment in the bill. Knowing that this decision would be highly controversial among their colleagues, they added a provision that exempted all children who were already enrolled in public schools across the nation. However, this specification satisfied neither their Democratic colleagues, who were already irritated by the Republicans’ decision to exclude them from the conference committee, nor President Clinton, who threatened to veto the bill if Congress included any version of the Gallegly Amendment. With the legislative period coming to an end, the Republican conference committee felt that they

needed to make quick decisions. After all, they did not want to be blamed for jeopardizing a widely popular bill weeks before an important election. As a result, the conference committee eventually removed the Gallegly Amendment and presented their report to the House, which ratified the bill on September 25, 1996.<sup>64</sup>

To the dismay of the conference committee, President Clinton made a few additional requests. In addition to several relatively minor technical amendments, President Clinton disagreed with the idea that employers could only be faced with discrimination charges if the wronged person could provide proof that the employer had intended to discriminate against them. He also insisted that the deeming provisions and sponsor income requirements should be deleted from the bill. Speaker Newt Gingrich (R-GA) was furious. He grudgingly lowered the income requirement to 125% of the federal poverty line and deleted the new public charge provision, which would have made immigrants subject for deportation if they received more than 12 months of public benefits during their first 5 years in the United States. However, “Republican negotiators stood firm against President Clinton’s efforts to remove the higher standard of proof for immigration-related discriminatory employment practices lawsuits” (Gimpel and Edwards 1999, 283). Additionally, Congress was unwilling to strike the popular deeming requirements from the bill. President Bill Clinton accepted this as a valid compromise and included the immigration bill, which had passed the House on September 28, 1996, in the “Omnibus Consolidated Appropriations Act” (P.L. 104-208).

Compared to the original bills, the final version of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was slightly more generous. As previously

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<sup>64</sup> However, the conference committee was not yet ready to give up on the Gallegly Amendment. After the Amendment was deleted from the general immigration bill, it was reintroduced as a stand-alone legislation (H.R. 4134). The House passed H.R. 4134 by a relatively wide margin (254-175), but the bill stood no chance of Senate passage. See Gimpel and Edwards (1999, 280ff) for additional information.

mentioned, the IIRIRA had lowered the income requirements for sponsors to 125% of the federal poverty line, protected legal immigrants from deportation as public charges, and restored undocumented immigrants' access to emergency medical care and public schools. However, the IIRIRA still contained a number of provisions that severely restricted the rights and protections of legal as well as undocumented immigrants. In particular, the IIRIRA changed the definition of an "aggravated felony" for immigrant offenders and made even those immigrants who had committed non-violent crimes and crimes for which no sentence was served subject to deportation. In addition, the IIRIRA limited the opportunities for judicial review; instated 3 and 10-year bars of entry for persons who had been unlawfully present in the U.S. for more than 180 days or one year, respectively; and barred for life persons who misrepresented a material fact on a visa application. With regard to legal immigrants, the IIRIRA limited access to public benefits and turned the affidavit of support between sponsor and immigrants into a legally binding contract. In keeping with the larger neoliberal project, the IIRIRA made sure that immigrants who had already violated the social contract and those potential immigrants who were likely to do so were excluded from the United States.

### 2.2.2 Restricting Immigrants' Access to Public Benefits: Welfare Reform

Parallel to the lengthy debate about immigration reform, the 104<sup>th</sup> Congress also deliberated a major welfare reform act. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was signed into law on August 22, 1996 (P.L. 104-193), a few weeks before President Clinton approved the immigration reform act. Taken together, these two acts represent a two-pronged attempt to limit immigrants' access to certain welfare programs. According to Gimpel and Edwards, the connection between these two acts can be

described as follows: “the welfare reform legislation set new, more restrictive standards of eligibility, whereas the immigration bill provided the enforcement mechanisms for those standards” (Gimpel and Edwards 1999, 284).

While this assessment is certainly accurate, I think that Gimpel and Edwards’ brief analysis of the PRWORA failed to notice some of the more complex interactions between welfare and immigration reform. Welfare and immigration reform emerged as two of the most hotly debated issues during the 104<sup>th</sup> Congress. Politicians from both ends of the political spectrum had become increasingly concerned about escalating levels of government spending and the effects the advanced welfare state had had on native-born citizens and immigrants. In particular, politicians implied that the current system not only discouraged American welfare recipients from finding work, but served as a magnet for paupers from all over the world. Consequently, politicians were eager to reform the welfare system to meet economic objectives. In accordance with the larger neoliberal project, which I will discuss in more detail in the following chapters, means-tested public services became the prime means for reforming those individuals who had failed to succeed on a highly competitive job market. Welfare checks were described as a reward for applicants who expressed the willingness to fulfill work requirements most often by accepting jobs with limited prospect for advancement. For those individuals who were unable to meet the new work requirements or for single mothers who were unable to live up to heteropatriarchal family values, welfare checks could be reduced or withheld to punish undesirable behavior.

In the end, the 104<sup>th</sup> Congress enacted a radical reform measure that reorganized the welfare system along economic lines.<sup>65</sup> Even though the act was not primarily focused on the

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<sup>65</sup> Due to the focus of this particular project, I will not discuss the PRWORA in its entirety. See Gilens 1999, Mink 1998, Seefeldt 2002, Sidel 1998 and Smith 2002 for a detailed analysis of the welfare reform act.



special status of non-citizens, I argue that immigrants' welfare eligibility was much more than a mere afterthought to a reform package that attempted to downsize federal spending. In an attempt to fit immigrants into this larger debate about cost-effectiveness, lucrative investments, and risk management strategies, politicians came to the core of the neoliberal project. Neoliberal logic assumes that social categories such as race, gender, sexuality, and, potentially, citizenship status are inconsequential. Instead, it requires that authorities assess an individual's personal characteristics and behaviors to determine whether this person is likely to succeed and thus be worthy of support. Generally speaking, this type of approach is problematic since it explicitly negates the continuing influence of structural inequalities. In the context of immigrants' welfare eligibility, however, this neoliberal logic was also used to make a case that immigrants should continue to have access to the same services as native-born citizens. Since immigrants had made a commitment to stay in the U.S. permanently, they represented a good potential long-term investment and, with a little public support, might be turned into responsible, self-sufficient members of society. Therefore, it should not matter that they were not (yet) U.S. citizens.

At the same time, many politicians interpreted the neoliberal logic in a slightly different manner and offered other types of solutions. Contrary to America's long history of providing the same services to both legal permanent residents and U.S. citizens, these individuals argued that the U.S. had no obligation to support and reform immigrants. Instead of establishing an elaborate system of legally-binding affidavits, it would be more cost-efficient for the U.S. government to admit only the most promising individuals and deport those who had failed to find a well-paying job. When the Subcommittee on Human Resources held a preliminary meeting to discuss the "Impact of Immigration on Welfare Programs" on November 15, 1993, for instance, Chairman Harold E. Ford (D-TN) argued that the subcommittee needed to determine the exact amount of

money that had been spent on immigrants' welfare benefits, verify whether immigrants displaced American workers, evaluate the admission criteria for contemporary immigrants, and, most importantly, "determine what would happen if we simply ended welfare for noncitizens" (United States Congress, House, November 15, 1993). From the very beginning of the debate, politicians thus questioned whether immigrants should be discussed in the context of welfare reform at all and some representatives preferred a solution that would simply eliminate immigrants' welfare eligibility. The majority, however, supported compromise measures that distinguished between citizens and immigrants, without banning immigrants completely from all welfare programs. Throughout the 104<sup>th</sup> Congress, the reform proposals affecting immigrants' welfare eligibility not only grew more complex, they also created a careful balance between these conflicting views. Compared to the final version of the bill, early reform proposals appear overly broad and unsympathetic to the effects blanket provisions would have had on an increasingly diverse immigrant population.

On January 4, 1995, Representative Steven C. LaTourette (R-OH) – and 119 Republican co-sponsors – introduced the Family Self-Sufficiency Act of 1995 (H.R. 4), the first comprehensive welfare reform act in the 104<sup>th</sup> Congress. The original version of this act consisted of seven separate titles, one of which was entitled "Restricting Welfare for Aliens."<sup>66</sup> Section 401(a) determined that no future immigrants, with the exception of refugees and, after five years, legal permanent residents who were older than seventy-five years of age, "shall be eligible for any program referred to in subsection (d)." Said subsection lists a total of 52 programs, ranging from emergency food and shelter grants, to immunization programs, and a

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<sup>66</sup> The other titles were: (1) Reducing Illegitimacy, (2) Requiring Work, (3) Capping the Aggregate Growth of Welfare Spending, (4) Restricting Welfare for Aliens, (5) Consolidating Food Assistance Programs, (6) Expanding Statutory Flexibility of States, and (7) Drug Testing for Welfare Recipients (H.R. 4, January 6, 1995 – Version 1).

wide variety of higher education benefits. The only federally-funded program for which all immigrants remained eligible was emergency medical care.

After various committees held hearings on different sections of the bill, the committees reported the bill back to the House on March 16, 1995 (H. Rept. 104-83).<sup>67</sup> A few days later, the House of Representatives started their general debates and discussed numerous amendments, which gradually complicated the blanket ban on immigrants' welfare eligibility. On March 23, 1995, Ileana Ros-Lehtinen (R-FL) introduced the first in a long line of immigrant-specific amendments. Her amendment, which was accepted on the same day, established that legal permanent residents who suffered from "a physical or developmental disability or a mental impairment" could not be denied Federal public assistance. Even though this amendment was limited in scope, it set the tone for the later debate. While the majority was reluctant to provide services to newly-arrived immigrants who had not made a satisfactory attempt to become self-sufficient, many politicians were sympathetic to those immigrants who had either fallen on hard times through no fault of their own or who needed some specific short-term assistance to finish their education or job training.

In August and September 1995, the Senate held their general debate on the Family Self-Sufficiency Act of 1995. During this debate, the Senate approved special provisions for victims of domestic abuse, restored eligibility for educational programs, and unanimously adopted the Boxer Amendment (No. 2529), which made sure that the immigrant-specific restrictions did not apply to foster care or adoption assistance programs. In contrast, all of the more radical amendments, which would have either restored eligibility to large parts of the immigrant

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<sup>67</sup>On January 4, 1995, H.R. 4 was referred to the House Agriculture Committee, House Banking and Financial Services Committee, House Budget Committee, House Commerce Committee, House Economic and Educational Opportunities Committee, House Judiciary Committee, House Rules Committee, House Ways and Means Committee, and the Senate Finance Committee.

population or amended the list of programs to cash- and cash-like programs, were rejected by wide margins.<sup>68</sup>

By January 1996, the conference committee had devised seven different versions of the Family Self-Sufficiency Act of 1995, each of which contained significant changes with regard to immigrants' welfare eligibility. Gradually, a straightforward two-section title had grown into a highly complex compromise that distinguished between different classes of immigrants and benefits and introduced additional requirements for immigrants' sponsors.<sup>69</sup> In accordance with the neoliberal reform project, the final version of the act was based on the following two imperatives:

“It continues to be the immigration policy of the United States that (A) aliens within the nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and (B) the availability of public benefits not constitute an incentive for immigration to the United States” (Section 400, H.R. 4, January 3, 1996).

Accordingly, H.R. 4 declared all future immigrants – with the exception of veterans and soldiers on active duty – to be subject to sponsor deeming.<sup>70</sup> During the first five years, the income and resources of the person who had signed an affidavit of support should be deemed available to the

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<sup>68</sup> For instance, on September 14, 1995, the Senate rejected the Feinstein Amendment (No. 2513) which would have limited the deeming of income to cash and cash-like programs and retained SSI eligibility by a recorded vote of 20 yeas and 78 nays. On the next day, the Senate also rejected the Simon Amendment (No. 2509), which attempted to eliminate the retroactive deeming requirements for those legal immigrants who were already present in the United States, by a recorded vote of 35 yeas and 64 nays.

<sup>69</sup> The entire bill had been reorganized multiple times. The seventh, and final, version of H.R. 4 contained the following 10 sections: (1) Block Grant for TANF, (2) SSI, (3) Child Support, (4) Restricting Welfare and Public Benefits for Aliens, (5) Reductions in Federal Government Positions, (6) Reform of Public Housing, (7) Child Protection Block Grant Program and Foster Care and Adoption Assistance, (8) Child Care, (9) Child Nutrition Programs, (10) Food Stamps and Commodity Distribution.

<sup>70</sup> Refugees and persons who were granted asylum were not subject to these limitations. They had full access to all federal services as soon as they arrived in the U.S.

immigrant and taken into consideration when determining their eligibility for certain means-tested benefits. Significantly, the deeming provision no longer applied to emergency medical services, short-term non-cash emergency disaster relief, immunization programs, public health assistance for communicable diseases, all benefits under the “National School Lunch Act” and the “Child Nutrition Act,” programs of student assistance under Titles IV, V, IX, and X of the Higher Education Act of 1965, as well as to local programs such as soup kitchens, crisis counseling and intervention services, and short-term shelters. After a period of five years, immigrants would gain access to the entire list of public benefits, including the four major programs (TANF, SSI, Medicaid, and Food Stamps).

Yet shortly after both the House and the Senate agreed to this conference report, President Bill Clinton vetoed the bill. On June 27, 1996, Representative John R. Kasich (R-OH) introduced H.R. 4’s successor – the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H.R. 3734). With regard to immigrants’ welfare eligibility, the first version of this act was remarkably similar to its predecessor. After stressing the fact that everyone – including undocumented immigrants – remained eligible for emergency medical services, immunization programs, and public health assistance for testing and treatment of serious communicable diseases, H.R. 3734 established that newly arrived immigrants would be ineligible for most other federal benefits for a minimum of five years. In addition, H.R. 3734 reiterated the sponsor deeming provisions that were already part of the final version of H.R. 4.

The ensuing debate was predominantly concerned with the importance of specific programs and the eligibility of certain groups of immigrants. For instance, politicians questioned the exact meaning of “public health assistance for testing and treatment of serious communicable diseases.” While several speakers believed that this term should include the treatment of

HIV/AIDS – after all, HIV/AIDS was defined as a communicable disease under immigration law – other politicians were horrified by the idea that the U.S. government would provide services to HIV-positive immigrants. Representative Dana Rohrabacher (R-CA) argued that undocumented immigrants who were HIV positive “should be deported from this country to protect our own people instead of spending hundreds of thousands of dollars that should go for the health benefits of our own citizens.” His colleague Robert K. Dornan (R-CA) added that “because we have done this magnificent PR on the only fatal venereal disease in the country, we still go back and forth as though AIDS is a badge of honor. It shows you are a swinger and you are part of the in crowd in this country. Sad.” (United States Congress, House, September 25, 1996).

In addition, politicians vacillated when it came to immigrants’ eligibility for educational benefits, such as HeadStart Programs and student loans.<sup>71</sup> Whereas some people argued that these costly services were no different from other public benefits and should thus be unavailable to newly arrived legal immigrants, other politicians maintained that educational benefits represented a particularly important form of support that could not be denied to any human being. Yet once the majority agreed that educational benefits represented a good long-term investment – and were thus an important means to further the neoliberal reform project – the struggle over specific programs started. In particular, some politicians were reluctant to include post-secondary programs in the list of available programs. In the end, however, Congress decided to exempt all educational support programs from time restrictions and deeming requirements.<sup>72</sup> Other controversial issues included the exact definition of “programs, services, or assistance which are

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<sup>71</sup> This section is only concerned with “legal immigrants.” With regard to this group of immigrants, Congress never even questioned the idea that their children should have access to a free public school education. They were only concerned with the availability of additional programs.

<sup>72</sup> The list of programs included assistance or benefits under the National School Lunch Act and the Child Nutrition Act of 1966; programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act; means-tested programs under the Elementary and Secondary Education Act of 1965; as well as benefits under the Head Start Act. In addition, Congress agreed to exempt benefits under the Job Training Partnership Act.

necessary for the protection of life or safety,” which were also exempt from sponsor deeming, the specific requirements for affidavits of support, as well as the treatment of legal permanent residents who currently received certain forms of public assistance. Yet despite these significant controversies, the general neoliberal framework remained relatively stable throughout the Congressional Debates about H.R. 3734.

In the end, President Bill Clinton signed the bill, which became Public Law 104-193, into law on August 21, 1996. The immigrant-specific regulations can be found in Title IV (“Restricting Welfare and Public Benefits for Aliens”). What had started out as a brief and easily comprehensible two-section title that banned almost all immigrants from all public benefits had grown into a highly complex title that consisted of six separate subtitles with multiple sections each. Most importantly, the final version of the bill declared new immigrants, who had not yet contributed to the system, ineligible for the major federal welfare programs, but restored eligibility to pre-enactment immigrants and made exemptions for some of the aforementioned programs. In addition, the PRWORA also shifted responsibility toward state governments. Within certain limitations, states were now able to decide which groups of immigrants were particularly worthy of public support. At the same time, the PRWORA limited the overall availability of federal funds and earmarked these funds for specific groups and programs. In particular, states were only allowed to attribute federal funds to programs that provided TANF and Medicaid to immigrants who had arrived before August 22, 1996. If they wanted to provide the same services to post-enactment immigrants, the money would have to come out of the state budget.<sup>73</sup> As a whole, the PRWORA ended an era of increasingly generous welfare benefits that had made no distinction between U.S. citizens and legal permanent residents.

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<sup>73</sup> For more information see Zimmerman and Tulmin 1999.

### 2.2.3 Further Restricting Immigrants' Rights: Anti-Terrorism Legislation

When Islamic terrorists planted a car bomb in the underground parking garage of the World Trade Center on February 26, 1993, they sent a shockwave through the United States. The bomb, which was meant to destroy the foundation of the north tower and trigger the collapse of both buildings, failed to achieve its proclaimed goal. However, the massive detonation killed six people, injured over 1,000, destroyed several electrical power lines, and cut off telephone service for much of lower Manhattan. Most importantly, the attack reminded U.S. citizens that terrorism was a reality and that the U.S. was not immune from terrorist attacks. Almost two years after the bombing, President Clinton introduced a comprehensive antiterrorism legislation – the Omnibus Counterterrorism Act (S. 390).<sup>74</sup> Yet at that point, Congress was no longer convinced that there was an imminent terrorist threat that warranted an immediate response. President Clinton's bill was thus quickly put on the back burner. Two months later, this general apathy came to a sudden end when Timothy McVeigh, a 26-year-old Gulf War veteran, loaded a rented Ryder truck with homemade explosives, drove up to the Alfred P. Murrah Federal Building in Oklahoma City, ignited a timed fuse and walked away. 167 people were killed in the explosion.

Immediately after the attack, the media broadcasted interviews with people who had reportedly seen several Middle-Eastern-looking suspects. Within a few hours, however, McVeigh was arrested for driving without a license plate and, while in jail, he confessed to the attack in Oklahoma City. McVeigh was soon put on trial, where a jury imposed the death penalty. Up until his death on June 11, 2001, McVeigh maintained that he had acted alone. The American

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<sup>74</sup> In addition, there were also a few minor reform proposals that focused on specific aspects. For instance, on January 9, 1995, Senator William V. Roth (R-DE) introduced S. 179, the Criminal Alien Control Act of 1995 which streamlined the deportation procedures for all criminal aliens and eliminated opportunities for judicial review for aliens who were not legal permanent residents. A few weeks later, on February 2, 1995, Senator Olympia Snowe (R-ME) proposed S. 347 (Terrorist Exclusion Act) which made membership in a terrorist organization a basis for exclusion from the U.S.



public, however, had a very hard time believing that a young, white man with no criminal history could have committed such an atrocious act. Instead, investigators maintained that McVeigh must have had ties to Islamic terrorists. Some people even contended that McVeigh was linked directly to Ramzi Yousef, a member of Abu Sayaf, who had planned the 1993 bombing of the World Trade Center. Despite lengthy investigations, no one ever found sufficient evidence to connect McVeigh to a militant Islamic organization.<sup>75</sup>

Ironically, the acts of this white, native-born U.S. citizen were used to justify the passage of a comprehensive anti-terrorism law which would have had little effect on terrorists like Timothy McVeigh. Instead, the Antiterrorism and Effective Death Penalty Act (AEDPA) was primarily directed against all foreign-born criminals, not just terrorists. An examination of the genesis of this law led Kevin R. Johnson to conclude that “though the Antiterrorism Act’s name obviously suggests concerns with combating ‘terrorism,’ the law is a political response to deeper uncertainty in the U.S. political order” (Johnson 1997, 838). In the context of the neoliberal debate about immigration and immigrants, the AEDPA could also be interpreted as an attempt to establish a simplified screening system to identify potential lawbreakers and to ensure that the U.S. government had the tools to deport those immigrants who had violated the social contract. Since the neoliberal doctrine emphasized the importance of independence, personal responsibility, and self-sufficiency, Congress usually made an effort to protect personal rights and liberties. At the same time, individual actors were supposed to make responsible choices and adhere to the demands of the market. If a person violated these rules, the government became involved and reinstated order. In the case of non-citizen criminals and terrorists, deportation

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<sup>75</sup> Some politicians claimed that Timothy McVeigh did not count as a “real American.” Orrin G. Hatch (R-UT), for example, went on record with the following proclamation: “what is shocking to so many of us is the apparent fact that those responsible for the Oklahoma atrocity are U.S. citizens. To think that Americans could do this to one another. Yet, these killers are not true Americans – not in my book” (United States Congress, Senate, May 25, 1995).

orders represented the most cost-effective way to deal with individuals who were apparently unwilling or unable to submit to these rules.

Knowing that Americans' desire for public safety and security represented a powerful argument, however, politicians were eager to portray the AEDPA as a direct reaction to the Oklahoma City bombing. Only eight days after the attack, on April 27, 1995, Senators Orrin G. Hatch (R-UT) and Bob Dole (R-KS) introduced a bipartisan "bill to prevent and punish acts of terrorism," as the synopsis phrases it.<sup>76</sup> This bill, the "Antiterrorism and Effective Death Penalty Act" (S. 735), was passed by the Senate after only four days of debates. In the House, Representative Henry J. Hyde's (R-IL) version of the anti-terrorism bill (H.R. 1710) caused slightly more controversy. On the one-year anniversary of the Oklahoma City bombing, Congress passed the final conference report on both bills. A few days later, on April 24, 1996, President Bill Clinton solemnly proclaimed that the AEDPA "stands as a tribute to the victims of terrorism and to the men and women in law enforcement who dedicate their lives to protecting all of us from the scourge of terrorist activity." At the same time, President Clinton was also acutely aware of the fact that "this bill also makes a number of major, ill-advised changes in our immigration laws having nothing to do with fighting terrorism" (Statement by the President, April 24, 1996).

Legal scholar Bruce Robert Marley has convincingly argued that, even though many politicians were undoubtedly aware of the problematic consequences this law would have on many non-citizens, it was hardly surprising that the AEDPA met so little resistance. Marley writes that: "There was very little political or popular resistance to these measures. After all, disenfranchisement of an unpopular, scapegoat community that does not enjoy suffrage carries

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<sup>76</sup> In addition to its two main sponsors, S. 735 had the following 7 co-sponsors: Hank Brown (R-CO), Dianne Feinstein (D-CA), Phil Gramm (R-TX), Jon Kyl (R-AZ), Don Nickles (R-OK), Alan K. Simpson (R-WY) and Strom Thurmond (R-SC).

no political risk. Who, after all, would speak out in support of immigrant terrorists? Of illegal aliens? Of criminal immigrants? Not surprisingly, few did” (Marley 1998, 858). Congressional Records from the 104<sup>th</sup> Congress prove that this attitude was fairly common among Representatives from both parties, who were not shy to express their disdain for terrorists. Melvin L. Watt (D-NC), for example, went on record with the following comment: “I hate terrorists. They are the scum of the earth. There is nothing lower than a terrorist. They are worse even than people who shoot folks in the back” (United States Congress, House, April 18, 1996).

However, Representative Watts was also one of the few people who spoke out against the tendency to equate terrorists with other criminal aliens and subject them to the same treatment. Yet despite some protests that “the tragic bombing is not a reason to repeal the sixth amendment,” as Maxine Waters (D-CA) phrased it, Congress decided that the Oklahoma City bombing represented a perfect pretext for an invasive law that affected a much larger group than terrorists (United States Congress, House, April 18, 1996).<sup>77</sup> In particular, politicians argued that the bombing should be interpreted as a warning sign to make some fundamental changes. Bill Martini (R-NJ), for example, asserted that “we cannot allow the seeds of destruction to be sewn in our country. We must send the message loud and clear that the United States will act decisively against those who attempt to undermine civility” (United States Congress, House, April 18, 1996). At the end of the day, Congress thus “lumped together lawful permanent residents with illegal aliens, terrorists, and drug traffickers” (Marley 1998, 858). In an effort to ensure maximum national security, President Clinton eventually signed a law that, many legal scholars have argued, sacrificed noncitizens’ individual liberties and freedoms all too quickly (Beall 1998, Johnson 1997, Marley 1998, and Martin 1999).

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<sup>77</sup> On a similar note, Representative Patrick J. Kennedy (D-RI) reminded Congress that “sacrificing our Constitution and the integrity of our judicial system is too high a price to pay for an antiterrorism bill” (United States Congress, House, April 18, 1996).

This law, the “Antiterrorism and Effective Death Penalty Act” (P.L. 104-132), consists of 8 sections: (1) Habeas Corpus Reform;<sup>78</sup> (2) Justice for Victims;<sup>79</sup> (3) International Terrorism Prohibitions;<sup>80</sup> (4) Terrorist and Criminal Alien Removal and Exclusion; (5) Nuclear, Biological, and Chemical Weapons;<sup>81</sup> (6) Implementation of Plastic Explosives Convention; (7) Criminal Law Modifications to Counter Terrorism;<sup>82</sup> and (8) Assistance to Law Enforcement.<sup>83</sup> While all of these sections contain noteworthy reform provisions, I will primarily focus on those stipulations that had a direct effect on all legal permanent residents and future immigrants.

Title IV is of particular interest in this context. The official purpose of this title can be summarized as follows: Title IV amends the mechanism to bar members of terrorist organizations and enables the U.S. government to devise a list of organizations with terrorist intentions, facilitates the removal procedures for alien terrorists who are already present in the U.S., modifies the asylum procedures to ensure that terrorists cannot get political asylum, and expands the list of deportable offenses. Taken together, these new procedures established an actuarial system that was supposed to protect U.S. citizens from dangerous terrorists and other criminal aliens. As such, these procedures were fairly uncontroversial. Yet these protective measures came at a high price for the entire immigrant community.

If we look at the same title from a defendant’s perspective, the law’s effect could be more accurately described like this: Title IV creates special removal procedures that allow the court to

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<sup>78</sup> This section bars repetitious habeas corpus petitions by all federal and state prisoners and establishes a one-year deadline within which a prisoner must file his/her habeas corpus claim.

<sup>79</sup> Title II increases the funding for victim compensation programs and narrows the immunity of foreign governments who support terrorist organizations.

<sup>80</sup> Subtitle A designates certain organizations as “terrorist organizations” and establishes a system of penalties for financial institutions that refuse to freeze the assets of these organizations. Subtitle B offers an expanded definition of “assistance to terrorist organizations.”

<sup>81</sup> This section places additional restrictions on the possession of materials that could be used to assemble a bomb.

<sup>82</sup> In addition to increasing the penalties for certain terrorism-related offenses, Title VII also expands the reach of federal law beyond the boundaries of the United States.

<sup>83</sup> Title VIII provides an additional \$ 1 billion to fund anti-terrorism efforts.

introduce “secret” evidence that had been obtained illegally and it eliminates federal court review of these decisions by denying noncitizens access to habeas corpus examination.<sup>84</sup>

Throughout the debate, several politicians were highly critical of these strict limitations. In their opinion, these procedures were not just unethical, but they also stood in clear violation of a defendant’s fundamental right to due process. Even after weighing the inherent dangers against the potential benefits, these representatives were unwilling to sacrifice fundamental individual liberties which had represented a cornerstone of the American legal system for generations. Jerrold Nadler (D-NY), for example, repeatedly stressed that “we cannot have a procedure for deporting aliens who are allegedly terrorists where they have no opportunity to cross-examine their accusers, no opportunity to see the evidence against them, no opportunity even to know the specific charges” (United States Congress, House, March 13, 1996). His opponents, on the other hand, were convinced that the end justified the means. For them, it was perfectly legitimate to limit a suspected terrorist’s constitutional rights in order to protect the American public.

Yet while the majority was willing to support these anti-terrorist provisions, many politicians were much more reluctant to limit judicial review in cases involving other “criminal aliens.” In the end, Congress basically agreed that the introduction of secret or classified evidence and evidence that had been obtained illegally should only be admissible if there was some kind of *national* security risk involved. “Alien criminals” who did not pose a national security risk were granted the right to have a counsel and get a public hearing. In addition, their attorneys were granted the right to access all evidence, to introduce additional evidence, and to cross-examine all witnesses. Importantly, though, the AEDPA also mandated the creation of a

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<sup>84</sup> More specifically, Section IV establishes that “an alien subject to removal under this title shall not be entitled to suppress evidence that the alien alleges was unlawfully obtained.” In addition, the defendant and his/her attorney have no right to access classified evidence “if the Attorney General determines that public disclosure would pose a risk to the national security of the United States.” Instead, the defendant is presented with an unclassified summary of the evidence (P.L. 104-132, Section 401).

special removal court. In all cases involving undocumented immigrants or temporary residents, this court's deportation order would be final and the defendant would not get a chance to seek judicial review. Legal permanent residents were still able to appeal a deportation order to the Board of Immigration.

In addition, the AEDPA also increased the number of deportable offenses. With the passage of the Anti-Drug Abuse Act of 1988, the U.S. had introduced a new class of crimes: "aggravated felonies." Initially, this category consisted of a small number of crimes that were deemed serious enough to warrant the deportation of a noncitizen after he/she had completed their criminal sentence in a U.S. prison. Outside of immigration law, the term was completely meaningless. Shortly after the introduction of this new class of deportable offenses, the term "aggravated felony" underwent a rapid expansion. With the enactment of the Immigration Act of 1990, Congress added all violent crimes for which a court had imposed a minimum sentence of 5 years in prison.<sup>85</sup> In 1996, the AEDPA extended this category even further. Section 435 lowered the "term of imprisonment" threshold from five years to one year in prison. As a result, shoplifting, fraud, bribery and many other non-violent crimes were turned into deportable offenses. Even more significantly, the AEDPA also "created an entirely new meaning of the word 'conviction,' which applied only to aliens" (Marley 1998, 867). Under the AEDPA, it was no longer important whether the noncitizen had actually served a prison sentence. Instead, the

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<sup>85</sup> According to Bruce Robert Marley, "before the enactment of AEDPA and IIRIRA, aggravated felony offenses included: (A) murder; (B) illicit trafficking in a controlled substance; (C) illicit trafficking in firearms or destructive devices or in explosive materials; (D) 'money laundering' of amounts over \$ 100,000; (E) certain firearms and explosive material offenses; (F) a crime of violence for which the term of imprisonment imposed was at least five years; (G) a theft offense (including receipt of stolen property) for which the term of imprisonment imposed was at least five years; (H) ransom (kidnapping) offenses; (I) child pornography offenses; (J) RICO offenses for which a sentence of at least five years' imprisonment may be imposed; (K) involuntary servitude and management of prostitution offenses; (L) national security and treason offenses; (M) fraud or tax evasion where the loss exceeds \$ 200,000; (N) alien smuggling for commercial advantage; (O) a trafficking in fraudulent documents offense; (P) failure to appear for service of sentence if the underlying sentence is punishable by a term of imprisonment of 15 years or more; (Q) an attempt or conspiracy to commit an aggravated felony" (Marley 1998, Note 40).

new language of the law included all cases where the defendant had decided to settle, accept a plea bargain, or went on probation – the important factor was that a judge *could* have imposed a sentence of 12 months or more.

This provision, in and off itself, would have led to the deportation of thousands of relatively minor criminals, who did not pose a threat to society at large. Yet to make an already over-inclusive provision even more broad, Congress decided that this new definition of aggravated felonies should be applied retroactively. Several politicians spoke out against this drastic measure. Senator Edward M. Kennedy (D-MA), in particular, was outraged about the idea that, under this new law,

a refugee from Rwanda could put a bill in the mailbox and realize he forgot to put a stamp on it. When he innocently tries to remove the letter from the mailbox and he is arrested for tampering with the mail – a felony. Due to poor representation, he accepts a plea bargained sentence of 1 year. To his surprise, he is suddenly subject to expedited deportation with no judicial review (United States Congress, Senate, June 7, 1995).<sup>86</sup>

Unfortunately, these scenarios soon became reality. Legal scholar Bruce Robert Marley, for example, provides a lengthy description of an actual case that happened shortly after the AEDPA was passed:

Refugio Rubio has been a legal resident of the United States for thirty-four years. He is fifty-seven years old, a field hand and laborer, and the patriarch of a family

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<sup>86</sup> This was only one among a number of different scenarios that Senator Kennedy discussed on this particular day. He also pointed out that “an immigrant with an American citizen wife and children sentenced to 1-year probation for minor tax evasion and fraud would be subject to this procedure. And under this provision, he would be treated the same as ax murderers and drug lords” (United States Congress, Senate, June 7, 1995). Later, he added that “under this provision, an older immigrant who came to the United States as a child but was never naturalized gets tired of a rash of robberies on her store and buys a firearm which she doesn’t realize is illegal. She is convicted of a felony. Even though she is married to an American and has four U.S.-citizen children, she must be placed in expedited deportation proceedings with no recourse to the courts” (United States Congress, Senate, June 7, 1995).

that includes seven U.S. citizen sons and seven U.S. citizen grandchildren. Recently, Rubio attended an Immigration and Naturalization Service (INS) interview as part of the naturalization process. There he was arrested as an aggravated felon. The reason? Twenty-seven years ago, in 1972, Refugio Rubio was convicted of a possession with intent to distribute marijuana violation. Since then, he has never been in any trouble with the law. He raised a family, built his own home, and has been a model ‘citizen’ in every way (Marley 1998, 855).<sup>87</sup>

Instead of fulfilling his dream to become a naturalized citizen, the INS detained Refugio Rubio as an “aggravated felon” and subjected him to a brief deportation hearing without any opportunity for discretionary relief. In the past, legal permanent residents were able to petition an immigration judge for a “waiver of deportation” if they had significant ties to the U.S. (e.g. if they were married to U.S. citizen or had U.S. citizen children). In other cases that involved extreme hardships to the defendant or his/her family, the immigrant could request a “suspension of deportation,” especially if the defendant had been convicted for a less serious offense. The AEDPA, though, mercilessly eliminated all forms of discretionary relief.

By increasing the number of deportable offenses to include even relatively minor misdemeanors and by eradicating measures that allowed judges to prevent injustices and grant discretionary relief to some of the most deserving noncitizens, U.S. Congress made it clear that they were not simply concerned with America’s national security. Instead, Marley has argued, the evidence suggests that “an aggravated felony was no longer a protective device to shield American society from the most heinous crimes. Rather, an aggravated felony became a sword,

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<sup>87</sup> Legal scholar Sara A. Martin begins her article with a very similar case. She provides a lengthy account of the deportation hearings of Martin Muñoz, a 37-year-old Mexican immigrant. Despite the fact that he was married to a U.S. citizen and supported his three U.S. citizen children and four stepchildren, he was deported for a crime that he had committed in 1990. See Martin (1999) for additional information.



one that hewed indiscriminately through the ranks of the immigrant community” (Marley 1998, 865). Unfortunately, subsequent events have shown that the AEDPA was only the first in a long line of overly invasive laws that, under the pretense of protecting Americans from terrorist attacks, severely limited the fundamental rights of all noncitizens and, increasingly, U.S. citizens as well.

## 2.3 Conclusion

The 104<sup>th</sup> Congress passed three major pieces of legislation which, as a whole, had a detrimental impact on the lives of all noncitizens. Each of these three acts primarily focused on a different subgroup: While the IIRIRA targeted undocumented immigrants, the PRWORA limited the welfare eligibility of recently arrived legal immigrants, and the AEDPA restricted the rights of and increased the penalties for noncitizens who supported terrorist organizations. Yet in addition to these more obvious focal points, each act also contained provisions that affected other immigrants as well. As mentioned before, the final version of the *Illegal* Immigration Act was not limited to “illegal” immigrants – despite the fact that, after lengthy debates, both the House and the Senate had agreed to examine the legal immigration system separately. Similarly, the *Antiterrorism* Act had serious repercussion for a number of “alien criminals” who were not terrorists, and the welfare reform act included several provisions that regulated immigration procedures and were not directly linked to an immigrant’s ability to receive welfare (e.g. income requirements for potential sponsors).

Taken together, the Congressional Debates that led to the passage of these three acts represent a complex discursive field. Regardless of the specific context, the discourse kept coming back to a few central questions. On the most basic level, Congress struggled to determine

which immigrants were desirable, which potential candidates should be kept from entering the U.S. and which immigrants had forfeited their right to live in the U.S. In this regard, the Congressional Debates in 1995-96 are a continuation of historical trends. As the first section demonstrated, the United States has a long history of excluding immigrants who were likely to become a public charge, had a criminal history, or were unable to conform to heteropatriarchal family values.

Yet in 1995-96, the situation had become more complicated. Congress was not only expected to balance competing objectives – such as the concern about national security, the intention to improve America’s economy, and the general tendency to enforce heteropatriarchal family values – but they also reacted to the public’s anxieties about immigrants’ racial characteristics, their religious beliefs, their culture and class status into consideration. Under the new neoliberal doctrine, which generally subordinates political and social criteria to economic rationale, it had become increasingly difficult to address these anxieties. In some cases, Congress was able to make explicit connections to public concerns and contend that their reform measures would not only have a positive economic effect, but would also help to alleviate other concerns. With regard to the AEDPA, for instance, Congress argued that their bill would guarantee the smooth operation of U.S. society and the economy in a cost-effective manner while protecting the life and safety of law-abiding citizens. Widespread security concerns were thus used to reinforce the economically-oriented logic. In other cases, however, it was much more difficult to make these connections and politicians offered conflicting interpretations. Welfare benefits for undocumented children, for example, presented a complex dilemma. While the proponents of generous policies believed that these children were innocent victims, they struggled to prove that their policy recommendations were in accordance with the larger neoliberal project. Their

opponents, on the other hand, knew that they had to couch their restrictive proposals into a humanistic rhetoric about more deserving U.S. citizen children to convince the larger public.

Throughout the immigration reform discourse in 1995-96, Congress employed a variety of rhetorical strategies to justify their neoliberal reform measures. Not only was this discourse different from earlier Congressional Debates, but, as this chapter demonstrated, the resulting policies represented a new phase in the long history of restrictive immigration legislation. In accordance with neoliberal doctrine, the 104<sup>th</sup> Congress introduced a variety of risk management strategies to assess immigrants and admit only the most promising individuals. In the course of these reform measures, Congress reorganized the legal immigration system along economic lines, eliminated the social safety net, and excluded individuals who had violated the social contract. The following two chapters will examine two specific issues: the discourse about family reunification and the conflict about undocumented workers. By analyzing the debates that surrounded these two subjects, I will explain how Congress negotiated various concerns and tried to balance conflicting objectives.

### 3 DEFINING RESPONSIBLE NEOLIBERAL SUBJECTIVITY: THE CONGRESSIONAL DISCOURSE ABOUT FAMILY REUNIFICATION

In June 1995, the U.S. Commission on Immigration Reform sent their second interim report, *Legal Immigration: Setting Priorities*, to Congress.<sup>88</sup> In her introductory letter, Chairperson Barbara Jordan wrote that “the Commission recommends a significant redefinition of priorities and a reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration system.” According to this bi-partisan Commission, the U.S. government had not only admitted too many immigrants, it had also failed to adapt admission criteria to the changing demands of the labor market.<sup>89</sup> While the Commission was mindful of America’s historic commitment to family reunification, they were concerned about the negative impact that elderly and unskilled immigrants had had on the U.S. welfare system. Consequently, the Commission recommended far-reaching reforms that advocated the use of economic objectives to streamline admission criteria.

Over the course of the 1995-96 immigration reform debate, numerous politicians came back to these initial recommendations. In a direct reference to Barbara Jordan’s work, for instance, Senator Edward M. Kennedy (D-MA) reminded his fellow Senators once more of the significance of immigration reform:

As we consider immigration reform today, we must be mindful of the important role of immigration in our history and our traditions. Immigrants bring to this country a strong love of freedom, respect for democracy, commitment to family

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<sup>88</sup> As mentioned in the previous chapter, the Commission was mandated by the Immigration Act of 1990 [P.L. 101-649] to examine and make recommendations regarding the implementation and impact of U.S. immigration policy.

<sup>89</sup> In particular the U.S. Commission on Immigration Reform proposed to reduce immigration admissions from 675,000 + refugees to about 550,000 per year. These numbers were to be divided as follows: Nuclear family immigration: 400,000 (currently 480,000), Skill-based immigration: 100,000 (currently 140,000), Refugee resettlement: 50,000 (currently variable), and an elimination of the Diversity Lottery (currently 55,000).

and community, fresh energy and ideas, and a strong desire to become a contributing part of this Nation. [...] If we ever closed the door to new Americans, our leadership in the world would soon be lost. (United States Congress, Senate, April 15, 1996).

Senator Kennedy added that America could only stay true to this heritage if it moderately reduced overall levels of immigration, gave preference to immediate family members and skilled workers, and protected unskilled American laborers from unfair competition. After all, America was not just a country of immigration, but also a country devoted to protecting its own citizens. Accordingly, Senator Kennedy promoted a compromise solution that attempted to do justice to both sides – U.S. citizens as well as potential immigrants.

Congressional Records indicate that the “America is a nation of immigrants” trope was not only popular, but also flexible. While politicians like Senator Kennedy reasoned that it was in America’s best interest to keep their borders open in order to attract a select group of promising individuals, others added that the United States also had a moral obligation to maintain their generous immigration policy.<sup>90</sup> Representative Louis Stokes (D-OH), for instance, claimed that restricting the number of legal immigrants “clearly violates the basic tenets of fairness and justice upon which our Nation, a nation of immigrants, was founded [and] that America must honor its pledge of being a nation that will reunite families” (United States Congress, House, March 21, 1996).

On the other hand, though, proponents of more restrictive immigration laws alleged that, even though “we are a Nation of immigrants, and immigrants have made great contributions to

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<sup>90</sup> Similar to Senator Kennedy, Steve Chabot (R-OH) made the following comment: “I deeply value the fundamental character of this Nation as a land of hope and opportunity and because I cherish our unique American heritage as a country of immigrants, united by shared values, a strong work ethic, and a commitment to freedom. Let us not tarnish that heritage or ignore our greatest strength, which is our people” (United States Congress, House, March 21, 1996).

our country,” Congress needed to determine “what level of legal immigration is most consistent with our resources and our needs” (Richard C. Shelby (R-AL), United States Congress, Senate, April 25, 1996). According to this logic, the United States could not afford to admit large numbers of immigrants on a regular basis because, as John J. Duncan (R-TN) phrased it, “too much of any good thing can become harmful, even destructive” (United States Congress, House, March 19, 1996). The supporters of more restrictive immigration laws argued that immigrants had started to become a burden on U.S. society. Not only did these politicians claim that the immigrant population was too large to benefit the nation, numerous speakers also argued that the preference system had failed to select the “best and the brightest.” Consequently, Congress faced the difficult task of balancing a historical commitment to immigrants against the economic, cultural, and social interests of contemporary American citizens.

This extensive debate about the optimal structure of a legal immigration system for the 21<sup>st</sup> century was part of a larger “discursive formation.” In *The Archaeology of Knowledge and the Discourse on Language*, Michel Foucault argues that “a discursive formation is not [...] an ideal, continuous, smooth text that runs beneath the multiplicity of contradictions [...]. It is rather a space of multiple dissensions; a set of different oppositions whose levels and roles must be described” (Foucault 1972, 155). As such, a discursive formation draws on a wide variety of issues and connects them in complicated and sometimes contradictory ways. A discursive formation can thus be understood as a complex network of multiple “discursive strands” that circulate around an issue like immigration.

Instead of examining the entire formation of immigration discourse, this chapter will focus on one particular discursive strand: the controversy about family reunification. Throughout the larger debate, Congress made a few attempts to abolish the diversity lottery or reduce the

number of work visas, especially for unskilled laborers.<sup>91</sup> However, most of the debate focused on the merits of the family preference system. Politicians fought over the total number of family-sponsored immigrants, discussed different preferences for certain family members, and offered conflicting definitions of a “nuclear family.” Most importantly, though, they struggled to fit a humanistic rhetoric about family values and moral obligations into a discourse that was largely dominated by economic considerations.

By focusing on a specific example, this chapter will demonstrate how politicians from both ends of the political spectrum managed to combine these seemingly conflicting objectives. In contrast to James G. Gimpel and James R. Edwards, who contend that, unlike earlier discussion about immigration reform, “consensus had all but disappeared,” I will show that there was actually a bi-partisan consensus that the U.S. immigration system had to be streamlined to meet the demands of the labor market and select out the most promising neoliberal subjects (Gimpel and Edwards 1999, 4). Perhaps not surprisingly, there was almost no explicit opposition to the idea that the U.S. immigration system should be as economically profitable as possible. Yet at the same time, the persistent emphasis on family values could be interpreted as a sign that some politicians were uncomfortable with the idea that immigration policy should be based exclusively on neoliberal criteria. Therefore, numerous politicians used personal anecdotes and

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<sup>91</sup> The Immigration Act of 1990 (P.L. 101-649) determined that the U.S. should try to increase the immigrant population’s national diversity by giving immigrants from underrepresented nations an opportunity to immigrate, even if they did not have a family or a job in the U.S. Consequently, the INA established a lottery system that randomly selected 55,000 nationals from countries that had sent fewer than 50,000 immigrants to the U.S. over the previous five years and provided them with an immigrant visa. In their 1995 Report, the U.S. Commission on Immigration Reform recommended that the diversity lottery should be abolished. The Legal Immigration Act of 1996 (S. 1665) wanted to reduce the number of diversity visas from 55,000 to 27,000. In the end, though, Congress decided to leave the diversity lottery unchanged. The U.S. Commission on Immigration Reform also recommended the elimination of the visa category for unskilled laborers and the reduction of skill-based visas to 100,000 (from 140,000). S. 1665 left the number of skilled immigrants at 140,000, while eliminating the 10,000 special visas for unskilled workers. Eventually, Congress did not make any changes to the employment preference category in 1996.

remarks that expressed their concern for immigrants and their families to humanize the impersonal economic logic that drove the debate.

This chapter will examine the neoliberal logic behind various attempts to restructure the family preference category. While I will make periodic references to specific laws or amendments, I am primarily interested in the language that was used to justify certain positions. Following Foucault's definition of discursive formation, I am not trying to argue that there was a coherent family-preference category debate with clearly defined, lucidly argued sides or even an all-encompassing rhetorical strategy. Instead, I will identify key issues – issues that kept coming up in different contexts – and interrogate their relationship to one another and to the larger issues at stake in this debate. First, I will critically examine the claim that family-sponsored immigrants are particularly desirable because they remind Americans of the importance of traditional family values. Second, I will examine the controversy over a particular group of family-sponsored immigrants: elderly parents. Third, I will discuss the widespread concern among some politicians that immigrants admitted through the family preference system would be somehow inferior to past generations of immigrants. Finally, I will examine how politicians negotiated issues of race and ethnicity among family-sponsored immigrants.

### 3.1 In Support of the Nuclear Family: Continuing America's Historical Commitments

As mentioned before, politicians were generally eager to prove that their particular reform plans were not only suited to meet the economic needs of contemporary Americans, but that they were also consistent with America's historical commitment to immigration and immigrants. Most notably, politicians repeatedly cited their own immigrant ancestry as a way to establish credibility and prove that they were aware of the positive impact immigrants have had



on this country. While numerous speakers made vague references to immigrants' cultural and social contributions, the majority of comments focused on financial considerations, such as tax payments, job market effects, and the usage of public benefits. Immigrants' cultural and social contributions were usually only used to underline an economic argument.

With regard to immigrants' economic impact on the U.S., we can distinguish two positions: On the one hand, several immigration opponents used personal anecdotes to illustrate fundamental differences between their ancestors and contemporary immigrants. According to their examples, the current generation of immigrants had little potential to succeed in an increasingly competitive job market. On the other hand, there were numerous politicians who detected a fundamental similarity across generations. They reasoned that past generations of immigrants were even poorer, less skilled, and less educated than present-day immigrants. However, through hard work and will power, these people were able to succeed and ensure a better future for their children and grandchildren.

Senator Phil Gramm (R-TX), for instance, gave a lengthy account of his wife's Asian grandfather, who came to the U.S. as an indentured servant.<sup>92</sup> After he had worked off his contract, he married a young woman that he had picked out in a picture book, a so-called picture bride. His son was "the first Asian American ever to be an officer of a sugar company in the history of Hawaii" (United States Congress, Senate, April 25, 1996). Over several generations, Senator Gramm's in-laws had contributed to this country in many ways. Most importantly, though, Senator Gramm argued that:

America is not a great and powerful country because the most brilliant and talented people in the world came to live here. America is a great and powerful

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<sup>92</sup> Interestingly, Senator Phil Gramm (R-TX) does not mention a specific country. Throughout his account, he refers to his Korean in-laws as "Asian immigrants" or "Asian Americans."

country because it was here that ordinary people like you and me have had more opportunity and more freedom than any other people who have ever lived on the face of the Earth. And, with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things. (United States Congress, Senate, April 25, 1996).

Similarly, Senator Mike DeWine (R-OH) reasoned that one of America's greatest strengths is its openness to change and its willingness to take risks. In his account of his grandfather, "a dirt poor Irishman," Senator DeWine stresses the fact that his grandfather:

came here with guts and with ambition, but probably with very little else. He took a chance on America, and America took a chance on him because America back then thought big thoughts about itself and what great riches lay in the ambition – in the ambition of people who are willing to take risks. That is the kind of America we need to be, not a closed America that views itself as a finished product but an America that is open to new people, new ideas, and open to the future. (United States Congress, Senate, April 15, 1996).

Gramm and DeWine were both reluctant to change the family reunification preference system for legal immigrants. According to their personal anecdotes, an immigrant's race, nationality, educational background, work experience, and financial resources did not necessarily determine whether or not he or she would become an economic success. Instead, they both cited abstract factors such as "guts and ambition" and an eagerness to make the best possible use of the opportunity and freedom America has to offer as much more important.<sup>93</sup> Pre-selecting certain

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<sup>93</sup> On April 25, 1996, Senator Mike DeWine (R-OH) proclaimed that: "Immigration policy in its best days, most enlightened, has been based on two principles. One is that the United States should be a magnet, a magnet for the best and the brightest, yes, but also a magnet for the gutsiest, the people who have enough guts to get up, leave their country, get on a boat or get on a plane or somehow get here, come into this country because they want a better

individuals was thus rejected not only for being inconsistent with America's tradition, but also because it was an ineffective mechanism to choose the most promising individuals.

Whereas some people were concerned that the emphasis on family reunification would de-skill the current generation of new immigrants, others were quick to point out that this was not necessarily the case. Senator Gramm, who was one of the most outspoken proponents of a generous family reunification system, stressed the fact that some of the most successful individuals had entered the U.S. through a family sponsor. Specifically, Gramm focused on Indian immigrants, who had managed to surpass even native-born whites when it came to their level of education and their per-capita income. Using his legislative assistant, Rohit Kumar, as an example, Gramm praised the accomplishments of this particular Indian family. According to this narrative, Kumar's parents were original immigrants who became successful medical doctors shortly after their arrival.

They then started the process of bringing their family to America. They brought their brother. He became a doctor. [...] He brought his wife, who became an interior designer. They brought their nephew, who is a computer engineer. [...] If we add up the combined Federal income tax that was paid 10 days ago by the people who came to America as a result of this first Kumar who came in 1972, this little family probably paid, at a minimum, \$500,000 in taxes. Our problem in America is we do not have enough Kumars, working hard and succeeding. We need more. (United States Congress, Senate, April 25, 1996).

Clearly, Senator Gramm was not only critical of the claim that most contemporary immigrants represent a drain on the U.S. economy, he was also categorically opposed to the idea that those

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future for their children and their grandchildren and their great grandchildren" (United States Congress, Senate, April 25, 1996).

immigrants who had entered the U.S. through family members were, on average, of a lesser quality than those people who had taken advantage of the employment-based immigration system. Instead, he strongly believed that the current immigration system served America's interests much better than reform proposals targeting the preference system.

Interestingly, both Senators Gramm (R-TX) and DeWine (R-OH) later insisted that it was necessary to practice some kind of risk management. DeWine, in particular, repeatedly noted that family reunification was actually an important tool in the fight against poverty and welfare dependency. Even though he admitted that his perspective was not based on empirical data, DeWine was convinced that legal immigrants “care very much about their families and have intact families and work very, very hard. The fact is that they are on welfare less than native-born citizens. That is the truth” (United States Congress, Senate, April 25, 1996). He strongly believed that one of the main reasons for America's high poverty rate was the fact that so many U.S. citizens no longer lived in traditional two-married-parents family homes. Immigrants, on the other hand, were described as people who had continued to uphold family values and rely on the family as a support structure, rather than taking advantage of public welfare. Senator DeWine thus thought that “at a time when Congress has acted to rein in public assistance programs, I do not believe we should deprive people the most basic support structure there is, their immediate family (United States Congress, Senate, April 15, 1996).<sup>94</sup>

A generous family reunification system was thus advantageous for a number of reasons. On one level, family ties represented an additional safety net. In an attempt to downsize the

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<sup>94</sup> Many supporters of a generous family reunification system portrayed families as an important support structure. Sheila Jackson-Lee (D-TX) argued that “at a time when strong family bonds are more important than ever, restriction in family based immigration will hurt legal immigrant families in America” (United States Congress, House, March 20, 1996). The next day, Rick A. Lazio stressed that “keeping families – including extended families – intact, is culturally and empirically a way to keep people off the public dole” (United States Congress, House, March 21, 1996).

government apparatus and decrease federal spending, politicians were eager to activate informal support systems and to shift responsibility from the state to the individual, or, in certain cases, the family unit. Notably, some commentators actually showed a clear understanding of the way family values and neoliberalism work together. Karen K. Narasaki, the Executive Director of the National Asian Pacific American Council, for example, reasoned that “families are the backbone of our nation. Family unity promotes the stability, health and productivity of family members and contributes to the economic and social welfare of the United States” (United States Congress, House, June 29, 1995).<sup>95</sup>

However, a continuation of the family preference system was also attractive because the pro-family rhetoric that accompanied this discussion would send a positive message to other nations and encourage desirable immigrants to join our national community. Representative Luis Gutierrez (D-IL), for instance, justified the emphasis on family reunification with the following words: “We send a clear signal that we value keeping family members united and together, that we value a policy of fairness [...], that we value the history and character of our Nation and that the United States values inclusion and understanding and opportunity, rather than exclusion, blame, and fear” (United States Congress, House, March 20, 1996). Even though Gutierrez emphasized the historical significance of family values without making a direct reference to families’ economic importance, this comment also complements the neoliberal logic of speakers like Senator DeWine (R-OH). After all, families who stay “united and together” are expected to support each other so that the government would not have to provide assistance.

Frequently, immigrants were also described as positive role models who could make an important cultural contribution by promoting a return to conventional family values. John

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<sup>95</sup> One such mechanism to shift responsibility is the “affidavit of support,” which will be discussed in more detail in the following section.

Swenson, the Executive Director of Migration and Refugee Services of the Catholic Church, argued that “many immigrant groups represent cultures which place a premium on family ties. [...] It is important that, as a nation, we recognize the importance of affirming family within the immigration context as a means of [...] affirming the family in the U.S. in general” (United States Congress, House, June 29, 1995). While it is hardly surprising that a spokesperson for the Catholic Church would focus on the importance of traditional family values, a similar rhetoric was advanced by delegates from various organizations and politicians from both ends of the political spectrum. For the most part, politicians and expert witnesses claimed that immigrants’ adherence to traditional family values represented an important contribution to a society facing high divorce and teenage pregnancy rates. Immigrants were thus seen as desirable because they could potentially remind U.S. citizens of the significance of a strong family unit and showcase that intact families are also productive families.

However, these depictions of the immigrant population were problematic for a number of reasons.<sup>96</sup> First, the aforementioned family values rhetoric portrayed immigrants as a conservative force that could help the U.S. return to traditional values. Immigrants were classified as a group of people who were less corrupted by the dislocations typical of advanced capitalist societies. According to this logic, immigrants could help to reinvigorate a society that was too preoccupied with the distractions and indulgences of modern life and initiate a return to heteropatriarchal values. Second, this simplistic portrayal glossed over the fact that immigrants represent an increasingly diverse group of people from a variety of cultural backgrounds. The

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<sup>96</sup> It is important to acknowledge that it was not just politicians who described immigrants as strong believers in traditional family values. Karen K. Narasaki, the Executive Director of the National Asian Pacific American Legal Consortium, also confirmed the idea that immigrants from all over the world could help to initiate a return to traditional family values. She testified that “the Consortium believes that our nation is enriched by cultures which honor the family, not just the nuclear family but also among generations and brothers and sisters. This notion of the family is important not only to Asian Pacific Americans, but to Latinos, Eastern Europeans, Irish, Italians, and countless other Americans” (United States Congress, House, June 29, 1995).

claim that *all* immigrants honored the importance of family networks was thus factually incorrect. While certain immigrants undoubtedly attached great importance to the nuclear family unit, others defined family and kinship in different terms, and yet others were just as individualistic as many U.S. citizens.

Finally, this notion of the family was also an indicator of the heteronormative logic behind immigration reform. When politicians argued that immigrants should be allowed to enter the U.S. because of their eagerness to live in traditional two-parent families, they also implied that those people who did not adhere to this norm were less desirable. At no point in my research did I find a politician argue for a more inclusive definition of the family unit that would have included unmarried couples, gay and lesbian couples, or transgendered people. Even though the outright exclusion of gay and lesbian immigrants had been abolished in 1990, politicians were not only reluctant to take any affirmative steps towards allowing homosexual immigrants to take advantage of the family reunification system, but they were apparently hesitant to even acknowledge the fact that not all immigrants lived in traditional two-parent families. This unwillingness to include non-heteronormative families also indicates that the “family reunification” category was not primarily concerned with reuniting people who loved each other. Quite to the contrary, politicians made it very clear that traditional heteropatriarchal families were the only social units that were evidentially stable enough to provide long-lasting support. In short, heteronormative family values could be easily integrated into the neoliberal agenda, while other forms of family and kinship systems were not necessarily interpreted as an indicator that guaranteed financial stability and economic success.

### 3.2 (Re)Defining the Nuclear Family: The Controversy about Elderly Parents

While the entire terrain of immigration discourse was clearly structured around neoliberal ideas, certain discursive strands emphasized this underlying agenda much more explicitly than others. Generally speaking, the discursive strand that focused on the costs and merits of family reunification tended to accentuate immigrants' cultural contributions as well as the historical significance of traditional Judeo-Christian family values. Yet as the aforementioned section demonstrated, this emotional rhetoric was oftentimes used to mask economic objectives. Even though politicians repeatedly stressed that they were supportive of measures that helped to reunify the traditional nuclear family, they were also eager to develop mechanisms which would ensure that "family reunification does not create financial burdens on the taxpayers of this country" (Alan K. Simpson (R-WY), United States Congress, Senate, April 15, 1996).

In particular, politicians were concerned about immigrants' use of public benefits. While there was little evidence that working-age immigrants were, on average, more likely to receive Temporary Assistance for Needy Families (TANF), Medicaid, food stamps, or other public benefits, numerous expert witnesses indicated that refugees and elderly immigrants made excessive use of Supplemental Security Income (SSI) and had thus caused skyrocketing expenditures for this particular program.<sup>97</sup> One of the most hotly debated topics in the immigration reform discourse in 1995-96 was thus the rising number of poor, elderly immigrants who had been sponsored by immediate family members. As the following section will show, the discursive strand that focused on elderly immigrants was much more explicit in its concern about

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<sup>97</sup> Please note that there are important differences between the rhetoric used to discuss elderly immigrants and refugees' SSI usage. Generally speaking, politicians were much more generous towards refugees, who were described as innocent victims of war, terror, and persecution. Due to their traumatic experiences, they could hardly be expected to become productive members of U.S. society over night. For reasons of space, though, I will limit my discussion to elderly immigrants.



financial considerations and risk management strategies than the debate over family reunification in general.

On February 6, 1996, the Senate Judiciary Committee called a special meeting to discuss the “Use of Supplemental Security Income and Other Welfare Programs by Immigrants.” Expert witnesses Jane L. Ross, the Director of the Health, Education, and Human Services Division, Carolyn Colvin, Deputy Commissioner for Programs, Policy, Evaluation, and Communications of the Social Security Administration, and Dr. Susan Martin, the Executive Director of the U.S. Commission on Immigration Reform, testified about the precarious financial situation of the SSI program. According to their statements, Congress had initially intended SSI to serve as a supplement to the Social Security program. U.S. citizens and legal permanent residents who were either 65 years of age or blind/disabled and did not have sufficient Social Security coverage or other forms of income/assets could apply for SSI.<sup>98</sup> Since elderly immigrants and refugees had limited work histories in the U.S. and were thus much less likely to receive funds from the Social Security program than native-born citizens who had worked in the U.S. their entire lives, they were overrepresented on the SSI rolls. By 1995, noncitizens represented about 12 percent of all SSI recipients, nearly one-third of aged SSI recipients, and about 5.5/6.6 percent of disabled recipients.<sup>99</sup> Put differently, roughly 3 percent of all noncitizens received SSI compared with 1.8 percent of U.S. citizens. Yet once Susan Martin, the new Executive Director of the U.S. Commission on Immigration Reform, further qualified this number by age, the statistics were perceived as even more alarming: “according to Census Bureau data, 23 percent of the non-citizen foreign born population [65 years of age or older] receive SSI, as compared to 7 percent

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<sup>98</sup> Undocumented immigrants and temporary residents/visitors have always been ineligible for SSI.

<sup>99</sup> Jane L. Ross claimed that 5.5 percent of all SSI recipients are noncitizens, while Carolyn Colvin argued that this proportion might be as high as 6.2 percent (United States Congress, Senate, February 6, 1996).

of naturalized citizens and 4 percent of citizens by birth” (United States Congress, Senate, February 6, 1996).

Faced with this disproportionately high number of noncitizen SSI recipients, the Senate Judiciary Committee discussed various options that might help to reduce federal spending for this particular group of immigrants. In his opening statement, Chairman Alan K. Simpson (R-WY) reminded his colleagues that “this edict that America’s newcomers must be self-sufficient is central to America’s historic immigration policy. [...] Our laws contemplate, and the public expects the newcomers to work or to receive any needed support from the relatives who brought them here, period” (United States Congress, Senate, February 6, 1996). While Senator Simpson is certainly correct with his claim that sponsors were expected to support their newly arrived family members, historical records indicate that these provisions were never meant to be applied indiscriminately.

The Immigration Act of 1917 was the first act to declare that a person who was deemed likely to become a public charge could only be admitted if a sponsor posted a bond on their behalf. Interestingly, though, immigration officers did not usually expect sponsors to post a bond. If a sponsor was able to prove that he/she had the financial resources to provide for an immigrant and willing to sign a so-called “affidavit of support,” the INS was satisfied. As a result, the Appellate Division of the New York State Supreme Court ruled that “the affidavit of support imposed only a ‘moral’ obligation on the defendants” and was not legally enforceable (Sheridan 1998).<sup>100</sup> Yet even though affidavits of support did not actually represent a legally-binding

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<sup>100</sup> In *Department of Mental Hygiene for the State of California v. Renel* (173 N.Y.S. 2d 678 (1959)), the defendant had signed an affidavit of support for their nephew, who had come under the care of the California Department of Mental Hygiene. The State of California sued the sponsors to recover their costs. However, the court ruled against them. In later cases, the Supreme Court of Michigan (*Michigan ex. rel. Attorney General v. Binder*, 96 N.W. 2d 140, 143 (1959)) and the California Court of Appeals (*County of San Diego v. Vilorio*, 80 Cal. Rpt. 869, 873 (1969)) reached similar verdicts. See Sheridan 1998 for more information on the legal history of the affidavit of support.

contract, the Social Security Administration (SSA) nonetheless expected sponsors to provide sufficient financial support for a period of three years.<sup>101</sup> If a sponsored immigrant fell on hard times and applied for SSI, the SSA “deemed” a portion of the sponsor’s income and assets to be available to the immigrant, even if the sponsor did not actually provide support to the needy immigrant. Most recently arrived immigrants were thus considered ineligible for SSI.<sup>102</sup> As soon as the deeming period was over, however, a significant number of needy immigrants applied for SSI benefits.

The Senate Judiciary Committee concluded that this provision was too expensive and thus untenable. In addition, several politicians were particularly concerned about the fact that the numbers as well as the proportion of noncitizens on SSI had been continuously on the rise for the past few years. Even though the aforementioned statistics had shown that the vast majority of elderly immigrants did *not* receive SSI – or any other form of public support – several experts suggested that there was reason to believe that “the United States welfare system is rapidly becoming a deluxe retirement home for the elderly of other countries” (Robert Rector, Senior Policy Analyst at the Heritage Foundation, United States Congress, House, June 29, 1995 and Senate, February 6, 1996).<sup>103</sup> In addition, Norman Matloff, a Professor of Computer Science at the University of California at Davis, claimed that contemporary immigrants no longer conceived of the welfare system as a last resort. Instead, elderly immigrants routinely entered the U.S. with the prior intention of applying for SSI. According to Matloff, the Chinese immigrant

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<sup>101</sup> In the original provision, this deeming period was limited to three years. However, when politicians realized that a significant number of elderly immigrants applied for SSI as soon as this deeming period was over, they lengthened the deeming period to five years. However, this was only meant as a short-term solution and the deeming period would have reverted to three years in October 1996.

<sup>102</sup> This deeming provision did not apply to refugees, who had unlimited access to public support as soon as they arrived in the U.S.

<sup>103</sup> In a similar vein, Norman Matloff, Professor of Computer Science at the University of California at Davis, cautioned that large numbers of Chinese seniors eagerly immigrate to take advantage of the American welfare system. According to his statistics, 55 percent of elderly Chinese were on welfare in 1995 (United States Congress, Senate, February 6, 1996).

community, in particular, had developed networks and strategies to disseminate information about the U.S. welfare system not only to members of their own community, but also to Chinese citizens abroad. Allegedly, Chinese seniors viewed welfare as a “normal benefit of immigration, whose use is actually encouraged, like a library card” (United States Congress, Senate, February 6, 1996). Ironically, elderly Chinese immigrants were now chastised for their eagerness to abandon traditional Confucian values and adopt a much more consumer-oriented mindset.<sup>104</sup>

While politicians and expert witnesses seemed to agree that this situation was unsustainable, there was considerable controversy about the ideal solution to the perceived problem. My analysis of Congressional debates indicates that there were at least three different approaches.<sup>105</sup> First, Alan K. Simpson (R-WY) and several of his colleagues argued that it would be sufficient to strengthen existing public charge provisions and deport immigrants who made excessive use of public benefits. In accordance with the larger neoliberal project, they reasoned that the U.S. government should attempt to shift responsibility from state welfare programs to individual sponsors wherever possible. Instead of developing specific restrictions for elderly immigrants and other high risk groups, it would be much more effective to keep a tight rein on all immigrants. As a first step in this direction, Senator Simpson advocated an income requirement for potential sponsors, the introduction of a legally-enforceable affidavit of support,

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<sup>104</sup> To my astonishment, no one even questioned the validity of Matloff’s “research” and asked whether his methods, which he did not explain in much detail, were ethical. He simply claimed that “as someone who has been immersed in the Chinese immigrant community for 20 years,” he had a unique opportunity to talk to people, gather information and get a much more honest response than other researchers (Senate Judiciary Committee, February 6, 1996).

<sup>105</sup> Even though a few politicians indicated that they were reluctant to make any radical changes and depart from America’s commitment to family reunification, not a single person spoke in favor of the current system. Dick Chrysler (R-MI), for instance, proposed an amendment that would have restored the current definition of the nuclear family, which allowed parents as well as siblings and adult children to immigrate (United States Congress, House, March 21, 1996). In addition, Ileana Ros-Lehtinen (R-FL) argued that parents were undeniably part of the nuclear family – which she described as “a basic building block in the cultural development of our United States” – and thus deserved special protections (United States Congress, House, March 21, 1996).

and an extended deeming period for all immigrants who were sponsored by family members.<sup>106</sup> This way, most immigrants would be ineligible for public support. For the small number of immigrants whose “deadbeat sponsors” were unable or unwilling to provide assistance, the state would provide short term support.<sup>107</sup> However, if an immigrant received more than 12 months of welfare in 5 years, he/she would be subject to deportation under the public charge provision.<sup>108</sup>

Secondly, in addition to discussing elderly parents in the contexts of generally applicable affidavits of support, the U.S. Commission on Immigration Reform also advocated special restrictions for elderly parents. Even though the Commission was reluctant to categorically exclude parents, they believed “that admission of an elderly parent who would otherwise be denied entry as a public charge should be contingent on a commitment of lifetime support because it is highly unlikely that the parent will become self-supporting after entry” (Dr. Susan Martin, Executive Director of the U.S. Commission on Immigration Reform, United States Congress, Senate, February 6, 1996). While all sponsors would be required to sign a legally-binding affidavit of support, the document’s scope would be limited for children and young adults. Since young immigrants had the potential to become self-supporting, they should be

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<sup>106</sup> At different points in the debate, Congress discussed income requirements that varied between 125% of the federal poverty line (with exception for sponsors who were on active military duty) and 200% of the federal poverty line. In the end, the IIRIRA established that potential sponsors had to “demonstrate [...] the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.” A person on active duty in the Armed Forces of the United States was only required to “maintain an annual income equal to at least 100 percent of the Federal poverty line” (P.L. 104-208, Section 551).

<sup>107</sup> As a reaction to the discussion about “deadbeat dads” in the context of welfare reform proposals, Lamar S. Smith (R-TX) introduced the term “deadbeat sponsor.” He argued that “just as we require deadbeat dads to provide for the children they bring into the world, we should require deadbeat sponsors to provide for the immigrants they bring into the country. By requiring sponsors to demonstrate the means to fulfill their financial obligations, we make sure that taxpayers are not stuck with the bill” (United States Congress, House, September 25, 1996).

<sup>108</sup> 8 U.S.C.A. § 1227(a)(5) rules that any alien, who, within five years after the date of entry, has become a public charge from causes not affirmatively shown to have arisen since entry is deportable. However, even though this provision has been in the books for a long time, very few immigrants have actually been deported because they became public charges. The Office of Immigration Statistics (OIS)’s 2003 *Yearbook of Immigration Statistics* shows that between 1971 and 1980 – the last dates for which this data is available – only 31 immigrants had been deported because they had become public charges (a total of 231,762 aliens were deported during that decade). Between 1961 and 1970, a mere 8 public charges were deported. In contrast, however, public charge deportations were still fairly common in the first half of the 20<sup>th</sup> century (9,086 between 1911 and 1920 and 10,703 between 1921 and 1930).

allowed to “earn their way into our generous network of social support” (Alan K. Simpson (R-WY), United States Congress, Senate, February 6, 1996). Elderly parents, on the other hand, were highly unlikely to ever become net contributors. Therefore, the U.S. Commission of Immigration Reform argued that they should be permanently denied all access to public support.

Susan Martin, the Executive Director of the U.S. Commission on Immigration Reform, also cautioned that this financial responsibility should not end when an elderly immigrant naturalized. In order to explain her reasoning, Martin offered the following comparison: “Just as a parent’s responsibility for a child’s irrespective of the child’s citizenship, the sponsor’s responsibility for a parent whose entry is conditioned on a contractual arrangement specified in the affidavit is irrespective of future naturalization” (United States Congress, Senate, February 6, 1996). Susan Martin, who appeared as an expert witness on multiple occasions, was always eager to point out that the Commission’s stance represented a rational and evenhanded compromise: instead of denying elderly immigrants the right to immigrate, they attempted to develop a risk management strategy that would transfer costs from the federal and the state budgets onto individual sponsors. If immigrants really put such a high premium on family values and desired to sponsor a parent, they would certainly be willing to pick up the tab.

On a similar note, Robert Rector added that “elderly and near elderly foreigners should be permitted to enter the U.S. only as guests of American relatives who sponsor them. Such elderly ‘guests’ would not have the option of becoming citizens and thereby becoming a future burden on the U.S.” (United States Congress, House, June 29, 1995 and Senate, February 6, 1996). Since it would be unconstitutional for the U.S. government to deny naturalized citizens access to SSI, Rector reasoned, the U.S. should keep elderly immigrants from becoming U.S. citizens in the first place. Interestingly, both of their proposals emerged as family-friendly

alternatives. Martin and Rector's recommendations also developed actuarial strategies that limited the financial risks and responsibilities of the federal government.

A third group, however, did not stop at limiting access to welfare and citizenship. Instead of trying to restrict elderly parents' access to SSI and other public benefits, these politicians argued that it had become necessary to significantly reduce the number of elderly immigrants. Early on in the debate, Robert Rector explained that the reasons behind these proposed restrictions were purely economic and completely in line with the government's larger objectives. He reasoned that "an advanced welfare state has to be very careful in designing its immigration policy. A welfare state will place great strains on its taxpayers if it encourages the immigration of large numbers of 1) elderly and near elderly persons; or 2) low-skilled persons" (United States Congress, House, June 29, 1995). Even though the majority actually agreed with this way of thinking, many politicians added that lower immigration levels and a priority system that favored spouses and children under the age of twenty-one would also be more appropriate to ensure that nuclear families could be reunited in a timely fashion.

On January 5, 1995, Senator Richard C. Shelby (R-AL) became the first member of the 104<sup>th</sup> Congress to suggest a comprehensive immigration reform bill. His Immigration Moratorium Act of 1995 (S. 160), which sought to provide relief for the American taxpayer, would have cut the amount of legal immigration from about one million to 325,000 immigrants per year for the next five years. This number would have included 175,000 spouses and minor children, 50,000 refugees and asylees, 50,000 highly skilled workers, and 50,000 other relatives of U.S. citizens. Parents thus represented one of the lowest priorities. The House version of the Immigration Moratorium Act of 1995 (H.R. 373), which was sponsored by Bob Stump (R-AZ), would have reduced immigration levels even further. H.R. 373 ruled that, for the next five years,

only 10,000 visas should be allotted to immediate family members per fiscal year.<sup>109</sup> Parents were explicitly prohibited from obtaining a visa through sponsorship by their children.<sup>110</sup> The Immigration Reform Act of 1995 (S. 1394), which was introduced by Senator Alan K. Simpson (R-WY) on November 3, 1995, wanted to reduce the annual level of legal, non-refugee immigration to about 540,000. This number would have included 90,000 employment-based visas, 150,000 visas to reduce the backlog of people who had already applied, and 300,000 visas for immediate family members, which S. 1394 defined as spouses and unmarried minor children of U.S. citizens and legal permanent residents.

Later proposals contained provisions which would have made a very limited number of visas available to elderly parents.<sup>111</sup> Spencer Abraham (R-MI), for example, offered an amendment to the Immigration Control and Financial Responsibility Act of 1996 (S. 1664), which would have allowed parents to receive immigrant visas only if the more immediate family categories did not need all of them (United States Congress, Senate, April 15, 1996).<sup>112</sup> As several representatives pointed out, though, this provision was unlikely to ever take effect since,

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<sup>109</sup> H.R. 373 also contained a provision that would have lengthened the moratorium indefinitely until “the President submits a report to Congress, which is approved by a joint resolution of Congress, that the flow of illegal immigration has been reduced to less than 10,000 aliens per year and that any increase in legal immigration resulting from termination of the immigration moratorium would have no adverse impact on the wages and working conditions of United States citizens, the achievement or maintenance of Federal environmental quality standards, or the capacity of public schools, public hospitals, and other public facilities to serve the resident population in those localities where immigrants are likely to settle” (H.R. 373, Section 2).

<sup>110</sup> See section 7, which redefined “immediate relatives” as follows: “During the immigration moratorium, the term ‘immediate relatives’ for purposes of section 201(b) of the Immigration and Nationality Act means the children and spouse of a citizen of the United States” (H.R. 373).

<sup>111</sup> Like S. 1664, S. 1665 adopted a priority system which would have allowed a very limited number of non-nuclear family members, including elderly parents, to immigrate over the next ten years. In ten years, this system would have phased out and parents would only be allowed to immigrate if visas were not taken by other, more immediate family members.

<sup>112</sup> S. 1664 was actually intended to reduce “illegal” immigration. After Senator Spencer Abraham (R-MI) had proposed to split the original comprehensive bill (S. 1394) into a legal immigration part (S. 1665) and an “illegal” immigration part (S. 1664), Congress tried to examine these two issues separately. The aforementioned amendment, however, clearly violated this rule.



in the past, there had always been more applications than visas.<sup>113</sup> Despite dramatic numerical differences and slight variations in the exact nature of the preference system, the aforementioned bills (S. 160, H.R. 373, S. 1394, and S. 1664) would have effectively denied parents of U.S. citizens and legal permanent residents an opportunity to immigrate in the U.S.<sup>114</sup>

Even though politicians were generally eager to express their own commitment to family values and, as we have seen in the previous section, repeatedly praised immigrants' dedication to their families, these concerns were oftentimes outweighed by economic considerations. However, it is also important to acknowledge that the discourse gradually shifted from economically-oriented proposals that contained sharp limitations for family-sponsored immigrants to comparatively more generous proposals. This shift is also indicative of the larger tendency to combine economic objectives with other, more palatable considerations. In order to make bills more appealing to representatives from both ends of the political spectrum, the final reform proposals made almost no outright exclusions. Instead, they assigned less economically desirable groups – such as elderly parents – a very low priority and thus limited their admission numbers indirectly.

Yet despite the fact that all of the major legal immigration reform bills contained provisions that would have negatively affected parents' chances to immigrate, the final version of the law (P.L. 104-208) did not change the family preference system. Up to this day, U.S.

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<sup>113</sup> A few days later, Senator Simpson (R-WY) proposed an amendment 3739 to amendment 3725. Under this amendment, legal immigration would be reduced by 10 percent. Immediate family members would receive 480,000 of the 607,000 yearly visas. Yet in accordance with the Kennedy Amendment, the Simpson Amendment would have made all of these visas available first to the spouses and minor children of U.S. citizens, then to immediate family members of legal permanent residents, and eventually to parents (United States Congress, Senate, April 25, 1996).

<sup>114</sup> This discussion was limited to the main reform proposals that actually warranted a longer discussion. Yet in addition to the aforementioned proposals, there were also several other, more obscure provisions which were quickly removed from the respective act. For instance, the first version of the Immigration in the National Interest Act (H.R. 2202) contained a provision that would have denied family-based immigration opportunities to parents unless at least half of their children resided permanently in the U.S. This provision was struck out after Henry J. Hyde (R-IL), who found this provision to be overly restrictive, offered a more generous amendment.

immigration policy holds that children, spouses, and parents of U.S. citizens are classified as “immediate relatives” and are thus not subject to numerical limitations.<sup>115</sup> Interestingly, parents of U.S. citizens still receive preferential treatment over many other groups – including spouses and unmarried sons and daughters of LPRs – who are much more likely to develop into net contributors. In addition, the U.S. government did not pass any risk-management provisions that specifically applied to elderly immigrants (e.g. mandatory health insurance).

Instead, the IIRIRA made the affidavit of support legally enforceable,<sup>116</sup> required sponsors to provide evidence that they could maintain the sponsored immigrants at an annual income no less than 125% of the poverty line and ensured that the affidavit was enforceable until a sponsored immigrant had naturalized or until he/she had worked 40 qualifying quarters of coverage as defined under Title II of the Social Security Act.<sup>117</sup> The U.S. government had thus successfully shifted financial responsibility from the state to the individual sponsor. Especially in the case of elderly immigrants, whose naturalization rates have always been fairly low, sponsors were likely to make a lifetime commitment when they signed an affidavit of support.

The affidavit of support could thus be expected to reduce the number of elderly SSI recipients for four interrelated reasons: First, new arrivals would be ineligible for a minimum of five years. Second, even if an immigrant became eligible for public support, he/she might be reluctant to take advantage of this opportunity because of the likelihood that they would be deported as a public charge. Third, many potential sponsors would be unable to demonstrate that they had an income at or above 125 percent of the federal poverty line. And, fourth, even if a sponsor had the necessary financial resources, he/she might be hesitant to sign a legally-

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<sup>115</sup> See 8 U.S.C. §1151 (b)(2)(A)(i). For all other family-sponsored immigrants, the preference system is organized as follows: (1) Unmarried sons and daughters of U.S. citizens; (2) Spouses and unmarried sons and daughters of LPRs; (3) Married sons and daughter of citizens; and (4) Brothers and sisters of citizens. (see 8 U.S.C. §1153 (a)).

<sup>116</sup> See 8 U.S.C. §1183a(a)(1)(B).

<sup>117</sup> See 8 U.S.C. §1183a(a)(1)(A) and 8 U.S.C. §1183a(a)(2) and (3).

enforceable contract for an elderly parent who would be unable to support himself/herself.<sup>118</sup> Consequently, a legally-enforceable affidavit of support represented an ideal mechanism to reduce federal spending, while – at least rhetorically – upholding a commitment to family values.

The repeated reference to family values thus served a number of important discursive functions. The bill's proponents convincingly argued that this reform measure was neither biased nor mean-spirited. Sensing that the economically-oriented logic behind the new immigration policy might be controversial among certain groups, these politicians portrayed the affidavit of support as a generous compromise that allowed immigrants to bring additional family members into the U.S. If immigrants continued to put such a high premium on family ties, they should be willing to accept some additional financial responsibilities. At the same time, those people who were unwilling to sign an affidavit of support were apparently not particularly committed to their family members and thus not worthy of family reunification visas.

### 3.3 Contemporary Immigrants: Prime Examples of Successful Nuclear Families?

As the previous section demonstrated, the discourse surrounding elderly parents accentuated economic considerations. In accordance with the larger neoliberal project, elderly immigrants were seen as less desirable because they had little potential to develop into net contributors. The “ideal” immigrant, on the other hand, was described as a self-sufficient neoliberal subject whose financial contributions outweighed his/her usage of public services. In addition, politicians praised heteronormative family structures as a meaningful support network that could help to shift responsibility from the state to the individual family unit. In some cases, neoliberal and family values mutually reinforced each other. Other discursive strands, however,

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<sup>118</sup> See Luibhéid (2005) for a much more detailed discussion of the affidavit of support system.

demonstrate that there was also a productive tension between these two aspects. As the following discussion will show, politicians who generally favored neoliberal immigrant subjects did not hesitate to accuse immigrants of acting as rational neoliberal subjects by abandoning their families at other points in the discourse.

In particular, the proponents of lower immigration levels indicated that some immigrants did not actually place much importance on the nuclear family. Senator Richard C. Shelby (R-AL) reasoned that “when an immigrant comes to this country, leaving behind parents, brothers, sisters, uncles, aunts, and cousins, it is the immigrant who is breaking up the extended family” (United States Congress, Senate, April 25, 1996). Accordingly, the U.S. government had no obligation to reunite a family that was broken up by the immigrant himself/herself. John Bryant (D-TX) also believed that immigrants had to accept the negative consequences of their own decisions. According to him, every potential immigrant had to make a simple choice: “If you do not want to leave your brothers and sisters and do not want to leave your adult children, then do not leave them” (United States Congress, House, March 21, 1996). If immigrants were truly attached to their extended family, they would simply stay in their home country.<sup>119</sup>

Congress also struggled to reconcile pro-family rhetoric with their unwillingness to support “chain migration.” On March 21, 1996, for instance, Lamar Smith (R-TX) warned that “the admission of a single immigrant over time can result in the admissions of dozens of increasingly distant family members. Without reform of the immigration system, chain migration

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<sup>119</sup> Early on in the debate, Senator Alan K. Simpson (R-WY) proclaimed that “neither the Government of these United States, nor the American people are responsible in any way for ‘breaking up’ extended families abroad. Please hear that. No, immigrants who have come here consciously chose to do so and, by doing so, they personally chose to leave most of their family behind – to ‘break up’ their family. No one else is responsible” (United States Congress, Senate, November 3, 1995).

Similarly, Lamar S. Smith (R-TX) argued that “we need to remember that immigration is not an entitlement, it is a privilege. An adult immigrant who decides to leave his or her homeland to migrate to the United States is the one who has made a decision to separate from their family. It is not the obligation of U.S. immigration policy to lessen the consequences of that decision by giving the immigrant’s adult family members an entitlement to immigrate to the United States” (United States Congress, House, March 21, 1996).

of relatives who are distantly related to the original immigrant will continue on and on and on” (United States Congress, House, March 21, 1996). Later in the debate, Senator Alan K. Simpson (R-WY) painted an even more frightening picture. On April 15, 1996, he asserted that he had heard of cases where a single U.S. citizen or legal permanent resident successfully petitioned “30, 40, 50, 60, or 70 relatives” (United States Congress, Senate, April 15, 1996). Ten days later, he proclaimed that “the all-time record was 83 persons on a single petition” (United States Congress, Senate, April 25, 1996).<sup>120</sup>

Several politicians offered evidence to prove that the concern about uncontrollable chain migration was unfounded. Senator Spencer Abraham (R-MI), in particular, reminded his colleagues that the aforementioned examples were “more fiction than fact and so should not drive our policy decisions. It takes an immigrant an average of 12 years before he or she sponsors even the first relative for entry into the U.S. At that slow pace any stampede of family-related immigrants is impossible” (Report, Senate, S. 1665, 104<sup>th</sup> Congress, 2<sup>nd</sup> Session). Throughout the debate, Xavier Becerra (D-CA) was another outspoken critic of the chain migration thesis. On March 21, 1996, for example, he said that “this issue of chain migration is a false one. By the time you have someone come into this country, it usually takes 12 to 13 years before that individual can then petition to have anyone who is an immediate relative – not a distant relative – come into this country. [...] There is no chain migration” (United States Congress, House, March 21, 1996).<sup>121</sup>

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<sup>120</sup> Dan Stein, Executive Director of the Federation for American Immigration Reform (FAIR), strongly supported the elimination of several family preference categories (in particular, he wanted to keep siblings of citizens, adult offspring of citizens and Legal Permanent Residents from immigrating). He justified these changes in the following terms: “This is key and essential to stopping the pyramiding chain migration system put in place in 1965. It was wrongly conceived then, and it should be changed now” (United States Congress, House, June 29, 1995).

<sup>121</sup> This viewpoint was also endorsed by Senator Mike DeWine (R-OH).

Yet even though these critical voices repeatedly corrected exaggerated statistics and alarmist examples, the concern about chain migration not only influenced policy decisions but it also validated several problematic assumptions: Simpson and Smith's remarks seemed to suggest that most immigrants had large families with multiple children, siblings, cousins, aunts and uncles. Even though they did not explicitly comment on cultural differences in this context, both speakers clearly implied that the U.S. government needed to be concerned about "uncontrolled Third World sexuality." Many politicians also firmly believed that all of these family members would actually come to America if given the chance. In addition, they implied that distant family members were not only undeserving, but would put a burden on U.S. society. Interestingly, Congressional Debates set up a false dichotomy between family members and skilled workers and ignored the fact that many family-sponsored immigrants had a high level of education and professional experience.

As the aforementioned examples have shown, the discourse tended to combine specific economic concerns with general anxieties about the social and cultural impact of a large, ethnically diverse immigrant population. Even though numerous speakers were not shy to point out that past generations of white Western European immigrants were far superior to current immigrants, they were obviously reluctant to suggest a return to racially exclusive laws as the solution to America's perceived immigrant problem. Instead, Congress developed a complex rhetoric which suggested that contemporary immigrants had failed to succeed because they had *refused* to assimilate to mainstream American culture. In accordance with the economic reasoning of the larger neoliberal project, politicians downplayed the importance of inherent characteristics – such as race and ethnicity – and instead focused on the negative choices made by certain individuals. Hence, poor Mexicans were perceived as less desirable not because they

were poor or of Mexican descent, but because they had supposedly failed to act like responsible, neoliberal subjects (i.e. like law-abiding, middle-class U.S. citizens – who just happened to be overwhelmingly white).

In this context, politicians also made a sharp distinction between the public and the private realm. In an interesting twist on the outdated but still very popular notion of America as a melting pot of different cultures, Alan K. Simpson (R-WY) argued that it was still essential “to promote our national unity, [because], without American unity, we will have no democracy” (United States Congress, Senate, August 3, 1994). According to Simpson, “terms like ‘assimilation’ and ‘Americanization’ should not be ‘politically incorrect’” (United States Congress, Senate, November 3, 1995). Multiculturalism was a great thing, as long as it was practiced in the confines of a person’s own home or in their ethnic community. On the condition that immigrants respect the American flag and use the English language in public, “we don’t care what you do in your private culture. If you want go home at night and worship the great eel, that is your business” (United States Congress, Senate, August 3, 1994). In keeping with the larger political climate, no one suggested that contemporary immigrants should be forced to abandon their own private values and beliefs. At the very least, however, Senator Simpson’s sarcastic comment suggests some of these cultural practices and beliefs were too bizarre to be taken seriously by the American public. In continuation of a long history of anti-Catholic sentiments, Mexican Catholicism was included in this group of bizarre religious practices that, according to mainstream U.S. standards, bordered on the occult. If we read this comment in the context of the underlying concern about immigrants’ out-of-control sexuality, Senator Simpson’s reference to the “great eel” can be read as a sexual innuendo as well. By equating immigrants’ sexuality with a quasi-religious practice, Simpson stresses the cultural divide that separates the traditional

Judeo-Christian values of U.S. families from the uncontrolled, pagan sexuality that is supposedly practiced by Third World immigrants.

In addition, it was argued that diversity and multiculturalism were only desirable to a certain degree. While even the most conservative politicians agreed that the United States had benefited from the rich cultural backgrounds of past generations of immigrants, they tended to be much more critical of current immigrants. After nostalgically acknowledging America's roots as a nation of immigrants, many politicians concluded that it was no longer acceptable, or even desirable, for immigrants to hold on to their traditions. To buttress their arguments, these speakers also insisted that former immigrants would agree with this assessment. Jon Kyl (R-AZ), for example, delivered the following speech:

My grandparents emigrated here from Holland. My grandmother hardly spoke English. I am very proud of my Dutch ancestry and the traditions that we have maintained, but I think that my grandparents, who assimilated into our society and became Americans, would be rather shocked and somewhat disappointed at the way that the system has grown over recent years. My guess is that they would be supporting attempts of people like Senator Simpson to try to bring the right kind of balance. (United States Congress, Senate, April 25, 1996).<sup>122</sup>

On one rare occasion, Senator Richard Shelby (R-AL) actually said that European immigrants were more desirable because “our domestic population’s cultural and ethnic heritages were more similar to those of new immigrants” (United States Congress, Senate, April 25, 1996). For the

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<sup>122</sup> In addition, politicians argued that “we have gotten away from the brand of immigration represented by [our] grandparents and others of that proud generation” (Bill Martini (R-NJ), United States Congress, House, March 21, 1996).



most part, though, the proponents of more restrictive immigration laws left their comments about the optimum racial and ethnic ingredients of a diverse society intentionally vague.

What emerged from the 1995-96 Congressional Debates was a general concern about the increasing number of different nationalities and cultures that were present in the United States. Early on in the debate, Governor Lawton Chiles (D-FL), one of the most fervent supporters of lower immigration levels, painted a particularly frightening picture. He claimed that, in Florida “many of our public school teachers are in classrooms which resemble a UN general assembly of children. Imagine – one teacher faced with handling children of as many as 14 nationalities, languages and cultural differences.” He went on to say that in the waiting room at Jackson Memorial Hospital in Dade County, “we have people with diseases often unknown in the U.S.; people who have not seen a medical professional in years; people who have no medical records or history and certainly no insurance” (United States Congress, Senate, June 22, 1994). Despite the fact that Governor Chiles was most likely referring to Haitian and Cuban immigrants, who had migrated from areas that are geographically close to the U.S., and Florida and in particular, his comment about “unknown diseases” seems to imply that the current immigrant population was composed of people from more remote areas of the world. Yet regardless of the specific reference, Governor Chiles believed that too much diversity posed a visible threat to U.S. society.

Even though politicians tended to voice their concerns in race-neutral terms, the aforementioned examples demonstrate that race and ethnicity were clearly an issue in the immigration discourse. For example, it is pretty obvious that Bill Martini’s (R-NJ) complaint about an inferior new brand of immigrants and Governor Chiles’ concern about unknown diseases were not directed towards European immigrants. Yet despite the clearly discernible racial undertones in the immigration debate, most politicians were reluctant to mention, much

less discuss, the fact that the contemporary generation of immigrants was mainly of Latin American and Asian descent. Instead, they used the public controversy over multiculturalism as a way to talk publicly about race. Within this larger discourse, multiculturalism was oftentimes portrayed as a concept that, instead of integrating Americans of diverse backgrounds into one unified society, had further divided the U.S. population into small, and sometimes hostile fractions. Building on this commonly accepted depiction of multiculturalism as a divisive force, numerous politicians argued that the U.S. government should make an increased effort to encourage recently arrived immigrants to assimilate to U.S. society. For example, Alan K. Simpson (R-WY) argued that the American public was “annoyed by the Government programs that are seemingly intended not to promote Americanization, as in all of the history of our past high immigration eras, but rather to actually inhibit assimilation and promote divisiveness, often in the name of multiculturalism” (United States Congress, Senate, March 14, 1995).

On other occasions, politicians argued that America’s current emphasis on multicultural programs had made “assimilation often much more difficult and slower. Instead of following our traditional course of enhancing our strengths by melding a common American culture out of immigrants’ diversity, multiculturalists now push to retain newcomers’ different cultures” (Richard C. Shelby (R-AL), United States Congress, Senate, April 25, 1996). This argument is problematic on a number of levels. First, Senator Shelby ignores the fact that America has never truly melded all immigrants’ traditions into a larger American culture. If there was ever such a thing as a melting pot that combined different cultures, this was a highly selective process that prevented most cultures from contributing. Second, this type of reasoning fails to acknowledge the continued importance of racial characteristics. For instance, even if an Asian immigrant eagerly adopts American culture, as a visible racial minority, he/she will always remain outside

of the national community to a certain degree. Third, and most importantly, Senator Shelby also implied that “multiculturalists” encourage minorities to position themselves in opposition to the majority culture.<sup>123</sup> However, research on immigrants’ roles in U.S. society has clearly demonstrated that most immigrants are eager to engage with the majority culture and claim membership in U.S. society. For instance, William Flores and Rina Benmayor have argued that, while Latinos have established a distinct social space for themselves, they also perceive themselves to be part of the larger society. Clearly, these two aspirations are not mutually exclusive.

As part of a larger backlash against race-specific services, affirmative action policies, and programs that promoted a number of different cultures, values, languages, and religions, U.S. Congress started to question the desirability of an immigration system that primarily attracted Asian and Latin American immigrants. However, in accordance with the larger neoliberal project, which downplayed the importance of inherent characteristics such as race, politicians focused on immigrants’ behaviors and lifestyles. Hence, immigrants were described as less desirable if they refused to assimilate to U.S. culture, take on Judeo-Christian values, and use the English language at work as well as in the privacy of their own homes. The neoliberal rhetoric seemed to suggest that these aspects were merely a matter of personal choice and individual merit, not a question of an immigrant’s racial and/or ethnic background. At the same time, discourse participants were very well aware of the fact that this seemingly race-neutral rhetoric targeted

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<sup>123</sup> Jan Meyers (R-KS) took an even more extreme position. In response to a lengthy debate about America’s reliance on qualified scientists and technicians, Meyers asked the following question: “How much of this supposed shortfall could be fixed by tracking more American students into technical fields and fixing our educational system so that our students are actually taught science and math rather than self-esteem and multiculturalism?” (United States Congress, House, March 19, 1996). According to Meyers, the growing significance of multicultural awareness not only keeps immigrants from assimilating, but it also keeps native-born students from focusing on more important issues.

primarily poor, non-white immigrants from Asian and Latin America, who evidentially had a much harder time living up to this neoliberal ideal.

This tendency to evade an open debate of complex and controversial issues such as U.S. race relations and family values is representative of the larger neoliberal discourse. Instead of critically interrogating the notion of an economically profitable “nuclear family,” for example, politicians based their reform proposals on definitions that had already been established by other, related discourses, such as the debate about welfare reform and the Defense of Marriage Act. On the one hand, this reluctance to engage with the complexities of the matter is indicative of a general belief that politicians should be concerned with their constituencies and the U.S. government’s perspective, not with immigrants – or other minorities – themselves. What counts in this instance is the effect that a certain behavior has on society at large, not the motivations behind this behavior. Even more importantly, the neoliberal framework consistently downplayed the importance of inherent characteristics. Instead of talking about race or sexuality, immigrants were judged by their ability to navigate the U.S. labor market and their eagerness to become a part of mainstream culture. Accordingly, if immigrants struggled to succeed by U.S. standards, this was interpreted as their own fault, not as the result of racism or discrimination.

While the issue of multiculturalism in general caused considerable controversy, expert witnesses and politicians were even more concerned about the future of the English language.<sup>124</sup> As one possible reaction to the growing linguistic diversity in the U.S., Charles T. Canady (R-FL) proposed an amendment that would have required future immigrants to pass an English language

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<sup>124</sup> Norman Matloff was particularly concerned about the negative impact that bilingual education had on “many urban black parents.” He argued that these parents “believe that their children’s education is being diluted by the forced bilingual environment their children are subjected to” (United States Congress, House, April 5, 1995). To solve this problem, Matloff suggested that “we should ‘end bilingual education as we know it.’” In addition, he wanted to develop an immigration policy that required, “as a condition for being granted immigrant status, that persons over age 12 have a conversational knowledge of English” (United States Congress, House, April 5, 1995).

proficiency exam before they entered the U.S.<sup>125</sup> Even though there was no evidence which indicated that immigrants were unwilling to learn the English language once they arrived in the United States, Representative Canady insisted that the current immigrant population showed a lack of initiative.<sup>126</sup> In support of the Canary-Amendment, Toby Roth (R-WI) added that the language requirement was not meant as a punishment, but that “by giving people an incentive to learn English [...] it is really helping the immigrant” (United States Congress, House, March 20, 1996). English language exams were thus not only described as an excellent opportunity to pre-select certain talented individuals, but they supposedly encouraged immigrants to take responsibility and make an investment into their future.

In addition, several representatives pointed to the fact that the English language was much more than a simple tool to communicate. Instead, the English language was described as “one of the wonderful melting ingredients in the melting pot” (Toby Roth (R-WI), United States Congress, House, March 20, 1996). Newt Gingrich (R-GA) took this rhetoric even further. In an attempt to highlight the importance of the Canady Amendment, Gingrich suggested that “you are not born American in some genetic sense. You are not born American in some racist sense. This is an acquired pattern. English is a key part of this” (United States Congress, House, March 20, 1996). While the first part of this statement is certainly a correct depiction of American culture and society, Gingrich’s seemingly positive message stands in direct opposition to the intentions behind the proposed amendment. Instead of allowing immigrants an opportunity to join the national community, Representative Canady intended to preclude certain individuals from

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<sup>125</sup> Interestingly, Charles T. Canady chose to limit the scope of his amendment to the diversity visa lottery and the employment preference category, instead of requiring family-sponsored immigrants to pass the same test. At no point in the debate did he offer an explanation for this decision. However, he added that it would be a possibility to give preferential treatment to those family members who already possessed superior English-language skills.

<sup>126</sup> John Bryant (D-TX) asked repeatedly for evidence to show that immigrants refused to learn English. Representative Canady was unable to provide this evidence.

entering the country. In contrast to the official rhetoric, which portrayed this amendment as an attempt to level the playing field and invest immigrants with more power and responsibility, the amendment was clearly biased in favor of highly educated European, Indian, and Filipino immigrants, who were more likely to have an advanced knowledge of the English language. Notably, Representative Robert A. Underwood (D-Guam), a strong opponent of the Canary Amendment, was the only person to point to this racial bias. He described the amendment as “a backdoor attempt that introduces an ethnic element into the discussion of immigration policy” (United States Congress, House, March 20, 1996).

### 3.4 Negotiating the Importance of Race and Ethnicity

Throughout the debate, several speakers made it clear that restrictive family reunification provisions represented thinly veiled attempts to continue America’s history of racially exclusive immigration acts. Representative Patsy Mink (D-HI), for example, compared reform plans to the 1924 Exclusion Act which had tried to prevent Asian family members from entering the U.S. (United States Congress, House, March 20, 1996) and Karen K. Narasaki, the Executive Director of the NAPALC, reminded the Judiciary Committee that “it is no secret that the history of this country’s immigration laws has been fraught with racial bias.” Narasaki was not only concerned about the fact that the elimination of certain preference categories – such as adult married children, siblings, and parents – would have had a disproportional impact on Asian immigrants, but she also advised Congress that this discussion would “however inadvertently, add to the xenophobia and bigotry that has already begun to take their toll” (United States Congress, House, June 29, 1995). Representative Patsy Mink and Karen K. Narasaki thus dismantled the myth that

immigration reform was a color-blind attempt to select individuals who held the most potential to become economically profitable.

Contrary to these critical voices, however, many politicians were adamant in their claims that stricter immigration control measures and rigorous selection criteria were neither unfair nor racially discriminatory. Instead, they argued that immigration was not a right but a privilege that the U.S. government accorded to a select group of promising individuals. In an interesting twist on the rhetoric about the law's discriminatory impact, Senator Richard C. Shelby (R-AL) asserted that "our current legal immigration law is fundamentally flawed [because] the selection criteria are discriminatory and skewed so as to disregard what's in our country's overall best interests" (United States Congress, Senate, April 25, 1996). Instead of looking at the effect immigration laws had had on potential immigrants, Senator Shelby was more concerned about shortchanging U.S. citizens. In his opinion, politicians "have a moral obligation to take care of American citizens first" (United States Congress, Senate, April 25, 1996).<sup>127</sup>

Other politicians joined Senator Shelby in his belief that U.S. citizens' interests should outweigh immigrants' needs. Representative Brian Bilbray (R-CA), for instance, proclaimed that "it is not only our right to have an immigration policy for the good of the American national interests, it is our responsibility as Members of Congress to make sure our decisions on immigration are for the good of America, and America first" (United States Congress, House, March 21, 1996). In an even more alarmist tone, Representative Lamar S. Smith (R-TX) asserted that: "Congress must act now to put the national interest first and secure our borders, protect lives, unite families, save jobs, and lighten the load on law-abiding taxpayers" (United States Congress, House, March 19, 1996). While it is certainly correct that U.S. politicians need to

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<sup>127</sup> Notably, this kind of argument, which accuses the U.S. government of practicing reverse discrimination, is not unique to the immigration discourse; it can be found in many debates about affirmative action as well.

answer to their constituents' demands, it is interesting that many Representatives chose to construct America's national interests as diametrically opposed to a generous immigration system.

Tellingly, it remains unclear what the term "America's national interest" actually refers to: while some politicians were more concerned about immigrants' impact on certain industries (e.g. agriculture), others were anxious to protect native-born workers from additional competition for scarce job opportunities, while yet others were referring to the effect high levels of immigration had on certain states and their budgets. Despite the fact that each position called for dramatically different measures, all of these sides were simply subsumed under the collective banner of serving America's national interest. This ambiguity was no accident; it actually served an important rhetorical purpose. As the designated representatives of their constituencies, politicians were sworn in to look after their voters' interests and protect them from undue competition and unnecessary expenditures. On the surface, the rhetoric about serving America's national interest thus seemed reasonable enough and it was hard to argue with this basic objective. Even more importantly, the alarmist rhetoric about reverse discrimination was emotionally appealing to many U.S. citizens. Although there was little factual evidence that immigrants actually displaced other workers and used more public services than native-born citizens, scapegoating a vulnerable population without political rights turned out to be a successful strategy. In the end, many people believed that Americans were the victims of overly generous immigration policies.

In addition, politicians seemed to think that, as long as they couched their concerns in racially neutral terms, there was no reason to accuse them of racism or discrimination.<sup>128</sup> Senator

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<sup>128</sup> In addition, Senator Alan K. Simpson (R-WY) was convinced that U.S. reform proposals were fairly moderate in comparison to the changes that were taking place in Western Europe. He hypothesized that if "we had a man



Chuck Grassley (R-IA), for example, reasoned that immigration reform proposals could not possibly be “a xenophobic sort of thing” since he did not “hear at least spoken resentment toward aliens” (United States Congress, Senate, February 6, 1996). Politicians also implied that profit-oriented selection criteria could not be dismissed as racist, even if they happened to have a differential impact on certain nationalities and/or racial and ethnic minorities. According to the neoliberal logic behind various reform measures in 1995-96, the state was only interested in a person’s ability and willingness to develop into a responsible, self-sufficient neoliberal subject. This neoliberal discourse not only belied the lasting impact a person’s race, class, gender, and sexuality might have on his/her chances to succeed, but it actually implied that an economically-oriented set of rules leveled the playing field for all competitors. If a person failed to comply with this basic rule, it was his/her own fault, not the fault of the system.

Representative Howard L. Berman (D-CA) took this argument to the next logical level. In keeping with the general tendency to blame immigrants for their failure to succeed, Representative Berman argued that it was immigrants’ fault that Californians passed Proposition 187 by an overwhelming margin. According to Berman, “it is wrong to conclude that the people who voted for Proposition 187 are racist or xenophobes. They are people who are looking at what has happened” (United States Congress, House, September 25, 1996). Politicians from both ends of the political spectrum added that it was high time to respond to these concerns. “If Congress fails to act to address these very real and reasonable concerns of the American people,” argued Senator Alan Simpson, “there is a very strong possibility [that] we will lose our traditionally generous immigration policy” (Senator Alan K. Simpson (R-WY), United States

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running for the Presidency of the United States who, perhaps if he were in the race, would pick up 17 to 20 percent of the vote based on a lashing out about immigration or a move toward xenophobia, just as has happened in Germany, with a person receiving 17 to 20 percent of the vote, or in France, with another man with such views garnering 17 percent to 20 percent of the vote. Those things are out there” (United States Congress, Senate, April 15, 1996).

Congress, Senate, April 15, 1996).<sup>129</sup> Simpson thus implied that the proposed changes in the immigration law would actually protect immigrants from even harsher measures. Since immigrants had started to abuse America's generosity, the American public was rightfully concerned and demanded change. Excluding the most undesirable subjects was thus necessary to alleviate the tension between immigrants and native-born citizens and protect those people who were slightly more desirable.

In order to strengthen the claim that the American public's desire to reduce current levels of legal as well as "illegal" immigration could not possibly be an expression of racist sentiments, several people cited evidence that African Americans and Hispanics supported these reforms.<sup>130</sup> Yet while it is correct that many domestic racial and ethnic minorities championed immigration reform, it is important to understand the nature of their concerns. There is evidence which suggests that low-skilled African American workers had been negatively affected by high levels of immigration in general and "illegal" immigration in particular.<sup>131</sup> Especially poor African Americans were thus rightfully concerned about increased job competition. In addition, several

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<sup>129</sup> In a similar fashion, Elton Gallegly (R-CA) voiced his concern that "immigration reform is an issue on the minds of nearly all Americans, and nearly all express deep dissatisfaction with our current system and the strong desire for change" (United States Congress, House, March 19, 1996). Tellingly, these concerns have influenced the debate from the very beginning. On January 4, 1995, Representative Bob Stump (R-AL) reported that "Americans are deeply concerned about immigration and its impact on their lives. They are anxious about the changing face of this country and the problems associated with our system of immigration" (United States Congress, House, January 4, 1995).

<sup>130</sup> On March 19, 1996, Tillie Fowler (R-FL) cited evidence to prove that "support for immigration reform cuts across all economic strata, as well as ethnic and social lines" (United States Congress, House, March 19, 1996). On April 25, 1996, Senator Jon Kyl argued that "a recent Roper poll showed that only 2 percent of the respondents supported the current levels of immigration; only 4 percent of blacks and Hispanics supported the current level. There is overwhelming view [sic] in our country that immigration numbers should be somewhat reduced" (United States Congress, Senate, April 25, 1996).

<sup>131</sup> In particular, Dr. Frank L. Morris, past president of the Council of Historically Black Graduate Schools, was adamant in his claim that "the economic plight of African Americans in the US is made more precarious by the record levels of immigration into the US" (United States Congress, House, June 29, 1995). Dr. Vernon Briggs of Cornell University added that low-skilled workers of all races are bearing the brunt of this negative impact (United States Congress, House, April 5, 1995).

Demographer Lindsay Lowell cautioned "that there were small impacts overall." However, she confirmed that "the black population seemed to be somewhat moderately negatively affected by undocumented Mexicans. And we found interestingly enough a positive effect of illegal Mexicans on the white population" (United States Congress, House, April 5, 1995).

expert witnesses pointed out that African Americans had no reason to be particularly supportive of immigrants. Expert witness Dr. Frank L. Morris, past president of the Council of Historically Black Graduate Schools, reminded the House Judiciary Committee that the U.S. had a long history of providing preferential treatment to recent immigrants over African Americans.<sup>132</sup> Even though he acknowledged that immigrants “did not bring about the state of Black America,” Morris understood that “the patience of African Americans wears thin when America welcomes and provides [...] a better opportunity to achieve the American dream” to immigrants (United States Congress, House, June 29, 1995).

In the ensuing debate, numerous politicians complimented Morris on his testimony and expressed their concerns for American workers “in our inner cities” (Lamar Smith (R-TX)). In accordance with the larger neoliberal project, most politicians were reluctant to talk openly about the importance of race and the reasons behind African Americans’ precarious economic situation. Instead, they repeatedly asked Morris to clarify his stance and admit that immigrants were directly responsible for African American’s high poverty and unemployment rates. Apparently, politicians felt that such a statement would carry a different weight if it came from an African American expert witness. After Morris admitted that job displacement of unskilled African American workers was even more pronounced in regions that had a high ratio of immigrants, politicians gladly responded that they would do everything to protect vulnerable domestic minorities from the negative influences of immigrants.

In addition, many U.S.-born Latinos were concerned about the fact that Americans failed to distinguish between their positive contributions and the negative actions of a small minority of undocumented immigrants. In the immediate aftermath of Proposition 187, U.S. citizens of Hispanic descent had already experienced increased levels of discrimination and outright

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<sup>132</sup> See his testimony on April 5, 1995 and June 29, 1995 before the House Judiciary Committee.

hostility. On several occasions, Latinos in California were asked to provide documentation in public schools, hospitals, at traffic stops and even in grocery stores. In one case, which actually caused a short-lived media frenzy, two INS officers almost arrested the Latino mayor of Pomona, a city in Southern California. He was driving home from work in his pickup truck, when he was pulled over by the INS officers who, based on the man's physical appearance, his casual clothes and the fact that he was driving a pickup truck, suspected him of being an "illegal" immigrant. They threatened to arrest and deport him until he was able to produce a badge that proved that he was an elected government official.<sup>133</sup>

Clearly, for members of certain racial and ethnic minority groups, immigration reform was not just an abstract economic issue. Past experiences had shown that high levels of immigration had led to increased hostility towards non-Anglo-looking and -sounding individuals. However, exclusionary laws and the accusatory rhetoric that usually accompanied them had also led to even more intolerance, discrimination, and outright hostility.<sup>134</sup> Latinos, in particular, were thus careful to take a stance and suggest a compromise solution. Raul Yzaguirre, President of the National Council of La Raza (NCLR), and Cecilia Muñoz, NCLR's Deputy Vice President, appeared before Congress on several occasions. While they agreed that the U.S. had the right to enforce their borders and crack down on undocumented immigrants, they were also among the most outspoken critics of legal immigration reform. According to NCLR, "the country has benefited mightily from its tradition of welcoming those who enter our borders legally." In view of that, "NCLR takes the position that the principal focus of the nation's legal immigration

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<sup>133</sup> Representative Xavier Beccera (D-CA) recounted this story on several occasions. See United States Congress, House, March 20, 1996 and United States Congress, House, April 5, 1995.

<sup>134</sup> Diana Aviv, Director of the Council of Jewish Federations, voiced similar concerns about the negative repercussion of exclusionary laws. She testified that "the Jewish community also knows, however, the consequences of policies that scapegoat immigrants as the source of many of society's problems. Government anti-immigrant policies give rise to irrational fears of the foreign born and even of native born ethnic populations" (United States Congress, House, January 27, 1995).

policy must be the reunification of American families” (United States Congress, House, June 29, 1995).

Members of all racial and ethnic groups supported immigration reform. However, delegates from Latino and Asian American organizations were usually particularly careful to not lose sight of the fact that immigrants were human beings, not just potential additions to the U.S. labor force. White politicians, on the other hand, were oftentimes reluctant to recognize the importance of the human aspect of immigration control. Senator Alan K. Simpson (R-WY), for example, admitted that: “I know full well that the numbers represent human beings – human faces.” However, at the same time, he was also convinced that “we must keep focused always on the ultimate issue of what will promote the long-term best interests of the American people – those of us here” (United States Congress, Senate, November 3, 1995). Apparently, achieving this goal was only possible if politicians were willing to follow an actuarial strategy that reduced human beings to statistics in the name of equitable treatment. This way, politicians could avoid the complications of moral reasoning.<sup>135</sup>

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<sup>135</sup> Lamar S. Smith agreed that it was necessary for politicians to not be too compassionate. After he went to great lengths to prove that immigrants are “wonderful people,” he went on to say that it was important to not lose sight of the fact that “America cannot absorb everyone who wants to journey here as much as our humanitarian instincts might argue otherwise” (United States Congress, House, March 19, 1996).

On a similar note, Representative George W. Gekas (R-PA) argued that, since he was the son of immigrants, he was particular susceptible to immigrants’ needs and desires. However, he was convinced that “that prejudice I must set aside in the greater good of our country.” And, “as a responsible public official,” he had to ignore the human aspect and “do something about the total number of individuals who live in our country, or who will be coming into our country” (United States Congress, House, March 19, 1996).

In addition, John Bryant (D-TX) acknowledged that immigrants were great people. However, he continued, “the bottom line question, though, is how many people can we have come in here and still manage the country in a way that our economy will continue to promise in the future that people who are willing to work hard can get their foot on the bottom rung of the economic ladder and climb up into the middle class” (United States Congress, House, March 19, 1996).

Moreover, Dr. Frank L. Morris argued that immigrants tended to be more racist and sexist than most U.S. citizens. He supported the idea that “we should require that all immigrants show an understanding of American history and language by having to pass a test that they understand and are willing to accept some hard won parts of our American tradition on such issues as racial and gender equality. Many immigrants come from cultures where these concepts are foreign to their experience and they are less likely to have the opportunity to understand and address them if they also have no command of the English language” (United States Congress, House, June 29, 1995).

### 3.5 Conclusion

As the previous sections have demonstrated, the discourse about the family reunification category was characterized by a productive tension between different values and objectives. As Michel Foucault has argued in *The Archaeology of Knowledge and the Discourse on Language*, discourse is always, “from beginning to end, historical – a fragment of history, a unity and discontinuity in history itself, posing the problem of its own limits, its divisions, its transformations” (Foucault 1972, 117). As such, a discursive formation consists of multiple discursive strands which, even though they are interconnected, are characterized by different foci, concerns, and opinions.

With regard to the immigration reform discourse in 1995-96, most discursive strands drew on neoliberal concerns and economic considerations. For the most part, these underlying neoliberal assumptions went unchallenged. As in the case of the debate about elderly parents, politicians did not even try very hard to hide the fact that they were primarily concerned about the costs and benefits associated with this particular group. In other cases, Congress took great pains to mask some of their underlying concerns. Throughout the debate, politicians also insisted that issues of race, gender, and sexuality were not relevant in this neoliberal system and did not warrant an in-depth discussion. The few instances that actually inspired a brief discussion of race not only remained on a very general level, they were also meant to reassure Congress that its policies were indeed color-blind and thus unproblematic. Perhaps not surprisingly, the discourse about the reform of the family preference system was only concerned with the effects that these policies would have on society at large. No one even attempted to discuss the effect of neoliberal policies on families and ethnic/racial minorities.

#### 4 CRIMINALIZING UNDOCUMENTED WORKERS: THE CONGRESSIONAL DISCOURSE ABOUT “ILLEGAL ALIENS”

The previous chapter examined congressional discussions of the legal immigration system. In particular, the analysis focused on one noteworthy discursive strand: the controversy about family reunification. In accordance with a neoliberal project designed to impose economic rationale on governmental policies, many politicians felt that the U.S. immigration system should give preferential treatment to immigrants who had acted like self-sufficient neoliberal subjects and thus had the potential to develop into “net contributors” to the American economy. At the same time, politicians were also careful to buttress this economically-driven logic with a humanistic discourse about heteronormative family values and moral obligations. On one level, family-sponsored immigrants were described as particularly desirable because the nuclear family unit could function as an informal support network and alleviate the financial responsibilities of federal and state governments. Thus, family values rhetoric was used both to support and to humanize the impersonal economic logic that drove the debate and to deflect criticisms that dismissed the proposed reform measures as mean-spirited and overly punitive.

While Congress was eager to portray legal immigrants as responsible, hard-working, community-minded individuals who lived in traditional nuclear family units, they were reluctant to acknowledge that undocumented immigrants were anything but lawbreakers and low cost laborers. In an effort to justify his reform proposal, Lamar S. Smith (R-TX), for example, admitted that “illegal aliens are not the enemy. [...] Most have good intentions.” However, he quickly added that “we cannot allow the human faces to mask the very real crisis in illegal immigration” (United States Congress, House, March 19, 1996). In contrast to the discourse about legal immigration, which constantly weighed humanistic concerns against economic

considerations, Congress was quite comfortable to discuss undocumented immigrants' economic impact without much regard to the human side of the issue.

A comparison of the two Jordan Commission Reports to Congress effectively illustrates these dramatic differences between the perception of legal and "illegal" immigrants. In their 1995 report on the legal immigration system, the U.S. Commission on Immigration Reform made it clear that "a properly regulated system of legal immigration is in the national interest of the United States" (U.S. Commission on Immigration Reform 1995, i). The committee members emphasized the fact that legal immigrants create new businesses, revive neighborhoods, and "strengthen American scientific, literary, artistic and other cultural resources" (U.S. Commission on Immigration Reform 1995, i). Notably, legal immigrants were desirable not only because of their economic contributions, but also because diversity was hailed as an "important [component] of good schools and strong communities" (U.S. Commission on Immigration Reform 1995, i). Without a doubt, similar arguments could have been made with regard to undocumented workers. However, the Jordan Commission – and, as the following analysis will show, the U.S. Congress – failed to acknowledge that unauthorized workers had also made important social and cultural contributions. In those rare instances when the Commission recognized that "the presence of illegal aliens in those same communities has not, however, always been of such concern to public officials, employers, or the general public," they still claimed that these immigrants were only tolerated because "many private citizens and businesses have taken advantage of the presence of illegal workers and have effectively encouraged their migration by employing them at low wages" (U.S. Commission on Immigration Reform 1994, 110). Apparently, undocumented immigrants' only meaningful contribution to U.S. society was of an economic nature.



In contrast to this rather simplistic representation of undocumented immigrants' positive contributions, the U.S. government had a long list of complaints and concerns about this particular population. As the following analysis will demonstrate, congressional debates tied economic considerations to concerns about national security and crime rates, and underlined these arguments with alarmist rhetoric about undocumented immigrants' "uncontrolled sexuality" and extensive use of public services. Despite the fact that several overriding concerns – such as welfare eligibility and immigrants' effect on the school system – connected the discourse about undocumented immigrants to the debate about the legal immigration system, these issues were discussed differently in each context. Whereas politicians were careful to weigh economic considerations against concerns about the well-being of documented immigrants, the discourse about undocumented immigrants was highly unsympathetic and portrayed these people as a threatening, undesirable, and unassimilable underclass.

This chapter will provide an analysis of the discourse on undocumented immigrants. First, I will juxtapose the rhetoric about undocumented immigrants with the way that politicians portrayed legal immigration. The next three sections will examine three key concerns that dominated this discursive strand. To begin with, I will take a look at the underlying concern about sexuality, birthright citizenship, and the multi-faceted discussion about undocumented children. Then, I will interrogate the rhetorical connection between "illegal" immigration, crime, and homeland security. Finally, I will provide a brief analysis of the discourse about employment verification and unauthorized workers' impact on the U.S. labor market.

While the previous chapter demonstrated how politicians reconciled their neoliberal agenda with a popular rhetoric about family values, the following analysis will examine the discursive connection between "illegal" immigration, homeland security, and crime in general. I

will argue that politicians criminalized undocumented immigrants to establish that these individuals were unfit to join the national community and access the rewards a neoliberal state had in store for responsible and motivated legal immigrants. In accordance with the neoliberal emphasis on individual characteristics over structural factors, politicians argued that undocumented immigrants had forfeited their right to reside in the U.S. because they had violated U.S. laws and social norms. Not only were undocumented immigrants portrayed as lawbreakers and terrorists, but they were also described as a burden on the U.S. taxpayer and, in certain instances, as an irrational mass of people that was drawn to the U.S. welfare or education “magnet.”

In addition, the following sections will also discuss a few instances where politicians struggled to reconcile this accusatory tone with their concern for undocumented children and their desire to appease constituencies that had become dependent on a cheap and easily exploitable labor force. In the end, however, Congress agreed that undocumented immigrants represented a problem population that had already proven that they were unfit to become full-fledged members of society. Politicians were willing to make some concessions – such as allowing “innocent” children access to public schools and developing a new visa program for unskilled workers – but all of these reform initiatives included strict temporal limits and other restrictions.

#### 4.1 Alarmist Depictions: Flood Imagery and the Welfare Magnet

One of the most striking features of this particular discourse is the alarmist rhetoric used to portray undocumented workers and the impact they have had on U.S. society. The overwhelming majority of politicians did not hesitate to express their lack of interest in

individual stories and personal motivations. Dana Rohrabacher (R-CA), for example, admitted that “those millions of illegal immigrants that have come here, they may be fine people,” but what really counted was the fact that “they are consuming resources and benefits that are meant for the people of the United States of America” (United States Congress, House, September 25, 1996). Instead of examining specific examples and acknowledging that immigrants were “illegal” due to a number of different circumstances – and not just because they crossed the U.S.-Mexico border without proper documentation – politicians relied heavily on generalizations and metaphors that described undocumented immigrants as a homogeneous and highly racialized mass.

Flood images and comparisons to various natural disasters were of particular importance in this context. Analyses of the European (anti-)immigration discourse show that this linguistic phenomenon is not unique to the United States. Entman (2000), Jäger and Link (1993), and van Dijk (1997, 1999, 2000), for example, have noted that the European media makes frequent use of flood metaphors to portray immigrants as a large, homogeneous mass of people. While numerous U.S. politicians utilized flood metaphors, “immigrant floods” were of particular concern to representatives from border states such as California, Arizona, and Florida. Dana Rohrabacher (R-CA), for example, proclaimed that “in California and elsewhere, we have a mammoth tide, a wave of illegal immigration, sweeping across our country” and Bill Young (R-FL) added that “Florida has long been overburdened by the flood of illegal immigration” (United States Congress, House, March 20 and 21, 1996, respectively).<sup>136</sup> Sometimes, these metaphors

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<sup>136</sup> On a similar note, David Dreier (R-CA) claimed that “illegal immigration has reached crisis proportions in my State of California. We deal daily with a flood of illegal immigrants who are coming across the border seeking government services, job opportunities, and family members” (United States Congress, House, March 19, 1996). Two days later, Christopher H. Smith (R-NJ) argued that “illegal immigration has reached epidemic proportions in the United States. Each year our borders are flooded with many thousands of people who enter the U.S. undocumented, usually unskilled, often without the resources to provide for their own needs” (United States Congress, House, March 21, 1996).

portrayed undocumented immigrants as an uncontrollable force of nature that threatened to destroy U.S. civilization. Governor Lawton Chiles (FL), for instance, compared undocumented immigrants to Hurricane Andrew, one of the most destructive hurricanes ever to hit the United States. Chiles declared that “as surely as the winds and rains of Hurricane Andrew assaulted south Florida in a crisis that forever changed it, there is another storm – illegal immigration – that is battering our shores today, unleashing yet another crisis” (United States Congress, Senate, June 22, 1994). By comparing undocumented immigrants to natural disasters, politicians implied that the effects of “illegal” immigration were purely negative, maybe even life-threatening.<sup>137</sup>

Yet while these comparisons were certainly dehumanizing, they also implied that the migrants themselves could hardly be blamed for their harmful effects on U.S. society. After all, it is impossible to hold hurricanes or floods accountable for the damage they cause. A similar claim can be made with regard to the popular rhetoric about different kinds of magnets – such as the “employment magnet,” the “welfare magnet,” and the “education magnet.” In this context, politicians argued that citizens of poor, disadvantaged nations were attracted by the superior services and opportunities available in the U.S. Unable to resist, migrants entered the U.S. without proper documents. Taken together, these portrayals seem to suggest that undocumented immigrants do not have the ability to make conscious decisions and take responsibility for the effects of their actions. In short, “illegal” immigrants were commonly described as people who did not have the potential to develop into responsible neoliberal subjects who choose to adhere to U.S. laws, norms, and societal expectations. Whereas the reform of the legal immigration system was meant to ensure that newly-arrived immigrants were self-sufficient and ready to contribute to the U.S. economy, the frequent employment of flood and magnet metaphors strategically

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<sup>137</sup> Other politicians preferred military analogies. For example, Elton Gallegly (R-CA), one of the most outspoken critics of undocumented immigrants, claimed that “our country is, in effect, under a full-scale invasion by those that have no legal right to be here” (United States Congress, House, September 25, 1996).

disregarded solutions that discussed undocumented immigrants as anything but a homogeneous mass of people driven by their desire to take advantage of the generosity of the U.S. welfare state, the health care as well as the public school system.

In contrast to this widespread belief that it was the “mass” of undocumented immigrants that had hurt the U.S., some politicians focused on individual immigrants’ intention to harm. Brian Bilbray used the following example to illustrate that there was nothing “natural” or “unconscious” about undocumented immigrants’ desire to enter the U.S.:

There was a woman from the interior of Mexico who had actually taken the time to write three letters to the school district to make sure that her children could get a public education in the United States even if they were illegal. She could not believe it, so she waited three times to get an answer back that says, ‘If I bring my children here, from Mexico, do I have to show they’re legally here?’ And they said ‘No you have no problem at all getting them educated in this country.’

(United States Congress, House, March 20, 1996)

According to Representative Bilbray, unauthorized Mexican immigrants thus arrive with the conscious desire to use as many public services as possible. While this comment seems to acknowledge that undocumented immigrants possess agency and have the potential to make rational choices, Representative Bilbray does not regard this woman’s behavior as evidence that she would make an efficient neoliberal subject and an involved, ambitious parent. Due to the fact that this Mexican mother is undocumented, her eagerness to receive a free education for her children is not interpreted as a smart cost-benefit analysis, but as a sign that she is trying to exploit the generosity of the U.S. school system.

Numerous other politicians argued that undocumented immigrants' attempts to benefit from the education, health care, and welfare systems were not only harmful to the state, but should also be regarded as an attack against U.S. citizens and legal immigrants. Oftentimes, it was not even necessary to develop elaborate justifications or to give specific examples, but the language that was used to portray undocumented immigrants clearly demonstrated these negative perceptions. For example, Henry J. Hyde (R-IL) argued that "today, undocumented aliens surreptitiously cross our border with impunity. Still others enter as non-immigrants with temporary legal status, but often stay on indefinitely and illegally" (United States Congress, House, March 19, 1996). Notably, this was one of the few examples where a politician explicitly mentioned the fact that not all undocumented immigrants had crossed the border illegally. However, the use of adjectives clearly demonstrates that it is the undocumented border crosser, who is referred to as a "surreptitious alien," who causes the real concern.

In accordance with a larger tendency to focus almost exclusively on undocumented border crossers and ignore visa overstayers, many speakers used the act of crossing the border as an illustration for undocumented immigrants' dishonorable motives. On March 19, 1996, for example, Randy Tate (R-WA) complained that "hundreds of thousands sneak across our borders in the dark of the night without conscience" (United States Congress, House, March 19, 1996).<sup>138</sup> Yet other politicians quoted even more alarmist instances. On February 26, 1996, California Assemblyman Jan Goldsmith expressed the following concerns:

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<sup>138</sup> Several expert witnesses made similar points. Gus De La Vina, Regional INS Director (Western Region), for example, explained that "four years ago, the evening hours were the shadowy domain of bandits, drug traffickers and alien smugglers, but the lighting initiative is helping to level the playing field and, as a result, our agents in San Diego are taking back the night" (United States Congress, House, March 10, 1995). On the same day, INS Commissioner Doris Meissner testified that "smugglers and illegal aliens had the advantage of darkness on an unlit border; fences hung in tatters; allowing easy access for drive throughs; and agents patrolled the border from dirt roads, where they existed. It simply could not do the job" (United States Congress, House, March 10, 1995).

We have constituents in my district who are fearful at night as they hear gunshots in the night and they hear screams and yells and people talking in their yards and their areas, in rather remote areas, and they are scared. They are scared because they have literally hundreds of people in the evening coming across their property, destroying their property, banging on their doors, looking into their windows, and they're in an isolated area. It is a disaster waiting to happen. (United States Congress, House, February 26, 1996).

On a similar note, Randy (Duke) Cunningham (R-CA) claimed that “we have many of the illegals living in the canyons [...]. They are coming up at night, they are defecating on the lawn, they are using the water systems because they do not have showers down in the canyons, and the teachers are literally afraid to go into the classrooms at night” (United States Congress, House, March 20, 1996). While some residents of border regions might have been rightfully concerned about their own security, it is obvious that there were other factors involved. Goldsmith and Cunningham not only described undocumented immigrants as public nuisances, who behaved quite disrespectfully, but their examples also implied that, due to their improper socialization, Mexicans and other “illegal” border crossers would be unable to assimilate into mainstream culture.

If we look at these and similar comments, it becomes quite obvious that undocumented immigrants did not simply raise economic concerns, but that their existence sparked much more complex and deep-seated anxieties. Even though politicians were reluctant to openly discuss legal immigrants' racial and ethnic backgrounds as well as the effects the changing racial make-up of the immigrant population has had on American attitudes towards immigration, they were usually eager to emphasize that legal immigrants had made meaningful cultural contributions

that had enriched and rejuvenated U.S. culture. Legal immigrants were thus portrayed as a heterogeneous population that consisted of individuals from a variety of racial, national, and class backgrounds. With regard to undocumented immigrants, however, the discourse focused almost exclusively on unskilled and uneducated Mexicans who had crossed the border without proper documentation. Even though mainstream politicians did not explicitly say that they were particularly apprehensive of undocumented Mexicans, the larger discourse produced a highly racialized image of the “illegal” immigrant population and implied that undocumented Mexicans did not represent a welcome addition to “our” society, but were rather a threat to national unity.

In addition, the immigration reform discourse made a sharp distinction between documented and undocumented immigrants. After Senator Spencer Abraham (R-MI) proposed an amendment to split S. 1394, which had combined legal and “illegal” immigration reform, into two separate bills, numerous politicians felt compelled to stress the differences between legal immigrants, who were generally described in much more favorable terms, and undocumented immigrants.<sup>139</sup> In support of his own amendment, Abraham argued that “there is a very big difference between dealing with folks who break the rules and break the laws and seek to come to this country for exploitative reasons, and dealing with people who want to come to this country in a positive and constructive way to make a contribution, to play by the rules” (United States Congress, Senate, April 25, 1996).<sup>140</sup> Yet other politicians used rather creative analogies

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<sup>139</sup> For more information on the legal background and an overview of the legal process during the 104<sup>th</sup> Congress, see chapter 2.

<sup>140</sup> On the same day, Senator John McCain (R-AZ) stated that “each year many highly skilled and exceptionally talented individuals legally migrate to the United States. In addition, many hard-working individuals who have come to this Nation and contributed their skills, ideas, and cultural perspectives. [...] Illegal immigration is an entirely different matter and presents a whole host of problems that need to be addressed” (United States Congress, Senate, April 25, 1996). In addition, Mike DeWine (R-OH) asserted that “illegal immigrants are lawbreakers. [...] Legal immigrants, on the other hand, are by and large great citizens. They are people who care about their families. They are people who work hard. They are people who played by the rules to get here, got here legally, and add a great deal to our society” (United States Congress, Senate, April 25, 1996). A few days earlier, DeWine had already expressed a similar perspective when he argued that “illegal immigrants are lawbreakers. [...] On the other hand,



to illustrate the qualitative difference between “legal” and “illegal” immigrants. Steven LaTourette (R-OH), for example, came up with the following analogy: “You could argue that the work of a brain surgeon and a barber both involve the human head, yet no one would think of going to a barber for brain surgery or a brain surgeon for a haircut. This is precisely the type of ill-conceived logic we employ if we attempt to lump illegal and legal immigration into one reform package” (United States Congress, House, March 21, 1996).

Contrary to factual evidence, which clearly proved that undocumented workers had little or no access to public benefits – except for short-term emergency assistance – many politicians were convinced that undocumented laborers were not only poor and unskilled, but were also more likely to receive federal and state benefits. Senator Edward M. Kennedy (D-MA), for example, claimed that:

when you are talking about illegals, you are talking about people who are breaking the rules, talking about unskilled individuals who are displacing American workers, you are talking about a heavier incidence in drawing down whatever kind of public assistance programs are out there. [...] When you are talking about legals, you are talking about individuals who, by every study, contribute more than they ever take out in terms of the tax systems. (United States Congress, Senate, April 25, 1996).

Congress not only believed that undocumented immigrants were inferior to legal immigrants – with regard to their level of education, job qualification, and their willingness to adhere to laws and societal norms – but they were also portrayed as a group whose behavior reflected badly on other non-citizens. As a result, Congress felt that legal immigrants should

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legal immigrants are people who follow the law. They are an ambitious and gutsy group. They are people who have defined themselves by the fact they have been willing to come here, play by the rules, build a future, and take chances” (United States Congress, Senate, April 15, 1996).

have a vested interest in drastically reducing the rising number of undocumented migrants. Numerous politicians who were either immigrants themselves or whose parents or grandparents had migrated to the U.S. thus felt compelled to speak out against “illegal” immigration. Chief among them was Representative Jay Kim (R-CA), who declared that “as one of the few first generation legal immigrants in Congress, I am offended by the merging of the initiatives to combat illegal aliens with legal immigration reform” (United States Congress, House, March 21, 1996).<sup>141</sup> As I discussed in the previous chapter, it was not unusual for politicians to cite their own immigrant ancestry as a way to establish credibility and prove that they were sensitive to these issues. On one level, a similar claim can be made with regard to Robert Menendez (D-NJ), who repeatedly stressed that he was “an American-born son of legal immigrants,” and Jay Kim’s insistence on distinguishing between his own family and that of an undocumented immigrant. However, it is certainly noteworthy that the only two Representatives who deemed it necessary to establish that their families were indeed *legal* immigrants were of Cuban and Korean descent. Even though the neoliberal rhetoric that was used to justify immigration reform actively denied that race continued to be an important factor, Kim and Menendez’ comments reveal that politicians were very well aware of the fact that the debate was far from race-neutral or color-blind.

Due to the hostile tone of the debate, many legal immigrants also felt that they had to choose their battles and make sacrifices to protect their own rights and opportunities. By spring

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<sup>141</sup> On the previous day, Jay Kim (R-CA) had declared that “as a legal immigrant myself, I believe it is important to recognize the difference between legal and illegal immigration. My compliance with the law and subsequent naturalization has instilled in me a sense of pride and responsibility. I am sure that these same feelings are shared by all legal immigrants who come to the United States in search of American dreams and a better life for their families” (United States Congress, House, March 20, 1996).

Robert Menendez (D-NJ) added that “as an American-born son of legal immigrants, I can tell you this bill sends the wrong message. Instead of saying to potential immigrants that if you play by the rules, wait your turn, and follow the law, you will benefit by becoming a permanent resident, we say, we’re going to treat you just about the same as an illegal immigrant” (United States Congress, House, March 21, 1996).

of 1996, opinion polls, media representations, and Congressional Debates had made it increasingly clear that the American public needed a scapegoat for high unemployment, poverty, and crime rates and the well-publicized collapse of the welfare system. In the early days of the 104<sup>th</sup> Congress, many politicians had directed their reform proposals against undocumented *and* documented immigrants. After much debate, however, many politicians realized that it would be difficult to pass a comprehensive anti-immigration bill that also targeted legal immigrants, who had successfully assembled an influential coalition of supporters and lobbyists. Proponents of more restrictive laws gradually started to cut their losses and shift their attention to a sole culprit: undocumented immigrants. In order to strengthen their argument, they created a false sense of competition and loudly proclaimed that, as Elton Gallegly (R-CA) phrased it, “the greatest potential threat to legal immigration is illegal immigration” (United States Congress, House, September 25, 1996). In the end, Congress thus passed a bill that severely limited that rights and protections of undocumented immigrants, without limiting the number of family reunification and employment visas.

## 4.2 Sympathetic Figures: Children of Undocumented Immigrants

Even though the discourse on undocumented immigrants was characterized by an utter lack of compassion, there was one particular group that caused some politicians to rethink their emotionally-detached, economically-oriented logic: children. Children’s well-being was discussed on numerous occasions and in connection to a wide variety of issues, including welfare eligibility, health care, and parents’ ability to obtain a waiver or suspension of deportation. At the most basic level, Congress agreed that all children deserved to be protected from abuse, neglect, hunger, and life-threatening illnesses. At the same time, many politicians also implied that there

was a fundamental difference between children who were legal permanent residents and U.S. citizens on the one hand and undocumented children on the other. For the most part, politicians insisted that the latter group should only be able to access emergency assistance, while the full array of social services should be limited to children who were legally in the country.

Throughout the debate, politicians also expressed concern about the increasing number of “mixed status families.” With Congress generally unwilling to provide long-term help to undocumented immigrants, politicians struggled to find a way to support the large number of citizen children who had been born to undocumented parents. Since these children were U.S. citizens, they were eligible for the whole range of public services, including Temporary Assistance for Needy Families (TANF), food stamps, public housing assistance, and Medicaid. Yet as long as these children were minors, their assistance checks had to be issued to their undocumented parents. In their first Report to Congress, the U.S. Commission on Immigration Reform stated that this practice had a number of “undesirable side effects. Some illegal aliens will benefit from the resources made available to citizen members of their household, but denying the citizen members access to the assistance would be inequitable and illegal” (U.S. Commission on Immigration Reform 1994, 125).

One particularly interesting response to this perceived problem came from Elton Gallegly (R-CA), who proposed to create a complex welfare distribution system that made it more difficult for mixed status families to receive welfare for their U.S-born children. In particular, Gallegly wanted to prevent undocumented parents from cashing in their children’s welfare checks. Instead, local governments should be forced to create a costly guardianship system to manage and allocate benefits for these citizen children.<sup>142</sup> Ultimately, Gallegly’s proposal would

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<sup>142</sup> Gallegly made it clear that he would have liked to stop these payments completely. However, such an amendment would have violated the constitutional rights of U.S. citizens who happened to be born to undocumented parents.

have increased public expenditures and led to more state bureaucracy, a result that would have been in clear violation of a neoliberal reform project that called for a rigorous downsizing of the welfare state. Hence, it is not surprising that this amendment met with opposition. On March 20, 1996, Nydia Velazquez (D-NY) and Lucille Roybal-Allard (D-CA) proposed an Amendment to strike the Gallegly Amendment, which they perceived as “a costly and an unworkable, unnecessary, unfunded mandate that serves absolutely no legitimate national interest” (United States Congress, House, March 20, 1996). Most Representatives agreed with this assessment and admitted that the Gallegly Amendment did not represent an ideal solution.

However, the Velazquez/Roybal-Allard Amendment also triggered a larger debate about the merits of birthright citizenship. While the majority was ready to defend the 14<sup>th</sup> Amendment – which had been included in the Constitution in 1868 to end a long period of slavery, racism, and discrimination – a small, but vocal minority insisted that it was high time to rethink this Amendment. Not only did these politicians argue that the 14<sup>th</sup> Amendment was never intended to include the children of undocumented persons, but they also asserted that “illegal immigrants have found a way to abuse this right,” as Marge Roukema (R-NJ) put it ” (United States Congress, House, May 24, 1995).

Throughout the debate, politicians were adamant in their claims that female immigrants strategically timed their delivery to make sure that their children would get U.S. citizenship. In a particularly extreme example, Dianne Feinstein (D-CA) proclaimed that “many people reportedly get on planes coming from Asia, get Medicaid, give birth to their children, get citizenship, and return” (United States Congress, Senate, June 22, 1994). Most other politicians focused on Mexican and Central American women who crossed the border shortly before they

were scheduled to give birth.<sup>143</sup> Allegedly, these female migrants not only knew that they were eligible for short-term medical services and neonatal care, but they also hoped to gain access to other benefits by giving birth to a U.S. citizen. Nathan Deal (R-GA) pejoratively referred to this phenomenon as “booty-strapping.” He testified that “we have all [...] heard the traditional description of bootstrapping your way into a benefit. This is booty-strapping. This is a situation in which, by virtue of the act of illegal entry on the part of a parent, the birth of the child gives the right to benefits from the taxpayers’ coffers” (United States Congress, House, March 20, 1996).<sup>144</sup>

The negative perception of female migrants’ desire to take advantage of the U.S. medical and welfare system was oftentimes connected with exaggerated concerns about their uncontrolled sexuality. Throughout the debate, numerous politicians and expert witnesses implied that, due to their outrageously high birth rates, undocumented immigrants were trying to take over certain parts of the country, most notably California. And even though no one explicitly mentioned undocumented immigrants’ racial and ethnic background, it was fairly obvious that Congress was also concerned about the fact that Latinos would soon outnumber non-Hispanic white residents and citizens in certain parts of the country.

In this context, the use of statistics is of particular importance. On February 26, 1996, Harold W. Ezell, U.S. Commission on Immigration Reform, testified that “almost 70 percent of the babies in L.A. county hospitals are born to illegal alien parents, almost 70 percent” (United States Congress, House, February 26, 1996). Tellingly, Ezell conveniently neglected to indicate

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<sup>143</sup> Marge Roukema (R-NJ), for example, argued that “pregnant women cross the border into the United States as illegals, give birth to a child and then claim the right to immigrate legally based on the citizenship of that child” (United States Congress, House, May 24, 1995).

<sup>144</sup> Contrary to these alarmist descriptions, however, research has shown that a significant number of undocumented women were afraid to deliver their baby in a public hospital in the U.S. (Chavez 1998). For fear of deportation, these women either returned to their home country to deliver their baby or decided to give birth in their private home, sometimes with the help of a midwife. As a result, these children do not get an official birth certificate and are thus ineligible for U.S. citizenship.

that most wealthy white women preferred to deliver their babies in private hospitals outside of L.A. County and were thus not included in these statistics.<sup>145</sup> Within the larger discourse, however, it hardly mattered that these numbers were not only taken out of context, but that these statistics were not representative of the nation at large. These alarmist examples from one of the regions with the highest percentage of Latinos were probably not cited because they provided important factual information, but because they resonated powerfully with widespread anxieties about Latino/a sexuality. And due to that fact that Ezell's numbers were based on actual research and statistics, they seemed to validate these fears and make them appear rational and objective.

Significantly, childbirth and neonatal care were not the only medical services that Congress was concerned about. Throughout the larger debate, politicians repeatedly questioned whether the U.S. government should change anything about their commitment to provide emergency medical services to every human being, regardless of their legal status. Not surprisingly, the pro-services side focused almost exclusively on the well being of women and children. On April 29, 1996, Edward M. Kennedy (D-MA) argued that "we should [...] support the care for expectant mothers because it is the right thing to do. We ought to be supporting the care for the children because it is the right thing to do" (United States Congress, Senate, April 29, 1996). However, he was also careful to underline this humanistic argument with several other concerns. For example, Kennedy reminded his colleagues that these services would not only benefit undocumented immigrants, but that "emergency medical care, immunization, treatment

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<sup>145</sup> A few months later, Alan K. Simpson (R-WY) provided his colleagues with the following statistical information: "When we have 60 percent of the live births in a certain hospital in California attributed to illegal undocumented mothers who then give birth to a U.S. citizen [...] that stirs people up. They don't like it" (United States Congress, Senate, September 16, 1996). By the end of the debate, the statistics had become even more extreme. On September 25, 1996, Randy (Duke) Cunningham (R-CA) proclaimed that "in California over two-thirds of the children born in our hospitals are to illegal aliens" (United States Congress, House, September 25, 1996). In contrast to Ezell and Simpson, who had at least indicated that these numbers were only based on a small selection of public hospitals in certain parts of the state, Cunningham implied that undocumented immigrants' birth rates were extremely high all over the state. In the course of debate, the alarmist rhetoric thus continued to escalate.

for infectious diseases [...] benefit all, because they relate to the public health and are in the public interest” (United States Congress, Senate, April 15, 1996). Hence, the comparatively small costs for emergency medical services and immunizations represented an excellent investment that could have helped to prevent much more costly problems.

In light of the overwhelming evidence that certain forms of medical benefits were necessary to protect the general public, very few Representatives suggested eliminating these services. However, some politicians were not satisfied with these elusive long-term benefits. Instead, they called for much more immediate results. One of the most popular suggestions in this context was Ed Bryant’s (R-TN) amendment, which “would require medical facilities to provide the INS with identifying information about illegal aliens who have received free emergency medical treatment from that medical facility which seeks reimbursement from the Federal Government” (United States Congress, House, March 20, 1996).<sup>146</sup> Bryant was not shy to explain the intention behind his amendment: “I believe the Federal Government should get something in return for its payment of taxpayer dollars” (United States Congress, House, March 20, 1996). Yet even though Bryant implicitly admitted that his amendment was motivated by a desire to retaliate against undocumented immigrants, he also believed that he had proposed an even-handed compromise that did not deny life-saving medical services to anyone.<sup>147</sup>

His opponents did not accept this argument. In response to Ed Bryant’s (R-TN) assertion that this was “not about a denial of medical care to illegal aliens,” Xavier Becerra (D-CA) pointed out that Bryant’s Amendment “would cause a dramatic chilling effect within our medical

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<sup>146</sup> Bryant explicitly noted that his amendment should only be applied to undocumented immigrants who were at least 18 years of age. See Amendment 8 printed in part 2 of House Report 104-483 for additional information.

<sup>147</sup> Specifically, Ed Bryant (R-TN) argued that “this amendment and this issue are not about a denial of medical care to illegal aliens. [...] We would never deny emergency medical care to another human being, even to a lawbreaker, but that is a separate issue. The issue here is that an illegal alien, healthy, sick, or injured, is still an illegal alien. Anyone present in the United States illegally is a lawbreaker, and should expect to suffer the consequences if caught” (United States Congress, House, March 20, 1996).



care system. What we would have is a situation where people may in fact not go for treatment or take a family member for treatment for fear of what would happen as a result of trying to approach a hospital” (United States Congress, House, March 20, 1996).<sup>148</sup> According to Becerra and several other Representatives, Bryant’s amendment would create a climate of fear and undocumented persons would be rightfully afraid to seek medical treatment. Therefore, the amendment would risk lives, facilitate the spread of contagious diseases, and lead to increased harassment of foreign-looking patients who seek treatment at public hospitals. In the end, Congress decided that the negative consequences would outweigh the desired effects. On March 20, 1996, Congress rejected the Bryant Amendment by a recorded vote of 170 yeas to 250 nays.<sup>149</sup>

In addition to the controversy over medical services, undocumented immigrants’ access to public education was another cause for extensive debates. On March 20, 1996, Elton Gallegly (R-CA) offered an amendment which authorized states to deny public education benefits to immigrants who were not lawfully present in the United States. According to Gallegly, expenditures for education had skyrocketed in those states that had a large population of undocumented immigrants, most notably California. Even though it was clearly impossible to provide reliable statistics, Gallegly strongly believed that “California alone spends more than \$ 2 billion each year to educate illegal immigrants” (United States Congress, House, March 20,

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<sup>148</sup> In a different context, Edward M. Kennedy (D-MA) pointed out that a similar provision “upsets the basic values of our social service system after years of community assistance. Outreach clinics, day care centers, schools, and other institutions will now become the menacing presence because they will be seen as a branch of the INS to determine who is here illegally. This is going to have a chilling effect on those immigrants again that are legally here” (United States Congress, Senate, April 29, 1996).

<sup>149</sup> 161 Republicans supported the amendment, and 71 voted against it. Most Democrats were opposed to the amendment. However, 9 Democratic Representatives voted for the Amendment: Blanche Lambert Lincoln (D-AR), Gene Taylor (D-MS), Robert Andrews (D-NJ), Robert Torricelli (D-NJ), Sherrod Brown (D-OH), James Traficant (D-OH), Bob Clement (D-TN), Bart Gordon (D-TN), and Charles Wilson (D-TX).

1996).<sup>150</sup> At the same time, Gallegly maintained that “the dollars and cents are only part of the story. Equally important is the fact that illegal immigrants in our classrooms are having an extremely detrimental effect on the quality of education we are able to provide to the legal residents” (United States Congress, House, March 20, 1996).

Yet even though Representatives from both ends of the political spectrum agreed that the U.S. education system was in desperate need of reform, most politicians were reluctant to pin blame on the children of undocumented immigrants. Opponents of the Gallegly amendment employed several different rhetorical strategies to explain their stance. First, numerous politicians argued that the amendment was immoral, inhumane, mean-spirited and downright cruel. On September 25, 1996, for example, Enid Greene (R-UT) argued that “educating the children in our communities is [...] as important as protecting them from physical harm” and Martin Frost (D-TX) reminded his colleagues that

whether these children should or should not be in this country is really beside the point. The fact is that every child, no matter his or her race, creed, nationality, religion, or immigration status should have a desk in a school. Every child living in this Nation should be entitled to an education. Denying the children of illegal immigrants access to education will not solve the problem of illegal immigration and seal our borders” (United States Congress, House, September 25, 1996).<sup>151</sup>

In addition, a number of politicians pointed out that a constitutional state needed to distinguish between “guilty parents” and “innocent children.” Ileana Ros-Lehtinen (R-FL), for

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<sup>150</sup> Elton Gallegly added that “New York spends \$ 634 million; Florida, \$ 424 million; Texas, \$ 419 million” (United States Congress, House, March 20, 1996).

<sup>151</sup> In addition, William Clay (D-MO) rose “to oppose [the Gallegly] amendment because it is unconstitutional, runs counter to our Nation’s commitment to the value of education, and is morally repugnant.” Anthony C. Beilenson (D-CA) maintained that Gallegly’s reform plans were “ineffective and overly punitive” and Lincoln Diaz-Balart (R-FL) added that “we do not blame the children for the conduct of their parents. That, among other reasons, is why we are the moral leader of the world” (United States Congress, House, March 20, 1996).

example, testified that “the children did not choose to be in the United States illegally. They do not deserve, therefore, to be punished for the actions of their parents” (United States Congress, House, March 20, 1996). A few months later, Patrick J. Kennedy (D-RI) posed the following rhetorical question: “Are we as a body going to reduce ourselves to mistreating little children because we are angry that their parents have not complied with our laws?” (United States Congress, House, September 25, 1996).<sup>152</sup> All of the aforementioned statements were difficult to argue with. After all, no politician was prepared to stand up and proclaim that he/she was indeed trying to punish elementary school students.

Furthermore, numerous politicians reminded their colleagues that this amendment would turn teachers and school officials into quasi-INS agents. Without proper training and meticulous guidelines, there was a high risk that these individuals would single out students of color and ask them to provide documents that established their legal status. In this context, Patrick J. Kennedy (D-RI) told his colleagues that “it sickens me to think of the discrimination that will inevitably result as parents will be forced to prove that their children are indeed legal. Unfortunately, those children who look foreign will be forced to prove that they are, in fact, Americans. Be assured that the children whose ancestors are Irish, or British or Dutch or French won’t be asked to prove their legality – they can easily pass as American” (United States Congress, House, September 25, 1996). Earl Pomeroy (D-ND), the adoptive parent of two Korean children, added that “the fear that my children might be pulled out of a classroom because of an inane act of Congress [...] is too horrible to contemplate” (United States Congress, House, September 25, 1996). Undoubtedly,

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<sup>152</sup> On a similar note, Sheila Jackson-Lee (D-TX) argued that “the Gallegly amendment unfairly punishes undocumented children for the actions of their parents. Denying children access to education will create an underclass of illiterate, uneducated individuals. [...] The goal of American public education is to impart the values of democracy such as equal opportunity and justice for all people and a respect for your neighbor, no matter what his or her ethnicity, race, or religion. Public education prepares our young people to become productive citizens and mature adults” (United States Congress, House, March 20, 1996).

Earl Pomeroy's concerns resonated with many politicians. By directing his colleagues' attention away from undocumented students to his own children, Pomeroy was able to create a much more compelling image of an innocent victim in need of protection.

Opponents of the Gallegly Amendment were also prepared to underline this emotional rhetoric with a number of economic arguments. Since Elton Gallegly (R-CA) and his supporters repeatedly referred to the high costs associated with the obligation to educate *all* children, the opposition countered that, as Ileana Ros-Lehtinen (R-FL) phrased it, "the cost to us as a nation would be far greater by excluding these children from our schools" (United States Congress, House, March 20, 1996). The anticipated costs, in this context, were not limited to financial expenditures. Anthony C. Beilenson (D-CA) warned that the Gallegly Amendment "would contribute to crime, to illiteracy, to ignorance, to discrimination," Bill Richardson (D-NM) expressed concern over the "community health and safety hazard" and Sheila Jackson-Lee (D-TX) cautioned that "many of these children will be left with nothing to do during the school hours, posing a danger to themselves and others" (United States Congress, House, March 20 and September 25, 1996, respectively). Above all, politicians were concerned about the fact that hundreds of thousands of undocumented children might eventually join gangs and commit crimes. In their view, a balanced cost-benefit analysis needed to take into consideration the increased expenditures for local law enforcement, incarceration, and emergency health care that resulted from denying education to the children of undocumented workers. In short, the Gallegly Amendment would have far-reaching effects that were in clear violation of the neoliberal objective to make the governing of certain risk groups more effective and economically efficient.

In addition, the aforementioned examples also helped to create a climate of fear. Numerous politicians implied that many, if not all, undocumented children would develop into

dangerous predators if they were denied access to public education. At first glance, this alarmist rhetoric stands in opposition to the repeated attempts to depict undocumented children as innocent victims who needed to be protected at all costs. In the context of the larger discourse, though, both of these arguments were used to reinforce the negative portrayal of undocumented adults. According to this logic, parents' decision to bring their children with them proved that they were selfish, neglectful, and disregarding of their children's needs. In short, since undocumented immigrants were seen as a dangerous underclass, the U.S. government needed to step in to protect immigrant children, educate them, and expose them to mainstream values, beliefs, and expectations. If Congress denied these children access to the public school system, the argument went, they would start to manifest the same undesirable character traits that their parents already exhibited.

In addition to comments which combined various types of "costs", several politicians advanced a fairly straightforward cost-benefit-analysis that focused exclusively on the financial aspects of "illegal" immigration. Not only did they emphasize the fact that the Gallegly Amendment was likely to increase spending on law enforcement and security measures, they also called attention to the costly bureaucratic measures that would be necessary to determine which students possessed legal permanent resident status and which did not. Esteban Edward Torres (D-CA), for example, concluded that the Gallegly "amendment will cost – not save – money for state and local governments and public schools" (United States Congress, House, March 28, 1996). Furthermore, neoliberal logic dictated that public expenditures should be used as investments in promising individuals who were likely to turn into net contributors in the future, a principle several politicians applied to the controversy over undocumented children's access to public education. Nancy Pelosi (D-CA), for example, reasoned that it was "short-sighted and

inhumane” to “deny anyone the opportunity to be educated. If undocumented children cannot be educated, they will have nowhere to go but the streets. These children will not just go away if we continue to deny them benefits. They will be sent reeling into the cycle of poverty that we are seeking to end” (United States Congress, House, March 20, 1996). Yet while numerous politicians from both parties dismissed the Gallegly Amendment as cruel, discriminatory, and overly punitive and argued that its effects would be in conflict with the larger neoliberal agenda, several Republican Representatives believed that this policy was an effective way to solve the “illegal immigration problem.”

Gallegly’s supporters focused on the same aspects as their opponents. However, they stated that the denial of public school benefits to undocumented children was economically sensible and claimed that their amendment was intended to protect the nation’s most vulnerable children. Instead of assessing the effects the amendment might have on undocumented immigrants, they shifted their focus to the sons and daughters of U.S. citizens and legal permanent residents and implied that these children had suffered extreme hardships in the public school system. According to this logic, there was a direct connection between the number of undocumented immigrants in a particular school district and the difficulties that that district experienced. Supposedly, the U.S. education system had reached a state of crisis because undocumented children consumed so many resources that other students were no longer able to receive the kind of education they were entitled to. In order to illustrate the gravity of the situation, numerous politicians painted a frightening picture of the public school system. Elton Gallegly (R-CA), the author of the amendment which banned undocumented children from public schools, testified that

the Nation's education system is in crisis. Classrooms are overcrowded. Teachers are in many cases overburdened and resources are in short supply. [...] When illegal immigrants sit down in public school classrooms, the desk, textbooks, blackboards in effect become stolen property, stolen from the students rightfully entitled to those resources (United States Congress, House, March 20, 1996).

Instead of focusing on the larger structural and political changes, such as highly publicized cuts in property taxes, which had led to the deterioration of the public school system in California, Gallegly advanced a one-sided explanation that scapegoated one of the most vulnerable populations in the United States. According to his statement, undocumented children were in direct competition with other students and had taken something that rightfully belonged to legal residents and U.S. citizens.<sup>153</sup>

Other politicians added that the children of legal residents and U.S. citizens were not only more deserving of our scarce resources, but they were also more worthy of our sympathy and compassion. In response to the common accusation that the denial of public school benefits was mean-spirited and inhumane, Dana Rohrabacher (R-CA), one of the most outspoken champions of the Gallegly Amendment, argued that "we care about the children of people who live in foreign countries. But that does not mean we are going to allow everybody in the world to bring their children here and break down our education system so our kids cannot get an education. [...] We care about the American people, and we have no apologies for that" (United States Congress, House, March 19, 1996). In a similar fashion, other politicians expressed their beliefs that this provision was good public policy because it authorized States "to put the needs of their own

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<sup>153</sup> In addition, Elton Gallegly described his amendment as "proeducation." He argued that "this is not antieducation, it is proeducation. It is proeducation for the students that have a legal right to be in this country, that are either legal residents or citizens" (United States Congress, House, September 25, 1996).

citizens above those of illegal aliens” (Frank Riggs (R-CA), United States Congress, House, March 20, 1996).<sup>154</sup>

Gallegly’s supporters were not only convinced that undocumented students had already harmed their fellow classmates, they also implied that the situation would further deteriorate if the U.S. government did not take immediate action. Even though there was little factual evidence that access to primary and secondary education was a significant factor in parents’ decision to overstay their visas or enter the U.S. without documents, numerous politicians believed that public school benefits had “proved to be a powerful magnet or open invitation,” as Marge Roukema (R-NJ) put it (United States Congress, House, March 20, 1996). Congress also painted a frightening picture of the unintended effects that this “magnet” might have in the future. Dana Rohrabacher (R-CA) warned his colleagues that, “if we keep educating everybody in the world who can sneak across our border and bring their families, anybody who cares about their children throughout the entire planet will do everything they can possibly do to get their kids into our country” (United States Congress, House, March 20, 1996).<sup>155</sup> Since a free public education was easily available to everyone, regardless of their legal status, it supposedly encouraged undesirable behavior and deterred potential immigrants to go through a lengthy and complicated

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<sup>154</sup> Later in the debate, Dana Rohrabacher (R-CA) argued that “it is absolutely wrong to spend \$2 billion on the children of foreigners who have come here illegally. That \$2 billion should be going to benefit the children of the people of the United States of America. That is what this vote is all about, it is to determine what our priorities are. Our priorities should be what is in the interest of the people of the United States. We can care for the children of foreigners, we can care about their well-being, but we must first care about our own children, our own families” (United States Congress, House, September 25, 1996).

<sup>155</sup> This rhetoric about magnets was of particular importance throughout the debate about undocumented immigrants. On the same day, David Dreier (R-CA) told his colleagues that they needed “to recognize that this is not a mean-spirited amendment. [...] If we look at where we are headed, we are trying to decrease the magnet which draws people illegally into this country. There are a wide range of reasons they come in. Seeking family members [...] was the No. 1 reason; job opportunities, obviously, another very important reason. But the tremendous flow of government services is obviously another magnet which draws people illegally into this country” (United States Congress, House, March 20, 1996). A few months later, Frank Riggs (R-CA) argued that “one of the more compelling of the border magnets is the free public education California and the other border States are mandated to provide the children of illegal immigrants, who are themselves illegal immigrants” (United States Congress, House, September 25, 1996).



legal immigration process. According to the neoliberal agenda, the U.S. government thus needed to develop a system that selectively rewarded only those individuals who played by the rules.

In addition, Gallegly's supporters demonstrated that the expenses for undocumented children's education did not represent a sensible investment either. Since these students did not possess a work permit and were not likely to get one in the near future, American society was unlikely to benefit from their academic achievements.<sup>156</sup> In view of these factors, the Gallegly Amendment was commonly described as a rational, economically-efficient measure that would help to redirect money to worthy recipients who not only had the potential to develop into net contributors in the long-term, but who were also deemed to be more deserving in the first place. Hence, Gallegly's supporters praised his amendment as a sensible and even-handed way to further neoliberal objectives, discourage undesirable behavior, and eliminate expenditures for individuals who were unlikely to develop into self-sufficient neoliberal subjects.

In contrast to the common tendency to downplay the importance of race and class, Gallegly and his supporters also made a point of showing that their amendment would actually help to protect poor students of color. In an attempt to counter the accusation that this amendment would increase discrimination against foreign-looking children, Gallegly's supporters tried to convince their colleagues that the current policy had had particularly disastrous effects on low-income families, many of whom were people of color. Brian Bilbray (R-CA), for instance, insisted that "this is not an issue that affects the rich, white people of this country. This is an issue that hits the school districts of the working class in this country" (United States Congress, House, March 20, 1996).<sup>157</sup> While Bilbray is certainly correct in his assessment

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<sup>156</sup> For example, Ron Packard (R-CA) reminded Congress that "illegals cannot legally work in this country. If we educate them, they still cannot work legally here in this country" (United States Congress, House, March 20, 1996).

<sup>157</sup> On September 25, 1996, Brian Bilbray (R-CA) reiterated this concern: "I would ask my colleagues on the other side of the aisle, if you don't care about the cost to the working class people, because this illegal immigration does

that a high number of poor, undocumented students do put a burden on the under-funded local districts that provide educational services, this does not mean that their exclusion would result in any fundamental changes. Disparities in the public school system, especially in California, were not primarily caused by undocumented immigrants, but the desolate funding situation was the product of decades of anti-education policies – tax cuts, devolution, and reduced Federal spending. At best, the Gallegly Amendment would have provided short-term relief for school districts with a high percentage of undocumented students.

#### 4.3 Immigrants as a Security Risk: Terrorists, Drug Dealers, and Criminal Aliens

In addition to cultivating widespread concern that undocumented immigrants, including their children, were taking something that rightfully belonged to U.S. citizens, politicians and expert witnesses also exploited the public's recently-awakened fear of terrorist attacks. For the longest time, Americans had firmly believed that terrorist attacks only happened in other, less stable parts of the world. With the bombing of the World Trade Center on February 26, 1993 and the ensuing destruction of the Alfred P. Murrah Federal Building in Oklahoma City, however, this certainty came to a sudden end. Quickly, the American public not only came to the painful conclusion that they were not invincible, they also zeroed in on a common enemy: terrorists.

Early in the debate, some politicians acknowledged that not all terrorists were members of an extremist Islamic organization. On May 25, 1995, for example, Orrin G. Hatch (R-UT) argued that “we must resolve that anarchistic radicalism, be it from the left or from the right, will not prevail in our freedom-loving democracy” and Joseph R. Biden (D-DE) added that “responding to this risk means standing against those who seek to destroy our democratic form

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not affect the rich white people, illegal immigration hurts those who need our services and our jobs in this country more than anything else, those who are legally here” (United States Congress, House, September 25, 1996).

of government, whether they come from the left or the right, from home or abroad” (United States Congress, Senate, May 25, 1995). However, the majority seemed to subscribe to the belief that the young, white U.S. citizen who had committed the Oklahoma City bombing represented a rare exception to the general rule that terrorists were almost exclusively Islamic fundamentalists. Accordingly, many politicians favored provisions that designated these radical Islamic groups as “terrorist organizations” to make sure that they would be cut off from funding, that active members would be deported, and that surveillance would be increased.

Throughout the debate about a more effective anti-terrorism policy, Congress seemed to agree that the concern for public safety justified far-reaching and invasive measures. At the same time, however, politicians were also careful to present their reform plans as necessary and carefully balanced risk management measures. While the neoliberal initiative to reform the legal immigration system was careful to identify characteristics that could help the U.S. government to assess immigrants’ potential to develop into productive neoliberal subjects, the debate about terrorism was founded in a belief that “Muslim heritage” represented a meaningful risk factor for a person’s propensity to engage in terrorist activities. Hence, the constant focus on Muslim organizations and immigrants from Muslim nations was portrayed as a rational examination of a particular risk group, not as a prejudiced attack against a religious minority.

On March 13 and 14, 1996, Congress convened for a general debate of the Effective Death Penalty and Public Safety Act of 1996 (H.R. 2703). The original version of the bill, which had been introduced by Henry J. Hyde (R-IL), contained a provision which made it illegal to raise funds for certain terrorist organizations, most notably Hamas, Hezbollah, and, as Hyde put it, the “Islamic Jihad.” If a person was found guilty of donating money, services, or, in some cases, merchandise to one of these organizations, he/she was subject to an expedited deportation

without opportunity for judicial review. A number of politicians were opposed to this stipulation and rejected the idea that all Muslims who had ever joined or supported such an organization could be described as potential terrorists.<sup>158</sup> However, there was significantly less concern about the idea that most terrorists were indeed radical Muslims. Throughout the divisive and highly emotional debate about the Hyde-Bill and the Barr Amendment, which was repeatedly interrupted by comments about innocent victims and letters from grieving family members, the term “terrorist” was gradually turned into a code word for Middle Easterners who belonged to extremist Muslim organizations.

Initially, politicians still deemed it necessary to qualify their remarks and name specific groups. Bill McCollum (R-FL), who was strongly opposed to the Barr Amendment, proclaimed that “the next time we have some major foreign organization, a state from Libya, Iran, Iraq, or Hamas or whoever come over, bomb a building, kill a lot of people, we are going to be the ones to blame for it, not somebody else” (United States Congress, House, March 13, 1996). Charles E. Schumer (D-NY) added that the Barr-Amendment was “anti-law enforcement” because “Hamas will be allowed to continue to raise funds here, and an individual can write on their passport that they are part of Hamas, and the State Department cannot prevent them from coming here” (United States Congress, House, March 13, 1996). In addition, John Conyers (D-MI) expressed his concern that Bob Barr (R-GA) “would allow the Islamic Jihad to come into the United States

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<sup>158</sup> Soon after the introduction of the Hyde-Bill, Bob Barr (R-GA) introduced an amendment that eliminated the controversial idea that “guilt by association” was a good enough reason to deport a legal permanent resident without a proper hearing. After a lengthy debate, the Barr-Amendment passed by a relatively wide margin – 246 ayes, 171 noes, 14 not voting. On the following day, Congress discussed the Conyers-Berman-Nadler substitute, which restored the provision that made it illegal to raise funds for terrorist organizations. However, the substitute also contained several provisions to protect the civil liberties of suspected terrorists (e.g. it restored opportunities for meaningful judicial review, gives defendants the right to bring in their own evidence and their own witnesses, and gives them access to due process).

and not be denominated a terrorist organization in his bill” (United States Congress, House, March 13, 1996).<sup>159</sup>

After a few hours of general debate, however, references to specific countries and organizations became the exception. During the second half of the general debate on June 7, 1995, for example, there was not a single reference to Hamas, Hezbollah or the Islamic Jihad. Instead, politicians made a number of vague references to terrorist activities in general. Olympia Snowe (R-ME), for example, supported “provisions to combat international terrorism, to remove aliens, to control fundraising for foreign terrorists,” Bill Bradley (D-NJ) described the bill as “a strong, adequate response to the serious problem of terrorism, [which] will provide the United States with the necessary tools to respond to the international and domestic terrorist threats” and Larry Craig (R-ID) stated that “I abhor and condemn terrorism in any form. Our Nation cannot tolerate terrorism [...] and our Nation’s law enforcement must have the tools it needs to fight this menace” (United States Congress, Senate, June 7, 1995). Yet even though the ensuing discourse became less specific, it did not become any less dramatic. In a convoluted piece of rhetoric, Newt Gingrich (R-GA), for example, reminded Congress that it was their responsibility to find “a way to make certain that those so barbaric, those so outside the bounds of civilization, whether acting as an individual killer or acting as a part of an organized group deliberately using terror for political purposes, that we as a people can combat them” (United States Congress, House, March 14, 1996). Notably, none of the aforementioned speakers deemed it necessary to explain who exactly qualified as a terrorist.

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<sup>159</sup> On a similar note, Jerrold Nadler (D-NY) argued that the Barr Amendment “does not do the job. It is no longer an antiterrorism bill. It no longer even pretends to stop groups like Hamas or Hezbollah from raising funds in the United States. It no longer gives us the ability to get alien terrorists out of the country expeditiously” (United States Congress, House, March 14, 1996).

Because of this lack of specificity, one might conclude that these statements were intended to be inclusive and were made in reference to a range of different organizations and individuals who all posed a threat to the U.S. However, I contend that it is essential to examine this vague rhetoric in the context of the larger discursive formation. In *The Archeology of Knowledge and the Discourse on Language*, Michel Foucault argued that a discursive formation can be characterized as a complex system of interdependent statements. In order to understand a discursive formation “what one must characterize and individualize is the coexistence of these dispersed and heterogeneous statements; the system that governs their division, the degree to which they depend upon one another, the way in which they interlock or exclude one another, the transformation that they undergo, and the play of their location, arrangement, and replacement” (Foucault 1972, 34). Each individual statement is thus inextricably linked with other statements that are part of the same discursive field. Accordingly, speakers are able to rely on a general frame of reference that allows them to omit certain details – if the audience is familiar with the larger discursive formation, they can be expected to fill in the gaps on their own. In the context of the anti-terrorism discourse in 1995-96, it had already been established that the enemy was a Middle Eastern man who belonged to an extremist Muslim organization. In the later stages of the discourse, speakers could thus evoke a very specific image by the mere mentioning of the term “terrorist.”

Another noteworthy feature of a discursive formation is the fact that it does not exist in isolation. Each discursive formation is not only automatically connected with related discourses, but speakers are also able to establish links and call to mind certain concepts and/or judgments that have been made in different contexts. During the debate about undocumented immigrants, politicians repeatedly implied that there was a link between a person’s legal status, their

propensity to commit certain crimes, and their susceptibility to join a terrorist organization. This link, however, only existed on a discursive level. Throughout the 104<sup>th</sup> Congress, there was not a single expert witness who was able to prove that there was an actual connection between terrorist activities and organized crime, such as international drug trafficking, and that the same people were involved in numerous illegal activities. Even more importantly, research has shown that undocumented immigrants are particularly careful to do everything by the rules and not draw the police's attention towards them (Chavez 1998). Knowing that they are subject to deportation, undocumented individuals are usually careful drivers, stay away from bars, the local drug scene, and other heavily patrolled areas, and are oftentimes hesitant to become politically active or join any kind of public organization.

Throughout the discourse about “criminal aliens,” however, numerous politicians insisted that the threat posed by foreign terrorists was inherently connected to the fact that a disproportionate number of federal prisoners were non-U.S. citizens. Similar to Congress's attempt to frame anti-terrorism measures as a rational attempt to monitor and, if necessary, exclude a certain risk group, the discussions about “criminal aliens” made it clear that the U.S. government had the obligation to identify and deport non-citizens who had committed a crime in the U.S. All of these non-citizen criminals had violated the rules – whether they were convicted for tax fraud or murder. Hence, they had forfeited their right to reside in the U.S. and benefit from the services and opportunities that were offered by their host country. In accordance with the larger neoliberal project, politicians argued that non-citizen criminals should be denied the rewards that the U.S. had in store for those individuals who respected the law and played by the rules. In the course of the 104<sup>th</sup> Congress, however, the debate about “criminal aliens” became

increasingly intertwined with the general concern about undocumented workers and Congress rarely discussed the fact that most of these non-citizen criminals were indeed legal immigrants.

Statistical evidence for undocumented immigrants' high crime rates reinforced existing anxieties and further justified strict new policies. During a preliminary meeting of the House Subcommittee on Immigration and Claims, for example, expert witness T. Alexander Aleinikoff, who served as the General Counsel of the INS, testified that, as of January/February 1995, "69,926 foreign-born nationals are [...] incarcerated in state correctional facilities" and "27,938 foreign-born nationals are currently incarcerated in Federal institutions" (United States Congress, House, March 23, 1995). A few months later, in June, Senator Spencer Abraham (R-MI) cited significantly lower numbers: "More than 53,000 crimes have been committed by aliens in this country recently enough to put the perpetrators in our State and Federal prisons right now. An estimated 20 to 25 percent of all Federal prison inmates are noncitizens" (United States Congress, Senate, June 7, 1995). By the beginning of 1996, politicians commonly believed that this estimate – 25 percent – applied specifically to undocumented immigrants, not to foreign-born individuals in general. On March 19, 1996, for example, Gerald Solomon (R-NY) began his testimony by citing "a few facts. No. 1: Nationwide more than one-quarter of all Federal prisoners are illegal aliens" (United States Congress, House, March 19, 1996).<sup>160</sup> Throughout the day, numerous other politicians repeated this "fact."<sup>161</sup> By the end of the legislative period, this statistic was not only commonly accepted, but it even made it into the conference report on H.R.

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<sup>160</sup> Solomon added that "according to the Immigration and Naturalization Service, in 1980, the total foreign-born population in Federal prisons was 1,000 which was less than 4 percent of all inmates. In 1995, the foreign-born population in Federal prisons was 27,938, which constitutes 29 percent of all inmates. The result is an enormous extra expense to be picked up by the Federal taxpayers" (United States Congress, House, March 19, 1996).

<sup>161</sup> Shortly after Representative Solomon's comment, Porter J. Goss (R-FL) insisted that "today more than one quarter of all Federal prisoners are illegal immigrants; fraudulent employment and benefit documentation is rampant; and criminal aliens linger in our country at significant taxpayer expense." Greg Ganske (R-IA) added that "our current immigration laws are broken and they must be fixed. One-quarter of all Federal prisoners are illegal aliens" (United States Congress, House, March 19, 1996).



2202.<sup>162</sup> In that report, Lamar Smith (R-TX) asserted that “illegal aliens should be removed from the United States immediately and effectively. Illegal aliens take jobs, public benefits, and engage in criminal activity. In fact, one-quarter of all Federal prisoners are illegal aliens” (United States Congress, House, September 25, 1996).<sup>163</sup>

The Sourcebook of Federal Sentencing Statistics, a publication that is issued yearly by the U.S. Sentencing Commission, indicates that these last statements are mere fabrications.<sup>164</sup> The 1996 Yearbook demonstrates that 11,372 of the 41,608 individuals who were sentenced to a federal prison term between October 1, 1995 and September 30, 1996 were non-citizens. In other words, 27.3% of the newly sentenced inmates were not U.S. citizens. Since the U.S. Sentencing Commission does not collect data on inmates’ legal status, the non-citizen category includes legal permanent residents, temporary visa holders, as well as undocumented immigrants. It is thus simply impossible to make a definitive statement about the percentage of “illegal aliens” in federal prisons. In addition to circulating this blatant misinformation, politicians and expert witnesses also omitted another important piece of information: the type of offense that led to people’s incarceration. A comparison of the citizen and non-citizen category reveals that there are significant differences in the kind and severity of the offense. With regard to the citizen category, 11,525 (38%) of new offenders had been convicted of drug trafficking, 5,151 (17%) of fraud, 2,353 (7.8%) of firearms violations, and 2,111 (7%) of larceny. Non-citizens, on the other

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<sup>162</sup> In the meantime, Bill Martini (R-NJ) had claimed that “nearly 20 percent of the legal immigrants in this country are on welfare. Furthermore, one-quarter of all federal prisoners are illegal aliens” (United States Congress, House, March 21, 1996).

<sup>163</sup> Interestingly, a few months earlier, Lamar Smith (R-TX) had still argued that “an increasing number of crimes are being committed by noncitizens: both legal and illegal aliens. Over one-quarter of all federal prisoners are noncitizens – an astounding 42 percent of all federal prisoners in my home state of Texas” (United States Congress, House, April 18, 1996).

<sup>164</sup> This misuse of statistical information is not the only instance where politicians misquoted – or maybe even fabricated statistics to make a certain point. On March 14, 1995, for example, Dianne Feinstein (D-CA) claimed that “ninety percent of the methamphetamine labs in this country are located in southern California and 90 percent of them are run by illegal immigrants” (United States Congress, Senate, March 14, 1995).

hand, were primarily sentenced for drug trafficking (4,611 individuals, or 40.5%) and immigration violations (4,436 cases or 39%). Obviously, immigration-related offenses are not only much more common among non-citizens – a mere 322 U.S. citizens were convicted for this particular crime – but they hardly fit the bill of a dangerous criminal who poses a threat to the general public. In addition, U.S. citizens were overrepresented in all of the violent crime categories: 97.7% of all convicted murderers who served time in a federal prison, 90.6% of inmates found guilty of manslaughter, 98.2% of sexual offenders, and 91.8% of inmates who were found guilty of assault were U.S. citizens.

Contrary to the image presented in these statistics, numerous politicians painted a frightening picture of the criminality of undocumented immigrants. Early on in the debate, Charles E. Schumer (D-NY) proclaimed that

the repeated violence and costly burden of criminal aliens is one of the most vexing problems of our criminal justice system. [...] Here we have tens of thousands of violent criminals, repeat offenders of the worst kind, many of them who entered the country illegally, all of them have forfeited their right to reside here, and yet our system is paralyzed; it doesn't promptly deport these violent criminals (United States Congress, House, February 23, 1994).

Similar statements can be found in nearly every discussion about undocumented immigrants. Two years after this initial hearing, during a debate about the Conference Report on H.R. 2202, fellow-New Yorker Benjamin A. Gilman (R-NY) praised the immigration bill because it is “directed at these serious threats from criminal aliens, engaged in both the illicit drug trade as well as international terrorism.” According to Gilman, Congress has “a strong obligation in protecting our citizens from illegal criminal aliens, who prey on them with drugs and other

crime-related activity” (United States Congress, House, September 25, 1996). What is particularly interesting about Gilman’s statement is the fact that he juxtaposes dangerous undocumented workers with innocent U.S. citizens, who need to be protected. This type of rhetoric not only ignores the aforementioned statistical evidence, but it also fails to acknowledge that undocumented immigrants are often victims as well.<sup>165</sup>

In light of these alarmist statements, it is hardly surprising that the 104<sup>th</sup> Congress extended the definition of an “aggravated felony” for immigrant offenders, created special removal procedures, and severely limited the individual liberties and legal rights of non-citizens. Evidence suggests that Congress based their decisions on faulty statistics and one-sided representations. However, it is no coincidence that Congress did not make an effort to gain access to more reliable statistics and better-informed expert witness. Under the actuarial logic of the neoliberal state, which sought to develop a “rational” reward system for particularly deserving individuals, it was much more important to create a system that would protect U.S. society from *all* “criminal aliens,” regardless of their actual number and the crimes they had committed or were likely to commit. On January 9, 1995, Toby Roth (R-WI) summarized this underlying logic in the following words: “I hope we can all agree that there is no place in this country for people who come here and commit serious crimes. Criminals are one commodity we do not need to import” (United States Congress, Senate, January 9, 1995). While this assessment was certainly correct – and I think it is self-evident that every nation would like to protect itself from violent criminals – the implications were highly problematic.

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<sup>165</sup> Benjamin A. Gilman (R-NY) was not the only politician to make such a claim. On June 7, 1995, for example, Spencer Abraham (R-MI) testified that “the Immigration and Naturalization Service does not have adequate facilities to house this many criminal aliens. As a result, the great majority of these convicted felons are released back to our streets after serving their sentences, with instructions to report several months later for a hearing before the INS. Needless to say, the majority of criminal aliens released from custody do not return for their hearings. Having been returned to the streets to continue their criminal predation on the American citizenry, many are rearrested soon after their release” (United States Congress, Senate, June 7, 1995).

Roth, for example, claimed that there was only one effective solution to this problem. According to him, “our Federal criminal alien deportation laws [...] set out an irrational, lengthy and overly complex process that prevents us from deporting criminals as rapidly as we should be.” As a result, he introduced the Criminal Alien Control Act of 1995 (S.179), which “simplifies existing law by eliminating the confusing array of crimes for which criminal aliens are deportable. Under my legislation, any alien who commits any felony is deportable – period” (United States Congress, Senate, January 9, 1995). While Representative Toby Roth (R-WI) was probably more concerned about the fact that his bill would be tough on criminals, a strategy that would prove popular with many voters, there was a clear neoliberal subtext to his argument. Consistent with the neoliberal objective to streamline governmental procedures and reduce federal spending, Roth’s bill eliminated the lengthy appeal process, removed all forms of discretionary relief, and eradicated the distinctions between violent criminals who posed a public threat and individuals who had been convicted of minor, non-violent offenses such as fraud, tax evasions, forgery, and immigration-related offenses.<sup>166</sup> Since all of these individuals had forfeited their opportunity to develop into valuable assets to U.S. society, they were not only undesirable but they had also proven that they were undeserving of rights and protections that were routinely awarded to U.S. citizens.<sup>167</sup>

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<sup>166</sup> However, Toby Roth (R-WI) made one noteworthy distinction between documented and undocumented immigrants: Whereas legal permanent residents still had the opportunity to appeal a deportation order while remaining in the U.S., “aliens who are not permanent residents and who wish to appeal deportation orders [were required] to do so from their home countries, after they have been deported” (United States Congress, Senate, January 9, 1995).

<sup>167</sup> Interestingly, Toby Roth’s bill also contained a provision that tried to make sure that suspects had their work permits taken away while their appeals process was pending. Roth testified that “one INS deportation officer told my staff that he spends only about 5 percent of his time looking for criminal aliens because he must spend most of his time processing their work permits” (United States Congress, Senate, January 9, 1995). According to this provision, “criminal aliens” would be left without any means of support – especially since they were no longer eligible for welfare benefits either.

Even though the 104<sup>th</sup> Congress eventually passed a very restrictive law, there was a vocal minority that was strongly opposed to these provisions. In particular, several Democrats disagreed with the idea of connecting anti-terrorist stipulations to wide-spread concerns about rising crime rates in general, and extending invasive measures to all non-citizens, especially since there was no proven connection between terrorists and “regular” criminals. Joseph R. Biden (D-DE), for instance, challenged the common perception that the law should make a distinction between citizens and non-citizens and limit immigrants’ access to basic rights and legal protections. On May 25, 1995, he declared: “My lord, I do not want to be part of anything that establishes that kind of Star Chamber proceeding. Technically, they may be right; philosophically, it is dead wrong” (United States Congress, Senate, May 25, 1995). A few days later, Russ Feingold (D-WI) warned his colleagues that

in the haste to respond to a national tragedy, we may be making mistakes that will be difficult to undo. [...] Suddenly, habeas reform has become a tool for fighting terrorism. I find that a stretch of the imagination. What we have is a classic, political move to get another agenda wrapped into an emotionally charged, moving vehicle (United States Congress, Senate, June 7, 1995).

Ultimately, the opponents of these restrictive provisions were unable to gather sufficient support. Since convicted criminals were not exactly sympathetic figures, several politicians tried to remind Congress that this bill had much broader implications and that friends and families would be affected as well.<sup>168</sup> At the end of the day, however, these appeals to fairness, equality,

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<sup>168</sup> Edward M. Kennedy (D-MA), for example, appealed to Congress’ sense of fairness and compassion: “An immigrant with an American citizen wife and children sentenced to 1-year probation for minor tax evasion and fraud would be subject to this procedure. And under this provision, he would be treated the same as ax murderers and drug lords” (United States Congress, Senate, June 7, 1995). In addition, Nydia Velazquez (D-NY) reminded her colleagues of the differential impact this provision would have on poor people in particular: “The Constitution says we are all entitled to equal protection under the law, but in today’s society some of us are more equal than others. The reality is, if you have the money to hire a good lawyer, you can make it through our legal system. But, if you are

and compassion were fruitless and Congress decided that they “should err on the side of protecting American, not the convenience of foreign nationals” (Olympia Snowe (R-ME), United States Congress, Senate, June 7, 1995).<sup>169</sup>

Even though, on a factual level, concerns about rising crime rates, anxieties about foreign terrorists, and widespread opposition towards undocumented immigrants were separate issues, the discourse about immigration reform tended to conflate these three problems. Whereas neoliberal reform initiatives tried to adapt the legal immigration system in such a way that it met the demands of the U.S. economy and excluded those few individuals who had supposedly little potential to develop into law-abiding, hard-working members of society, the proposed treatment of undocumented immigrants took the opposite approach. Instead of identifying the few undesirable subjects, Congress created a scenario that portrayed all undocumented immigrants as potential criminals and terrorists. According to this dominant logic, undocumented immigrants had already proven that they were willing to break the law and disregard the rules and demands of U.S. society. Because they had violated immigration laws, “illegal aliens” were described as a risk group that needed to be monitored and, if necessary, excluded.

#### 4.4 Economic Considerations: Immigrants’ Impact on the U.S. Labor Market

As the previous sections have demonstrated, Congressional Debates in 1995-96 criminalized undocumented workers in a number of ways. Not only did Congress describe undocumented immigrants as criminals who had deliberately violated U.S. immigration laws, but

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a poor minority, lacking those resources, you will lose and not have the opportunity to prove you are innocent. By severely limiting this ultimate right to appeal more innocent Americans will unfairly die. Their blood will be on your hands” (United States Congress, House, April 18, 1996).

<sup>169</sup> In a similar fashion, Henry J. Hyde (R-IL) argued that Congress needs to “protect a free people from those evil forces who seek our destruction through violence and terrorism. The bill, the conference report that we have before us today, does that in exemplary fashion. It maintains the delicate balance between liberty and order, between our precious freedoms and defending this country” (United States Congress, House, April 18, 1996).

the discourse also intertwined – and sometimes even conflated – concerns about crime, terrorism, and “illegal” immigration. From the very beginning of the legislative period, Congress put a pronounced emphasis on the role of “criminal aliens,” a small fragment of the “illegal” immigrant population that had committed crimes other than overstaying a visa or crossing the border without a permit. Once the discourse had established that undocumented immigrants had not only disregarded immigration laws, but that a certain portion of that population was also incarcerated for a variety of other crimes, it became increasingly difficult to discuss undocumented immigrants in more positive terms. Throughout the 104<sup>th</sup> Congress, debates about undocumented immigrants were almost exclusively framed as an effort to control a problem population which should be excluded from the rewards the neoliberal state had to offer to those responsible individuals who played by the rules.

Throughout these debate, Congress was particularly concerned about “illegal” border crossers. While visa-overstayers caused a certain degree of anxiety and were sometimes mentioned in passing, poor and uneducated Mexicans and South Americans were usually perceived to be the real threat. Therefore, numerous politicians deemed it necessary to increase the number of border control officers, erect physical barriers, and install high-tech surveillance technology to prevent these undesirable individuals from crossing the border without proper documentation. However, this type of selective enforcement, which only targeted a fraction of the undocumented immigrant population, was not met with unanimous approval. The opponents of these enforcement-only measures were concerned about the racist implications of this approach. Jerrold Nadler (D-NY), for example, was convinced that H.R. 2202 was “more responsive to hysteria and prejudice than to reason and fact. Let there be no mistake: This Nation has every right and obligation to control our borders and to enforce our immigration laws. But

absurd boondoggles, like building a giant fence [...] and good old-fashioned Xenophobia have nothing to do with legitimate protection of our borders” (United States Congress, House, March 19, 1996). In addition, numerous politicians pointed out that increased border control efforts would have no effect on visa overstayers, who were much more likely to be non-Hispanic whites and Asians than undocumented border crossers.<sup>170</sup>

Several politicians thus argued that the U.S. needed to develop a reliable and convenient employment verification system that allowed employers to check on applicants’ work authorization. Since employment opportunities represented one of the main attractions for undocumented immigrants, Congress believed that these workers would refrain from entering the U.S. if they could not expect to find an employer who was willing to hire them.<sup>171</sup> Undoubtedly, employment was one of the major factors that needed to be considered in the immigration reform discourse. At the same time, however, employment was also one of the most controversial topics that divided Congress in several clearly distinguishable fractions. This division was not only based on politicians’ conflicting beliefs about the labor market and the proper form of governmental regulation, but it was also connected to the fact that many individuals, businesses, and entire sectors had benefited immensely from the presence of large numbers of low-wage workers who did not enjoy any effective legal protections.

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<sup>170</sup> Anthony C. Beilenson (D-CA), for example, reminded Congress that “in fact, to crack down on the more than 50 percent of illegal immigrants who come here legally and overstay their visas and remain often permanently, improving employer sanctions is essential, because we cannot obviously stop those immigrants from settling here permanently simply by improving border control” (United States Congress, House, March 19, 1996). On the same day, Bill McCollum (R-FL) argued that “the only way that we are going to stop people from coming here is by cutting off the magnet of jobs. No matter how many Border Patrol we put up on the border, and I am all for doing that, we will never completely stop it. Plus, about 50 percent or so of those who come here or were here illegally are visa overstays. They never crossed the border illegally in that sense, anyway, but they are here illegally” (United States Congress, House, March 19, 1996).

<sup>171</sup> For example, Anthony C. Beilenson (D-CA) maintained that in order “to succeed in reducing illegal immigration, we must do two things; tighten control of our borders and remove to the greatest extent possible the incentives that encourage illegal immigration. The most powerful incentive of all, Mr. Speaker, is the opportunity to work in this country.” Edward M. Kennedy (D-MA) agreed: “We must shut off the job magnet by denying jobs to illegal immigrants” (United States Congress, House, March 19, 1996).



In contrast to the debate about “criminal aliens” and welfare recipients, where it was relatively easy to vilify undocumented immigrants, the discourse about employment options was much more nuanced. While Congressional Debates had created an image that portrayed undocumented immigrants as an undesirable underclass of poor and uneducated individuals who were prone to crime and unlikely to develop into responsible neoliberal subjects, politicians were also very aware of the fact that their constituencies were, in many cases, dependent on this cheap and flexible labor force. In addition, protectionist policies, which categorically excluded large numbers of foreign workers, were difficult to reconcile with a neoliberal agenda that favored the globalization of trade as well as labor. Politicians were thus faced with the daunting task of justifying two seemingly conflicting objectives: convince the public that their measures were tough on crime and welfare abuse, while ensuring that labor-intensive sectors – such as agriculture – would have easy access to a continued supply of cheap labor.

As the following analysis will demonstrate, politicians argued that U.S. immigration policies should try to maximize the positive effects of labor migration, while eliminating the risks associated with admitting millions of undocumented workers who were not screened for their potential to develop into net contributors. In accordance with the larger neoliberal project, politicians thus developed a number of different economically profitable suggestions that would enable businesses to hire unskilled, low-wage workers for a limited period of time. While some politicians suggested that employers should try to rely on unemployed U.S. citizens, others claimed that it would be necessary to import these laborers from other countries. Even though there seemed to be an overwhelming consensus that these individuals were not suitable candidates for full membership in a neoliberal state, several reform proposals acknowledged that it might be beneficial to turn the current population of undocumented workers into *temporary*

laborers. Other discursive strands about crime and welfare abuse had already established that it would be irrational to reward these undeserving individuals with access to legalization and the benefits associated with legal permanent residency, and, eventually, citizenship. Hence, temporary work permits seemed to represent a rational response that would undoubtedly further neoliberal objectives.

Even though the discourse about undocumented immigrants as laborers was far from positive, it was certainly less accusatory than other discursive strands. This was also one of the rare instances where politicians acknowledged that undocumented immigrants were not the only ones who should be blamed for the current situation. Even some of the most outspoken critics of undocumented workers, such as Marge Roukema (R-NJ), admitted that “illegal immigrants may be the lawbreakers in this equation, but U.S. employers are often their accomplices, turning a blind eye and deaf ear to the issue” (United States Congress, House, May 24, 1995).<sup>172</sup> Congress had no illusions about the fact that some unscrupulous employers knowingly hired undocumented immigrants. Expert witness Michael Fix testified that, in many cases, domestic workers were not even asked for a work permit and Robert L. Bach made it very clear that some of the fake documents were so poorly made that any layperson would be able to determine that those papers were not legitimate.<sup>173</sup>

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<sup>172</sup> According to the Immigration Reform and Control Act of 1986, employers are required to verify that their employees are eligible to work in the United States. If they fail to do so, they are not just “accomplices,” but they are lawbreakers who can be charged a fine for hiring an unauthorized worker.

<sup>173</sup> Specifically, Fix said that “a large share of the illegal immigrant working population is working in the informal and not the formal sector of the economy. A lot of the employment of those illegal workers is consensual between the employer and employee, and in those cases, fraudulent documents wouldn’t be necessary. I consider, for example, domestic workers” (United States Congress, House, April 5, 1995). Robert L. Bach spoke in his position as the Executive Associate Commissioner of the INS. In response to Sonny Bono’s (R-CA) assertion that employers were the real victims, he said that “you’d be very surprised, if we could show you some of our investigations, at how bad the cards are when we find employers who knowingly and systematically hire illegal workers for certain types of businesses. So even though it is very possible to get through the system well, there are many employers out there who continue to hire illegal workers in a knowingly way” (United States Congress, House, March 30, 1995).

Despite these expert testimonies, however, some politicians continued to defend employers. Restaurant-owner Sonny Bono (R-CA), for example, felt that employers were the real victims of the proposed employment verification system. He emphatically asked: “Why us? [...] Why do I have to deal with all this and why am I the bad guy? I don’t want to be a bad guy. [...] All I want to do is sell pasta” (United States Congress, House, March 30, 1995). On a similar note, Ed Bryant (R-TN) proclaimed that “the majority of U.S. employers make every effort to ensure that they are complying with the law.” If they accidentally hired an undocumented worker, it was not their fault. In this opening statement, Bryant also defended the common practice of performing selective background checks on Asian (American) and Latino workers. He argued that “after having the wool pulled over his or her eyes a few times by an illegal immigrant masquerading as a legal citizen, you can begin to understand why an employer might tend to discriminate against those who fit the profile of an illegal immigrant” (United States Congress, House, March 3, 1995). In an interesting twist on the widespread concern about discriminatory hiring practices, Bryant implied that the immigrants themselves – and not the biased employers – were to blame for this situation.

Additionally, a bipartisan coalition from rural states such as Idaho, Oregon, Washington, North Dakota, Arkansas, and Georgia insisted that many agribusinesses were unable to attract documented immigrants and U.S. citizen workers. According to Representative Mac Collins (R-GA), the reason for this shortage of farm labor was obvious: “until we break the cycle of dependency on the Federal Government, there will continue to be a great need for seasonal agricultural labor.”<sup>174</sup> His colleague Jack Kingston (R-GA) agreed with this assessment and added that “in Glennville, GA, a small town in the First District that I represent, an onion farmer

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<sup>174</sup> In addition, Collins believed that “the U.S. Government’s welfare system has lowered the work ethic in many areas of the labor market and has almost ruined the farm labor. As a result of this shortage, farmers are forced to import laborers from other countries” (United States Congress, House, March 21, 1996).

told me recently that he pays \$ 9 an hour for people to pick Vidalia onions, but he cannot get Americans to do the work because they make too much money enjoying the public largesse that we call welfare reform” (United States Congress, House, March 21, 1996). Undocumented immigrants, on the other hand, had not yet been corrupted by the welfare state and were thus still willing to do hard physical labor for low wages. Therefore, undocumented farm-workers were sometimes portrayed as the ideal neoliberal subjects. They were eager to accept any job that was being offered, were flexible about moving from one position to the next, and, even more importantly, they were ineligible for all forms of long-term assistance. Due to these undeniable qualities, these mostly Mexican farm workers were perceived as economically desirable.

Representatives from farming states also believed that U.S. agribusinesses would not be internationally competitive without the cheap labor provided by undocumented workers.<sup>175</sup> Since agriculture was the biggest industry in many parts of the country, representatives from these regions were adamant that Congress needed to listen to their concerns and protect this sector from an uncertain future. According to these politicians, agriculture’s needs were a top priority. Senator Ron Wyden (D-OR), for example, argued that “first, we have to make sure that the U.S. agriculture industry is internationally competitive, and second, we have to make sure that American farmworkers are not displaced by foreign workers” (United States Congress, Senate, April 29, 1996).<sup>176</sup> Wyden was not convinced that higher wages and welfare reform measures that forced recipients to work would solve this problem. He argued that “we have to be realistic

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<sup>175</sup> Bob Goodlatte (R-VA), for instance, argued that “there is now a great surplus of domestic farm workers.” In addition, John Bryant (D-TX) claimed that “we have an American work force that can do this work.” At the same time, he admitted that “maybe they do not want to do it at dirt-level wages. Maybe they need to have their wages raised. But we have the people to do this work” (United States Congress, House, March 21, 1996).

<sup>176</sup> Along similar lines, Doc Hastings (R-WA) argued that his “constituents realize that our biggest industry – agriculture – must be protected” and Ron Lewis (R-KY) added that “again and again farmers tell me that one of the biggest problems they face is a willing and qualified work force. These jobs are mostly seasonal, temporary, and there simply are not enough domestic workers to do the hard work for short periods” (United States Congress, House, March 21, 1996).

that if we want to keep a competitive agricultural industry, these temporary, seasonal jobs are never going to make a person a millionaire; these jobs are always going to involve tough, physical labor, and they most likely aren't going to be filled by out-of-work engineers" (United States Congress, Senate, April 29, 1996). Realistically speaking, agriculture and several other labor-intensive sectors needed a cheap and easily exploitable workforce to generate the same high revenues into the future.

While Congress unanimously agreed that the U.S. government had a vested interest in keeping U.S. agriculture competitive, they were split over the ideal solution. As part of the neoliberal reform package, subsidies and other protectionist interventions were out of the question. Instead, Congress needed to find a way to create a flexible system that would regulate itself without much further governmental involvement. Yet in contrast to the widespread practice of hiring cheap workers without a work permit, this system should not only be officially authorized, but there should also be a strict procedure to dispose of those workers who were no longer needed. For many politicians, a guest-worker program represented the ideal solution.

On March 21, 1996, Richard W. Pombo (R-CA) thus introduced the "Temporary Agricultural Worker Amendments of 1996," which established a new temporary visa category for unskilled agricultural workers (H-2B visas). According to the Pombo amendment, agribusinesses would be allowed to petition for foreign workers after they established that they had been unable to hire an "able, willing and qualified United States worker." Employers had to pay "not less than the prevailing wage for similarly employed workers." However, the Pombo Amendment clarified that this provision "does not require an employer to pay by the method of pay in which the prevailing rate is expressed" (United States Congress, House, March 21, 1996). In other words, employers were allowed to pay a piece rate, deduct money for housing expenses,

and charge their workers for the food that they received. Even more importantly, employers had to establish a so-called “trust fund” to assure that the temporary workers would return to their home countries after their work permit expired. Each employer was expected to withhold 25 percent of the worker’s wages. This amount would only be made available to the worker after he had returned to his home country. As an additional insurance against possible problems and additional expenditures, Representative Pombo made it clear that H-2B workers would not be allowed to bring family members, were not eligible for public services, and were even expected to reimburse the government for any emergency medical services that they had received.<sup>177</sup> In short, the Pombo Amendment wanted to make sure that temporary workers did indeed behave like ideal neoliberal subjects who contributed to the system without ever burdening the U.S. taxpayer.<sup>178</sup>

Many politicians were appalled. Even though the majority actually agreed that, without some kind of guest-worker program, H.R. 2202 had the potential to cause a widespread labor shortage for agriculture and certain other sectors, not everyone was prepared to create a new class of disenfranchised workers. Kika de la Garza (D-TX), for example, admitted that:

under ordinary circumstances, I would be interested in supporting an amendment of this nature. [...] But in the spirit in which we are dealing here today, to me it is

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<sup>177</sup> Representative Richard W. Pombo (R-CA) described his own amendment in the following words: “My amendment supports and enhances immigration control. The increased employer sanctions already in H.R. 2202 for hiring illegals – coupled with strong incentives to leave this country when the growing season ends – creates a vast improvement over current law. Added to that is the mandatory withholding of 25 percent of the worker’s salary to be returned to his country of origin and collected when he returns” (United States Congress, House, March 21, 1996).

<sup>178</sup> Politicians who represented rural areas with many fruit and vegetable growers gladly embraced the Pombo Amendment. David Funderburk (R-NC), for example, believed that the new guest-worker program was an essential step towards ensuring the economic survival of countless farmers: “Without this Pombo amendment, our cucumber, sweet potato, tobacco and other farmers could be out of business, meaning a tremendous loss of food and jobs” (United States Congress, House, March 21, 1996). Other politicians painted an even more frightening picture. Helen Chenoweth (R-ID) reminded Congress that “without this amendment immigration reform could have the unintended consequence of causing a widespread labor shortage for American agriculture. That in turn could cause the industry to lose valuable markets to foreign competition and could cause hardships to millions of American consumers by raising the cost of the food they buy” (United States Congress, House, March 21, 1996).

insulting, it is demeaning. These will be indentured servants in the United States of America, indentured to individuals who will withhold under law 25 percent of their pay, maybe or maybe not get housing or be charged for housing or forced to buy it at the ranch store or the company store (United States Congress, House, March 21, 1996).<sup>179</sup>

Howard L. Berman (D-CA) took this rhetoric, which compared guest-workers to indentured servants, a step further. In particular, he was concerned with the reasoning behind the guest-worker program. According to Berman, the arguments that had been advanced by Pombo and his supporters “are the same arguments that were given to justify slavery before the Civil War. If we could find American, or in that case, free people, to do the work, we would not need to rely on slaves” (United States Congress, House, March 21, 1996). Hiring cheap unskilled workers, exploiting them for a short period of time, and discharging them as soon as the seasonal work was done, might be economically sensible, but for Berman it was an improper way for a wealthy first world nation to treat workers.

Several politicians felt that Pombo had taken the neoliberal logic a step too far. Ed Pastor (D-AZ), for example, believed that “the motive [...] is greed. That is the motive, greed. Right now with undocumented people, we are keeping the wages on the fields low. Once they are gone, we want to bring in guest workers to keep the wages low. It is greed” (United States Congress, House, March 21, 1996). However, the majority of Pombo’s opponents tried to prove that his amendment was in direct violation of some of the most important facets of the neoliberal reform project. These representatives were particularly troubled by the fact that the Pombo Amendment

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<sup>179</sup> In addition, Kika de la Garza (D-TX) argued that “one cannot say to people, you cannot bring your mother, you cannot bring your father, you have to speak English, you cannot come, we do not want you, get the dickens out of this country, but if you come to work temporarily when we can withhold 25 percent of your wages” (United States Congress, House, March 21, 1996).

encouraged the government to privilege one specific sector – agriculture – without affording the same rights and opportunities to other struggling industries. Esteban Edward Torres (D-CA) was not alone in his belief that agribusinesses had been the driving force behind this amendment. Torres felt that “agribusinesses want to circumvent the market system by carving out a giant government loophole in the immigration system. [...]. Instead of allowing them to bring in foreign workers with virtually no rights, agricultural employers should turn to market methods for recruiting American workers” (United States Congress, House, March 21, 1996). Other politicians added that a guest-worker program was not only inappropriate because it showed partiality towards the agricultural sector, but also because this kind of government intervention was in violation of the free market doctrine. According to Thomas M. Barrett (D-WI), it was “ironic that the proponents of this program who are pushing so hard do not want to rely on the time-tested notion of using the free market. This is a capitalistic society. If there is a shortage of workers [...]: Pay them more. Pay them more money, and they will come” (United States Congress, House, March 21, 1996). In an effort to illustrate that these protectionist measures were inconsistent with the neoliberal rhetoric about free markets, Representatives Torres and Barrett actually turned the Republican free-market doctrine against them and argued that Republican reform proposals had violated their own free-market agenda.

In addition, numerous politicians felt that Pombo’s eagerness to import 250,000 unskilled workers called the entire reform process into question.<sup>180</sup> For the last year and a half, Congress had attempted to find ways to reduce the number of immigrants in general and unskilled workers in particular. By March 1996, Congress had finally reached a point where the majority was ready

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<sup>180</sup> For example, Bob Goodlatte (R-VA) pointed out that “this program will let in 250,000 unskilled foreign workers a year. That is four times the number of skilled workers we are going to admit. We are limiting the number of visas for family reunification. What is the point if we create this new program? This flies in the face of evidence that there is now a great surplus of domestic farm workers” (United States Congress, House, March 21, 1996).



to sign off on a costly reform bill. The Pombo Amendment rendered all of these anticipated expenditures moot. After all, it made little economic sense to spend billions of dollars on border enforcement only to develop an expensive guest-worker program that would bring in the same people the INS was trying to keep out.<sup>181</sup>

On top of this questionable cost-benefit ratio, the Pombo Amendment also cast a damning light on politicians' ulterior motives and made them look hypocritical. Earl Pomeroy (D-ND), for example, voiced the following criticism: "There have been some in favor of immigration reform that want to have it both ways: Crack down on immigration, triple fence the border, but by golly, do not disrupt our ability to get that cheap supply of unskilled labor up from south of the border. They want to have it both ways, but you cannot have it both ways" (United States Congress, House, March 21, 1996).<sup>182</sup> Many politicians were also concerned what their electorate might think about this debate. George Miller (D-CA) believed that "this amendment must be rejected because it simply is ludicrous on its face. The American public watching this debate must wonder if we have lost our minds" (United States Congress, House, March 21, 1996). After a long, contentious debate, the majority thus decided that a guest-worker program did not represent the ideal solution to the anticipated labor shortage in certain industries.<sup>183</sup>

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<sup>181</sup> Xavier Becerra (D-CA) summarized this contradiction in the following terms: "We just finished a day and a half worth of debate, where we were talking about eliminating about 300,000 visas for U.S. citizens to be able to bring in their family members [...]. Now we are dealing with an amendment that says, 'Let us bring in 250,000 imported foreign workers to do work in our fields'" (United States Congress, House, March 21, 1996).

<sup>182</sup> Along similar lines, Thomas M. Barrett (D-WI) argued that "I find it ironic that we are hearing for the last 2 days how terrible it is that we have all these people coming into our country, we do not want these people in our country, we do not want these people who cannot pass an English test to come to our country. But we do want them if they will be cheap labor, we do want them if it is going to be easy for us to send them home like they are widgets at the end of a period of time" (United States Congress, House, March 21, 1996).

<sup>183</sup> The Pombo Amendment was rejected (180 Representatives voted for and 242 against the amendment, 9 Representatives did not vote). In response, Bob Goodlatte (R-VA) offered an alternative amendment that would have reformed the H-2A Program. This amendment was even less popular and was rejected by a wide margin (ayes 59, noes 357, not voting 15).

## 4.5 Conclusion

Even though the discourse about undocumented immigrants was inextricably linked with the debate about legal immigration reform, both of these discursive strands were characterized by different concerns and a different type of rhetoric. Even more importantly, politicians made a concerted effort to portray documented and undocumented immigrants not only as fundamentally different, but also as fierce competitors for the same jobs and benefits. In 1996, Congress passed a neoliberal reform package that reorganized the immigration system in such a way that it would conform to economic objectives. With regard to legal immigrants, however, Congress was careful to justify these reform measures with a positive-sounding rhetoric about historical commitments and family values. Undocumented immigrants, on the other hand, were not treated with the same kind of respect and understanding. For the most part, Congress did not hesitate to express their negative perceptions of undocumented immigrants in the most extreme terms. Throughout the debate, politicians described undocumented immigrants as welfare freeloaders, lawbreakers, dangerous criminals, terrorists, and public health risks. In short, undocumented immigrants were consistently characterized as an unassimilable, undesirable underclass.

Yet as the last section illustrated, unauthorized workers also filled jobs that many Americans were unwilling to do. Not only did immigrants' hard physical labor for extremely low wages allow agribusinesses to thrive, but many of these workers had also paid taxes, purchased goods, and helped to boost the economy. In many ways, unauthorized workers thus represented ideal neoliberal subjects. When discussing potential employment verification systems and guest-worker programs, Congress thus faced a dilemma: On the one hand, politicians had developed an intricate rhetoric that criminalized undocumented workers and explained why the U.S. government had a vested interest in excluding these individuals who were supposedly unfit to

become full-fledged members of the neoliberal state. If Congress wanted to remain true to their word and reduce the population of undocumented immigrants, they needed to consider a combination of different enforcement mechanisms, instead of solely focusing on border enforcement. On the other hand, Congress was also very well aware of the fact that agribusinesses and other labor-intensive industries would be extremely discontented if immigration reform eliminated their cheap labor force. Even though the Immigration Reform Act of 1986 had already established penalties for employers who violated immigration laws, the INS had rarely enforced these provisions, and the business lobby intended to keep it that way.

In the end, Congress caved in to these concerns. Yet instead of passing the Pombo Amendment, which would have taken the neoliberal reform project to its logical extreme, Congress chose a different route. The Conference Report on H.R. 2202 decreased employer sanctions and made it even more difficult to take legal action against companies who hired unauthorized workers. By establishing a new “intent standard,” which required the State Attorney to prove that a company had *knowingly* hired a person who did not possess the necessary work permit, Congress effectively created a new loophole for the business community. In light of these provisions, it is difficult to believe that the 104<sup>th</sup> Congress was truly committed to reducing the number of undocumented immigrants.

Yet even though the discourse about undocumented immigrants did not produce coherent reform measures that were committed to reducing the total number of undocumented workers, Congress did actually pass a bill that furthered the neoliberal reform agenda, while satisfying their constituencies. Throughout the legislative period, politicians created an image that made it very clear that undocumented Mexican, Central, and South American border crossers represented the real problem population. These individuals were portrayed as criminals, public health risks,

and as a threat to those law-abiding U.S. citizens who happened to live close to the U.S.-Mexico border. Visa overstayers, who were much more likely to be non-Hispanic whites and Asians, were not targeted in the same fashion. Without explicitly talking about race, Congress eventually managed to pass a reform measure that selectively targeted Latinos through increased border control. Many voters were thus convinced that the new immigration law, which eliminated legal protections and mandated the creation of highly visible border control efforts, would effectively exclude risk groups such as Muslim terrorists and Latino criminals, while continuing the economically profitable practice of labor migration.

## 5 RETHINKING IMMIGRATION POLITICS: THE MAINSTREAM MEDIA'S RESPONSE TO THE REFORM INITIATIVE

In November 1996, Annette Ha of San Leandro, CA sat down to express her growing frustration with the “hysterical, mean-spirited scapegoating” that informed political debates and media representations of immigrants (*San Francisco Chronicle*, November 9, 1996). In a letter to the *San Francisco Chronicle* (SFC), she wrote:<sup>184</sup>

I am an immigrant. According to many opponents of immigration who have received extensive coverage in the media: I am lazy; I refuse to speak English; I suck up welfare benefits; I am ungrateful; I am violent; I am uneducated. Basically, I contribute nothing to this country while taking much away from it. In reality, I am none of these things. I'm a college student. I follow the laws. I pay my taxes. [...] Unfortunately, I and millions of other law-abiding immigrants get lumped together in a faceless horde upon which American can place blame for any and all social and economic problems (*SFC*, November 9, 1996).

Instead of endlessly repeating the same stereotypical images, groundless accusations, and xenophobic attitudes, Annette Ha argued, politicians and journalists needed to make a conscious effort to foster a debate that was “rooted in rationality, common sense and compassion” (*SFC*, November 9, 1996). Annette Ha was not alone in her call for a more rational and evenhanded immigration discourse. By November 1996, newspapers across the nation had experienced a surge of letters and editorials that condemned the growing anti-immigrant climate.

At the same time, however, news media representations oftentimes reinforced negative perceptions of immigrants in general and undocumented workers in particular. In the aforementioned letter to the editor, Annette Ha used herself as an example to demonstrate that

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<sup>184</sup> The *San Francisco Chronicle* is hereafter referred to as *SFC*.

the ubiquitous anti-immigrant rhetoric was one-sided and, at least in her case, incorrect. As a tax-paying, law-abiding naturalized citizen, she was offended that the mainstream media frequently equated people like herself with the “faceless horde” of undocumented immigrants who had somehow failed to reach a similar level of personal achievement. To correct these common misperceptions and distinguish people like herself from less successful immigrants, Ha called for “a national study” and “real statistics” to produce “firm, unbiased numbers” (*SFC*, November 9, 1996).

As part of a concerted effort to decrease public expenditures, many experts tried to determine if immigrants represented a drain on the economy and the welfare system. Their methodology identified “risk factors” such as age, family status, education level, and financial assets, which could be used to predict an individual’s chances of developing into a “net contributor” to American society. Based on these criteria, many studies identified Latin American immigrants as a “problem” population. Due to the fact that this classification was backed up by statistical data, the results were commonly accepted as impartial and non-discriminatory. Even Annette Ha, who was adamant in her claim that not all immigrants represented a drain on the economy, never questioned the underlying belief that it was not only possible, but desirable to identify and punish those immigrants who had failed to live up to the neoliberal ideal of an active citizen who seeks to invest in his/her abilities and conduct his/her life as an enterprise. Ultimately, Ha’s rhetoric validated the general tendency to blame immigrants for their poverty and to downplay the importance of larger structural factors.

In *Brown Tide Rising*, linguist Otto Santa Ana demonstrates that texts like Annette Ha’s letter to the editor were characteristic of anti-immigrant discourse in the mid-1990s. His analysis of *Los Angeles Times* coverage between 1992 and 1998 revealed that immigrants from Latin

American countries were commonly equated with dangerous waters (tide, flood, wave etc.), described as animal-like, as invaders, a disease, or as a threat to America's national identity. Even articles that explicitly condemned racism, xenophobia, and mean-spirited anti-immigrant measures – like Ha's letter to the editor – tended to employ the same types of metaphors. They thus reinforced the public's negative perceptions of immigrants and left deep-seated stereotypes and anxieties unchallenged. According to Santa Ana, it is important to acknowledge that “these metaphors are not merely rhetorical flourishes, but are the key components with which the public's concept of Latinos is edified, reinforced, and articulated” (Santa Ana 2002, xvi).

In contrast to Otto Santa Ana's critical discourse analysis, my study of mainstream newspapers will not be limited to metaphors. Even though I agree with his assessment that “everyday metaphor [...] is a crucial measure of the way that public discourse articulates and reproduces societal dominance relations,” I argue that his insistence on the ubiquity of dangerous water, animal, and disease metaphors misses the more subtle strategies that make this particular discourse so powerful (Santa Ana 2002, 21). In particular, my analysis will demonstrate that the neoliberal discourse on immigration of the mid-1990s was radically different from earlier overtly racist discourses. Instead, journalists at respectable mainstream newspapers made a conscious effort to appear non-discriminatory and frame immigration reform measures as necessary attempts to make a costly system more economically efficient. Although I agree with Santa Ana's claim that “contemporary U.S. public discourse on minority communities is oppressive,” I will demonstrate how the media discourse disguised its racist effects by mostly refraining from the personalized attacks and overt racism that characterized earlier immigration discourses (Santa Ana 2002, 11).

The following two chapters will examine the mainstream media discourse on immigration and immigrants in 1995-96 – the same years as the congressional debates analyzed in the first two chapters. My analysis will focus on three major newspapers: *The New York Times* (NYT), *The San Francisco Chronicle* (SFC), and *The Houston Chronicle* (HC). This chapter looks at the way the mainstream media discourse, as exemplified in the *NYT*, *HC*, and *SFC*, interacted with the Congressional discourse. (The next chapter will focus on the use of human interest stories and the role that these stories played in the larger discourse.) In the first section of this chapter, I will look at the media coverage of immigrants' access to public education and the controversy over immigrant-specific programs such as bilingual education. Since this discursive strand was explicitly concerned with federal as well as local policies, articles oftentimes contained an explicit commentary on Congressional Debates and local politicians' opinions. In addition, the education controversy represents a prime example of the neoliberal logic that was used to disguise the power relation that underlay the deployment of these policies and the social inequalities that would be produced by these seemingly impersonal reform measures. The second section will examine the media discourse about racism, discrimination, and the role of language. I will show how several editorial pieces provided a thoughtful analysis of the immigration discourse and, in some cases, explicitly criticized politicians' anti-immigrant rhetoric. The chapter concludes with an examination of the media backlash against a local politician who neglected to frame her anti-immigrant sentiments in racially neutral terms.

## 5.1 The Immigration Discourse in Different Local Contexts

According to Otto Santa Ana, discourses are deeply grounded in “the articulated social order to which people are normally oblivious” (Santa Ana 2002, 18). In the context of the



immigration discourse, for instance, most Americans believed that it was just common sense that the U.S. protect its border and select only the “best and the brightest” immigrants. Even though there were conflicting suggestions for how exactly the U.S. government should translate these fundamental beliefs into public policy, the discourse rarely questioned the general validity of these common sense beliefs. Michel Foucault has discussed this basic understanding of the social order as the discursive production of “truth.”<sup>185</sup> According to Foucault, a society’s fundamental beliefs about the social order are linked in a circular relation with the discourse itself. Hence, there is an inherent connection between truth, power, and discourse. Foucault wrote that:

there are manifold relations of power which permeate, characterize and constitute the social body, and these relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse. There can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of this association. (Foucault, “Two Lectures” 1976, 93)

Foucault’s work shows how historically specific bodies of knowledge are produced and circulated. Importantly, political practice cannot simply overthrow these established “truths,” it can only invest them with new meanings, cite new evidence, and produce new connections. Practices of government are thus not simply informed by specific bodies of knowledge, but governments use discourse as a technology of power that categorizes, manages, and shapes subjectivities.

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<sup>185</sup> In “Truth and Power,” for instance, Foucault explains that it is his understanding that “truth” is a broader and more fundamental concept than “ideology.” He writes that “this regime [of truth] is not merely ideological or superstructural; it was a condition of the formation and development of capitalism” (Foucault 1976, 74). See also Foucault, *The Archeology of Knowledge* (1972) and “Two Lectures” (1976).

While Foucault was primarily concerned with the production of truth in specific historical contexts, such as the development of the French penal system in the early 19<sup>th</sup> century, Nikolas Rose uses Foucault's theories to examine how neoliberalism linked various bodies of knowledge, "integrating them *in thought* so that they appeared to partake in a coherent logic" (Rose 1999, 27). Rose is thus primarily interested in the larger political rationalities that inform a variety of reform initiatives in the present historical moment. According to Rose, these rationalities can be described as "discursive fields characterized by a shared vocabulary within which disputes can be organized, by ethical principles that can communicate with one another, by mutually intelligible explanatory logics, by commonly accepted facts, by significant agreement on key political problems" (Rose 1999, 28). This neoliberal – or, as Rose labels it, advanced liberal – logic seeks to restructure social government along economic lines. Under neoliberalism, the conception of the citizen is transformed. In particular, citizens are expected to behave as consumers. An ideal neoliberal subject "was to conduct his or her life, and that of his or her family, as a kind of enterprise, seeking to enhance and capitalize on existence itself through calculated acts and investments" (Rose 1999, 164).

My analysis of congressional debates applied Nikolas Rose's work on neoliberalism to a specific reform initiative in order to demonstrate how a neoliberal consensus framed the 1995-96 immigration discourse. Not only did politicians make policy recommendations intended to further neoliberal objectives, they also couched their support as well as their opposition to certain provisions in neoliberal terms. In short, policies were desirable if they made the immigration system more economically profitable and undesirable if they privileged immigrants with little potential to develop into self-sufficient neoliberal subjects. Sometimes, this neoliberal logic was backed by a variety of other "truths" – such as the insistence that immigrants adhere to

heteronormative family values and the concern about potential threats to our national security – but the underlying neoliberal framework was never explicitly questioned or discussed.

While the mainstream media discourse on immigrants and immigration replicated similar neoliberal arguments, it simultaneously expanded neoliberal logic and made explicit connections to other widely accepted truths and objectives. As one of the most important sources for the public's understanding of politics, the economy, and changing social relations, the news media is expected to produce factual, many-sided, and non-discriminatory coverage. Highly regarded newspapers like *The New York Times*, *The San Francisco Chronicle*, and *The Houston Chronicle*, in particular, are known for their relatively moderate positions. However, newspapers not only provide up-to-date information, they also attempt to package the information in a way that is interesting and entertaining for readers. Events, issues, and political developments that are deemed to be of interest to many readers are thus covered much more extensively than those issues that do not allow for engaging stories.

Not surprisingly, then, mainstream media coverage did not necessarily focus on those aspects of immigration that elicited the most controversial debates in Congress. For instance, even though immigration reform measures received widespread media attention in 1995-96, there was almost no coverage of the controversy over the sponsors' escalating financial responsibilities, the restructuring of the family preference category, and the increasingly harsh treatment of "criminal aliens." In contrast, all three papers published dozens of articles, editorials, and special reports about asylum claims by African women who had escaped female genital mutilation, a topic that elicited comparatively little debate in Congress. In addition to these significant differences between legislative discourse and the media discourse, there were also considerable regional variations and stylistic differences between the three newspapers. In

particular, the balance between factual information and entertaining background stories varied from paper to paper and from topic to topic.

As mentioned before, my analysis will focus on *The New York Times*, *The San Francisco Chronicle*, and *The Houston Chronicle*. I selected these particular papers because of their locations and their wide circulation. As one of the most widely distributed newspapers in the nation, the *NYT* reaches a large and comparatively diverse audience across the U.S.<sup>186</sup> In addition, it is based in New York, the largest city on the east coast and home to the largest number of immigrants outside of California and Texas. According to the 2000 Census, metropolitan New York had 9,314,235 inhabitants, 33.7 % of whom were immigrants from a wide variety of countries. Approximately 23.5% of NYC's immigrants came from Asia, 20.2% from Europe, 14.1% from South America, 8.9% from Central America, and 29% were of Caribbean descent. Due to the diverse nature of this immigrant population and to the fact that 42.2% of those immigrants had arrived within the last 10 years, it was to be expected that the *NYT* would contain extensive coverage of local and national immigration-related concerns.

In comparison, the immigration coverage in the *SFC* and the *HC* had much more of a regional focus. The *HC* was selected because it is the local newspaper in Texas's most populous city with the largest and most diverse immigrant population.<sup>187</sup> In contrast to San Antonio and El Paso, where Mexicans constitute, respectively, 73.2% and 92.1% of the immigrant population, metropolitan Houston is home to almost one million immigrants from all over the world. Even though Mexicans represent the largest proportion (50.6%), 12.5% of all foreign-born

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<sup>186</sup> According to *Editor & Publisher, International Yearbook 1996*, the *NYT* ranked third on the list of most widely circulated newspapers in 1995. On September 30, 1995, the date *Editor & Publisher* used to create their rankings, the *NYT* sold 1,081,541 copies. Only the *Wall Street Journal* (1,763,140 copies) and *USA Today* (1,523,610) had higher circulation numbers.

<sup>187</sup> *Editor & Publisher, International Yearbook 1996* ranked the *HC* on place nine on their list of most widely circulated newspapers. On September 30, 1995, the *HC* sold 541,478 copies, more than any other newspaper in Texas. The *Dallas Morning News* ranked eleventh (500,358), and the *Forth Worth Telegram* (225,080) and the *San Antonio Express News* (221,556) came in 49<sup>th</sup> and 50<sup>th</sup>, respectively.

Houstonians migrated from other Central American countries, 21.1% are Asian, 5.2% European, and 2.3% are of Caribbean descent. A remarkable 48% of those immigrants had moved to Houston, one of the nation's fastest growing metropolitan areas, within the previous decade.

California, on the other hand, has long served as a destination for immigrants. By 1995, however, California had also experienced a violent backlash against undocumented immigrants, especially those of Mexican descent. Proposition 187 and the media frenzy that surrounded its passage in November 1994 had made national headlines and continued to influence the immigration discourse in 1995-96. Much of the immigration discourse in Southern California, where Mexican nationals constituted by far the largest immigrant group, was thus focused on the controversy surrounding undocumented immigrants from Mexico.<sup>188</sup> Yet since my analysis is primarily interested in the way that national, racial, gender, and class differences between different immigrant groups informed the discourse, I decided to concentrate on San Francisco, rather than Los Angeles or San Diego.<sup>189</sup> Due to its historical ties with Asia, San Francisco was home to a much more diverse immigrant population than metropolitan areas in the southern part of the state. According to the 2000 Census, Asians constituted 51.7% of the foreign-born population in San Francisco, including 124,511 Chinese, 75,571 Filipinos, and 20,771 Vietnamese immigrants. An additional 14.6% of immigrants in San Francisco came from Mexico, 10.6% from other Central American countries, and 14.2% from Europe.

As the most widely-read of the nation's "papers of record," the *NYT* contained the most extensive and varied coverage on immigrants and immigration reform measures. According to a

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<sup>188</sup> According to the 2000 Census, San Diego was home to 606,254 immigrants, 48.3% of those from Mexico. Los Angeles had almost 3.5 million immigrants. 44.2% had migrated to LA from Mexico, 13.9% came from other Central American countries, and 29.6% came from Asia.

<sup>189</sup> The *SFC* was also one of the most widely circulated newspapers in California. On September 30, 1995, the *SFC* sold 489,238 copies and was thus ranked on place thirteen by *Editor & Publisher, International Yearbook 1996*. The *Los Angeles Times* was the only newspaper in California with higher circulation numbers (1,012,189).

keyword search on Lexis-Nexis, the *NYT* published more than 2,500 articles, editorials, and letters that dealt with some aspect of immigrants' lives and their impact on U.S. society in a matter of two years (between January 1995 and December 1996). Congressional politics, presidential elections, and candidates' opinions about immigration reform were of particular importance. Not only did the *NYT* provide factual information about bills and amendments, but journalists oftentimes commented on the political discourse itself. The *NYT* coverage of congressional and presidential politics was thus not only interested in *what* was said, but also in *how* it was said. For example, when Representative John L. Mica (R-FL) compared welfare recipients to alligators and Barbara Cubin (R-WY) added a story about "the wolf welfare program," the *NYT* immediately pointed to the fact that "today's debate featured a veritable menagerie of animal imagery" (*NYT*, March 25, 1995).<sup>190</sup>

The *NYT* also questioned *why* politicians were so keen on taking a tough stance on immigrants and portraying them in such a negative light. Journalists argued that lobbyists and public opinion polls exerted influence over individual politicians and party platforms. In addition, the *NYT* coverage showed how politicians focused their efforts on divisive issues, such as immigration reform, to win public approval. On rare occasions, the *NYT* even commented that political debates were linked to and informed by the media discourse. Interestingly, several politicians participated in the *NYT* discourse on immigration. Governor George W. Bush (R-TX), Senator Joseph E. Lieberman (D-CT), Congressmen Elton Gallegly (R-CA) and Pete Wilson (R-CA), and Jack Kemp, a former Republican Representative and Housing Secretary, authored

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<sup>190</sup> A few days later, the *NYT* added a special report about the impact that work requirements would have on certain welfare recipients. This report came back to the controversial comments about wolves and alligators. Journalist Sara Rimer wrote: "Recently, even as some Republicans in Washington were comparing welfare recipients to alligators and wolves in captivity who become dependent on food handouts, 21 welfare mothers were attending their first GAIN-sponsored Job Club meeting in Chula Vista, just south of San Diego" (*NYT*, April 10, 1995). Several participants critically interrogated the notion that they were "dependent" on benefits.

editorials. Texas Senators Phil Gramm (R-TX) and Kay Bailey Hutchison (R-TX), and Representatives Peter T. King (R-NY), Robert G. Torricelli (D-NJ), and Nydia M. Velázquez (D-NY), among others, wrote letters to the editor.

In addition to this explicit focus on congressional politics, the *NYT* printed a significant number of articles that showed how immigration and immigrant policies were put into action. The *NYT* was particularly concerned about immigrants' access to public education, terrorism, and the emergent industry of private detention centers, which were used to detain asylum seekers as well as "criminal aliens." Other topics that received a fair amount of attention in the *NYT* included human trafficking, cases of involuntary servitude in sweatshops and brothels across the nation, as well as organized crime in certain immigrant communities.

Even though there was a lot of overlap with the immigration-related coverage in the *SFC* and the *HC*, these two papers set different priorities. The *HC*, in particular, was much more interested in Texas-specific concerns and local matters. For example, the Houston Livestock Show and Rodeo's decision to deny non-citizens the right to apply for their scholarship program and a Texan immigration court's refusal to grant political asylum to a group of Sikhs were discussed in dozens of articles. Naturally, border patrol efforts, the proposed border crossing fee, and America's relationship with their Mexican neighbors warranted extensive coverage in Texas. In addition, the *HC* was concerned about Texas's dependence on immigrant labor. A significant number of articles focused on employment verification efforts, which were usually dismissed as impractical and overly invasive, and on local reactions to the increasing number of day laborers.

The *HC* reporting on immigrants, even more than the coverage in the other two papers, was also characterized by a fundamental ambivalence. On the one hand, Texans were clearly apprehensive of the influx of poor, unskilled, non-white immigrants who used public services

and sent their children to public schools. On the other hand, however, the *HC* also acknowledged that immigrants, even those without work permits, represented an integral part of the economy and, at least to some extent, the community. Hence, the *HC* was much more inclined to grant amnesty to undocumented workers and allow low-skilled workers to enter the U.S. under a new guest-worker program. This seemingly generous position, however, did not necessarily reflect progressive attitudes or journalistic integrity. Instead, it might be read as a pro-business agenda that mitigates an otherwise conservative approach to social issues and welfare policies. In comparison to the *NYT* and the *SFC*, the *HC* also contained the highest percentage of human interest stories about undocumented immigrants and workers who had been legalized under the 1986 Immigration Reform and Control Act. The majority of these articles were sympathetic to their plight while reinforcing the notion that undocumented immigrants represented an unassimilated underclass in American society.

The *SFC* published comparatively few articles that dealt with immigrants and immigration. In this 24-month-period, there were only about 500 articles, editorials, and letters to the editor. Most of these texts were also significantly shorter and less analytical than the reporting in the two other papers. There were less than a dozen human interest stories about individual immigrants and their families and very few examples of the impact that immigrants had had on local communities. Coverage of congressional debates and legislative changes was brief and factual, with little commentary or additional information. With two noteworthy exceptions – their explicit condemnation of racism and discrimination and their generous attitude towards homosexual immigrants – the *SFC* rarely took a firm stand on controversial issues. Articles about these two issues, however, contained some extremely important commentary on



society's prejudices and the way that these prejudices informed people's attitudes, legislative decisions, and the media discourse on immigration.

## 5.2 Media Coverage of the Education Controversy

By the mid-1990s, many Americans firmly believed that their public education system had reached a crisis point. Parents across the nation complained about overcrowded classrooms, apathetic teachers, and disappointing test scores. Whereas inner city schools faced the consequences of decades of under-funding, many historically white, middle-class school districts had just started to experience an increasing influx of minority families and reacted with a combination of fear and anger. In Hartford, CT, for example, white parents protested racial balance laws that required schools to become more “integrated” (*NYT*, January 23, 1995); in Aptos, CA, wealthy white parents tried to split their school district into two parts – “one 80 percent white and enjoying plenty of elbow room, the other 85 percent minority and severely overcrowded” (*SFC*, January 18, 1996) – and in Westbury, Long Island, a frustrated teacher was sent to jail after he had purposely closed the classroom door on a Haitian student, who lost part of his finger in the incident (*NYT*, January 8, 1995). A multitude of similar confrontations and the extensive coverage they received in the local and national news media heightened the sense that there was a widespread education crisis.

The mainstream media unanimously agreed that overcrowded schools represented a “problem.” Based on the testimony of various “experts” – such as teachers, administrators, and parents – the media constructed an alarmist image of this crisis. Every once in a while, critics questioned whether the severity of the education crisis had been blown out of proportion. Mayor Rudolph W. Giuliani, for instance, told the *NYT* that “there were misconceptions about school

overcrowding in New York City” and admitted that “the number of children without desks was not nearly as substantial as reported by news organizations” (*NYT*, September 15, 1996). Yet even this type of analysis, which was the rare exception in the larger discourse, did not question the idea that there was indeed a crisis, it only attempted to adjust some relatively minor details. The media not only took it for granted that the U.S. was experiencing an education crisis but they also agreed that immigrant students represented one of the primary culprits.

By 1995, it was not even necessary anymore to provide evidence for these widely accepted “truths.” Instead, authors matter-of-factly stated that “the crunch [...] resulted from a combination of higher birth rates and expanding immigration to the city” (*NYT*, January 31, 1995) and that “enrollment growth, mostly due to immigration, continues to outpace school construction” (*NYT*, September 5, 1995). This factual language seems to leave little room for disagreement and obscures the fact that there is no natural cause-and-effect relation between increasing numbers of immigrant students and overcrowded schools. After all, more residents also meant more tax revenues, more funding for schools, more job opportunities for teachers, administrators, and staff, as well as an opportunity to create newer and better schools with more foreign-language options. Potentially, everyone could have profited from the newly-arrived immigrants.

Yet once a combination of seemingly objective data and expert testimony had established that immigrant students were not an asset but a burden on the nation’s school system, the media continued to reinforce this perception with a series of articles about students without desks, classes in stairways, and offices in boy’s lavatories. This focus on the most extreme cases of school overcrowding was underlined by alarmist language that routinely described the influx of

immigrant students as “surges,” “streams,” and “floods.”<sup>191</sup> According to Otto Santa Ana, who identified similar quotes as “dangerous water” metaphors, this semantic has serious implications: “Treating immigration as dangerous waters conceals the individuality of the immigrants’ lives and their humanity. In their place a frightening scenario of uncontrolled movements of water can be played out with *devastating floods and inundating surges* of brown faces” (Santa Ana 2002, 77, his emphasis).

While my sample confirms the claim that water images played an important role in the media coverage of immigrant students, I did not find evidence to substantiate Santa Ana’s thesis that these metaphors specifically targeted Latino immigrants. Admittedly, these differences in representation might be, at least in part, based on geographical differences. Since Santa Ana focused exclusively on the *Los Angeles Times*, it is hardly surprising that his data contained more references to Latino immigrants in general and Mexican Americans in particular than the *SFC* or the *NYT*. However, I contend that Santa Ana’s narrow focus on metaphors ultimately prevented him from recognizing the complexity of the immigration discourse. While his tables, statistics, and lengthy lists of quotes are certainly impressive, I believe that the mainstream media discourse was much more subtle in its racism than Santa Ana’s analysis suggests.

Among other things, Santa Ana’s approach cannot account for the frequency in which journalists commented on racial differences quite explicitly, without relying on metaphors. In all three papers, journalists commented on specific nationalities that were either described as

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<sup>191</sup> Consider the following examples:

- (1) A surge of immigration has led to the worst school overcrowding in four decades (*NYT*, September 14, 1996)
- (2) School officials said enrollment has surged partly because of immigration of young families from the Dominican Republic, Mexico and Asia (*NYT*, September 6, 1996)
- (3) The overcrowding is a result of a combination of factors: immigrants flooding into the system, the effects of a miniature baby boom, fewer students dropping out and the failure to build new classrooms in time to accommodate the overflow (*NYT*, September 5, 1995)
- (4) “They are coming to register in droves,” said Phyllis Gonon, the Superintendent of District 18, citing a stream of immigrants from Russia, Poland and the Caribbean (*NYT*, September 6, 1996)

“model minorities” or, at the other end of the spectrum, as unprepared and maybe even incapable of succeeding. *NYT* writer Doreen Carvajal, for instance, juxtaposed desirable and undesirable immigrant groups:

There are suburban school districts that smoothly absorb immigrants, particularly wealthy students with advanced skills, like many Japanese in Scarsdale or Iranians in Great Neck, L.I. Westbury also had few difficulties with earlier Haitian arrivals, many of whom had been through elite schools in their country. Then came the most recent group, impoverished students from El Salvador or Haiti, who frequently did not know how to read or write in their own languages. (*NYT*, January 8, 1995)

Through articles like these, the news media made it clear that it was not immigrant students per se who had caused the current education crisis, but lower-class newcomers from Latin America and the Caribbean. Stories about neighborhood conflicts, redistricting efforts, and resistance to bilingual programs focused almost exclusively on students from Mexico, Haiti, the Dominican Republic and El Salvador. In contrast, positive examples of overachievers and families who were committed to a strong work ethic and willing to invest in their children’s education most frequently cited Asian immigrants. The *NYT*, for example, reported on the flourishing industry of elitist “cram schools,” which prepare Asian American students for Ivy League universities (*NYT*, January 28, 1995) and the *HC* published numerous articles on the Houston Livestock Show and Rodeo’s new citizenship requirement for their scholarship program, which resulted in the denial of a \$10,000 award to an Asian honors student (*HC*, March 23 and April 12 1996).<sup>192</sup>

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<sup>192</sup> The *NYT* reported about the case on May 12, 1996. In addition, there were numerous special reports on individual families. For example, the *HC* gave an account of the Vietnamese-born Truong family, whose children had all attended the University of Texas and were now established in technical, white-collar jobs (*HC*, Claudia Feldman, October 1, 1995). The next chapter will provide an in-depth analysis of these types of stories and their references to specific races and nationalities.

While these distinctions reinforced existing racial stereotypes, they also assumed a new function within the emerging neoliberal immigration discourse. Doreen Carvajal's comment, for instance, emphasized the interconnections between nationality, class, and education and the effects that these factors had had on different communities. In many ways, her portrayal represented a fairly accurate assessment of the social inequalities that characterized the U.S. education system. Due to persistent residential segregation along race and class lines, there were immense funding differences between individual school districts. It is thus hardly surprising that a few well-educated immigrant students coming into wealthy suburban school districts were much easier to deal with than a lot of poorly educated immigrants coming into over-crowded, under-funded inner city schools.

Yet despite these obvious racial inequalities, the media tended to frame this "problem" in race-neutral terms and understate the importance of structural inequalities. In accordance with the larger neoliberal project, Carvajal implied that the "impoverished students from El Salvador or Haiti" had failed to succeed because they were inadequately prepared for the intellectual tasks they were asked to perform. In the context of the larger debate, this comment was perceived as a factual assessment of an individual's potential to develop into a productive neoliberal subject, not as a prejudiced comment on a certain racial or ethnic group. Even though Carvajal mentioned two specific nationalities, her focus on individual merit and lack of schooling downplayed the role of race and disguised the role that social inequalities played in this context.

In contrast, wealthy Iranian and Japanese students were portrayed as particularly desirable because they were equipped not only with skills necessary to succeed, but also with a particular mindset that drove them to work even harder. Hence, they were seen as deserving of additional resources and support. This positive portrayal was firmly embedded in the larger

discursive framework and its understanding of the proper allocation of financial resources. The dominant neoliberal framework required that funds be made available to those people who had the most potential to develop into self-sufficient neoliberal subjects. In other words, the state should invest in those people who would eventually return the investment with a considerable interest. The selection of these promising individuals was backed with statistics and scientific research that measured indicators for success. Within this neoliberal logic, selection criteria were commonly described as racially neutral and non-discriminatory. If certain groups outperformed others, this was not the system's fault but the logical result of a group's superior abilities and efforts.

Even though newspapers sometimes acknowledged that discrimination might play a role in a student's chances for success, these concerns were usually outweighed by the strong belief in a framework that stressed individual merit over structural factors. The mainstream media's tendency to focus on individual stories discouraged journalists from interrogating the validity of this interpretative frame. Even though special reports and personal testimonies of successful immigrant students were meant to add a human perspective and emphasize some laudable achievements, they had another, much more problematic effect in the context of the larger discourse.<sup>193</sup> By providing a multitude of personal success stories without much reference to the structural factors that had enabled these particular students to thrive, the mainstream media fostered the belief that scholastic performance was only determined by individual merit. By focusing on specific groups, most notably Asian Americans, the news media also validated the existing belief that some groups were more prone to success than others.

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<sup>193</sup> In some cases, the authors actually commented on their use of personal stories and rationalized this approach. In October 1996, for instance, the *HC* published a 10-part series that followed the lives of four Hispanic families. The authors, Thaddeus Herrick and James Pinkerton claimed that this was an effective way "to illustrate the challenges facing today's inner-city Hispanic immigrants and also to put a human face on the larger immigration debate" (*HC*, "Out of the Shadows – About this Report," October 20, 1996).

Polls demonstrate that many readers already believed that Asian immigrants were less threatening, more successful, and thus ultimately more desirable than Latinos. As part of a special 10-part series about immigrants who had gained amnesty in 1986, for example, the *HC* conducted a series of telephone interviews of 828 adult Texans. The results are interesting on a number of levels. While authors Thaddeus Herrick and James Pinkerton asserted that most Texans had a fairly positive attitude towards immigrants and immigration, they also found that there was a huge gap between Texans' perception of Asian and Hispanic immigrants. According to their interviews, "nearly half of all Texans say Hispanics are 'very or extremely likely' to cause higher taxes, [...] while one-quarter say the same about Asians. Similarly, Texans are more likely to believe Hispanics, rather than Asians, cause an increase in crime and cause the quality of education to decline" (*HC*, October 20, 1996).<sup>194</sup> Yet despite these striking differences, Texans did not think of themselves as prejudiced or even racist. To the contrary, the majority portrayed themselves as open-minded and welcoming of other cultures. Asked whether the growing number of Hispanics would improve American culture and add positive ideas and customs, for instance, 77.6 % responded that this was at least somewhat likely.<sup>195</sup>

This type of reasoning is symptomatic of the larger discourse about immigrants and immigration. While American citizens, their elected officials, as well as the media were very willing to celebrate diverse cultures and commend the increasing availability of ethnic

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<sup>194</sup> In response to the question "How likely is it that the growing number of Hispanic immigrant children will cause the quality of education in public schools to decline," 25.2% of all people responded that this was extremely or very likely, 33.4% found this somewhat likely, whereas 41.5% thought that this was not at all likely. Anglo readers had the most negative attitudes (27.5% answered "extremely or very likely" and 35.3% picked the "somewhat likely" category). Not surprisingly, Hispanics had a much more positive attitude: only 18.9% thought that this outcome was extremely or very likely, 28% deemed it somewhat likely, and 53% thought that this was not at all likely (*HC*, "Out of the Shadows – Poll: Language and Education," October 20, 1996).

<sup>195</sup> Not surprisingly, Hispanic respondents had the most positive attitude towards this cultural transformation: 89.3% said that these positive changes were likely to occur. Interestingly, however, the majority of black and white respondents agreed. 71.5% of blacks and 74.9 % of whites thought that Hispanic immigrants were at least somewhat likely to exert a positive influence over American culture.

restaurants, festivals and music styles, they were much more reluctant to accept fundamental change and translate this abstract appreciation to other areas. Immigrants were expected to *add* their unique contributions to dominant culture, not to transform it. Oftentimes, even the most celebratory articles made it clear that immigrants needed to adapt to American culture and adopt “our” customs, traditions, and, most importantly, the English language.

One particularly interesting discursive strand focused explicitly on the future of the English language. Encouraged by the widespread anti-immigrant climate, numerous states had started to discuss English-only laws. These laws were not only meant to declare English the official language, which would have been little more than a symbolic act, but some also contained provisions to terminate bilingual education programs and to prevent the publication of official documents in languages other than English.<sup>196</sup> Proponents of these English-only bills justified their proposals with a rhetoric that intertwined economic considerations, assimilationist arguments, and an appeal to many people’s fears about a racially, ethnically, and linguistically diverse group of new immigrants. From this perspective, it was not sufficient for immigrants to learn English, but they were expected to abandon their own language in the process. The “problem” was not that certain parts of the immigrant population did not make enough of an effort to learn English, but that they continued to use their first languages in their daily interaction with people of their own nationality. To support this view, English-only advocates repeatedly invoked the problematic “melting-pot” metaphor and claimed that the English language served as a “glue” to hold this nation together. Consider the following examples:

- (1) Most Republicans contended that the United States, a melting-pot nation of immigrants, was becoming dangerously segregated into linguistic ghettos, which the

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<sup>196</sup> Please note that not all English-only policies demanded to put an end to bilingual education. However, since these two issues were inextricably linked within the larger discourse, the following section will examine them simultaneously.



- Federal Government increasingly accommodated with documents, ballots and classes in languages other than English (*NYT*, August 2, 1996)
- (2) For generations, [Toby Roth (R-WI)] said, immigrants by choice or necessity learned English and turned the United States into a “melting pot.” Now, [...] the United States, he says, is turning into a “salad bowl.” “We want to keep our nation one nation, one people,” he said. “We need to keep our commonality, our common glue.” (*HC*, September 10, 1995)
- (3) “Insisting that all our citizens are fluent in English is a welcoming act of inclusion, and insist we must,” [Bob Dole] said. “We need the glue of language to help hold us together” (*NYT*, September 5, 1995)
- (4) Let us adopt a national language law. It will serve as the glue to hold together our culturally and racially diverse society. (*NYT*, November 30, 1995)

These quotes were based on a number of problematic assumptions. On the most basic level, the authors implied that the United States did indeed have an easily identifiable common culture that was holding the nation together and that needed to be protected against foreign influences. Since this was accepted as a “truth” that had been established by related discourses, no one deemed it necessary to provide further explanation. Interestingly, this insistence on a shared culture was not commonly perceived as a racist comment. Even though the context made it fairly clear that these remarks targeted Spanish-speaking immigrants from Central and South America, the neoliberal discourse made a distinction between “racist” comments, which attacked *people* of color, and those remarks that attacked foreign *cultures* and *languages*.

In addition, those people who wanted to preserve Western cultural hegemony were usually in denial that this was essentially an effort to protect white privilege. Presidential

candidate Bob Dole (R-KS), for instance, emerged as one of the most outspoken critics of bilingual as well as multicultural education. Quoting his address at the 77<sup>th</sup> national convention of the American Legion, the *NYT* wrote that Dole had called for a stop to “the practice of multilingual education as a means of instilling ethnic pride or as a therapy for low self-esteem or out of elitist guilt over a culture built on the traditions of the West” (*NYT*, September 5, 1995). The article continued that “somewhat in the same vein, Mr. Dole also condemned history courses that heavily emphasize national shortcomings, particularly past treatment of minorities” (*NYT*, September 5, 1995). Dole’s insistence on fairness and balance was a particularly effective strategy to produce racist effects with seemingly neutral language. Not only did Dole’s comments dismiss his political opponents’ efforts to develop a more inclusive and multi-faceted history education as propagandistic, but he also portrayed his own approach as racially balanced and non-discriminatory.

This type of rhetoric not only impressed the conservative audience at the American Legion Convention, but it also resonated well with many voters who were anxious about a perceived loss of privilege. What is remarkable about white Americans’ belief that they had become an oppressed minority is the fact that this attitude was not just limited to the far right of the political spectrum, but it also included people who were actually opposed to Bob Dole’s views. In response to the aforementioned article about the American Legion address, for example, Thomas L. Friedman wrote that it was unfortunate that Senator Dole had raised “a hot-button issue to revive his campaign” (*NYT*, September 10, 1995). According to Friedman, Dole’s choice “to play on the patriotism of the American Legion and the fear of new immigrants” would only further divide the country (*NYT*, September 10, 1995).

Yet despite this call for moderation, Friedman's personal examples helped to validate Dole's claim that white men were under attack and needed to defend themselves. Friedman wrote that he had been approached by many teachers who complained about the fact that "it was not 'politically correct' for them to [criticize multilingual education] at their schools because multicultural extremists, pushing diversity as an end in itself, were the dominant trend" (*NYT*, September 10, 1995).<sup>197</sup> After noting that this situation "is sad," Friedman concluded that "we should oppose a notion of diversity that becomes an end in itself, a diversity that becomes a substitute for neighborhood and community, where Hispanics, blacks, Asians and Jews have their corners, separate but equal" (*NYT*, September 10, 1995). Borrowing the same type of civil rights rhetoric, Congressman Peter T. King (R-NY) wrote a letter to the editor which claimed that "bilingualism creates two societies both separate and unequal" (*NYT*, December 5, 1995). Whether these two societies were actually equal or, more realistically, unequal, both authors agreed that too much cultural diversity was a threat to national unity.

While these arguments preyed on fear and prejudice, they also reflected a realistic assessment of the situation. Undoubtedly, widespread bilingualism would in fact change American society. From the perspective of the white middle class, who were concerned about their declining social and economic status, a shift to a multi-lingual society might contribute to their further marginalization. However, even though this concern about the increasing importance of foreign influences was inextricably linked with anxieties about the large number of non-white people who had brought these new languages and cultures to the U.S., the discourse

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<sup>197</sup> Several letters to the editor made even more problematic connections and blamed multiculturalism for a host of different societal problems. For example, Mike Donnelly wrote that "now we encourage and reward laziness, anti-Americanism. Most despicably we have made our country one that magnifies differences (Hispanic-, African-Asian-American, etc.) instead of a country that strives to be a melting pot where the best and brightest, and those who work the hardest, reap the rewards" (*HC*, September 8, 1995). In addition, Tom Lovell argued that "'multiculturalism' is not a reality but a construct of minority activists" (*HC*, September 27, 1996).

tended to make a distinction between these two issues. In an effort to appear non-racist, the dominant discourse did not couch these concerns in terms of racial/ethnic fear, but in a much more subtle debate about cultural differences and linguistic traditions. Yet despite this emphasis of cultural difference over biology, race worked as an unspoken subtext in the dominant discourse.

A number of articles also defended English-only laws in economic terms. These articles were characterized by an unmistakable “us” versus “them” mentality that pitted newly arrived immigrants against native-born citizens in a fight for scarce resources. In accordance with the neoliberal project, several authors insisted that U.S. citizens should not have to finance immigrant-specific services such as bilingual education or printing government documents in languages other than English. If immigrants needed to access these services, they could not expect U.S. citizens to cover part of the costs. Instead, immigrants had to act like all customers: pay a fair price or forego the service. Advocates also insisted that this system was neither unfair nor discriminatory, but a necessary part of a market-driven economy. Representative Randy Cunningham (R-CA), for instance, reportedly said that his proposal to eliminate all government documents in languages other than English was actually a fairly generous provision, “because if I were mean-spirited, I would say, ‘Stay where you are’” (*HC*, August 2, 1996).

Other commentators insisted that this market-oriented logic had even broader implications. From their perspective, immigrants should not only pay the literal costs for the services they obtained, but the right to immigrate carried a price tag as well. Since a residence permit was a valuable commodity, it was only logical that the U.S. government make its receipt dependent on a number of terms and conditions. Robert P. Watson’s letter to the editor, for example, illustrated this underlying logic with the argument that “we don’t have to feel guilty

about it. Immigrants are here to enjoy the benefits that their country didn't provide. One of the costs of enjoying the benefits of America is the use of the English language" (*NYT*, January 21, 1996). According to Watson, the U.S. should not waste time and resources on bilingual education. Instead, he argued, "total immersion [...] is the best way to help them assimilate and be successful. They don't have to be spoon fed" (*NYT*, January 21, 1996).

The latter argument was particularly popular in the debate about the merits of bilingual education programs. A number of journalists insisted that, once a child moved to a new country, learning a foreign language was a natural process that did not warrant additional expenditures. Pointing to past generations of immigrants, who had managed to learn the English language without bilingual programs that were tailored towards their specific needs, these authors claimed that it was beside the point whether these costly programs were more efficient and helped students master the new language more quickly.<sup>198</sup> Instead, "those questions seem to have been overtaken by concerns about whether bilingual programs yield the returns that would justify their cost" (*NYT*, October 15, 1995).<sup>199</sup>

Some commentators even referred to bilingual education programs as "linguistic welfare." In a letter to the editor, Peter T. King (R-NY), for example, insisted that "nearly three decades of linguistic welfare have discouraged new Americans from learning English and barred their access to the American Dream" (*NYT*, December 5, 1995). In the context of the larger anti-welfare discourse, this analogy was not only possible, but it was actually fairly common. By

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<sup>198</sup> These claims were factually incorrect. Previous immigrant groups have been known to set up school systems in foreign languages. German immigrant Joseph A. Herman, for instance, was among the first to develop a German-language school in Cincinnati, Ohio in the 1840s. By 1860, there were dozens of German language schools all over the country.

<sup>199</sup> William Celis, for example, argued that "even if bilingual programs are better, why should the 1 in 20 public school students in the nation who can't speak English be taught in their own language today when the immigrant children who entered school speaking only Italian or Russian or Yiddish or German or Greek or Finnish a century ago managed to get along just fine?" (*NYT*, October 15, 1995). Along similar lines, Constance L. Hays reported that "some parents of children in the regular curriculum are opposed to bilingual education, considering it an unnecessary expense since previous immigrant generations survived without it" (*NYT*, February 19, 1995).

December 1995, the idea that welfare benefits created dependency and discouraged recipients' own initiative had become firmly embedded in the minds of many Americans. Based on this general perception, it was apparently only a small step to transfer this thesis to bilingual education programs and argue that these courses actually harmed immigrant students, instead of encouraging them to learn English as quickly as possible.<sup>200</sup> Hence, ending bilingual education would not only benefit the U.S. taxpayer, but it would actually assist immigrant students as well. Representative Peter T. King (R-NY), for instance, repeatedly claimed that he did not see English-only laws "as a partisan issue but as a practical, common-sense step that will benefit our nation in the long run" (*NYT*, December 5, 1995). This line of argument, which described anti-bilingual-education laws as "fair" and "commonsensical" measures, was particularly effective within the larger discourse.

Yet not everyone accepted this analogy between welfare recipients and students in bilingual education programs. In response to King's remarks, one person pointed out that his bilingual-education-as-linguistic-welfare analogy was rather unconvincing. Amy Storrow, a writer-in-residence at an elementary school in Houston, wrote that "Representative Peter T. King's Dec. 5 letter rests on a flawed premise. He implies that mastery of a second language is comparable to an unearned handout, to laziness and sloth. To compare bilingual education to a (Republican) vision of welfare makes no sense" (*NYT*, December 7, 1995). In her experience, students in bilingual education programs "are industrious and eager to learn." Not only does their English proficiency improve quickly, but they also retain their ability to speak their first

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<sup>200</sup> In a different context, the discourse compared bilingual education to affirmative action. William Celis wrote that "like affirmative action, bilingual education has been derided by the descendants of immigrants as an entitlement, a form of preferential treatment that, because it costs more in the short term, is bought at the expense of other school services" (*NYT*, October 15, 1995).

language fluently. According to Storrow, the fact that these students grow up bilingually can only be regarded as an asset in an increasingly competitive global economy.

Numerous articles agreed with Storrow's claim that expenditures for bilingual education programs represented a sensible investment that was likely to pay off in the future. In addition, they reminded the public that true bilingual programs were not intended to become holding pens for immigrant students who did not know enough English to follow "regular" classes. According to Lourdes Burrows, the Project Director of the Newcomers Academy for New Americans, it was important to keep in mind that "the term 'bilingual' means use of both languages.

Bilingualism is a skill needed in today's international work force" (*NYT*, March 30, 1995).

Successful bilingual instruction thus served several different, yet related purposes: Not only did bilingual classes help immigrant students learn English, but they also encouraged these students to use their native languages and, ideally, teach their American peers a second language. After a few years of bilingual education, both native-born Americans and immigrant students would graduate with an ability to speak two – or, depending on the location and situation, even more – languages fluently. Representative Nydia M. Velázquez (D-NY) strongly agreed with this positive assessment of bilingual education programs. In a letter to the *NYT*, she wrote:

"Multilingualism is a tremendous resource to the United States because it permits improved communications and cross-cultural understanding. Conversely, English-only measures undermine the economic competitiveness of the United States" (*NYT*, December 11, 1995).<sup>201</sup>

Even though some of the aforementioned articles and letters point to elusive advantages such as improved cross-cultural understanding, almost all bilingual education advocates explicitly emphasized the idea that these programs would also benefit the nation's economy in

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<sup>201</sup> Using a similar rhetoric, Lourdes Burrows, the Project Director of the Newcomers Academy for New Americans claimed that it is "our responsibility to maximize and expand the rich resources of our new immigrant population" (*NYT*, March 30, 1995).

the long run. Similar to the rhetoric that supported welfare-to-work programs, these articles claimed that it made economic sense to finance services that would help immigrants become self-sufficient by giving them the skills to succeed in a highly competitive job market and make an important contribution to a largely monolingual society. Taking this principle to its logical extreme, several New Yorkers not only promoted bilingual education programs, they also called for a number of additional short-term support services for newly-arrived immigrant students. Contrary to the widespread tendency to eliminate group-specific services that could be perceived as welfare, New York City created a number of so-called “Newcomer Schools,” which catered to the needs of immigrant families. Yet even though this step might look like the polar opposite of the pronounced effort to save money by eliminating services, it was essentially based on the same neoliberal logic. Not surprisingly, the media also couched their support in a similar economically-oriented rhetoric. In an article about the plan to create a “Newcomer School,” for example, the *NYT* argued that, “with immigrants making up a third of the 153,000 new students in the city’s schools last year, officials have calculated that spending about \$400,000 to start a school that aims to integrate them and their families into city life is a wise investment” (*NYT*, September 7, 1995).

When it came to “illegal” immigrants, however, the mainstream media was much more reluctant to advance similar arguments. In his work on the construction of “illegal” immigrants as targets of government, Jonathan Xavier Inda distinguishes between two different strategies to manage subjects who had failed to live up to the expectations of a neoliberal – or, as he labels it, “post-social” – society: On the one hand, the state employs so-called “technologies of citizenship,” which “endeavor to reinsert the excluded into circuits of responsible self-management, to reconstitute them through activating their capacity for autonomous citizenship”



(Inda 2006, 19). We can see these technologies at work in the treatment of legal immigrant students. These students were generally perceived as a worthy investment. Even though they might not yet have the skills to succeed, they were certainly capable of learning the rules and becoming active citizens. On the other hand, undocumented immigrants were commonly regarded as a threat, whether cultural or economic, that needed to be contained. Instead of trying to help these individuals develop into productive members of society, they were subjected to “anti-citizenship technologies,” intended to contain and discipline them.

With regard to these two populations, the “problem” was constructed in two fundamentally different ways. Whereas documented immigrants were portrayed as a population who faced some temporary challenges that could be overcome with additional assistance and an active commitment on their part, the media’s stance towards undocumented immigrants was much more negative. According to Inda, the U.S. was not interested in “empowering or activating the self-governing capacities of marginalized subjects” but attempted to incapacitate these individuals (Inda 2006, 31). Tactics such as denial of welfare and health care benefits, limited access to public education, and deportation were not only aimed at the current population of undocumented immigrants, these harsh measures were also intended to deter future migrants. The primary “problem” was thus neither the education of undocumented children, nor the widely discussed education crisis in general. Instead, undocumented immigrants’ presence in the U.S. was commonly described as the most pressing concern, one that justified the use of a wide range of increasingly harsh measures.

In this context, it did not even matter whether undocumented workers paid taxes and helped to finance the services that they used. Instead, most media reports made it very clear that by entering the country illegally or overstaying their visa, undocumented immigrants had

forfeited their right to expect access to even basic services. Undocumented immigrants' mere presence in the U.S. was described as an affront to law-abiding taxpayers. While politicians had also expressed their concern for American citizens during congressional debates, they were even more eager to emphasize their commitment to their constituencies in conversations with the media. Knowing that their voters would read these messages, politicians actively attempted to cast the public education issue as one of fairness towards U.S. citizens. Hence, they could emerge as the defenders of Americans' rights and avoid charges of racism and anti-immigrant sentiments. By identifying problem populations rather than condemning specific "personal" characteristics like race, the discourse not only disguised its own racist effects, but it also represented policies as fair and balanced reactions to pressing social problems.

Elton Gallegly (R-CA), the author of a controversial amendment to end public education for undocumented children, and Pete Wilson (R-CA), one of the main supporters of California's Proposition 187, were among the most vociferous participants in the public discourse about access of "illegal" immigrants to education. In one of numerous editorials, Gallegly insinuated that President Clinton's reluctance to sign off on his amendment meant that the president was unable to "decide whether he cares more about illegal immigrants or American taxpayers, about lawbreakers who should be escorted out of the country or the citizens saddled with providing them a free public education" (*HC*, May 16, 1996). This juxtaposition, which creates a stark contrast between deserving "citizens" and threatening "anti-citizens," insists that there is only one real solution: preventing undocumented immigrants from entering the country. Using a similar rhetoric, Pete Wilson (R-CA) emphatically stated that "the time has come for honesty and action. It is time for Congress to end the 'magnetic lure,' to end the unfunded mandates, which

are unfair and costly to state taxpayers and to the children of legal residents” (*NYT*, July 11, 1996).<sup>202</sup>

While these politicians obviously believed that undocumented immigrants represented a problem population that needed to be deterred, they also tried to justify their policies with a rhetoric that appeared even-handed and commonsensical. Knowing that the opposition would advance an emotional rhetoric that focused on the policy’s adverse impact on innocent children, Gallegly’s supporters made a conscious effort to emphasize the larger issues and draw attention away from sympathetic figures such as school-age children. One popular tactic in this context was centered on the argument that the character of “illegal” immigrants, as well as their goals and motivations, should not be taken into consideration in policy decisions. Donald Mann, the President of Negative Population Growth, for example, insisted that “our support of such programs has nothing to do with the merit of illegal immigrants as individuals. Most are hard working and industrious. We understand their wish to live here and their desire for better lives for themselves and their children” (*NYT*, June 19, 1996). The Gallegly Amendment was thus portrayed as neither mean-spirited nor punitive, but rather a logical reaction to immigrants’ legal status.

Not surprisingly, all three papers ensured that their journalists did not cross the line into open hostility and immigrant-bashing. Letters to the editor, on the other hand, provided one

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<sup>202</sup> These two remarks are representative of a large body of similar comments by politicians as well as journalists. For example, the *NYT* reported that “Speaker Newt Gingrich criticized the requirement as a magnet for illegal aliens and an unfair financial burden on states. California alone spends \$1.7 billion a year to educate more than 300,000 illegal immigrant pupils. Mr. Gingrich said. ‘This is totally unfair,’ he said” (*NYT*, Eric Schmitt, March 21, 1996). Three months later, the *NYT* wrote: “Casting the issue as one of fairness, Bob Dole said today that taxpayers should not be forced to pay for the education of illegal immigrants. [...] ‘It’s not that we don’t care,’ Mr. Dole said. ‘It’s not that we’re not compassionate. Where do you draw the line?’” (*NYT*, Katharine Q. Seelye, June 20, 1996). And, in a letter to the *HC*, Susan Garfield cast the issue as one of “fairness”: “I wish it were possible for everybody on the planet to receive a decent education. It would do more to eradicate hunger, disease, poverty, crime and just plain meanness than almost anything else. But this is not a perfect world; we have the responsibility of educating U.S. citizens above all others in this country” (*HC*, February 17, 1996).

space within mainstream media for more extreme opinions. In contrast to the carefully edited comments by politicians and journalists, letters to the editor give us a glimpse of the virulent anti-immigrant sub-text that underlay the public discourse. The controversial nature of this topic – undocumented children’s access to public schools – sparked an emotional debate among readers. Since these letter writers did not have to worry about their public image and their chances for reelection, they made little attempt to cast the education question as an issue of fairness and deterrence. A number of contributors felt that there should not even a debate about undocumented immigrants’ access to public schools. Instead, they called for the U.S. government to deport everyone without a residence permit. At the same time, however, even letter writers mostly avoided direct racial slurs and personal insults.

In a letter to the *NYT*, for example, Donald Mann claimed that “if they were identified and deported, the problem of schooling would not exist because there would be no illegal immigrants living here permanently.” Instead of trying to pass an amendment that denied children access to public schools, “Congress should be debating how to devise programs that would identify and deport every illegal immigrant in this country” (*NYT*, June 19, 1996). J.L. Dunlavey complained to the *SFC*: “I’ve had it up to here with all the crying and moaning about the laws being changed to stop the free ride and the educating of the illegals’ children. In this high technology age, it would be quite simple to identify and deport these people. By removing them you eliminate the problem” (*SFC*, July 24, 1996). Even though all three papers contained a fair number of these anti-immigrant statements, the *HC* attracted the most letters that advocated deportation and the denial of all services. Bill James, for example, stated matter-of-factly that “providing free education and benefits to illegal aliens defies logic. If a person is identified as an illegal alien, why is that person still here? Our laws state that she or he must be deported” (*HC*,

July 13, 1996).<sup>203</sup> A few weeks later, another letter-writer expressed his disappointment with Phil Gramm (R-TX) and Kay Bailey Hutchison's (R-TX) refusal to vote for the public education ban. According to John Flatten, the senators' pronouncement could only be interpreted as "admittance that the U.S. government will not maintain a policy of locating and exporting [sic] illegals" (*HC*, July 28, 1996).

In September 1996, only weeks before the Conference Committee would reluctantly surrender to President Clinton's persistent request to eliminate the Gallegly Amendment from the immigration bill, numerous readers expressed their strong support of the ban on public schooling. Even more importantly, they emphasized that the education crisis represented only one of a myriad of problems caused by the continued presence of "illegal aliens," "illegals," or, as some writers phrased it "these people." Bill Toney, for example, blamed "illegal" immigrants for the "education crisis," high public expenditures for social services, and rising crime rates. According to his letter, large scale deportation represented the only sensible solution to these pressing problems. Toney wrote: "many of these crimes can be avoided by simply returning the potential violators. The education of illegals is complicated by language and culture differences which could also be avoided by returning them to their homelands" (*HC*, September 5, 1996). While this type of rhetoric was rejected by some readers, Toney's tendency to conflate a multitude of immigrant-related issues into one seemingly crushing problem was extremely popular among Gallegly's supporters.<sup>204</sup>

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<sup>203</sup> On the same day, Purdy Cole demanded to know why the state did "not take action to deport the family, solving the immigration problem and eliminating the controversy about whether their children should be allowed to attend public schools?" (*HC*, July 13, 1996).

<sup>204</sup> This letter sparked another controversy among readers. On December 6, 1996, Claudia Macia asked whether Toney's suggestions were based on "anti-Hispanic and/or an anti-immigrant sentiment? Surely not every student's parents are going to be asked for proof of legal status." In addition, she reminded readers that "no human is 'illegal' – especially not any child" (*HC*, December 6, 1996). Kevin Ledkins, in turn, responded with the following letter: "How could she detect anything about Hispanics? They were not mentioned in Toney's letter. There are many non-

In contrast, Gallegly's opponents tended to advance a rhetoric that distinguished between different "problems" and called for less drastic solutions. While almost everyone agreed with the basic premise that "illegal" immigrants did indeed pose a serious problem, the pro-education lobby was convinced that the Gallegly Amendment was not the right solution. Neither would the Gallegly Amendment force undocumented immigrants to depart voluntarily, nor was it realistic to expect the number of future entries to drop as a result of the ban. According to these writers, a ban on public education was unwarranted because it "won't do diddley about illegal immigration" (*HC*, September 28, 1996). Even though this assessment is probably correct, it is important to acknowledge that the supporters of the education ban had based their arguments on a slightly different idea of how the state should govern "illegal" immigrants. They were convinced that the state needed to promote "zero tolerance" policies. As mentioned before, the pro-Gallegly side insisted that all "illegal" immigrants represented "anti-citizens" who were undeserving of public support. Accordingly, the denial of education benefits was part of a larger effort to "get tough" on undocumented immigrants, not a specific method to encourage voluntary departures and deter additional migrants.

The mainstream media never explicitly questioned the need to "get tough." Since the American public was already convinced that there was a crisis and, even more importantly, that undocumented immigrants had caused this crisis, it was difficult to challenge this widely accepted "truth." Yet not everyone agreed with Gallegly's response. Citing a long list of concerns about children's physical well-being, crime rates, and gang violence, Gallegly's critics maintained that the social costs of denying education to the children of undocumented immigrants would almost certainly outweigh the elusive benefits. Even if undocumented immigrants did not

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Hispanic illegal aliens in this country. And his letter was not anti-immigrant, but anti-illegal immigrant" (*HC*, December 13, 1996).

exactly adhere to the ideal of the active, law-abiding, neoliberal subject, many Americans were reluctant to classify young children as “anti citizens” and to withdraw all support. In particular, the media was appalled that Congress was willing to target children before they had made the slightest attempt to enforce labor standards and discuss an employment verification system. Journalist Debra Saunders, for example, wrote that “if the day should come when the government has to deny children access to an education, so be it. But surely that day cannot have arrived if Congress [...] doesn’t feel a need to ensure that employers obey the law” (*SFC*, March 25, 1996). A few days later, an *SFC* editorial used even more descriptive language to express their dissatisfaction with Congress’s approach. The editorialist exclaimed that s/he was “deeply trouble[ed]” that Congress had passed “an idiotic policy [which] would result in a dramatic increase in gang membership, youth crime and youth victimization” (*SFC*, April 12, 1996).

Even conservative critics such as the Federation for American Immigration Reform (FAIR) and economist George Borjas articulated their frustration with Congress’s skewed priorities. On March 25, 1996, the *SFC* reported that FAIR “was so disgusted with what the Reps and Dems did last week [...] that it withdrew its support for the two major bills in Congress” (*SFC*, March 25, 1996). FAIR’s belief that Congress had the right to pass tough measures remained unshaken. But in the same article, spokesman Ira Mehlman explained that FAIR’s main concern was that “they decided to get tough with school kids before they got tough with employers, which is where they really need to start” (*SFC*, March 25, 1996).<sup>205</sup> According to

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<sup>205</sup> Ira Mehlman continued: “We need to cut up the magnet of public services, but the real magnet is jobs and we’ve got to deal with that. The only way to do that is to have a mandatory verification process. Without that nothing else is going to work” (*SFC*, March 25, 1996).

FAIR, the “getting tough” principle did not justify punitive measures that would do little to solve the underlying problem.<sup>206</sup>

In addition to pointing out that the education ban represented an ineffective strategy to combat the perceived immigration crisis, George Borjas also reasoned that Elton Gallegly (R-CA) and his supporters were very well aware of the fact that “this policy is not a serious attempt to curtail the illegal alien flow, for it is unlikely ever to be enforced” (*NYT*, July 11, 1996). Borjas was not alone in his assessment. A number of journalists argued that the Gallegly Amendment served a very specific political purpose: the Republican Party in general and California’s Representatives in particular wanted to ensure that middle-class voters believed that they were getting tough on “illegal” immigrants, while big businesses could rest assured that Congress would not eliminate their supply of a cheap and easily available labor force with little access to legal protections.

Even though their political opponents had made similar complaints during congressional debates, these remarks tended to amount to little more than curt comebacks and snide remarks. Similar accusations in the mainstream media, however, had the potential to be much more damaging to individual candidates and entire parties – especially since the public school controversy unfolded only months before the presidential election. One particularly popular weapon, in this context, was sarcasm. Editorials in all three papers used sarcasm to illustrate politicians’ hypocrisy and their willingness to target children in an effort to further their own political motives. Both because of the quality and the quantity of their writings, Arthur Hoppe, who contributed to the *SFC* for more than forty years, and Pulitzer Prize winner A. M. Rosenthal

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<sup>206</sup> George Borjas agreed. In an *NYT* editorial, he maintained that “we need deterrence, but barring illegal aliens from our public schools is not an effective way of stopping illegal immigration” (*NYT*, July 11, 1996).



of the *NYT* are particularly interesting in this regard.<sup>207</sup> Only days after the House passed the Gallegly Amendment, Arthur Hoppe began to question the motives behind this move. He wrote:

By denying education to the children of illegal immigrants, we will create a new generation of poor who are even poorer than the present poor. This will not only fill the need for an increasing number of even poorer people created by the widening gap, but it will appeal to every red-blooded patriot. After all, someone has to be at the bottom of the heap. Someone has to scrub the motel's toilet bowls. Someone has to change diapers for \$4 an hour. Someone has to bend double over the strawberries in the summer heat. Someone has to scrounge the dumpsters for the family meal. How far better, everyone who loves this country will agree, that it be a foreigner rather than an American (*SFC*, March 25, 1996).

Politicians' claim that the Gallegly Amendment was supposed to deter future immigrants was dismissed as entirely unconvincing. Instead, Hoppe argued that the education ban could only be interpreted as a nod towards the upper class in general, and big businesses in particular. Notably, Hoppe's cost-benefit analysis mocked the underlying neoliberal rationale. In addition to the aforementioned commentary on "illegal" immigrants' economic contributions, Hoppe also compared Congress's rhetoric in support of the education ban to arguments made by pro-slavery advocates in the 19<sup>th</sup> century. Specifically, Hoppe wrote

slavery has admittedly garnered a sullied reputation. None would condone enslaving a freedom-loving American citizen. But these people are foreigners. Without education or welfare benefits or, in most cases, even a rudimentary knowledge of our language, they

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<sup>207</sup> On other occasions, Arthur Hoppe criticized Congress's stance on welfare, at one point suggesting they deport "middle-class, native-born welfare bums [who] have developed that most debilitating of all inflections -- a welfare mentality," but that they allow immigrants to stay since "these are the people who swam shark-infested waters, climbed fences and crossed deserts to start their lives again in a strange land with strange customs, strange money and a strange language" (*SFC*, February 17, 1995).

cannot hope to rise much above the beasts of the field. How far better for them and for us, if they were given good homes with caring masters who would adequately clothe and feed them and perhaps even offer them rudimentary schooling in letters and numbers. Laws could easily be passed banning the past abuses that gave slavery a bad name (*SFC*, March 25, 1996).

This sarcasm also hints at an ethical dimension that had been foreclosed by neoliberal thinking. Even though Hoppe did not explicitly articulate his ethical concerns, his slavery analogy made it clear that Americans should be suspicious of a rhetoric that described these measures as fair and even-handed reforms that would eventually benefit the entire nation. His analogy demonstrated that immigration reform was not just about numbers and weighing elusive costs against hard-to-define benefits. Instead, immigration reform represented an attempt to manage and control human beings.

Rosenthal's critique was slightly different. Despite the fact that he exposed Congress's interest in sustaining a docile, uneducated labor force, his critique was primarily concerned with the "social costs" involved in the public schooling ban. In particular, Rosenthal compared undocumented immigrants to "real criminals" and suggested that their children could easily be subjected to the same treatment. He wrote: "If the 650,000 children of parents who have just committed the civil offense of illegal entry can be kicked out of school, or better, blocked from ever entering, then for Heaven's sake what are we doing letting children of real criminals sit there, bothering teachers with questions and using our school toilets?" (*NYT*, September 17, 1996). Ultimately, the existing crime problem would undoubtedly escalate. In conclusion, Rosenthal "reassured" his readers that "if these illiterate thugs wind up in prison you can bet that decent Americans like Mr. Dole won't allow any mollicoddling like teaching them how to read

and write, which would be plain ridiculous after kicking them out of school when they were little kids using up chalk” (*NYT*, September 17, 1996). Confronted with this depressing chain of events, the reader is left to wonder why Congress passed a provision that would clearly only contribute to the problem it pretended to solve.

Rosenthal’s editorials usually come back to the same succinct explanation: politics. With the Presidential election coming up, both parties tried to maintain a public image that appealed to their voters. In particular, Republicans and Democrats knew that it would be political suicide to speak out against a highly popular immigration reform law. For the entire legislative period, both parties had contributed to an immigration discourse that was dominated by a sense of urgency. Politicians and the media had constructed a frightening notion of the “illegal” immigrant as a threat to the economy, the welfare system, national security, public health, and a number of other areas. In short, by September 1996, it was commonly accepted as “truth” that there was an immigration crisis that warranted immediate attention. Not surprisingly, both parties were eager to get credit for the passage of an immigration reform law.

Due to this eagerness to emerge as the party that “got tough” on “illegal” immigration, candidates were forced to make sacrifices, sometimes against their better judgment. In particular, Rosenthal accused vice-presidential candidate Jack Kemp of opportunism: “Barely a day passed before Mr. Kemp turned in a badge of honor he had often pointed to – intelligent, thoughtful support for immigrants. Without any embarrassment he announced he was supporting the California movement to throw children of illegal immigrants out of school, an idea he had ridiculed before” (*NYT*, October 15, 1996). Yet even though Kemp’s change of heart drew some criticism, Bob Dole, Bill Clinton, and all the other presidential candidates were equally willing to rethink their priorities if the political gain seemed to outweigh the costs. In most cases, these

shifts were perceived as fairly minor and were barely mentioned in the news media. This is no coincidence. Since reform measures were described as impersonal responses to a quantifiable problem, mainstream politicians were able to cite new evidence and adjust their solutions. The neoliberal logic driving immigration discourse, coupled with a discourse on “fairness” that eschewed overt racism, made it possible for politicians to rethink their priorities without appearing too obviously opportunistic to most voters.

### 5.3 Language and Discrimination

As the previous section demonstrated, education emerged as one of the most hotly debated issues in the media discourse on immigration reform. Bilingual education, English-only laws, and especially Elton Gallegly’s (R-CA) proposed ban on primary and secondary education for undocumented children generated summary accounts and feature stories, critical analyses, emotional letters, as well as justifications by politicians involved in the legislative process. In one way or another, all of these texts contributed to the public discourse about immigrants and immigration reform. Yet in addition to these issue-oriented contributions, a number of journalists embarked upon a critique of the discourse itself. This section will focus specifically on the mainstream media’s commentary on the prejudices inherent in immigration reform discourse.

Based on their experiences with Proposition 187’s campaign rhetoric, which had successfully tapped into Californians’ fears and anxieties about undocumented Latino immigrants, the *SFC* was particularly sensitive to the power of discourse to shape immigration policy. In an editorial entitled “Keep Politics Out Of Immigration Policy,” the author cautioned that Proposition 187 “has shown that there are many people – including leaders who foment divisiveness for political advantage – only too willing to fan the flames of xenophobia in the

name of immigration reform” (*SFC*, September 10, 1995). Even more problematic, the author noted, was the fact that a number of Californians took this anti-immigrant rhetoric to the next level and used it “as an excuse to discriminate against and harass Hispanics and Asians” (*SFC*, September 10, 1995).

With these incidents in mind, *SFC* journalists tried to use their own influence to prevent another surge of hate crimes and harassment. In response to the widespread anti-immigrant rhetoric, *SFC* journalists made repeated attempts to expose politicians’ campaign tactics and alert readers to the discourse’s real-life effects. On a local level, for example, the *SFC* was quick to condemn the so-called “Save-Our-State II” initiative, which collected signatures for a constitutional amendment to deny citizenship to U.S.-born children of “illegal” immigrants. The *SFC* warned that, “first, there will be the fear-mongering propaganda [...]. As happened during the debate on Proposition 187, some especially ignorant people will feel the initiative effort gives them license to taunt and harass ‘foreign-looking’ people” (*SFC*, May 28, 1995). In conclusion, the article appealed to readers’ reasonableness and sense of fairness, “rather than resort to hypocrisy and heightened xenophobia” (*SFC*, May 28, 1995).

In a similar fashion, the *SFC* criticized federal politicians’ attempts to play into their electorate’s fears and anxieties. One particularly persuasive article, for example, focused on the popular campaign tactic of attacking minorities for political gain. Citing research by political scientist Michael Rogin, writer Robert B. Gunnison explained that “demonizing is a natural extension of negative campaigning and take-no-prisoners partisan politics. But it goes even further: It transforms its subjects into monsters who pose exaggerated threats and raises the prejudice and fear of the targeted audience” (*SFC*, February 19, 1996). Even though Gunnison

used Pete Wilson's presidential campaign as a specific example, he maintained that demonizing was a highly effective tactic that was used by Democrats and Republicans alike.<sup>208</sup>

A few days later, another *SFC* editorial underlined the fact that demonizing and scapegoating were not just popular with political extremists.<sup>209</sup> In addition, the editorialist pointed out that hateful rhetoric had a long list of negative repercussions: not only did it lead to harassment and discrimination, but "voters who have been encouraged to blame any deterioration in their well-being on immigrants, corporate executives, other ethnic groups or foreign countries will be looking for retribution – not healing – from the White House" (*SFC*, March 3, 1996). To solve economic and social problems, political leaders needed to end "the politics of blame" and provide a "vision for better times" (*SFC*, March 3, 1996).

While numerous journalists condemned politicians – and presidential candidates in particular – who resorted to fear-mongering rhetoric to advance their own careers, they were much more reluctant to interrogate the media's role in the larger discourse. Ironically, articles and editorials that explicitly criticized politicians' campaign rhetoric oftentimes perpetuated the same negative images of immigrants. The aforementioned *SFC* editorial from May 1995, for example, voiced their opposition to the "rancor and hate that will accompany" the Save-Our-State II initiative in no uncertain terms. Yet only a few lines later, the editorialist advocated fast, unbureaucratic deportations for "criminal illegal immigrants" and praised President Clinton's "legislative package that makes clear that stemming the tide of illegal immigrants is a high

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<sup>208</sup> In the introductory paragraph, Gunnison argued that Governor Pete Wilson "has repeatedly painted menacing villains – gang members are 'thugs,' teenagers are 'promiscuous,' affirmative action is a 'virus' – to appeal to voters who might otherwise give him low marks in public opinion polls" (*SFC*, February 19, 1996). Later on, however, Gunnison focused on President Bill Clinton's rhetoric and his attempts to turn his political adversaries – such as Newt Gingrich – into villains.

<sup>209</sup> The editorial started with the following sentence: "Fear, blame, and resentment were introduced into presidential politics long before Pat Buchanan started stumping against 'Jose' and Bob Dole responded by scaring his Republican brethren by recalling the electoral math lesson of 1964." A few paragraphs later, the editorialist states that "the point is well established: Fear works as a campaign device" (*SFC*, March 3, 1996).

priority” (*SFC*, May 28, 1995). These articles and editorials thus confirmed the perception that there was indeed an immigration problem and ultimately reinforced the negative image of undocumented immigrants that they had set out to critique.

On rare occasions, however, journalists wrote introspective pieces that took a critical look at the role of the media and journalistic language itself. In an attempt to illustrate the power of the media, for example, *SFC* editorialist Jon Carroll showed that white Americans, who gathered much of their information about non-white minorities from mainstream media sources, routinely believed that the U.S. was much more diverse than it actually was.<sup>210</sup> Carroll wrote that “there is a perception of a flood, but there is no actual flood. There has been a change, yes, and all change is unsettling, but a change is not the same as a flood. We are not being inundated by immigrants” (*SFC*, March 27, 1996). In addition to these investigative approaches, other editorialists tried to counter common prejudices with factual information. An *HC* editorial, for example, emphasized a recently published INS study which had established that the “bulk of the United States’ population of illegal immigrants is now being supplied by some unexpected sources: [...] Poland, Haiti, the Philippines and the former Soviet Union are topping the list” (*HC*, January 14, 1996). According to the short editorial, these findings illustrated that the media had constructed an image of the “illegal” immigrant that was neither fair nor accurate. Instead, the INS study showed “that too much of the immigration debate too often falls into a search for too-easy answers based on too-simplified stereotypes” (*HC*, January 14, 1996).

Some journalists who commented on the prejudiced nature of the media discourse also made a conscious effort to provide more positive, multi-faceted portrayals. These efforts to

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<sup>210</sup> In particular, Carroll cited the results from an *NYT* opinion poll, where white readers came up with the following estimates: “Percentage of the United States population that white Americans think is Hispanic: 14.9. Percentage that is Hispanic: 9.5. Percentage that white Americans think is Asian: 10.8. Percentage that is Asian: 3.1. Percentage that white Americans think is black: 23.8. Percentage that is black: 11.8. Percentage that white Americans think is white: 49.9. Percentage that is white: 74” (*SFC*, March 27, 1996).

address the complexity of the immigrant community, however, met a lot of resistance. Richard Rayner's feature story about Maria T., an undocumented Mexican mother of four young children, represents a prime example. This feature-length article – provocatively entitled “What Immigration Crisis?” – appeared in the Sunday edition of the *NYT*. British immigrant Richard Rayner, who was married to a Finnish wife, used Maria T. as an example to discuss the current anti-immigrant climate. He expressed sympathy for her struggles and illustrated the difficult challenges she had been forced to overcome since she entered the U.S. illegally.<sup>211</sup> However, he also emphasized the fact that Maria T. “receives \$723 in cash and \$226 in food stamps” for her U.S. citizen children (*NYT*, January 7, 1996). Based on this evidence, Rayner admitted that, in many ways, Maria T. “represents the nightmare scenario – an illegal immigrant who’s sucking money from the system and putting nothing back. Even so, it’s not clear that she’s a villain. She hopes one day to go to work herself. She hopes and believes that her bright children will become outstanding” (*NYT*, January 7, 1996).

After this case study, Rayner discussed the larger immigration discourse. He came to the conclusion that “the anti-immigration forces have done an excellent job of creating an atmosphere of crisis in which the debate has focused on how to slow the ‘flood’ of immigration, legal and illegal. But illegal immigration should not be folded over to scapegoat legals as well. The real point is that there isn’t any immigration crisis” (*NYT*, January 7, 1996). Even more importantly, Rayner examined how media representations had helped to perpetuate a problematic image of the “illegal” immigrant, while legal immigrants from Europe, like he and his wife, were discussed in entirely different terms. He concluded that race was one of the main factors: “One

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<sup>211</sup> Fleeing an abusive husband, Maria T. enlisted the services of a “coyote,” who held her captive for three months, and beat and raped her repeatedly. After she managed to escape, Maria T. was homeless, penniless, 8-months pregnant and had two small children with her. In the beginning, she had to beg for food and money. Yet “slowly, she clawed her way up” (*NYT*, January 7, 1996).



of the problems with the immigration issue is that it does impinge on the race issue, and thus appeals temptingly and dangerously to the worst side of all of us” (*NYT*, January 7, 1996).<sup>212</sup>

Even though most people were reluctant to admit that they had internalized these racist stereotypes, it was next to impossible to escape the influence of the larger media discourse. Rayner even admitted that he had been in situations where he inadvertently thought in the same racist terms he tried to defy in his writings. Rayner used his 22-year-old Mexican nanny as an example. After he explained that “the only white applicant for the job was a disturbingly energetic 30-something woman with great rifts in her curriculum vitae, a self-confessed graduate of ‘12 Steps,’” Rayner said that he and his wife “went the safe route” and hired a young, and highly-qualified Mexican nanny with a 2-year-old U.S. citizen daughter (*NYT*, January 7, 1996). He admitted that he had found himself “sympathetic and friendly one moment, a paranoid patron the next, questioning her stability, her hygiene, her habits. I can’t imagine that Pete Wilson himself would be any crankier than I was when Christine came back with the stroller and told me that while she’d been walking our baby a man on the street had asked her for a date” (*NYT*, January 7, 1996).

This self-indulgent “confession” of white guilt is illustrative of the ambiguity that characterizes the entire story. On the one hand, Rayner was critical of the role that the media had played in the current anti-immigrant climate. In particular, he argued that the current immigration discourse had the power to influence the electorate, change policy decisions, and cause even deeper social divisions precisely because “the debate is more emotional than informed. It’s all temper tantrums and red-hot sound bites” (*NYT*, January 7, 1996). While I agree with his assessment that the discursive effect of most coverage of “illegal” immigration

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<sup>212</sup> In addition, Rayner argues that “when people complain about immigration, about the alien ‘flood,’ it’s Latin Americans they mean” (*NYT*, January 7, 1996).

from Mexico is to reinforce racial stereotypes, I do not think that the debate was “more emotional than informed.” Quite to the contrary, the media discourse was so powerful especially because it was able to use neoliberal rationale to obscure racist effects. This neoliberal framework actually enabled people like Rayner to publicly confess his own prejudices and still think of himself as a compassionate liberal. And what is perhaps even more problematic about this article, however, is Rayner’s decision to focus on Maria T., an abused, Mexican, welfare mother. Her portrayal played directly to American prejudices in ways that even the most conservative politicians did not feel secure enough to do.

Clearly, this feature story did not attempt to glorify undocumented immigrants. On the contrary, Rayner was very outspoken about the fact that Maria T. consumed public services and had little chance to develop into a “net contributor” anytime soon. But since Rayner’s story challenged some basic “truths” about “illegal” immigrants, *NYT* readers attacked the article on a number of different fronts.<sup>213</sup> In particular, readers were disturbed by the fact that Rayner did not cite the usual criticism about unauthorized immigrants’ negative impact on the economy. Jeffrey Bates, for example, wrote that “by casting the debate on illegal immigration as one about values, Rayner ignored the fundamental complaint many Americans have on this topic. After a lifetime of employment, and the subsequent financing of numerous social programs via taxes on our incomes, we now question who really benefits” (*NYT*, January 28, 1996).<sup>214</sup>

Other readers took their objections to a much more personal level. Consider the following example: “Another ‘illegal immigrants are good for the country’ story. As an American, I really

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<sup>213</sup> There was one positive response to Rayner’s article. Ilze A. Choi, an immigrant from Sweden, wrote that she “welcome[s] Rayner, who, judging by his article, is not only intelligent but has a good heart. We badly need people like him in these darkening times” (*NYT*, January 28, 1996).

<sup>214</sup> In a similar fashion, William E. Murray, Jr. dismissed Rayner’s approach as irrelevant. Murray insisted that “ultimately, [...] his largely anecdotal analysis contains the seeds of its own counterargument. America is a nation of laws. The flagrant abuse of our borders, even by sympathetic figures like Maria T. and Maria V., is unacceptable – as it should be” (*NYT*, January 28, 1996).

don't have any rights, except to pay my taxes, serve in time of war and keep my mouth shut for fear of being called a racist" (*NYT*, David Harris, January 28, 1996).<sup>215</sup> This comment about the writer's "fear of being called a racist" represented another fairly common reaction to racial anxieties. While people like Rayner felt that admitting to their own prejudices would absolve them from suspicions that they were indeed a racist, this writer chose the opposite strategy. He insisted that the current political climate prevented a white man like himself from expressing his feelings and opinions. The underlying assumptions were clear: While David Harris maintained that white men had become victimized by the discourse's insistence on political correctness, he also implied that there were indeed (negative) things that needed to be said about racial minorities.

The reaction to Richard Rayner's article was not an isolated case. All three newspapers received and published similar letters whenever they attempted to provide a multi-faceted portrayal of an undocumented immigrant that challenged commonly-held "truths." In some cases, these letters were dismissive of the author's arguments and openly hostile towards immigrants. In response to an *SFC* editorial about immigrant rights, for example, Annette Christensen sent the following letter:

Here we go again with another bleeding heart liberal's whine. [...] I am sick and tired of hearing how America 'benefits' from immigrants. Granted, there is a small percentage where our society does benefit from some immigrants; however, immigrants cause more damage than good. How do we benefit from immigrants when the majority come here and take over certain neighborhoods, do not interact with our society, do not take part in

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<sup>215</sup> Pointing to Richard Rayner's own immigrant roots, another writer angrily suggests that "debating immigration policy is such dirty work, it seems best left to immigrants" (*NYT*, William E. Murray, Jr., January 28, 1996).

our American culture, only stay within their own circle, will not/cannot/do not speak English. You tell me how our culture benefits from that? (*SFC*, August 15, 1996)

In most other cases, however, the letter writers expressed their dissent in more polite terms. An *HC* feature story about Asusena, a 27-year-old mother from Honduras, for example, generated a response by Robert A. Wallis, the district director of the Immigration and Naturalization Service for the U.S. Department of Justice in Houston. In his opinion, “the story read like an open invitation to those considering crossing our borders in violation of law. It profiled undocumented immigration as an acceptable, beneficial and at times necessary activity” (*HC*, February 3, 1995). Interestingly, Wallis explicitly objected to the fact that writer Mike Tolson had refused to reiterate the dominant discourse. Wallis complained: “The story paid hardly any attention to the current national debate regarding illegal immigration which centers, not on its benefits, but on its tremendous social and economic costs” (*HC*, February 3, 1995). Other *HC* readers disagreed with Wallis’s assessment. A few days later, Nestor Rodriguez pointed out that “the story did not read like an open invitation to undocumented immigrants, nor did it parade undocumented immigrants as triumphant entrants into our society. It appears to me that the story attempted to go beyond the anti-immigrant rhetoric and survey other views on current immigration” (*HC*, February 9, 1995). Yet compared to the large quantity of angry letters, these civil exchanges were fairly rare.

Articles that challenged commonly-held beliefs about undocumented immigrants were oftentimes perceived as a provocation. In response, readers felt compelled to defend their beliefs and restore the commonly-accepted image of the “illegal” immigrant. Yet even though many readers were reluctant to accept complex portrayals that depicted undocumented immigrants in a more positive light, they were equally shocked by openly hostile and racist remarks. The

dominant neoliberal discourse had created the impression that the U.S. was a color-blind society that valued personal responsibility and hard work. In the process, racial anxieties had not disappeared. Instead, they were well concealed and continued to inform the discourse on immigration, affirmative action, welfare reform and a host of other issues.

If a public persona violated this rule of political correctness and openly expressed their animosity towards certain groups, the repercussions were immediate and severe. One excellent example for this discursive rule is the controversy over Democratic Councilwoman Julia Harrison's hostile remarks towards Asian Americans. On March 31, 1996, the *NYT* reported that two Asian-American candidates – Ethel Chen and Chun Soo Pyun – were running for the New York City Council. The author, Cecilia W. Dugger, thought that their candidacy was a newsworthy event because “no Asian-American in the city has ever been elected to the Council, the State Assembly, the State Senate or the United States Congress” (*NYT*, March 31, 1996). What was even more interesting about their campaign, however, was the fact that both candidates cited exactly the same reason for their decision to run for office: they wanted to beat 75-year-old Councilwoman Julia Harrison, who had repeatedly insulted the Asian American community in Flushing. Dugger quoted Harrison's anti-Asian comments at length. Dugger wrote: “When Mrs. Harrison, 75, describes what Asian immigrants have meant to Flushing over the last decade, she talks about criminal smugglers and Asian robbers. [...] She talks about rude merchants and illegal aliens who depress the wages of American working people” (*NYT*, March 31, 1996). In addition, Harrison publicly proclaimed that: “They were more like colonizers than immigrants. They sure as hell had a lot of money, and they sure as hell knew how to buy property and jack up rents of retail shops and drive people out. [...] The money came first. The paupers followed, smuggled in and bilked by their own kind” (*NYT*, March 31, 1996). In

conclusion, Harrison remarked that “it’s very discombobulating, very upsetting. We all recognize that change is part of life, but it doesn’t sit well” (*NYT*, March 31, 1996).

Even though it is certainly remarkable that an elected official felt comfortable to express her anti-Asian feelings so explicitly, it is even more noteworthy that the *NYT*’s initial article seemed to endorse her opinions. Throughout the article, Dugger not only left Harrison’s racist remarks uncommented, but she even attempted to justify white residents’ hostile stance towards immigrants. Her reporting made it clear that she sympathized with Harrison’s “elderly white constituents, who say they have come to feel increasingly out of place in their own neighborhood as growing numbers of Asian-Americans have settled there, speaking languages the old-timers don’t understand and selling foods they have never tasted” (*NYT*, March 31, 1996).<sup>216</sup> This remark, as well as Dugger’s repeated usage of terms such as “old-timers” and “original residents” clearly implied that elderly white constituents did indeed have a right to defend “*their own* neighborhood.”

In addition, Dugger validated white people’s sense of displacement by portraying Asian immigrants as a force that was likely to take over the city in the near future. Dugger referred to Asian Americans as “the city’s fastest-growing immigrant group,” alerted readers to “an influx of thousands more Asian immigrants,” “the sheer magnitude of the Asian influx” and, most notably, the “huge bubble of citizenship seekers” which was likely to “explode” in the near future. Along the same lines, Flushing was referred to as a “teeming Asian hub,” “the city’s leading magnet for Asian immigrants,” and as the “home to an ever-growing concentration of

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<sup>216</sup> Throughout the article, Dugger added more definite comments to make her stance crystal-clear. For instance, Dugger states matter-of-factly that “the growth of the Asian community in Flushing [...] is proving painful, even traumatic, for many elderly white voters, who reared their children in Flushing and once regarded it as theirs” (*NYT*, March 31, 1996).

Taiwanese, Koreans and Indians.” This language created a sense of urgency and imminent danger.

While Dugger used this alarmist language throughout her lengthy article, she went to considerable trouble to interview a variety of immigration experts, politicians, and residents in order to adhere to the rules of fair and balanced reporting. Nevertheless, this approach ultimately helped to reinforce negative stereotypes of Asian Americans. Despite the fact that Dugger talked to a number of Asian Americans, she did not grant them an opportunity to explain their perspectives on the racial tensions in Flushing. Instead, Asian Americans were asked to explain why they were not as politically active as other ethnic groups. White residents, on the other hand, were encouraged to comment on Flushing’s changing racial make-up. While several elderly white residents agreed with Councilwoman Julia Harrison’s stance, others expressed concern over her reactionary attitude. They described Flushing’s changing racial make-up in more positive terms. What linked all of these comments, however, was a clearly identifiable prejudice against Asian Americans. After quoting numerous white residents who complained about Asian marketplaces and “exotic foods,” the article concluded with a remark from Sol Nachemin, an 82-year-old son of Russian immigrants. Nachemin, who was described as one of the more welcoming individuals, went on the record with the following comment: “I have a sneaking admiration for them. They’re hard-working. They’re good business people. At the library, I see all these Oriental kids sitting around the table doing their homework. It reminds me of the Jewish kids of my generation” (*NYT*, March 31, 1996).

This article caused an immediate uproar. In a matter of a few days, readers wrote dozens of letters to the editor. On April 2, 1996, for example, David Kraut called attention to the fact that “Mrs. Harrison’s remarks are repugnant and misinformed. I hope that like the racists of 100

years ago, she will lose her fight to keep immigrants out” (*NYT*, April 2, 1996). A few days later, Michael I. Rhee, a member of the Conference on Asian Pacific American Leadership, corrected Harrison’s misperceptions about an “Asian invasion” and Josephine Chung, President of the New York chapter of the Organization of Chinese Americans, demanded a public apology from Julia Harrison. What was missing from the public discourse, however, was a critical interrogation of the *NYT*’s coverage. Not a single letter to the editor complained about the clear bias of Dugger’s article and the discriminatory language that she used to discuss Asian Americans. The only letter that explicitly commented on the article itself – and not solely on Julia Harrison’s remarks – was written by Nancy Sciales, M.D. and William J. Sciales, M.D., two elderly residents of Flushing. These two individuals were clearly disturbed by Dugger’s failure to report that there were many people in Flushing who perceived the new immigrants as a welcome addition to their community. They wrote:

Years ago we eagerly visited the first Korean restaurant in Flushing. Today we are regulars at many of the Chinese and Korean restaurants here. We are fortunate to be able to purchase superb fruits and vegetables from local Asian markets. [...] Our new neighbors may not look like us, but we share many ideals: a strong work ethic reinforced by strong religious convictions, devotion to family and reverence for education. (*NYT*, April 6, 1996)

Before long, the coverage of Julia Harrison’s remarks had consequences beyond the news media level. In reaction to the public controversy, concerned Asian Americans formed the “Asian American Alliance,” which rebuked Harrison’s allegations and demanded a public apology. Their fight was soon joined by a host of public officials, including Governor George E. Pataki, Mayor Rudolph W. Giuliani, and county Democratic leader Thomas J. Manton, who



called Harrison a “disgrace to the Democratic Party” (*NYT*, April 14, 1996). A mere month after the first article, more than 2,000 concerned citizens rallied outside City Hall to call for Harrison’s resignation. Nonetheless, Julia Harrison was reluctant to admit any wrongdoing. Instead, “she called her detractors ‘a pack of yapping hyenas’ and likened their denunciation of her to gang rape” (*NYT*, April 14, 1996). In response to the mounting pressure by her own party, however, she finally decided to read a public apology at a City Council meeting. In her brief comments, she announced that her intention “was not to insult a hard-working and proud community but to speak about the changes in and integration of an entire community. [...] Those who know me and my record do not perceive me as anti-Asian, racist nor even as a bigot” (*NYT*, May 3, 1996). Obviously, Harrison’s only regret was that she had failed to obey the rules of public discourse and mask these concerns in racially neutral terms.

## 5.4 Conclusion

Julia Harrison’s remarks represented a rare moment of slippage, when all the careful pretenses of mainstream immigration discourse slipped enough to let the racism peak through. For the most part, however, the neoliberal discourse on immigration reform focused on apparently objective measurements – cost-benefit analysis, actuarial tables, and statistics – to make its arguments appear scientific and rational, rather than emotional. Hence, the discourse disguised the underlying racial anxieties and obscured the negative and racist effects of the policies it generated. Overtly racist discourse, on the other hand, exposed the workings of power and introduced human “feelings” into the discursive field. Both results were ultimately undesirable and therefore needed to be suppressed.

The 1990s media discourse on immigration hid its racist subtext quite well. Proponents of immigration reform were careful to describe their reform measures as necessary responses to quantifiable *problems*, not as an effort to target specific *populations*. One highly effective strategy, in this context, was the media's attempt to discuss reform measures in terms of "common sense" and "fairness." With regard to the Gallegly Amendment, for example, proponents argued that it made "common sense" that the U.S. government did not reward undocumented immigrants by allowing their children to get a public education. This type of rhetoric not only refuted charges that the education ban was mean-spirited and overly punitive, but it also separated the underlying motivations from the desired effects. Since the ban on public education was supposedly fair and equitable, it was no longer important whether this measure would actually deter future immigrants.

Yet even though the mainstream media and its interlocutors were careful to express their concerns in non-racist terms, its coverage also confirmed already existing stereotypes and reinforced negative perceptions in numerous ways. First of all, it is important to acknowledge that many readers were familiar with the fairly overt racist discourse on immigration that took place on conservative talk radio and was publicized by organizations such as STOP IT (Stop out of Control Problems of Immigration Today), the Border Patriots, or the Minuteman Civil Defense Corps. Since these discursive strands worked intertextually, it was not even necessary for politicians and journalists to make racist remarks, but they could count on the fact that sympathetic audiences would read their commentary in light of these much more explicit sources.

Yet in addition to these discursive effects, the mainstream news media also supplied readers with many examples that seemed to verify their fears and anxieties. As the previous examples demonstrated, the media tended to focus on Asian immigrants when they praised

scholastic achievements and Latinos when they discussed poverty, welfare usage, and other social “problems.” This racialization of different immigrant groups is even more evident in human interest stories. The next chapter will focus on a variety of human interest stories about undocumented day laborers, pregnant teenagers, and “criminal aliens.” In particular, this analysis will demonstrate how human interest stories combined personal stories, public anxieties about immigrants’ race, gender, and sexuality, with the underlying neoliberal logic that informed the entire discourse.

## 6 CONSTRUCTING MODEL IMMIGRANTS AND UNDESIRABLE “ALIENS”: THE MAINSTREAM MEDIA’S USE OF HUMAN INTEREST STORIES

In spring 1996, the *Houston Chronicle* (*HC*) devoted dozens of articles to Adela Quintana, a 14-year-old Mexican immigrant who was pregnant by her 22-year-old husband. A few months later, the *San Francisco Chronicle* (*SFC*) caused a public outcry with a story about a 12-year-old Iraqi immigrant, whose family had arranged her marriage to 30-year-old Mohammed Alsreafi. In October 1996, the *HC* ran a 10-part series about four immigrant families from Mexico and El Salvador. During the same month, the *New York Times* (*NYT*) published a 6-part series, entitled “Housing’s Hidden Crisis,” which focused on New York City’s poorest tenants, many of them undocumented immigrants, who were “forced by deepening poverty and a dwindling supply of inexpensive rentals into apartments that are cramped, squalid, illegal or even dangerous” (*NYT*, October 7, 1996).

At a time when the print news media were facing increased competition from the 24-hour news coverage on television and the internet, newspapers had to make an effort to reemphasize their strengths and distinguish their coverage from that of their competitors. Specifically, newspapers banked on their ability to tell complicated stories. Robert A. Logan, director of the science journalism center at the Missouri School of Journalism, has argued that human interest stories play a particularly important role in a culture that values infotainment over hard facts. Logan defines human interest stories as “a feature story in which the focus of the article centers on the personality, characteristics, demeanor, lifestyle, and habits of a featured source, or the ambiance surrounding a featured source’s work” (Logan 2006). In respectable newspapers, human interest stories represent well researched accounts of the featured source’s struggles and

accomplishments. However, the stories' focus on detailed personal testimonies and their ability to manipulate the reader's emotions oftentimes blurs the line between fact and fiction.

According to Stephanie Shapiro, human interest stories are a particularly influential news genre because they attract a wide variety of readers, including those who are fairly uninformed and generally reluctant to follow complex political, social, or economic debates. For instance, many Americans were not interested in housing code violations and housing inspectors' efforts to navigate New York City's convoluted bureaucracy. At the same time, however, these readers were probably fascinated by the story of Juana Castillo, an undocumented Mexican immigrant who shared a dark, dank tunnel space with her three small children, who relied on grunts, shrieks, and gestures to communicate.<sup>217</sup> On the one hand, human interest stories have the potential to raise public awareness and encourage otherwise uninformed readers' to empathize with individuals like Juana Castillo. On the other hand, these stories tend to oversimplify the problem and ignore complications that might detract from the narrative flow (Shapiro 2006). Especially if readers are unable to supplement individual case studies with additional information and conflicting evidence, they often walk away with a one-sided version of the larger issue the story was intended to illustrate.

In addition, Stephanie Shapiro warns that some human interest stories are more voyeuristic than informative. Not only do these stories focus on particularly sensationalistic examples, but they make little attempt to use these case studies as a means to illuminate the underlying problem and explain the factors that have caused so much personal misery. In the

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<sup>217</sup> On October 9, 1996, the *NYT* reported that "isolated from schools, playmates and playgrounds, Jessica, 5-year-old Danny and 3-year-old Jorge seem to fall ever further behind; even Jessica cannot read or write basic words in English or Spanish, and she stammers over the simplest phrases. [...] Danny, 5, who has two dimpled cheeks and wraps his arms around his mother's legs as she walks around the room, rarely utters a complete sentence. More often, he pokes and shrieks his way to being understood. When he speaks, it is with a slur, a lisp and an enormous smile. He often wets the family bed, so Miss Castillo makes him wear diapers. [...] And pudgy-faced Jorge, 3, is the most stoic, at ease about being the youngest, cautious about getting too close to people. He, too, relies on grunts and gestures" (*NYT*, October 9, 1996).

case of Juana Castillo, for example, the *NYT* wrote extensively about Castillo's sense of desperation, an abusive boyfriend with alcohol problems, and their children's isolation, which had "left emotional and intellectual scars" (*NYT*, October 9, 1996). These descriptions were painfully explicit, with many gruesome details about their living conditions and the abuse and neglect the children, in particular, had been forced to endure. The story concluded that, "for Miss Castillo, the immigrant mantra has grown hollow, sullied by too many rat-infested rooms, sunless mornings, melancholy children" (*NYT*, October 9, 1996). Yet due to the fact that the story included next to no information beyond the personal level, Juana Castillo ultimately emerged not as an example of immigrant dreams gone sour but as a flawed individual who made some bad choices for herself and her children.

In many cases, this type of coverage reinforced existing stereotypes. Human interest stories about Latino immigrants invariably focused on poor, uneducated, and undocumented families who were struggling to make ends meet. Their extreme poverty was usually also linked to other factors such as domestic violence, crime, as well as the fact that most of these women had multiple children, oftentimes from different partners. The very fact that all three newspapers contained a large number of these negative depictions of Latino immigrants helped to paint a one-dimensional picture. What is even more problematic, however, is the fact that there were almost no alternative representations of Latino immigrants. Not only did most human interest stories depict poverty and neglect, but the few positive examples of successful immigrants focused almost exclusively on Asian immigrants.

In addition to human interest stories about individual families' struggle with poverty and domestic violence, journalists also focused on "cultural clashes" between native-born U.S. citizens and recent immigrants. In particular, all three newspapers were interested in conflicts

caused by so-called day laborers, unskilled workers who gather on street corners and in parking lots to secure short-term jobs doing construction, yard work, and other types of physical labor. On the one hand, newspapers acknowledged that day laborers represented a vital addition to the labor market. Not only did they work hard for extremely low wages, they were also exceptionally flexible, willing to perform a range of jobs, and move to wherever their labor was needed the most. Some journalists even conceded that day laborers faced harsh discrimination and were oftentimes exploited by their employers and harassed by the police. On the other hand, however, most human interest stories portrayed day laborers as an unassimilable underclass. Even though day laborers might represent an economic asset, they were also perceived as a threat to public safety and middle-class values. I will demonstrate how this tension was not only tangible in the news media coverage of day laborers, but how it also informed policy decisions and influenced the treatment of day laborers in different localities.

This chapter will compare and contrast three different types of human interest stories and explain how these stories functioned within the larger immigration discourse. First, I will focus on stories about individual families and their struggle with poverty, adverse living conditions, and domestic violence. Specifically, I will examine one of the most ambitious, complex, and reflective journalistic projects: *HC*'s 10-part-series, entitled "Out of the Shadows." Second, I will examine the newspaper coverage of the marriage and pregnancies of two young girls from Mexico and Iraq. The third and final part will demonstrate how human interest stories about day laborers and neighborhood conflicts stimulated racial anxieties and contributed to a social climate that polarized native-born Americans and immigrants.

Taken together, this chapter will examine how these stories, which were oftentimes more expressive than informative, functioned within the larger neoliberal discourse, which emphasized

hard data and cost-benefit analysis. I contend that human interest stories represented an integral part of the neoliberal project, especially since they foreclosed the debate of structural inequalities and other problems that were generated or at least reinforced by neoliberal economic forces. In particular, I argue that the dramatic examples of immigrants' apparent inability to escape poverty and adhere to heteronormative family values were used to validate the discourse's focus on individual deficiencies. This strategy was especially effective because the mainstream media juxtaposed these negative examples of individuals who had failed to live up to the neoliberal ideal of an active citizen with stories of successful immigrants whose entrepreneurial spirit had ensured economic stability and happiness for their families.

In addition, human interest stories represented a covert way to introduce race into the larger discourse. In accordance with the general preference for political correctness and "color-blindness," mainstream newspapers did not comment explicitly on the importance of race. As previous chapters have demonstrated, neoliberal rhetoric tended to disguise racist effects behind economically-oriented arguments. Human interest stories followed the same strategy. While these stories praised successful immigrants for their entrepreneurial spirit, their exceptional work ethic, and their eagerness to adhere to heteronormative family values, the authors made it equally clear that less successful individuals had not tried hard enough to live up to the ideals of neoliberal citizenship. Yet as the following analysis will establish, the stories' subjects were also highly racialized and, especially in case of Latinas, sexualized. For the most part, human interest stories suggested that Latino/a immigrants' cultural background represented one of the main obstacles on their road to responsible, self-sufficient neoliberal subjectivity. According to this logic, an immigrant's potential to thrive was thus based on his/her willingness and ability to assimilate to U.S. culture and adopt mainstream ideals and values. Even though journalists were



reluctant to comment explicitly on the importance of an immigrant's racial background, their fascination with cultural differences represented a covert way to talk about race.

## 6.1 "Focus on the Family"

*HC*'s "Out of the Shadows" series was an ambitious journalistic endeavor that combined historical information about U.S. immigration legislation, statistical data, profiles of five of the leading immigration experts, and, most importantly, detailed reports on four immigrant families.<sup>218</sup> Between May and September 1996, journalist Thaddeus Herrick chronicled the lives of two Mexican families in San Antonio, while his colleague James Pinkerton spent his summer with a Mexican and an El Salvadoran family in Houston. The four families were selected after a series of interviews with various immigrants in both metropolitan areas. The final report, which documented the day-to-day challenges faced by these four families, was published in both English and Spanish (online). In addition, the stories were also accompanied by a photo essay. The pictures showed the report's featured sources at home, at work, at school, in their neighborhoods, and in front of American flags and a variety of other patriotic symbols.<sup>219</sup> The final product was a remarkably complex and well-researched piece of journalism that has received a lot of critical acclaim since its initial publication. The series has also been turned into an interactive website that brings together the stories and a wide variety of photographs.<sup>220</sup>

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<sup>218</sup> According to "Out of the Shadows," the five leading thinkers on immigration are: Roy Beck, George Borjas, Michael Fix, Julian Simon, and Peter Brimelow.

<sup>219</sup> The pictures, which were taken by photographer Carlos Antonio Rios, are also available online at <http://www.chron.com/content/interactive/special/amnesty/photo.html>.

<sup>220</sup> The report is available at <http://www.chron.com/content/interactive/special/amnesty/english.html>. The opening page features a picture of a young Mexican couple with their little daughter, standing in front of a model of the Statue of Liberty at the immigration service's office in Houston. The opening paragraph reads: "It was a grand experiment. Invite millions of illegal immigrants out of their hidden world, then slam the door shut on those who would follow. But 10 years later, the Mexican border remains porous. And while some who accepted the government's amnesty offer flourish, hundreds of thousands came out of the shadows only to vanish again in

In contrast to most other human interest stories, the report's creators were also upfront about their agenda and the purpose behind their decision to focus on these Latino immigrant families. Instead of letting the stories speak for themselves, the authors included a prologue, which provided context and background information, as well as an epilogue, which reflected on the lessons to be learned from the individual stories. Both pieces emphasized the fact that immigration reform was a complex issue that was inextricably linked to American culture, society, politics, and the economy. In particular, Herrick and Pinkerton argued that politicians should consider the effects the Immigration Reform and Control Act of 1986 (IRCA) in their attempt to develop better immigration policies. According to these two authors, the IRCA's residency requirements, deadlines, and guidelines for acceptable documentation resulted in an artificial division between those undocumented workers who were deemed eligible for amnesty and those who were subject to deportation. Ultimately, the IRCA's provisions thus illustrated "America's ambivalence toward immigration. We are hopeful and fearful, sentimental and xenophobic. We see ourselves as a nation of immigrants, and we see immigrants as a threat – to our culture, to our jobs, even to our security" (*HC*, "Out of the Shadows – Prologue," October 20, 1996). It is thus hardly surprising that the amnesty provision did not represent a solution to structural inequalities, discrimination, and a lack of economic opportunities.

While some individuals had been able to attain a modest level of success and gain access to jobs that were unavailable to undocumented workers, many workers legalized under amnesty were still "trapped in the other America, where homes often are without telephones and savings are scarce. [...] Two of five families are without private health insurance. [...] Few own homes or cars. Even basic nutrition is beyond the means of many" (*HC*, "Out of the Shadows –

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America's dead-end culture of urban poverty. These are the stories of three immigrant families that accepted amnesty and one that didn't."

Prologue,” October 20, 1996). Compared to immigrants who are still without legal documentation, however, these legal permanent residents were at least able to access various government services, enjoy legal protections, and, most importantly, live without the constant fear of detection and possible deportation. The stories about the four families, three of whom had taken advantage of the amnesty provision, were supposed to illustrate these differences and “put a human face on the larger immigration debate” (*HC*, “Out of the Shadows – About this Report,” October 20, 1996).

Even more importantly, the authors insisted that their stories should be read in the context of the current immigration reform effort. Interspersed with the four personal accounts, Thaddeus Herrick and James Pinkerton offered their interpretations and hinted at the lessons that could be learned from these stories. Most of these comments, however, were embedded in the actual storyline and could thus be easily missed. In order to ensure that readers understood the stories’ larger implications, the authors added an interpretative epilogue that clarified the connection between these four examples and the current immigration discourse. In their epilogue, Herrick and Pinkerton repeatedly claimed that the United States lacked the will to stop “illegal” immigration. Not only had the IRCA of 1986 failed to deter undocumented immigrants, but it had also done little to improve the lives of those immigrants who had benefited from the amnesty provision. The four families’ personal testimonies vividly illustrated the IRCA’s failure. Hence, “the lesson [...] is that Washington should focus less on keeping immigrants out and more on providing them the tools they need to succeed once they get here” (*HC*, “Out of the Shadows – Epilogue,” October 20, 1996).<sup>221</sup>

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<sup>221</sup> At the very beginning of the epilogue, Herrick and Pinkerton had already established that it was “time to rethink our priorities. Instead of trying to keep immigrants out, maybe we should focus on lifting them up once they get here” (*HC*, “Out of the Shadows – Epilogue,” October 20, 1996).

Herrick and Pinkerton were clearly dissatisfied with the latest immigration reform efforts and grappled with the neoliberal logic that had dictated the 1996 reform bill. They demonstrated that the popular rhetoric about the merits of personal responsibility, hard work, and an entrepreneurial spirit rang hollow in light of their stories. While the two authors acknowledged that “America has given these immigrants an opportunity,” they also reminded readers that “in order for them to succeed, to fully participate in the kind of life so many Americans take for granted, the country may need to give them even more” (*HC*, “Out of the Shadows – Epilogue,” October 20, 1996). The epilogue also critically interrogated the myth of the “self-made man” and the ever-popular “up-by-your-bootstraps promise.” In conclusion, they contended that successful immigration reform needed to recognize that immigrants were part of a larger system, where success was based on more than individual merit.

Yet even though the authors were critical of the U.S. government’s implementation of the neoliberal project, their rhetoric reproduced that same neoliberal logic. For example, the interpretative sections as well as the four narratives discussed immigration reform in terms of costs and benefits. Herrick and Pinkerton stated that U.S. citizens were rightfully concerned about the possibility that “the most recent tide of immigrants, increasingly poor and unskilled, cost the country” (*HC*, “Out of the Shadows – Epilogue,” October 20, 1996). They confirmed the widespread concern that “Latin Americans bereft of educational and economic advantages [were] more likely than native-born Americans to live in poverty and collect welfare” (*HC*, “Out of the Shadows – Prologue,” October 20, 1996). And, in conclusion, Herrick and Pinkerton asserted that “impoverished, uneducated Latin Americans,” who lived an “unprotected, easily exploitable way of life” were “assimilating into San Antonio’s voracious inner-city culture” (*HC*, “Out of the Shadows – Epilogue,” October 20, 1996). This alarmist language not only reinforced the

perception that undocumented Latin American immigrants represented a particularly problematic population, but the report also insinuated that some of these immigrants were “anti-citizens” who needed to be policed, controlled, and possibly removed.

Yet in contrast to this fragment of the immigrant population, which had generated more costs than benefits, Herrick and Pinkerton insisted that there were also some positive examples of successful immigrants. As the following sections will demonstrate, the report made a clear distinction between the two success stories and the two families whose lives were characterized by poverty, gang activity, drugs, and violence. While the latter were reprimanded for their seeming inability to make the “right” decisions, the former group was praised for their constant effort to overcome obstacles and live up to neoliberal ideals. On one level, the portrayal of Mari Hernandez’s “near-heroic climb from maid to migrant to entrepreneur” and Maria Ortiz’s ability to work “her way up from cleaning toilets to overseeing the hotel restaurant” merely replicated the dominant neoliberal rhetoric. At the same time, however, it is important to acknowledge that the report focused exclusively on immigrants who had entered the U.S. without proper documentation. As previous chapters have demonstrated, the immigration discourse typically portrayed all “illegal aliens” as undeserving “anti-citizens,” who represented a threat to society, public safety, the economy, as well as the school system. “Out of the Shadows,” on the other hand, interrogated this categorical distinction between “legal” and “illegal” immigrants and suggested that at least some of these “illegal” immigrants might be worth the investment and deserving of legalization programs.

The narrative structure of the report helped to underline the fact that undocumented – or, in this case, legalized – Latino immigrants were a heterogeneous group. Instead of dividing the report into four separate sections with a specific focus on each individual family, the authors

decided to intersperse the four storylines and organize the narrative around a number of important issues, such as interpersonal relationships, education, work, and the English language. In many cases, a particularly negative example was followed immediately by an account of a person who had successfully mastered the same challenge. The third installment, for instance, started with a brief glimpse into the Reyes' family's life, which was characterized by alcoholism, domestic violence, and a "rickety rentals deep in the barrio" (*HC*, Part IV, October 20, 1996). Without a transition, the storyline switched to Mari and Erasmo Hernandez, who had "two insured cars, credit cards and a small savings account. With luck, they would soon be in their own home" (*HC*, Part IV, October 20, 1996). Because of this narrative mode, the reader was oftentimes left with the impression that a family's level of success was not at all connected to structural factors, but was primarily based on their ability to conform to the neoliberal ideal of self-help.

In addition to comparing and contrasting these families' achievements and failures, the authors included frequent explanatory comments that guided the reader's interpretation and encouraged a specific interpretation of the more descriptive passages. With regard to the two families who had reached a modest level of success, the authors were particularly interested in the personal characteristics, behaviors, and values that had enabled them to reach their position. Mari and Erasmo Hernandez, in particular, were consistently lauded in terms that represented them as ideal neoliberal subjects. When the authors introduced Mari for the first time, they described her as an "entrepreneur and one-time illegal immigrant, beneficiary of amnesty and soon-to-be first-time homeowner" (*HC*, "Out of the Shadows – Part I," October 20, 1996). The story recounts her journey from Mexico to Brownville, where she cleaned houses for middle-class whites and met her soon-to-be husband Erasmo, "a vigorous, good-natured laborer" who "held jobs in a citrus orchard and a lumberyard" (*HC*, "Out of the Shadows – Part III," October

20, 1996). Once legalized, the couple moved to Houston. Erasmo accepted “a steady, if difficult and perhaps undesirable, job in a nearby plant that coated large pipes for natural gas carriers” and Mari entered a government-sponsored training program for beauticians (*HC*, “Out of the Shadows – Part III,” October 20, 1996). After successful completion of the program, Mari decided to take a risk and open her own business, the H and L Beauty Salon, which has thrived ever since.

According to the authors, Mari and Erasmo’s unfaltering will to make the most of the few chances they were offered had turned them into “examples of a government program that worked” (*HC*, “Out of the Shadows – Part III,” October 20, 1996). The subsidized training program had proven to be a good investment. This exemplary progress, however, would not have been possible without a number of other factors. On the one hand, the story focuses on both Mari and Erasmo’s willingness to work extremely hard and supplement their low income with temporary jobs. Instead of enjoying the fruits of their labor, the couple continues to make personal sacrifices and prioritize work over family life. For example, when Erasmo’s employer decided to transfer workers to a new plant in Fort Collins, Colorado, Erasmo was packed and ready to leave by the next morning – despite the fact that he had just moved into his new house in Houston a few days before. On the other hand, the authors also implied that the Hernandez’s modest success was at least partly based on chance, or, rather, on their inability to have children. They wrote: “Add a couple of children – the Hernandezes had tried for years to have a baby – and Erasmo’s salary would be poverty level for a family of four. With Mari’s income and no kids, however, the couple avoided that trap” (*HC*, “Out of the Shadows – Part IX,” October 20, 1996).

In line with the larger discourse about immigration and welfare reform, Herrick and Pinkerton insisted that a couple’s adherence to neoliberal family values was the key to their

success. Since financial stability was commonly accepted as the ultimate goal in a neoliberal society, poor people were expected to delay or even abandon their desire to have children if they aspired to escape their poverty. For low-income families like the Hernandezes, children represented a stumbling block to financial security and middle class living standards. Mari Hernandez's wish to have children, despite her fragile financial situation, was thus dismissed as irrational and the authors made little attempt to mask their disapproval. Instead, a woman's reproductive choices needed to be governed by rationality and self-control.

In contrast, the Ortizes were praised for their unfaltering commitment to their two young children and their determination to provide them with the best possible education. 35-year old Maria Ortiz, who had fled the Civil War in El Salvador in the early 1980s, was described as a role model for other parents: "She worried about her daughter's education. [...] She wanted to protect her daughters as best she could from the American fast lane, allowing them to finish high school, get a scholarship and have a career. 'Nothing too big,' Maria would say. 'But a better life'" (*HC*, "Out of the Shadows – Part IV," October 20, 1996). In order to achieve this goal, Maria was an active parent who volunteered at her daughters' schools and communicated with administrators and teachers on a regular basis. As a result of her efforts, 11-year-old Nathalie was accepted into a competitive fine arts magnet school and Marisol, a kindergartner, attended one of Houston's best elementary schools. According to the authors, Maria's drive and commitment were a direct result of her own upbringing. They wrote that "Maria's high school education gave her an advantage in seeing 'the good way,' as did her middle-class Salvadoran upbringing (*HC*, "Out of the Shadows – Part II," October 20, 1996). From a neoliberal perspective, Maria thus represented a particularly desirable immigrant because, without further



expenditures, U.S. society would be able to profit from the money the Salvadoran government had already invested in her education.

Maria's upbringing was also described as one of the main factors that had taught her to stay away from the U.S. welfare system. In contrast to many of her co-workers, who supposedly went on welfare because they refused to clean offices, hotel rooms, and bathrooms on a daily basis, she had never shied away from hard or dirty work. From her perspective, it was disgraceful for an able-bodied adult to accept government assistance. In addition, Maria had kept close to her extended family.<sup>222</sup> In times of need, she could always rely on her parents and siblings. They helped each other with child care, assisted each other when they bought, renovated and moved into their own houses, and, perhaps most importantly, they were always able to understand each other's struggles in a new and different society. Maria's extended family thus represented a valuable informal support network. In short, Maria was described as a desirable immigrant because she came from a "culture" of hard work and unfaltering family values.

In the course of the series, Maria Ortiz emerged as the model immigrant. Not only did her ambition, intelligence, and strong work ethic help her succeed in a competitive job market, but her commitment to her family and her ability to rely on their support had turned her into an exemplary neoliberal subject. As undocumented immigrants, Maria and her relatives had never signed an affidavit of support. Yet, nonetheless, they regarded it as self-evident that family members would support each other, instead of taking advantage of the welfare system. Hence, Maria's story seemed to confirm a number of concerns and suggestions that had dominated the legislative discourse. As previous chapters have demonstrated, Congress's main goal was to

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<sup>222</sup> "Maria's parents live two blocks away. Her sister Silvia lives on the next street over with sister Blanca and yet another sister, Marlene, is only a few blocks away. 'We help each other out,' said Maria" (*HC*, "Out of the Shadows – Part III," October 20, 1996).

decrease government expenditures and turn financial obligations over to individual immigrants and their sponsors. Maria's exemplary success suggested that this was the right – and maybe even the only – solution to the “immigration crisis.”

At the same time, the story's stark contrasts between the individual families made it clear that immigrants like Maria were not only economically desirable, but that she was also a much more acceptable member of U.S. society than those legalized immigrants who had failed to live up to neoliberal ideals. Whereas all the other adult protagonists were unable to communicate in English and continued to socialize with Spanish-speaking individuals only, Maria had mastered the English language and passed the naturalization exam in record time. Perhaps not surprisingly, she was the one and only person who had regular contact with native-born Americans and navigated American culture, society, and politics almost effortlessly. In other words, she had successfully assimilated into mainstream America. The authors thus used Maria as their focal point. She was the person readers could identify with; her concerns about her daughters' education corresponded to the readers' own worries; her dream to buy a house in the suburbs was something many readers' aspired to as well.

The editorial about the series, which was published a few days after the last installment, confirmed this fundamental distinction between potential U.S. citizens and those immigrants who represented a burden, or, even worse, a threat: The stories

told of successes and tentative steps toward the American dream with small business enterprises and home ownership. They told of the kind of difficulties that many American families face with rearing children and choosing good schools for them. And the stories recounted, in real, human terms, some behaviors and circumstances that so irk citizens, who feel they are bearing the financial and

social burdens of illegal immigration. Recounted were brushes with the criminal justice system, welfare fraud, some cases of complete unfamiliarity with the English language and teen-age parents who had their babies at state expense. (*HC*, “In the Shadows – Editorial,” October 29, 1996)

The story left little doubt which family fell into which category. In contrast to the two glowing representations of the Ortizes and the Hernandezes, the authors expressed little understanding for the struggles of the Reyes family and for Roberto and Teresa, two undocumented immigrants who had failed to apply for amnesty in 1986. The Reyes, in particular, were depicted as the epitome of an undesirable immigrant family. Throughout the narrative, the authors repeatedly emphasized the fact that Victor and Marcelina Reyes had seven children and two grandchildren. The introductory passage of the first installment, for instance, explained that “Rey’s mother and father, his brother, five sisters and 2-month-old niece were probably halfway to Piedras Negras, Mexico” while Rey, his girlfriend Gloria, and their little daughter Kimberly – “two 16-year-olds and their baby” – were watching *Menace II Society* (*HC*, “Out of the Shadows – Part II,” October 20, 1996). In the third installment, the reader learned that the family was on their way back from Mexico: “At 4 a.m. June 17, the day after Father’s Day, Victor and Marcelina and their six children, one grandchild and three Mexican relatives – a total of 12 – piled into the Ford and headed home to San Antonio” (*HC*, “Out of the Shadows – Part III,” October 20, 1996).<sup>223</sup> This image of twelve family members who “piled” into an old and unreliable car resonated powerfully with readers’ preconceived notions about Mexican Americans.

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<sup>223</sup> Earlier in the same installment, the authors had already explained that “life afterward [after they were legalized in 1986] was not much different for Marcelina and Victor. They were raising five U.S.-born children – Brenda, Victor, Reynaldo, Gloria, Marisa – and would have two more – Alicia and Patricia – over the next four years. Neither Marcelina nor Victor learned to speak English. And the most they could afford on Victor’s salary of less than \$ 200 a week were rickety rentals deep in the barrio” (*HC*, “Out of the Shadows – Part III,” October 20, 1996).

Since this story was published in a respectable newspaper, each of these passages was probably assumed to be an accurate description of the Reyes family. Each quote provided factual information and helped the reader understand where the featured sources were coming from. Yet in the context of the larger immigration discourse, this particular representation of the Reyes family also had another, much more problematic function. As previous chapters have shown, the anti-immigrant discourse was constructed around a number of powerful images. One of the images which had caused much anxiety among many native-born U.S. citizens was the figure of the poor, overly fertile Latina immigrant, whose out-of-control sexuality had trapped her and her children in a culture of poverty, crime, and violence. This negative image undoubtedly informed readers' interpretation of "Out of the Shadows" and helped them classify the information they received about the Reyes family.

Mother Marcelina, in particular, emerged as a problematic figure. Married to an abusive husband who made less than \$15,000 per year, Marcelina had seven children in quick succession. Hence, she had no opportunity to learn English, get an education, or take advantage of job training opportunities like Mari Ortiz or Maria Hernandez. It was not even necessary for the authors to connect these pieces of information. The larger discourse only allowed for one possible explanation: Marcelina's seeming inability to control her own sexuality had prevented her family from climbing up the social ladder. As a result, they were permanently "trapped in the other America." Her family had become part of "America's distinct and debilitating urban culture" (*HC*, "Out of the Shadows – Prologue," October 20, 1996).

In addition, the story implied that Marcelina's unrestrained sexuality and the family's resulting failure to leave the "barrio" had had devastating consequences for her children. Herrick and Pinkerton were particularly interested in the two children who had just become parents

themselves. Brenda, Marcelina's oldest daughter, was described as an ambitious, intelligent student, who "was determined to be the first in her family to graduate from high school and earn a college degree." She "played varsity soccer and ran track, she ranked in the top 10 percent of her class" (*HC*, "Out of the Shadows – Part III," October 20, 1996). And in her free time, she worked at McDonald's to earn money for school clothes for herself and her younger siblings. Brenda thus had the potential to realize her dreams and create a better future for herself, and maybe even for her family. During her senior year, however, she became pregnant, stopped attending school, her grades dropped, and she scored in the bottom 10 percent of the SAT. In the end, it was unclear whether she would even try to attend junior college.

According to the story, Brenda was caught between two conflicting forces. On the one hand, several dedicated teachers who had recognized her untapped potential had tried to instill a strong work ethic and a sense of personal responsibility into this young Mexican immigrant student. On the other hand, however, Brenda had grown up with no positive role models. Her parents, who had not even finished the seventh grade, had consistently failed to make the "right" choices that would have allowed them to develop into responsible neoliberal citizens. In the end, Brenda was apparently unable to live up to her teacher's expectations and escape her parents' negative influence. This simplistic portrayal, which ignored other factors and failed to take Brenda's own perspective into account, reinforced the common perception that it was Mexican immigrants' lack of self-control which made it impossible for them to advance beyond unskilled, minimum-wage jobs.

The representation of Brenda's brother Rey further confirmed this thesis. As opposed to his sister, Rey had never even made an effort to turn his life into a success. He had managed to get expelled from every single school he had ever attended – for stealing, fighting, and pulling

knives on fellow students. When he was thirteen years old, Rey joined “the ND Posse, a now-defunct gang of mostly Mexican-American teen-agers,” and was shot by a member of a rival gang – “the LA Boyz, another Mexican-American gang” – shortly afterwards (*HC*, “Out of the Shadows – Part I,” October 20, 1996). Now, at age sixteen, Rey faced charges for possessing stolen goods, and he was thinking about breaking up with his girlfriend, who had just given birth to their daughter, Kimberly.

According to the authors, Rey’s life story was far from unique: “In many ways, he is not unlike your average 16-year-old. He dresses like one, talks like one, shares the same interests. The difference is that Rey, isolated by poverty and deprived of the special guidance a troubled kid needs, is more vulnerable to the pitfalls of urban America” (*HC*, “Out of the Shadows – Part I,” October 20, 1996). What is implied in this passage is, of course, that Rey is not unlike your average 16-year-old *Mexican immigrant*. The story offered vivid descriptions of his clothing, which included baggy pants, T-Shirts, and green bandanas, as well as his physical appearance. “His head was shaved around the sides, a stubbly ‘wedge’ left on top and a ‘rattail’ dyed reddish blond in the back” (*HC*, “Out of the Shadows – Part I,” October 20, 1996). Obviously, this image corresponded with the reader’s idea of a violent, drug-dealing gang member. For the most part, however, the authors refrained from such explicit rhetoric and let the image speak for itself.

Instead, the authors relied heavily on the use of metaphors and code words and insisted that Rey’s story represented “a vivid illustration of the enormous challenges facing young inner-city Hispanics” (*HC*, “Out of the Shadows – Part VII,” October 20, 1996). On one level, these allusions to “urban America” and “inner-city” problems seemed to acknowledge that social inequalities, poverty, and racial segregation had obviously had an effect on many young Latinos and Latinas. Yet since the story neither attempted to interrogate the specific nature of these

problems, nor explained why these problems afflicted so many young Latinos/as, the aforementioned comments accomplished little but to confirm existing racial stereotypes.

In contrast to Marcelina Reyes' apparent failure to ensure a better future for her children, Teresa, an undocumented mother of six children between the ages of 1 and 16, was described as an active parent who made every effort to protect her children from the "urban culture" that had supposedly ruined the lives of the Reyes children. In their poor, predominantly Mexican American neighborhood, her two sons, 10-year-old Guillermo and 12-year-old Jesus, stood out: "Not only were they lighter-skinned than most of the children at Cassiano, they dressed differently. Teresa allowed no baggy shirts or pants. Teresa also frowned upon wedge haircuts and rattails" (*HC*, "Out of the Shadows – Part VI," October 20, 1996). Even though Teresa had almost no formal education, she was described as smart and eager to learn. Her actions and comments proved that she had clearly identified the potential obstacles that could prevent her children getting ahead in life. Teresa recognized that gangs might seem appealing to her young sons, while pregnancy was the primary obstacle for her daughters.

Compared to Marcelina, Teresa was not only depicted as a better, more caring mother, she also emerged as a person who had gained more insight into the intricate social norms and divisions of U.S. society. In many ways, however, Teresa merely reproduced the dominant discourse about welfare dependency and recipients' lack of personal responsibility. For instance, Teresa was critical of legal immigrants who received welfare benefits. Especially since she "wanted desperately to get ahead," Teresa had little patience for legal immigrants who had seemingly failed to take advantage of their opportunities. Teresa was indignant about the fact that she was "stuck at Cassiano Homes amid welfare moms and their gang-banger children. [...]"

Didn't her neighbors realize how lucky they were" that they were legal permanent residents and thus eligible to work in the U.S. (*HC*, "Out of the Shadows – Part II," October 20, 1996).

By juxtaposing Teresa's anti-welfare rhetoric with her repeated efforts to gain access to food stamps, free school supplies, and free immigration counseling, the story also implied that Teresa's negative attitude towards federal welfare benefits might be a direct result of her own lack of eligibility. Yet her feelings also illustrated the pitfalls of the national discourse on welfare reform. While the abstract rhetoric about a cycle of poverty and the need to help recipients become self-sufficient sounded convincing to many Americans, it was easy to forget that these reforms would not put an end to poverty. Teresa, for instance, had apparently internalized the dominant rhetoric, but she also realized that her children's immediate needs outweighed her desire to conform to these norms. More fundamental reforms were needed before she could pass up an opportunity for valuable goods and services.

Herrick and Pinkerton, however, had a different and much more simplistic explanation for Teresa's difficult situation. They wrote that "Teresa felt hobbled by her secret. In truth, her illegal status was just one of several obstacles. She was raising six children, two of them no more than 2 years old" (*HC*, "Out of the Shadows – Part II," October 20, 1996). To make matters worse, Teresa's inability to control her sexuality was complicated by domestic violence. Even though the authors were hesitant to blame Teresa for the fact that she had stayed in an abusive relationship for well over a decade, they made it clear that they could not understand her position. Initially, Herrick and Pinkerton explained that "though she describes her marriage as punctuated by bouts of Roberto's drunkenness and hostility, Teresa refused to leave her husband because, she said, 'He is all I've ever known'" (*HC*, "Out of the Shadows – Part IV," October 20, 1996). In later installments, they added that Teresa had stayed because she "she needed Roberto's



money and he needed shelter” and because “somehow she felt guilty in her marriage, [...] no matter how poorly Roberto treated her” (*HC*, “Out of the Shadows – Part VIII,” October 20, 1996). What they do not talk about is the fact that Teresa has nowhere to go. As an undocumented immigrant with six young children, she could hardly survive on her own.

Despite the fact that this series represented an ambitious effort to portray immigrants as a diverse group of individuals who had achieved varying levels of success, the story ultimately reinforced the dominant neoliberal rhetoric. By juxtaposing two success stories with two particularly bleak examples of families whose lives were characterized by poverty, violence, and crime, the authors downplayed the importance of structural factors and emphasized the significance of individual ambition and an entrepreneurial spirit. In addition, the authors framed these immigrants’ lives as a struggle between Mexican – or, in case of the Ortiz family, Salvadoran – cultural values and the influence of their host country’s culture. While the two successful families had been eager to adapt to mainstream U.S. culture, the two other families had seemingly failed to assimilate. In the end, the series suggested, their lack of success was primarily based on their inability to see the problems inherent in their own cultural practices and belief systems. Even though the authors did not comment explicitly on the importance of race, this discussion about “culture” has a clear racial subtext. This strategic focus on “culture” as opposed to “race” will become even more obvious in the following section.

## 6.2 Teenage Pregnancy

In the course of the 1995-96 welfare reform movement, teenage pregnancy and out-of-wedlock births were identified as two of the major evils that had led to the so-called culture of poverty and the ensuing cycle of dependency that it supposedly produced. When anthropologist

Oscar Lewis developed the “culture of poverty” concept in the late 1950s, he set out to explain how Puerto Rican families’ lives were transformed by poverty. Lewis argued that poor children were socialized in such a way that made it difficult – if not impossible – for them to escape poverty. Supposedly, poor children’s lives were characterized by absent fathers, drugs, violence, poor work habits, and, perhaps most importantly, mothers’ obsession with sex. Hence, Lewis separated poverty from structural causes such as a high unemployment rates, substandard housing, and a lack of access to quality education and instead argued that poor people’s choices and behaviors were the underlying cause of their dismal situation. While Lewis’s theories asserted a strong influence on the “War on Poverty” in the mid-1960s, contemporary scholars have questioned the validity of his claims and warned of the problematic implications that Lewis’ theories have had for social welfare policies.<sup>224</sup>

Yet despite these criticisms, the neoliberal reform movement in the mid-1990s was not only firmly grounded in the belief that success was a direct result of individual merit, but it also suggested the poor people’s lives were characterized by a common set of problematic behaviors and values that were continually passed on from one generation to the next. Hence, it was up to the government to break through this “cycle of poverty” and force poor people to abandon their erroneous ways. In particular, teenage pregnancy and single motherhood were perceived as two of the most pervasive problems. Title I, Section 101 of the Personal Responsibility Act (104 P.L. 193) spelled out Congress’s findings and concerns, among them statistics showing that teenage mothers were more likely to receive welfare. In addition, Congress claimed that “children of teenage single parents have lower cognitive scores, lower educational aspirations, and a greater likelihood of becoming teenage parents themselves” (104 P.L. 193; Title I; Section 101; 9(I)). In conclusion, the law stated that “in light of this demonstration of the crisis in our Nation, it is

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<sup>224</sup> See Briggs (2002) for a critique of the “culture of poverty” thesis.

the sense of the Congress that prevention of out-of-wedlock pregnancy and reduction in out-of-wedlock births are very important Government interests” (104 P.L. 193; Title I; Section 101; 10).

This sense of crisis had been shaped and cultivated by the entertainment as well as the news media. Countless human interest stories had focused on single mothers and pregnant teenagers and offered vivid illustrations of their children’s struggles and the insurmountable obstacles that they invariably faced. Since the underlying neoliberal logic foreclosed any attempt to engage in a serious debate about the role that race and ethnicity played in this discourse about sexuality and motherhood, stories tended to discuss teenage pregnancy in terms of “cultural differences.” Yet while most discourse participants were reluctant to talk openly about race, there seemed to be a consensus that teenage pregnancy and single motherhood were primarily black problems. Throughout the discourse, code words such as “welfare mothers” and “welfare queens” were used to signify a person’s race and the term “cultural differences” functioned as a covert way to talk about racial differences. Even though much of the discourse made no direct references to a person’s race, there was a pronounced racial subtext that was easily understood by readers familiar with it.

This coverage was further complicated when the pregnant teenager was not a U.S. citizen, but an immigrant from a different cultural background. The following section will look at two specific cases that received considerable media attention in 1996. The first case concerned Adela Quintana, an undocumented Mexican immigrant who had resided in the Houston area for the better part of her life. She came to the attention of the Children’s Protective Services Agency (CPS) when she used a fake birth certificate, which her mother had obtained for her, to apply for welfare benefits for herself and her unborn child. According to the birth certificate, which was made out to “Cindy Garcia,” Quintana was only nine years old when she became pregnant.

When the welfare agency became aware of the pregnant girl's age, Quintana was immediately taken into custody and placed into a children's shelter. Shortly afterwards, Quintana disappeared during church services and became the subject of a massive search. When the police located her three days later, Quintana was placed into temporary custody of CPS and her 22-year-old boyfriend Pedro Sotelo, who admitted to having had sex with her, was arrested for sexual assault of a minor.<sup>225</sup>

For the next year-and-a-half, the *HC* followed the case from the birth of Quintana's son, who was born blind, to Sotelo's court case, the controversy over his amassed traffic tickets, and the eventual deportation proceedings for both parents. During this time, the *HC* published more than twenty articles and dozens of readers wrote indignant letters to the editor. Yet even after Pedro Sotelo was eventually deported, the case reappeared in the media discourse periodically. On July 7, 2006, for example, the *HC* reported that El Salvadoran immigrant Jose Lazo, a nationally known spokesman for displaced Enron workers, faced deportation proceedings because he had impregnated his 13-year-old girlfriend when he was 17 years old. According to the *HC*, his situation was comparable to "Pedro Sotelo, a Mexican living in Houston who was 22 when he got his 14-year-old wife pregnant" (*HC*, July 7, 2006).<sup>226</sup>

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<sup>225</sup> In the first few articles, Pedro Sotelo is referred to as Adela Quintana's boyfriend. Yet after the Children Protective Services filed sexual assault charges against Sotelo, his attorney Nancy Revelette made a case that they were actually married. She argued that "in some areas of rural Mexico, when a man proposes, he offers to let her move in, leave all of her family belongings, and begin a life that he will make for her. The ritual begins when they set a date for her to leave. The bride leaves her home and goes with her groom to consummate their union. After a few days, the groom's friends visit the 'grieving' father, and try to console him with alcohol and the benefits of a son-in-law. The father is consoled, and welcomes the union. Revelette said she found that Sotelo and Quintana followed much the same ritual in February 1995" (*HC*, June 17, 1996).

<sup>226</sup> What is even more interesting about this particular article is the fact that it advanced the same "cultural difference" rhetoric that dominated the media discourse about Pedro Sotelo and Adela Quintana. The *HC* reported that "supporters of Lazo say they are amazed that a young man who rose so fast now risks an equally precipitous fall because of a mistake they believe originated out of a difference in cultures. 'It shocks our American notion of how kids should behave' when children have children, said Jacob Monty, Lazo's attorney. 'But it's normal in Central America and Mexico'" (*HC*, July 7, 2006).

The second case, which involved an Iraqi immigrant couple, did not receive the same degree of media attention. After the first human interest story, which was published on August 7, 1996, there were only three letters to the editor and one follow-up story that appeared in print a few weeks later. However, the coverage of this unnamed eleven-year-old Iraqi girl, whose family had arranged a marriage with thirty-year-old Mohammed Alsreafi, expressed the same anxieties that had characterized the controversy about Adela Quintana. In particular, both stories portrayed the older men as dangerous sexual predators, who, to make matters worse, failed to understand why U.S. society regarded their actions as illegal and morally repugnant. In contrast, the girls were described as the victims of an oppressive, patriarchal culture which had so much power over them that they were incapable of resisting their abusers. For the most part, the stories implied that the U.S. government needed to rescue these young women and protect them from their own values and traditions. At the same time, however, a number of discourse participants insisted that these two young women were victims of a “cultural collision.” According to this reading, it was not the immigrant community who needed to assimilate their beliefs to the dominant culture, but it was U.S. society that was insensitive and intolerant of other cultures and needed to learn to accept value systems that were different from their own. As the following analysis will demonstrate, though, both sides ultimately reinforced a problematic image of immigrants as a culturally different “other.”

Both of the initial human interest stories insisted that these cases were not just about two young teenagers who had sexual relations with older men, but that there were larger issues at stake. Specifically, the *SFC* story about the Iraqi girl argued that her relationship was not an isolated case. Quite to the contrary, her arranged marriage to an older man was described as the logical consequence of her upbringing and her community’s adherence to “Middle Eastern

cultural values” that supposedly dominated the lives of Iraqi immigrants in the U.S. To provide some explanatory background information, the *SFC* asked numerous expert witnesses to explain Middle Eastern culture to U.S. readers. Iyad Alqazzaz, an expert in Middle Eastern culture and history at California State University, noted that while it was not unusual for Iraqis to arrange marriages for their 15 or 16-year-old daughters, it was “extremely unusual for a 12- year-old to marry” (*SFC*, August 7, 1996). According to Alqazzaz, U.S. authorities should thus draw a clear line between those cases that were unacceptable in both culture and those cases that were sanctioned by Iraqi cultural practices. Since evidence seemed to suggest that the Iraqi girl might be older than the age listed on her immigration card, which indicated that she was eleven years old when she first allegedly had sex with Alsreafi, Alqazzaz’s statement seemed to support Deputy District Attorney Susan Breall’s decision to drop the sexual assault charges.

Even though the larger discourse had already firmly established an image of Iraqi immigrants as oppressive to women and unwilling to adhere to U.S. child protection laws, it was apparently still necessary to cite independent experts who confirmed this commonly accepted “truth.” As previous chapters have demonstrated, politicians and other public figures were well aware of the need to appear non-discriminatory and abstain from openly racist language. If a person violated this unspoken rule, the consequences were immediate and severe. It is hardly surprising then that journalists as well as the law enforcement officers involved in this case tried to make sure that their reactions to this sensitive issue were endorsed by the leading experts. The story thus not only cited various experts to confirm their own coverage, but it also emphasized the fact that Deputy District Attorney Susan Breall “said she arrived at [her decision to drop the charges] after a thorough investigation and consultation with an expert familiar with Iraqi culture” (*SFC*, August 7, 1996). Since this young girl was “married in the eyes of her culture and

her community,” who regarded their marriage as a “voluntary, consensual, sexual relationship,” the prosecution would have effectively condemned the entire Middle Eastern immigrant community if they had taken this case to trial (*SFC*, August 7, 1996). Political correctness and cultural sensitivity clearly forbade such a course of action.<sup>227</sup>

Not everyone agreed with this assessment. Despite the fact that human interest stories do not usually take a strong position on the issue they discuss, this initial story about Mohammed Alsreafi clearly suggested that his actions should not only be illegal, but were also morally repugnant. And, if his community was willing to accept and, in the case of the girl’s parents, facilitate his abusive behavior, it supposedly deserved to be put on trial by U.S. authorities. To support this reading, the author framed the article as a story about lies, corruption, and sexual abuse. The article vividly portrayed the family’s conflicting excuses and explanations. When first questioned, the girl’s parents had supposedly claimed that their twelve-year-old daughter was not married. Yet upon realizing that this explanation could lead to a lawsuit against Alsreafi, they had “said they were married and produced some video of the ceremony” (*SFC*, August 7, 1996). In addition, they insisted that their daughter was not twelve, but eighteen years old. Meanwhile, Alsreafi kept changing his story as well. Whereas he had initially admitted to having sex with a twelve-year-old, he later claimed that he was not aware of her age, had never had sex with her, and had lawfully married her a few months earlier. The story thus clearly implied that Iraqis were secretive, dishonest, and had actively attempted to deceive U.S. authorities.

In the end, it remained unclear which version of the story was actually true and whether the young woman was twelve or eighteen years old. Even more importantly, the story seemed to

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<sup>227</sup> Deputy District Attorney Susan Breall was acutely aware of this dilemma. In support of her decision to drop charges, she asked the following (rhetorical) question: “Do we want to spend a lot of time and money prosecuting a person and putting on trial this particular culture when the victim is uncooperative and when I and many other San Franciscans pride ourselves on being sensitive to someone’s culture?” (*SFC*, August 7, 1996).

suggest that finding the truth was not important since the same concerns would hold true in either case. From the very beginning, the author made it clear that this was most certainly “a case in which Middle Eastern cultural values collide with California law” (*SFC*, August 7, 1996). I contend that, judging from the accusatory tone of this human interest story, this statement did not just reference the crime that had allegedly been committed by Mohammed Alsreafi. Instead, the article’s opening line should be understood as a much more far-reaching commentary on Middle Eastern culture, traditions, and values in general. By juxtaposing Middle Eastern *culture* with California *law*, the author clearly implied that there should not even be a debate over which system had precedence over the other.

By framing this controversy as a collision of cultural values and the U.S. legal system, the discourse obscured the racial subtext. At the same time, however, racial anxieties and prejudiced notions about Muslim culture informed this discourse. The neoliberal demand for a color-blind rhetoric prevented xenophobic remarks and obliged the media to appear open-minded, at least to a certain extent. Yet this standard for political correctness was not accompanied by a more far-reaching interrogation of widely-held beliefs about Muslim culture. As the aforementioned example demonstrated, the mainstream media was careful to frame their concerns in racially neutral terms. A racially-specific subtext, however, made it perfectly clear that Muslim culture was not only deemed incompatible with mainstream U.S. culture, but it was also perceived as highly problematic and oppressive of women. Since the larger immigration discourse had already established that it had become necessary to protect “our culture” from harmful foreign influences, the story was able to tap into this general emotion without much explanation.



Interestingly, however, some readers felt that this implied reading was not quite obvious enough. In their letters to the editor, these readers explicitly stated that the U.S. had no obligation to endorse cultural traditions that were in clear violation of the dominant value system. On August 13, 1996, for instance, Laina Farhat wrote that “cultural sensitivity is a noble notion, but is not a blanket. [...] Why is child marriage all right just because her ‘community’ thinks it is all right? What are we thinking of? We should rescue that child!” (*SFC*, August 13, 1996). Two days later, Gary C. Cramer made a very similar point when he insisted that “not all cultural differences are worthy of the same respect in a Western society, and this is especially true when it comes to sex with children” (*SFC*, August 15, 1996). While most readers would certainly agree that pre-teen girls should be protected from adult males, it is important to acknowledge that there was no indication that other Iraqi immigrant parents arranged marriages for their eleven or twelve-year-old daughters. Yet despite this lack of evidence, these letters implied that this one case was not an isolated occurrence, but was representative of the entire Iraqi immigrant community. The discourse thus not only essentialized cultural differences between Iraqi immigrants and native-born U.S. citizens, it also suggested that immigrants were uncompromising in their cultural beliefs and unaware of U.S. laws and traditions. Notwithstanding the fact that this young girl had spent almost her entire life in the United States, the *SFC* thus consulted a Middle East specialist, who referenced customs in “remote rural areas,” in an effort to explain her behavior.

Given the fact that, in the mid-1990s, U.S. citizens were much more anxious about “waves” of Latino/a immigrants than about the comparatively small number of Muslim immigrants, it is hardly surprising that Latinos/as perceived inability to conform to a certain type of fertility received much more attention. In the case of Adela Quintana and Pedro Sotelo, the

discourse about cultural differences was thus even more pronounced. While the *HC* was undecided about whether the young teenager's common-law marriage and her pregnancy were the result of Mexican cultural traditions or a consequence of her mother's negligence, Sotelo's court-appointed attorney specifically cited "cultural differences" to defend his client against aggravated sexual assault charges. In the third lengthy article, which was provocatively entitled "He is Bewildered," Sotelo's attorney went on record with the following comment:

Pedro Sotelo, 22, charged with sexual assault for allegedly impregnating a 14-year-old, does not understand the controversy over his relation with the girl, his attorney says. 'It is a cultural collision,' said Sotelo's court-appointed attorney, Dick Wheelan. 'He is bewildered. Where he comes from, this is not uncommon. In his mind, he feels he is not guilty of anything. It's not quite the same situation as if these two people were born and raised in the United States' (*HC*, January 27, 1996)

Throughout the ensuing controversy, the *HC* periodically returned to this line of defense. On February 4, 1996, for example, the *HC* reported that "Dick Wheelan, Sotelo's attorney, said his client is a victim of a 'cultural collision' and that in Mexico, where Sotelo comes from, it's not an unusual situation" (*HC*, February 4, 1996). A few months later, the newspaper informed readers that "inadvertently helping the state, Sotelo never denied the allegation [that he had sexual relations with 13-year-old Quintana], he just denied that it was wrong." The article continued with another quote from Dick Wheelan who, once again, announced that "it was a cultural collision. [...] Where he comes from, this is not uncommon" (*HC*, June 17, 1996). While it remained unclear whether Sotelo advanced these justifications upon the advice of his lawyer or whether he was actually unaware of the fact that it was illegal in the U.S. for adult men to have

sexual relations with 13-year-old girls, it is important to acknowledge that his attorney decided to use this perception of essential cultural differences in his defense.

The series of articles about Quintana's initial disappearance, her son's birth, and the ensuing deportation hearings for both parents kept coming back to this notion of cultural difference. Several stories also alluded to economic factors such as Quintana's lack of a formal education and Sotelo's efforts to provide for his family. In the first story about the case, for example, Quintana was described as a girl who "has not been to school since she was 8" (*HC*, January 24, 1996). A few days later, the *HC* referred to her as "the diminutive expectant mother, described by lawyers as a fourth-grade dropout" (*HC*, January 30, 1996). During her deportation hearings, Quintana had already returned to school and testified that she wanted to finish her education and get her GED.<sup>228</sup> Similarly, Sotelo repeatedly stressed that he would be a good husband and father. On April 1, 1997, for example, he told the judge that "he pays the family's bills by earning \$ 250 a week installing air conditioners, but he acknowledged that [his son] Bryant, who receives a monthly Social Security supplement for his blindness, would need welfare programs all his life" (*HC*, April 1, 1997). Both Quintana and Sotelo tried to convince the judge that they deserved a chance to remain in the U.S. with their disabled son, who was a U.S. citizen by birth. They portrayed themselves as hard workers and ambitious students who were eager to develop into self-supporting neoliberal subjects and adhere to heteronormative family values from now on. Interestingly, however, the stories did not really comment on this line of defense. While the *HC* quoted their statements at length, the authors did not comment further on this neoliberal logic or attempt to assess whether Quintana and Sotelo had the

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<sup>228</sup> On November 19, 1996, the *HC* reported that "Quintana has returned to school to finish her education" and two days later, Quintana told the judge: "I want to get my GED (general equivalency diploma)" (*HC*, November 19, 1996 and November 21, 1996, respectively).

potential to develop into desirable immigrants. Instead, the human interest stories focused almost exclusively on cultural differences.

For the most part, letters to the editor followed the same logic and argued that Quintana and Sotelo's relationship was a result of their different cultural values. Several readers expressed their support of the young couple and argued that they should be allowed to hold on to their values and start a family. Delores Wigal, for example, wrote that "sending this young man to prison is ridiculous. In their country (Mexico), their love for each other is perfectly natural" and George L. Lattie argued that "their ages are not an uncommon combination in their homeland, or in much of the world. [...] To break up a family because of cultural prejudice would be terrible" (*HC*, February 1, 1996 and February 7, 1996, respectively). Mexican immigrant Clara Alicia Boggs agreed with this assessment. She insisted that "after discovering Adela was 14, not 10, and that her age difference with Pedro is accepted in Mexico, everyone should have gotten out of their lives" (*HC*, February 13, 1996). According to these readers, the United States needed to be more accepting of other cultures and traditions, instead of applying their own, culturally-specific standards to everyone.

The majority of letter writers, however, did not accept this argument. They claimed that this kind of cultural relativism was unacceptable, especially since it involved a pregnant teenager. These critical responses can be divided into two categories: On the one hand, numerous readers argued that, regardless of the desirability of accepting cultural differences, there were certain clearly definable legal standards of what was right and what was wrong. Susan Nenney, the communications director of Planned Parenthood of Houston and Southeast Texas, for example, insisted that "the protection of young girls from the sexual advances of adult men" represented an unshakable rule that that no culture should be permitted to violate. She wrote that "it may be

socially accepted elsewhere, but that doesn't make it right – in any culture” (*HC*, February 7, 1996). Milton E. Milstead not only agreed with this assessment, but he added that Mexican culture's apparent acceptance of Sotelo's relationship with Adela Quintana was just as deplorable as other social norms that were acceptable in some cultures, “including cannibalism, incest, head hunting, child abuse.” Milstead concluded that “any man, regardless of his origins, who takes advantage of a 14-year-old girl is guilty of at least child abuse, if not statutory rape, and should be punished” (*HC*, February 15, 1996).

On the other hand, a number of letters insisted that it should not even matter whether Sotelo's relationship with a 14-year-old girl was acceptable under another cultural standard, the only meaningful standard that should be applied in this case was U.S. law. Larry Albert, for instance, wrote that he had “lived in several countries, and they all have their unique laws. They do not accept our home-country customs as an excuse to break their laws. Neither should we” (*HC*, February 8, 1996). Following a similar logic, Susie Alverson argued that this case should “be a lesson to all those who live in this country: Ignorance of the law will not exclude sexual offenders and others from prosecution, nor will the excuse that the ‘practice’ is readily accepted in the perpetrator's home country. (*HC*, March 18, 1996). Finally, Edward J. Sanchez took this line of reasoning to its logical extreme when he gave Sotelo the following choices: “If you wish to live in our country, please obey our laws. If you wish to obey your country's laws, please live there” (*HC*, June 26, 1996). While all of these arguments are certainly in line with the larger neoliberal project that expected immigrants to fulfill certain expectations and develop in hard-working, law-abiding members of society, none of these letters touched upon one of the main pillars of the neoliberal logic: the economic aspects of this case.

Yet in addition to the aforementioned letters, there were a number of readers who made this connection and insisted that the court should unceremoniously deport these two undocumented workers because both of them had already produced more costs than benefits for U.S. society. Early in the debate, before Quintana gave birth to her U.S. citizen son, Alex Diaz suggested that the court should “save the taxpayers a lot of money: Send Adela Garcia and her boyfriend, Pedro Sotelo, back home. They are both from Mexico. If her child is born here, the welfare system will be supporting Garcia and her child for the rest of their lives and the justice system will be spending a lot of money on Sotelo. Two one-way bus tickets will be cheaper for taxpayers and best in the long run” (*HC*, February 1, 1996).<sup>229</sup> After it became publicly known that their son Bryant was born with a visual impairment and faced mental development problems, letters were worded more carefully. By the mid-1990s, it had become just as unacceptable to publicly criticize services for special needs children as it was to make openly racist remarks. However, this rule did not keep readers from expressing their frustration about the added costs. F. Klepfer, for example, complained that “while I certainly feel compassion for any child with an impairment, I also am angry that much of the cost of this family’s maintenance will come out of taxpayers’ pockets” (*HC*, June 26, 1996). In the end, Immigration Judge Clarease Mitchell Rankin decided that Adela Quintana should be allowed to stay in the U.S. to care for her U.S.-born child. Pedro Sotelo, on the other hand, was deported in May 1997.

In contrast to the “Out of the Shadows” series, stories about these two Iraqi and Mexican immigrant girls did not spend much time discussing economic factors. Due to the controversial

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<sup>229</sup> It was not until a few days later that the *HC* revealed that Adela Quintana’s mother had purchased a fake birth certificate with the wrong name (“Garcia”) when she wanted to enroll her daughter into elementary school. On the same day, Kurt Kilpatrick wrote that he found “it appalling that so much taxpayer money has been and will be fruitlessly spent in trying to rectify a problem that should have been stopped at the border” (*HC*, February 1, 1996). In a slightly more sympathetic response, Juanita Garza argued that Quintana and Sotelo were “going through a very difficult situation because the state became involved. [...] Send them back to Mexico, but please, no prison” (*HC*, February 1, 1996).

nature of these cases, reporters were primarily focused on cultural differences and debates over what kind of behavior was acceptable for immigrants in the U.S. At the same time, however, these stories were an integral part of the larger neoliberal discourse. Under the neoliberal project, citizens were expected to function as self-directed entrepreneurs. According to Nikolas Rose, government has been reshaped upon the ground of freedom. Instead of coercing its citizens to behave in certain desirable ways, neoliberal governments ensured that citizens were “not merely ‘free to choose,’ but *obliged to be free*, to understand and enact their lives in terms of choice” (Rose 1999, 87, his emphasis). The conduct of these free citizens was regulated and shaped through the invention of social norms that responsible neoliberal subjects “voluntarily” adhered to. I believe that this is precisely the reason why these two cases caused so much anxiety. Not only had these two young women violated social norms, but they refused to acknowledge that there was anything wrong with their behavior. To make matters worse, neither the unnamed Iraqi girl nor Adela Quintana was willing to conceive of themselves as a victim, the only other role that was available to them.

### 6.3 Day Laborers and Neighborhood Conflicts

Stories about day laborers and neighborhood conflicts between native-born citizens and recent immigrants expressed a similar anxiety about cultural differences. Between January 1995 and December 1996, all three newspapers published dozens of human interest stories that explored how large cities, suburbs, and small towns dealt with an increasing influx of immigrants. Almost all of these articles were framed as stories about cultural clashes. Native-born residents complained about the detrimental effects that immigrants had had on “their” neighborhoods and demanded that newcomers be policed and, if necessary, forced to adhere to U.S. cultural norms.

In particular, residents were concerned about large groups of Latino men who congregated in parking lots and on street corners to secure employment as day laborers. In Oakland, California, for example, “local merchants consider [day laborers] a nuisance” (*SFC*, February 3, 1995). In Healdsburg, California, “drunkenness and disorderly conduct were the primary police concerns” (*SFC*, July 3, 1995). In Houston, Texas, “business owners and residents often complain about gambling, drinking, fighting and public urination by workers” (*HC*, August 15, 1995). In Mount Kisco, New York, “residents complained that too many Hispanic men were loitering on street corners, drinking and urinating in public and living in overcrowded housing” (*NYT*, December 1, 1996). This type of behavior, which was deemed disrespectful and unacceptable, was cited in almost every article about neighborhood conflicts and day laborers.

While most authors assumed that the reasons that communities would not tolerate immigrants loitering, drinking, fighting, and urinating in public were self-explanatory, a few stories explained why certain groups of immigrants were particularly objectionable. Residents of small towns and suburbs were especially outraged about the way immigrants had changed their predominantly white and wealthy communities. Even though most people were careful to express these concerns in racially neutral terms, there was an unmistakable racial subtext. In Storm Lake, Iowa, for example, an increasing influx of Laotian, Indian, and Mexican immigrants had caused a surge of nativist sentiments.<sup>230</sup> U.S.-born residents were alarmed by the demographic changes that their small university and farming community had experienced over the last two decades. By the mid-1990s, many people were convinced that immigrants were

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<sup>230</sup> In February 1996, Presidential candidate Patrick J. Buchanan spoke at a rally against the local meat-packing plant, which actively recruited immigrant workers. According to the *NYT*, it “is no coincidence that Mr. Buchanan chose this small farming and university town set amid rolling prairie in northwestern Iowa to make his nativist appeal. In the past 25 years, Storm Lake has undergone a startling metamorphosis as immigrants have flocked here to work in two packing plants. In 1970, the town of 8,591 people had 22 minority residents – mainly faculty members and students at Buena Vista University, including two young blacks who had been adopted by a white family. Today, town officials estimate that Storm Lake’s population, now 8,769, is 10 percent minority, mainly recent immigrants from Mexico and Southeast Asia” (*NYT*, February 17, 1996).



“taking over the place. [...] They have to broadcast school cancellations in three different languages. When you go to the clinic, their languages are posted all over. They’re catering to them” (*NYT*, February 17, 1996).

Similar concerns were voiced by other rural communities across the nation. In Mount Kisco, New York, residents were even more outspoken in their anti-immigrant sentiments. In an open letter to the local newspaper, *The Patent Trader*, “Linda Skiba and Beth Vetare Civitello wrote that they would risk being called prejudiced to draw attention to what they saw as the deterioration of ‘the once bucolic Village/Town of Mount Kisco that we have always loved’” (*NYT*, December 1, 1996).<sup>231</sup> According to these two residents, police records proved that their accusations were not racially motivated, but were based on factual evidence.<sup>232</sup> Other Mount Kisco residents made it even clearer that Skiba and Civitello’s dramatic plea that “we want our town back” referred to Latino immigrants, who were not welcome in “our town” (*NYT*, December 1, 1996). Martin McGrath, a retired contractor and longtime member of the Mount Kisco Planning Board, made the following statement in an interview with the *NYT*: “The more you move into the village proper, you see people sitting on benches. [...] You see them walking around the village. You know they’re not Mount Kisco people. They’re Hispanic” (*NYT*, December 1, 1996). Not surprisingly, however, McGrath insisted that this comment was not based on racist sentiments, but was supposedly a reaction to the fact that “Hispanics” had caused increasing public expenditures. He said that Mount Kisco’s U.S.-born residents are “all in good faith. We have our Christian image. Everyone’s a human being. But I don’t see that that gives

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<sup>231</sup> The *NYT* reporter seemed to endorse the idea that the influx of immigrants had created these conflicts. Journalist Celia W. Dugger wrote that “in Mount Kisco, the friction between longtime residents, many of Italian and Irish descent, and the Spanish-speaking newcomers has created feelings of loss and anger [...] roiling the idyllic surface of this picturesque town” (*NYT*, December 1, 1996).

<sup>232</sup> Linda Skiba and Beth Vetare Civitello wrote that “the overwhelming amount of incidents that involve intoxicated persons should be alerting us to a major problem. [...] Check the police records concerning arrests made involving Hispanics (for lack of a better term); undocumented or legal, either driving while intoxicated or throwing beer bottles or tearing street signs out of the ground or knifing one another” (*NYT*, December 1, 1996).

them the right to overburden our facilities: water, sewage, garbage” (*NYT*, December 1, 1996).

According to these three individuals, factual evidence proved that Latinos represented a burden on local taxpayers and a threat to public safety and security. Hence, they felt justified in advancing a racially-specific rhetoric that was directed against Latinos, in particular.

In addition, a number of stories described day laborers who congregated on street corners and in front of stores as a threat to other people and to women in particular. In an interview with the *SFC*, for instance, Joseph Brandon, the chief of investigations for the San Francisco district of the Immigration and Naturalization Service, argued that it was essential to get day laborers off the streets. “He said the crowds of laborers, most of whom are men, often intimidate women and have prompted complaints from citizens in almost every city where they gather. [...] Many residents and merchants feel it is a real threat to their safety” (*SFC*, May 1, 1995). Other people painted an even more alarming picture. Richard Leggio, who owned a sneaker store in Glen Cove, Long Island, told the *NYT* that “it was horrible. [...] I’d have 30 guys hanging out, and my girls would be afraid because they would make comments and customers don’t like it. My store is recessed and so you get 40 Spanish guys and not too many ladies would come in” (*NYT*, July 8, 1995). Local immigrant rights groups took these fears very seriously and acknowledged that large congregations of laborers in parking lots were certainly not ideal, especially if they harassed customers. However, they were also concerned about the fact that this conflict brought out racial animosities between Glen Cove’s predominantly white population and newly arrived dark-skinned El Salvadoran immigrants, whose behavior was perceived as particularly inappropriate.

Stories about communities that had successfully solved their “immigrant problem” validated the belief that “peaceful coexistence” was only possible when immigrants adapted their

behavior to U.S. expectations and kept a distance from white women. At first, many small towns tried a strategy of intimidation and harassment that was supposed to coerce immigrants to either act like responsible neoliberal subjects or, if they were unwilling or incapable of doing that, to move somewhere else. Glen Cove, Long Island, for example, passed an ordinance that attempted to ban Central American workers from their downtown area. The Houston Police Department started “a zero-tolerance effort to clean up the area. [...] Those who commit such violations as blocking the sidewalk, using profanity in public and disorderly conduct will be subject to prosecution” (*HC*, August 15, 1995). And in San Francisco and Mount Kisco, INS officers and housing inspectors raided factories and overcrowded housing complexes, deported undocumented workers, and issued tickets to those tenants who had violated the housing code.<sup>233</sup>

Some of these actions against immigrants were executed like military operations. The housing raids in Mount Kisco represent a particularly frightening example. The *NYT* reported that

around midnight, Mount Kisco police and building inspectors raided the gray clapboard house at 71 Maple Avenue, roused the 25 Hispanic laborers who lived there, photographed them in their beds, ordered them to pack and told them they could spend the night on the floor of a community center across the street. Their alleged offense: living in overcrowded housing. The punishment: a \$1,000 fine or 15 days in jail (*NYT*, December 1, 1996).

Ironically, the police used a statute that was intended to protect poor tenants as a form of official harassment against them. In a Federal class action suit against Mount Kisco, the Immigrants’ Rights Project of the American Civil Liberties Union also asserted that the town had selectively

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<sup>233</sup> On May 4, 1995, the *SFC* reported that “under pressure from local communities, the Immigration and Naturalization Service began rounding up day laborers around the Bay Area this week in a new crackdown on illegal immigrants and their employers. Thirty-four suspects were taken into custody [...]. Although no employers were arrested, some of the suspects provided key information that will help agents target businesses for prosecution” (*SFC*, May 4, 1995).

enforced their housing code against Latino immigrants, while it ignored other violators.<sup>234</sup> In addition, it is important to acknowledge that all of these operations were not simply troublesome and costly for immigrants, they also evoked traumatic memories for many individuals who had fled regions where these nightly raids were common.

At first glance, it seems like these forms of official harassment are hardly in accordance with a neoliberal project that prefers to govern on the grounds of freedom, as Nikolas Rose has argued. Initially, however, these tough measures were politically effective with voters who felt threatened by their new neighbors. Especially since districts were careful that law enforcement officers did indeed target those people who had broken the law, it was possible to frame these campaigns as necessary and non-discriminatory attempts to restore law and order and police dangerous “anti-citizens.” In the long run, however, harassing non-white immigrants with housing raids and endless citations for minor violations represented a political strategy that was doomed to fail. Once communities realized that day laborers and other unskilled immigrants had become an integral part of the local economy and were not likely to go away in the near future, they were forced to find a more permanent and non-invasive way of policing this alleged “problem population.” Yet even though police raids and similarly invasive measures did not accomplish their official goals, they created a climate of fear and successfully reminded immigrants of their vulnerable position.

Following the lead of major metropolitan areas such as Houston and San Francisco, a number of small towns reluctantly created so-called work stops or work centers for day laborers. As the bare minimum, these centers offered public restrooms and a space where day laborers

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<sup>234</sup> The *NYC* wrote that “the lawsuit claims that the town was selectively enforcing the housing code and violating Hispanic residents’ constitutional right to free speech, free assembly and due process. [...] Lawyers for the town say that its laws are equitably enforced and that the housing code is applied without regard to ethnicity” (*NYT*, December 1, 1996).

could congregate and wait for prospective employers. The establishment of these centers immediately eliminated some of the most pressing concerns, including complaints about loitering, harassment of female passersby, and public urination. Many centers also offered services such as English classes, GED courses, and legal advice. Work centers thus helped many immigrants secure work, receive the agreed-upon wages, and improve their chances for obtaining more permanent positions. Even more importantly, they represented an integral part of the neoliberal endeavor to turn immigrants into responsible subjects who *chose* to respect social norms and adhere to commonly-accepted behavior codes.

Tellingly, however, most Americans had little interest in integrating these new immigrants into their own communities and encouraging them to leave their vulnerable economic position. On the contrary, middle and upper class U.S. citizens had a vested interest in having a class of workers who were not only readily available and easily exploitable, but who were also eager to adhere to U.S. laws and customs. Work centers and similar initiatives which were aimed at the effective and non-invasive monitoring and policing of immigrants' behavior were thus extremely popular in the mid-1990s. Interestingly, most people were even willing to overlook the fact that about half of all day laborers did not possess a legal work permit. While some individuals acknowledged that "we're probably helping a lot of illegal (immigrants) that we shouldn't," the public was convinced that the tangible benefits of these services outweighed the costs and justified the unusual practice of offering assistance to undocumented persons (*HC*, August 15, 1995).

The mainstream media also repeatedly reminded readers that these measures were not meant to alter the relationship between middle-class Americans and unskilled immigrant laborers in any fundamental way. The *SFC*, for instance, reported that, despite the fact that "the economic

realities of the area dictate that the symbiotic relationship between the two communities will continue,” Healdsburg, California’s efforts to assist day laborers did nothing to alleviate the “tensions between [...] Latinos and Anglos” (*SFC*, July 3, 1995). In an article about Glen Cove, which was described as “a reluctant pioneer for immigrant rights,” the *NYT* even conceded that many Americans promoted work centers specifically because they segregated day laborers from middle-class residents: “When the men are invisible from the main streets, there are fewer complaints, less pressure and more tolerance” (*NYT*, July 8, 1995). The *HC* found a different way to make essentially the same point. They wrote that, since the work stop in Gulfton had encouraged the mostly Latino workers to stay off the streets, the area’s “overall appearance and atmosphere have improved” (*HC*, May 18, 1995).<sup>235</sup> Human interest stories not only justified U.S. citizens’ concerns about a predominantly male population of day laborers by illustrating their inappropriate and offensive behaviors in detail, but they also reassured readers that even seemingly generous provisions were not intended to produce closer social interaction between immigrant laborers and middle class residents.

Stories about other kinds of neighborhood conflicts, in contrast, suggested that some immigrants might actually have the potential to become full-fledged members of society. Oftentimes, authors distinguished between single men, who were described as a problem population, and more desirable immigrants who lived together as a nuclear family unit. An *NYC* article about South Fork, Pennsylvania, for example, focused on 35-year-old Mexican immigrant Juan, who had “worked day and night” to bring his wife and two children to the U.S. (*NYT*, February 25, 1996). According to the story, Juan’s ability to help his family migrate after less than two months represented a major accomplishment that would certainly improve their chances

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<sup>235</sup> A few weeks later, the *HC* repeated the same point in another story about the Gulfton work stop. They wrote that “civic organizers say crime in the Gulfton area has since dropped about 17 percent, and the neighborhood’s overall appearance and atmosphere have improved” (*HC*, July 1, 1995).

to settle permanently and advance economically. Juan's family was described as one of about "20 percent of the Hispanic immigrants [who] are part of 'intact families' that are moving ahead." In contrast, "about half the Hispanic people, [...] are 'people in transition,' people who live with three or four other men or women who are single or have left spouses and children behind" (*NYT*, February 25, 1996). While the article was critical of single migrants and the effects long-term separation had on young children, in particular, the author praised the remarkable accomplishments of immigrant children who had grown up in intact families. For example, the story also focused on Carolina Avendo, an Ecuadorian immigrant who did not speak a word of English when she first entered high school. Due to her hard work and her family's support, however, she was able to graduate as the class salutatorian.<sup>236</sup>

A lengthy *SFC* story about Healdsburg, a small community in Northern California, stressed the importance of neoliberal family values even more explicitly. The author claimed that "no other North Bay community can point to such a significant – and relatively painless – shift in ethnic population ratios in such a short period of time. The smoothness of the transition, locals say, stems from the large number of immigrants from rural Mexico, people who have brought with them enduring family traditions and a strong work ethic" (*SFC*, July 3, 1995). In the late 1970s and early 1980s, on the other hand, when "the working (Latino) population was largely seasonal, mainly single men, [...] drunkenness and disorderly conduct were the primary police concerns" (*SFC*, July 3, 1995). In reaction, white residents started to speak out against immigrants and put swastikas on cars that were owned by Latinos. Yet once immigrants started to settle down and bring their families, these problems decreased noticeably and white residents became more welcoming and open-minded. The article concludes with the realization that racial

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<sup>236</sup> The article also narrated a "more subtle success story [that] involves a Costa Rican family in East Hampton" who were "saving to buy the three-bedroom rental home where they live" (*NYT*, February 25, 1996). In addition, the story repeatedly emphasized that 35-year-old Juan and his family were likely to succeed.

tensions still persist to a certain degree, but it also claims that economic realities and immigrants' effort to adhere to neoliberal family values have enabled both groups to coexist peacefully.

## 6.4 Conclusion

In contrast to the news coverage of political debates and policy decisions, which I examined in the previous chapter, human interest stories were much more interested in personal struggles and successes than in the larger economical issues. Yet as this analysis demonstrates, all of these stories represented an integral part of the larger neoliberal project. In some cases, articles instructed readers quite explicitly on how to interpret individual case studies. *HC*'s special report about four Mexican and El Salvadoran immigrant families in Houston and San Antonio, for example, made specific connections to the underlying neoliberal logic. Instead of letting the stories speak for themselves, the authors decided to include an interpretive prologue and epilogue, which explained that the featured sources were representative of a larger immigrant population. Even more importantly, the authors contended that their four case studies illustrated the potential pitfalls of the immigration reform project in the mid-1990s. While the authors agreed with the basic premise of neoliberal reform measures, which were supposed to make the U.S. immigration system more economically efficient and shift financial responsibility to immigrants and their sponsors, they were critical of the way the government had implemented this neoliberal agenda. Contrary to the Congressional discourse, which tended to vilify undocumented workers and endorse dramatic border control measures, the *HC* series insisted that it would be more beneficial for the U.S. to acknowledge that undocumented immigrants were already an integral part of the U.S. economy. Instead of wasting money on fences and additional border patrol officers, the U.S. needed to ensure that all immigrants, documented or



not, turned into responsible neoliberal subjects like Mari Hernandez and Maria Ortiz, instead of joining “America’s distinct and debilitating urban culture” (*HC*, “Out of the Shadows – Prologue,” October 20, 1996).

Tellingly, almost all human stories were framed as “cultural clashes” between recent immigrants and native-born U.S. citizens. This focus on cultural differences not only represented a strategy to introduce race into a discourse that was supposed to appear economically-oriented and racially neutral, but it also enabled authors to talk about a number of other sensitive issues, such as immigrants’ sexuality. Almost all of the shocking stories about poverty, crime, and domestic violence focused on Latino families who had large numbers of children. Due to their parents’ neglect, these children were seemingly unable to escape a debilitating “culture of poverty.” In many cases, they followed their parents’ negative example and had children while they were still teenagers. Taken together, these stories not only confirmed the perception that these women were personally responsible for their poverty, but they also implied that Latinas, in particular, were unable to control their sexuality and make smart reproductive choices.

The stories about Adela Quintana, a pregnant Mexican American teenager, and the unnamed Iraqi girl, who was married to a much older man, further emphasized the belief that immigrants’ own cultural values hindered their ability to develop into neoliberal subjects. In both cases, the featured subjects had supposedly acted in accordance with “their own” cultural values and traditions. While authors were willing to concede that this might be an understandable behavior for a teenage girl, they were clearly disturbed by the fact that the two girls did not understand that there was anything wrong with their relationships even after they had talked to a variety of social workers. Their behavior was thus seen as incompatible with the neoliberal demand for responsibility and a willingness to adhere to social norms. Ultimately, these stories

questioned whether it was possible for some immigrants to escape their own culture and develop into self-sufficient neoliberal subjects.

The final section of this chapter examined how stories about day laborers weighed economic objectives against deep-seated “cultural” anxieties. Tellingly, none of these stories actually featured a day laborer and allowed him to explain his perspective. Quite to the contrary, stories usually portrayed day laborers as a “problem” that required an explanation and, eventually, a resolution. Journalists thus talked to store owners and U.S. citizen residents who complained about loitering, drinking, and public urination and let them express their concerns. Day laborers thus emerged as a group of disrespectful and threatening individuals, who needed to be policed and segregated from the rest of society. At the same time, however, the stories also implied that early attempts to openly harass workers were incompatible with the neoliberal objective to govern on the grounds of freedom. Instead, they demonstrated how less invasive measures, such as the construction of work centers, had created a system that contained a problem population in such a way that the economically profitable hiring process could continue seamlessly.

## 7 CONCLUSION

Ten years after the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), it is difficult to ignore the fact that it never achieved the goals outlined by politicians in the mid-1990s. Most notably, the IIRIRA has failed to reduce the population of undocumented immigrants residing in the United States. Quite to the contrary, the estimated number of undocumented persons has almost quadrupled over the last decade and many scholars argue that this increase is a direct result of failed policies. Instead of deterring people from entering the U.S. without the necessary paperwork, in the case of undocumented Mexican immigration in particular, increased border patrol measures have discouraged return migration. Since migrants have to take greater risks and pay more money to “coyotes” in order to cross the border, they are more likely to stay permanently in the U.S. instead of migrating back and forth between the U.S. and Mexico as had often been the case with earlier generations of immigrants. Even more importantly, the IIRIRA did nothing to prevent people from overstaying their temporary visas. Since there is little risk of detection and since many businesses continue to overlook the fact that these individuals have no work permits or, in many cases, fraudulent documents, the number of immigrants living in the U.S. on expired visas has increased consistently.

I believe, however, that this remarkable difference between proclaimed goals and actual effects should not be interpreted as a sign that the IIRIRA is a failed policy. Instead, the IIRIRA has not only furthered neoliberal objectives, but its consequences have been highly advantageous for politicians, business owners, and, at least to a certain extent, the U.S. welfare state. In many cases, no attempt was ever made to enforce the new provisions. For example, the U.S. government has not yet needed to sue sponsors who have failed to fulfill the financial

responsibilities outlined in the affidavit of support. The mere fact that the affidavit of support is now legally enforceable has apparently served its discursive purpose by alerting immigrants to the need to become productive members of society and stay away from the welfare state, and by placating U.S. voters concerned about immigration as a drain on the American economy.

Because of immigration reform discourse's explicit focus on costs and benefits, politicians have also been able to convince voters that increased expenditures for border patrol measures are a necessary and rational response to the threat posed by undocumented workers and, even more so, by terrorists and other "criminal aliens." Despite the fact that these costly enforcement-only policies have not lowered the number of undocumented immigrants at all, many politicians are still trying to pass measures that would militarize the U.S.-Mexico border even further. Not surprisingly, these suggestions are still closely connected to the problematic image of undocumented immigrants developed during the mid-1990s debates. As previous chapters have demonstrated, congressional debates (and to a lesser extent media representations) from that period constructed undocumented immigrants as an undesirable underclass of lawbreakers and as uneducated, unskilled, low-wage laborers. In other words, undocumented workers were commonly portrayed as "anti-citizens," who needed to be policed, detained, and, if necessary, deported. For the most part, politicians and the media framed their concerns in neoliberal terms. They argued that, due to their lack of education and marketable skills, undocumented immigrants had no potential to develop into responsible neoliberal subjects. Instead, they were likely to consume more in public services than they could ever pay in taxes.

In many cases, this neoliberal analysis was also connected to anxieties about crime and terrorism. Based on the fact that many immigrants resided in the U.S. without the proper paperwork, the discourse frequently categorized them as lawbreakers, who would not hesitate to

break other laws and commonly accepted social rules and harm “innocent” U.S. citizens. And even though there was little factual evidence for a connection between terrorism and “illegal” immigration, the immigration reform discourse in the mid-1990s successfully linked these concerns and concluded that stricter immigration laws were also necessary to protect the United States from terrorist threats and potential attacks. Invasive immigration laws, which limited non-citizens’ basic rights and legal protections, in combination with streamlined deportation procedures were regarded as a rational and necessary response to perceived terrorist threats. After the terrorist attacks on September 11, 2001, this discursive strand has not only become more prominent, but efforts to increase “homeland security” have proven extremely popular with many concerned citizens. Despite the fact that none of the attackers had entered the U.S. without a valid visa, politicians insisted that, in the name of homeland security, it was imperative to screen all individuals crossing the U.S.-Mexico border to ensure that no terrorist would ever be able to enter undetected.

Political debates as well as media representations have also created a highly racialized image of undocumented immigrants. In the mid 1990s, the discourse about undocumented workers focused almost exclusively on Mexican and, less frequently, Central and South American immigrants who had crossed the U.S.-Mexico border without proper documentation. Immigrants who overstayed their visas, who were oftentimes of European or Asian descent, were discussed less frequently and the few provisions that specifically targeted this group of undocumented immigrants were much less punitive. Clearly, the problem of white and Asian immigrants overstaying their visas did not produce the same type of anxiety that was caused by undocumented Mexicans. This narrow focus on undocumented Latinos has become even more pronounced over the last few years. In addition to still-popular border enforcement efforts,

politicians and the media have also zeroed in on Spanish-speaking Latinos who wave Mexican flags and demonstrate against invasive immigration policies, implying that these individuals have failed to assimilate and thus represent a threat to our national unity.

As previous chapters have demonstrated, concerns about undocumented Mexicans, in particular, were also inextricably connected to anxieties about sexuality. The chapter on human interest stories, for example, demonstrated that proper neoliberal citizenship was contingent not only on economic contributions, but also on a certain type of fertility. In contrast to the general tendency to portray all undocumented immigrants as “anti-citizens,” these human interest stories contained a few positive examples of individuals who had developed into responsible neoliberal subjects by adhering to neoliberal family values. These success stories, which praised parents for their decision to have only one or two children and highlighted their attempts to invest in educational opportunities and instill a strong work ethic into their children, were juxtaposed with accounts of individuals who, because they had failed to restrain their sexuality, entered into a vicious cycle of teenage pregnancy, single motherhood, poverty, and, in many cases, a host of other problems. According to the neoliberal model, these women had forfeited their right to access the rewards the state had in store for responsible individuals who made the right choices and invested in their future and the future of their family members.

In contrast to these negative depictions of undocumented immigrants, which were meant to justify new restrictions and more invasive policies, the discourse about documented immigrants was more multifaceted. In the beginning of the 1995 legislative period, many politicians and the media insisted that legal immigrants had become a burden on U.S. society. Not only had they failed to develop into desirable “net contributors,” who paid more in taxes than they received in benefits, but they had supposedly also refused to assimilate into

mainstream culture. In the case of legal immigrants, politicians were especially reluctant to engage in an open discussion about race. In accordance with the larger tendency to downplay the importance of race and develop seemingly color-blind policies that rewarded personal merit, politicians argued that the current generation of immigrants was less desirable than their own ancestors because they did not display the same entrepreneurial spirit. At the same time, however, this explicit focus on immigrants' potential to assimilate into U.S. economy and society also served as a technique to mask widespread anxiety about immigrants' changing national origins as the percentage of white Europeans declined relative to other groups.

While early reform proposals contained provisions that would have decreased the total number of immigrant visas and eliminated entire visa categories, such as visas for adult siblings of U.S. citizens, politicians started to rethink this approach after a broad coalition of immigrant rights groups and business lobbies started to speak out against it. In its place, Congress developed a complicated system to ensure that the state would no longer bear the financial risk of admitting immigrants who were likely to fail to develop into responsible neoliberal subjects. Instead of categorically excluding those immigrants who were at high risk of applying for welfare benefits and other costly services, Congress transferred financial responsibility onto immigrants and their sponsors. The IIRIRA made newly arrived immigrants ineligible for most welfare benefits, including Temporary Assistance for Needy Families (TANF), Medicaid, and Food Stamps, and turned the affidavit of support into a legally enforceable contract. If immigrants failed to become self-supportive, sponsors had to bear the financial burden and provide the type of support formerly covered by welfare benefits.

As part of the dominant reform discourse, documented immigrants emerged as the polar opposite of undocumented immigrants. Whereas many politicians and the media loudly

proclaimed that the U.S. should honor its historical commitments to legal immigrants and their families, they were just as adamant in their claims that the U.S. had the right to enforce its laws and protect its borders. Increasingly, the discourse pitted undocumented against documented immigrants. Congress and the media argued that undocumented immigrants consumed resources that rightfully belonged to U.S. citizens and legal permanent residents and, even more importantly, they held undocumented immigrants responsible for the current anti-immigrant climate. Accurate or not, this rhetoric proved quite successful. While it is difficult for elected officials to justify supportive measures for undocumented immigrants under the best of circumstances, even immigrant and human rights organizations began to make sharp distinctions between deserving documented and undeserving undocumented immigrants. In an effort to prevent the highly controversial cutbacks in family reunification visas and other invasive measures that were targeted at documented immigrants, these organizations supported a split of the comprehensive immigration reform bill into two separate parts.<sup>237</sup> Whatever their intention, this approach ultimately validated the notion that undocumented immigrants did indeed represent an undesirable problem population.

This tendency to focus in on undocumented immigrants, who have little access to legal protections and are not likely to turn into voters anytime soon, has worsened over the last decade. By December 2006, reform initiatives had become focused almost exclusively on the group commonly referred to as “illegal aliens.” If “legal” immigrants are mentioned at all, they are used as a point of contrast that functions discursively to further vilify undocumented workers. In

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<sup>237</sup> For example, Raul Yzaguirre, the President of the National Council of La Raza, wrote a letter to Congress to express his dissatisfaction with politicians’ attempts to combine justifiable concerns over undocumented immigrants with exaggerated anxieties about documented immigrants. On March 15, 1996, he wrote that H.R. 2202 “unfairly exploits public concern over illegal immigration to impose unwarranted restrictions on legal immigration.” While NCLR was opposed to “unnecessary, extremist, and ineffective proposals embodied in-and being proposed as amendments to-the pending legislation,” Yzaguirre also “acknowledges the right and duty of any sovereign nation to control its borders” (United States Congress, House, March 28, 1996).



some cases, politicians and the media also express their support of “legal” immigrants from Mexico and Latin America to ensure that their proposed reform measures are not perceived as racist. According to their underlying neoliberal logic, current reform proposals are rational and color-blind because they target a particular problem, not a racial group – despite the fact that they produce racist effects. For the most part, even extremist organizations such as the Minuteman Project construct themselves as an open-minded and racially diverse group of concerned citizens who are simply trying to enforce the law and protect the border.

Yet even though anti-immigrant groups and many mainstream politicians still make a sharp distinction between productive and desirable “legal” immigrants and “illegal aliens,” who are commonly constructed as unwanted “anti-citizens,” a growing coalition of human rights and immigrant support organizations has started to question this categorization. Given that the current wave of reform measures is only targeted at undocumented workers, it has become easier for documented individuals to speak out against invasive measures without the fear of immediate retribution. However, public demonstrations are still a problematic endeavor. Because the American public tends to equate undocumented immigrants with Latinos and, even more specifically, with Mexicans, every Latino-looking person risks inquiries about their own legal status, accusations, and sometimes even physical harm if they speak out publicly in support of undocumented immigrants. Despite these very real dangers, though, millions of U.S. citizens and immigrants have joined demonstrations across the nation in an effort to critique not only retaliatory immigration laws, but also the rhetoric that has been used to discuss “illegal aliens.”

These grassroots efforts have already had some positive effects. In particular, the House has dropped the most extreme measures which would have turned undocumented immigrants into felons and charged their supporters and family members with misdemeanors for abetting

criminals. In addition, the midterm elections in November 2006 clearly demonstrated that most voters favor a moderate, enforceable immigration policy. According to long-time Washington political and media advisors Christopher Dorval and Andrea LaRue, in the 15 races where immigration played a key role in the election, 12 moderates won.<sup>238</sup> Generally speaking, voters have also become much more critical of simplistic enforcement-only solutions that fail to respond adequately to the complexity of the immigration “problem” and to the diversity of the undocumented population. Even though tough border enforcement measures are still popular in certain circles, most people realize that this narrow approach is not suited to substantially decrease the number of undocumented immigrants or to solve the perceived immigration problem.

At the same time, however, politicians and the media still construct undocumented immigrants as a problem population that needs to be policed and, eventually, either legalized or deported. Yet despite widespread agreement that there is indeed a problem, the U.S. government has not yet developed a workable solution that appeals to the general public. Policies that even remotely resemble an amnesty are decried as an unjustifiable reward for lawbreakers; guestworker programs would allegedly perpetuate existing problems by inviting the same group of supposedly undesirable workers; and a mandatory ID cards for American citizens is commonly perceived as unnecessarily invasive. While there is reason to hope that the U.S. government will refrain from passing a law designed to criminalize and deport millions of undocumented immigrants, it is likely that the new immigration reform will not be substantially different from the neoliberal reform measures that were passed in 1996.

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<sup>238</sup> Christopher Dorval and Andrea LaRue created [www.immigration2006.org](http://www.immigration2006.org), an organization committed to tracking the way immigration policies influenced the midterm elections in November 2006.

Almost certainly, the new law will adhere to the same neoliberal logic that proved so powerful in the mid-1990s. While reform proposals have varied widely from the punitive, enforcement-only House bill to the Senate's effort to develop a path to legal permanent residency for the current population of undocumented immigrants, almost all politicians justify their suggestions in neoliberal terms. House Republicans continue to argue that undocumented workers should not be rewarded for their decision to break the law. In addition, they insist that these immigrants have few marketable skills and consume too many costly services, including emergency medical care and public education. Hence, uneducated and unskilled immigrants have little potential to develop into cost-effective net contributors, even after legalization. In contrast, supporters of amnesty provisions and guest-worker programs focus on low prices for popular products and big profits for business owners. From their perspective, undocumented workers deserve more rights and protections because their hard labor has ensured that American agriculture and other labor-intensive industry are still competitive on the world market.

As long as the discussion remains narrowly focused on the specific nature of the measurable costs and benefits associated with immigration, it is unlikely that the policy outcomes will change significantly. Instead, immigrant advocates need to interrogate the underlying neoliberal logic and the seemingly unquestioned belief that immigrants should only be allowed to enter the U.S. if they possess certain marketable skills and assets that enable them to succeed without any further assistance. Since the mid-1990s, the mainstream immigration discourse has fostered the belief that immigration visas should function primarily as a reward for highly skilled and motivated individuals who adhere to neoliberal family values. And, connected to this pronounced focus on personal merit, the discourse has made it very clear that, if immigrants fail to succeed economically and integrate into U.S. society, this "failure" is the

direct result of personal deficiencies, rather than a consequence of structural inequalities, discrimination, and a lack of temporary support measures such as language or job training opportunities. Contrary to the current tendency to decrease public expenditures by eliminating group-specific services, past experience has shown that it is much more beneficial for the U.S. economy and, even more importantly, for those urban centers and small towns that attract large numbers of new immigrants to improve the services available to newly-arrived immigrants. At the very least, we need to make a conscious effort to end the highly problematic and ultimately useless cycle of blaming immigrants for difficulties of succeeding in a highly competitive labor market. Instead, federal and state governments as well as local communities need to develop not just short-term measures to address existing problems, they also need to come up with long-term solutions to structural inequalities.

Similarly, immigrant advocates need to make a concerted effort to interrogate the discursive construction of undocumented immigrants as undesirable and potentially dangerous “anti-citizens” who have willfully violated U.S. laws, taken advantage of the welfare system, and harmed “innocent” U.S. citizens. Instead, it is crucial to acknowledge that most of these individuals are risking their lives to work in the U.S. and support their families. Even more importantly, immigrant advocates need to emphasize the fact that undocumented workers did not *choose* to disregard U.S. immigration laws, but that the overwhelming majority would undoubtedly prefer to immigrate legally and enjoy the rights and privileges connected to legal permanent residency. Unfortunately, however, the current U.S. immigration system clearly privileges skilled workers, wealthy applicants, and candidates from nations with low immigration numbers (due to 20,000 immigrants per country limits). Consequently, many potential immigrants from Mexico and other Central and South American nations face long

immigration backlogs and other insurmountable obstacles to enter the U.S. through legal channels. A workable immigration reform measure needs to acknowledge these undeniable problems, reduce visa backlogs, and develop new legal channels for future immigrants. However, I strongly believe that the creation of a guestworker program that prohibits workers to bring their families and authorizes employers to exploit workers and retain part of their wages represents a step in the wrong direction. Instead of solving existing problems, such a flawed guestworker program would only help to continue a long history of abuse and exploitation.

Most importantly, however, we need to interrogate some of the basic premises that have informed the mainstream immigration discourse for the last decade. As previous chapters have demonstrated, U.S. society's fundamental beliefs about immigration and immigrants are inherently connected to the discursive production of "truth." In the course of the immigration reform debates in the mid-1990s, politicians and the mainstream media successfully constructed an alarmist image which maintains that large-scale immigration has had a detrimental impact on the U.S. economy, on society, the quality of public education, the welfare and the criminal justice system as well as a variety of other areas. In other words, the public was led to believe that it had not only become necessary to monitor immigrants more closely and establish stricter selection criteria, but many people also deemed it necessary to close our borders and limit the total number of immigrants. Even though it is difficult to challenge widely accepted "truths," especially after the discourse has continued to reproduce them for more than a decade, I think it is still crucial to remind the public that there is, at the very least, no definite evidence that it is either necessary or desirable to close our borders to people who are eager to immigrate, work, and become a part of the national community.

Finally, I believe that immigrant advocates need to examine how this pronounced focus on economic objectives has disguised the racist effects of immigration laws and the discourse that surrounds them. In the current political climate, many immigrant rights organizations deem it more productive to frame their arguments in the same neoliberal terms that their opponents use. In an effort to preserve existing immigration quotas and protect immigrants' rights and legal protections, these advocates try to demonstrate how immigrants contribute to the economy and why they are deserving of our support. However, this approach ultimately confirms the underlying neoliberal logic and seems to validate the popular belief that neoliberal immigration reform measures can be rational, color-blind responses to quantifiable problems. In contrast, I argue that it would be more beneficial to interrogate why so many American are opposed to high immigration levels and, in many cases, anxious about the changing national and racial origins of the current generation of immigrants. In light of the fact that the politically correct color-blind rhetoric has obviously failed to decrease racism and inequality, it is essential to foster a critical debate about the continued importance of race and racial anxieties.

## 8 SELECTED BIBLIOGRAPHY

- Abowd, John M., and Richard B. Freeman. *Immigration, Trade, and the Labor Market*. Chicago: University of Chicago Press, 1991.
- Akram, Susan, and Kevin R. Johnson. "Race, Civil Rights, and Immigration Law after September 11, 2001: The Targeting of Muslims and Arabs." *NYU Annual Survey of American Law* 58 (2002): 295-355.
- Alainikoff, Alexander T., and Douglas Klusmeyer. *Citizenship for an Age of Migration*. Washington: Carnegie Endowment for International Peace, 2002.
- Al-Ali, Nadjie, and Khalid Koser, eds. *New Approaches to Migration? Transnational Communities and the Transformation of Home*. New York: Routledge, 2002.
- Alba, Richard D., and Victor Nee. *Remaking the American Mainstream: Assimilation and Contemporary Immigration*. Cambridge: Harvard University Press, 2003.
- Albiston, Catherine, and Laura Beth Nielsen. "Welfare Queens and Other Fairy Tales: Welfare Reform and Unconstitutional Reproductive Controls." *Howard Law Journal* 38 (1995): 473-520.
- Aldana, Raquel, and Sylvia R. Lazos Vargas. "'Aliens' in Our Midst Post 9/11: Legislating Outsiderness within the Borders." *U.C. Davis Law Review* 38 (2005): 1683.
- Aleinikoff, Thomas Alexander, David A. Martin, and Hiroshi Motomura. *Immigration and Citizenship: Process and Policy*. 4th ed. St. Paul: West Group, 1998.
- Alexseev, Mikhail A. *Immigration Phobia and the Security Dilemma: Russia, Europe, and the United States*. Cambridge: Cambridge University Press, 2006.
- Almaguer, Tomas. *Racial Faultlines: The Historical Origins of White Supremacy in California*. Berkeley: University of California Press, 1994.

- Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1983.
- Andreas, Peter. "Borderless Economy, Barricaded Border." *NACLA Report on the Americas* 33.3 (1999): 14-21.
- Andryszewski, Tricia. *Immigration: Newcomers and Their Impact on the United States*. Brookfield: Milbrook Press, 1995.
- Arguelles, Lourdes. "Undocumented Female Labor in the United States Southwest: An Essay on Migration, Consciousness, Oppression, and Struggle." *Between Borders: Essays on Mexicana/Chicana History*. Ed. Adelaida R. Del Castillo. Encino: Floricanto Press, 1990. 299-314.
- Ashabranner, Brent K., and Paul Conklin. *Our Beckoning Borders: Illegal Immigration to America*. New York: Cobblehill Books, 1996.
- Auster, Lawrence. *The Path to National Suicide: An Essay on Immigration and Multiculturalism*. Monterey: American Immigration Control Foundation, 1990.
- Bailey, Silvia Pedraza. "Women and Migration." *Annual Review of Sociology* 17 (1991): 303-25.
- Balin, Asli U. "Changes in Immigration Law and Practice after September 11: A Practitioner's Perspective." *Canada - United States Law Journal* 30 (2005): 161.
- Barbalet, Jack M. *Citizenship: Rights, Struggle and Class Inequality*. Minneapolis: University of Minnesota Press, 1988.
- Barbour, Scott, ed. *Immigration Policy*. San Diego: Greenhaven Press, 1995.
- Barbour, William, ed. *Illegal Immigration*. San Diego: Greenhaven Press, 1994.
- Barlett, Donald L., and James B. Steel. "Who Left the Door Open." *Time Magazine* September 20, 2004.



- Barry, Andrew, Thomas Osborne, and Nikolas Rose, eds. *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*. Chicago: University of Chicago Press, 1996.
- Basch, Linda, Nina Glick Schiller, and Cristina Szanton Blanc. *Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States*. Amsterdam: Gordon and Breach, 1994.
- Baubock, Rainer. "Migration and Citizenship." *New Community* 18.1 (1991): 27-48.
- . *Transnational Citizenship: Membership and Rights in International Migration*. Aldershot: Edward Elgar, 1994.
- Beall, Jennifer A. "Are We Only Burning Witches? The Antiterrorism and Effective Death Penalty Act of 1996's Answer to Terrorism." *Indiana Law Journal* 73 (1998): 693-710.
- Bean, Frank D., et al. "Immigration and the Social Contract." *Social Science Quarterly* 78.2 (1997): 249-68.
- Bean, Frank D., Georges Vernez, and Charles B. Keely. *Opening and Closing the Doors: Evaluating Immigration Reform and Control*. Washington: Urban Institute, 1989.
- Beasley, Vanessa B. *Who Belongs in America? Presidents, Rhetoric, and Immigration*. 1st ed. College Station: Texas A&M University Press, 2006.
- Beck, Roy Howard. *The Case against Immigration: The Moral, Economic, Social, and Environmental Reasons for Reducing U.S. Immigration Back to Traditional Levels*. New York: W.W. Norton, 1996.
- Bendix, Reinhard. *Nation-Building and Citizenship*. Berkeley: University of California Press, 1964.
- Berlant, Lauren. *The Queen of America Goes to Washington City: Essays on Sex and Citizenship*.

- Durham: Duke University Press, 1997.
- Bernard, William S. "A History of U.S. Immigration Policy." *Immigration*. Eds. Richard Easterlin, et al. Cambridge: The Belknap Press of Harvard University, 1982. 75-105.
- Bhabha, Jacqueline, and Sue Shutter. *Women's Movement: Women under Immigration, Refugee, and Nationality Law*. Stoke-on-Trent: Trentham Books Limited, 1994.
- Blank, Rebecca M. *Evaluating Welfare Reform in the United States*. Working Paper 8983. Cambridge: National Bureau of Economic Research, 2002.
- Bodemann, Y. Michal, and Gökçe Yurdakul. *Migration, Citizenship, Ethnos*. New York: Palgrave Macmillan, 2006.
- Bommes, Michael, and Andrew Geddes. *Immigration and Welfare: Challenging the Borders of the Welfare State*. New York: Routledge, 2000.
- Booth, Alan, Ann C. Crouter, and Nancy Landale. *Immigration and the Family: Research and Policy on U.S. Immigrants*. Mahwah: Lawrence Erlbaum Associates, 1997.
- Boris, Eileen. "The Racialized Gendered State: Constructions of Citizenship in the United States." *Social Politics* 2.3 (1995): 160-80.
- Borjas, George J. *Friends or Strangers: The Impact of Immigrants on the U.S. Economy*. New York: Basic Books, 1990.
- . "The Economics of Immigration." *Journal of Economic Literature* 32.4 (1994): 1667-717.
- . "Assimilation and Changes in Cohort Quality: What Happened to Immigrant Earnings in the 1980s." *Journal of Labor Economics* 2.3 (1995): 201-45.
- . *Heaven's Door: Immigration Policy and the American Economy*. Princeton: Princeton University Press, 1999.
- . "Welfare Reform and Immigration." *The New World of Welfare*. Eds. Rebecca M. Blank and

- Ron Haskins. Washington: Brookings Institution, 2001.
- Borjas, George J., Richard B. Freeman, and Lawrence F. Katz. "On the Labor Market Effects of Immigration and Trade." *Immigration and the Work Force*. Eds. George J. Borjas and Richard B. Freeman. Chicago: University of Chicago Press, 1992. 213-244.
- Borjas, George J., Jeff Grogger, and Gordon H. Hanson. *Immigration and African-American Employment Opportunities: The Response of Wages, Employment, and Incarceration to Labor Supply Shocks*. Cambridge: National Bureau of Economic Research, 2006.
- Borjas, George J., and Lynette Hilton. *Immigration and the Welfare State: Immigrant Participation in Means-Tested Entitlement Programs*. Cambridge: National Bureau of Economic Research, 1995.
- Bosniak, Linda. "Membership, Equality, and the Difference That Alienage Makes." *New York University Law Review* 69 (1994): 1047-149.
- . "Opposing Prop. 187: Undocumented Immigrants and the National Imagination." *Connecticut Law Review* 28.3 (1996): 555-619.
- . *The Citizen and the Alien. Dilemmas of Contemporary Membership*. Princeton: Princeton University Press, 2006.
- Bouvier, Leon F. *Peaceful Invasions: Immigration and Changing America*. Lanham: University Press of America, 1992.
- Brah, Avtar. *Cartographies of Diaspora: Contesting Identities*. London: Routledge, 1996.
- Bredbenner, Candice Lewis. *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship*. Berkeley: University of California Press, 1998.
- Breed, Warren. "Social Control in the Newsroom: A Functional Analysis." *Social Forces* 33.4 (1995): 326-35.

- Briggs, Larua. "La Vida, Moynihan, and Other Libels: Migration, Social Science, and the Making of the Puerto Rican Welfare Queen." *Centro Journal* 14.1 (2002): 74-102.
- Briggs, Vernon M. *Mass Immigration and the National Interest*. 2nd ed. Armonk: M.E. Sharpe, 1996.
- . "The Administration of U.S. Immigration Policy: Time for Another Change." *Immigration and the Social Contract: The Implosion of Western Societies*. Eds. John Tanton, Denis McCormack and Joseph Wayne Smith. Aldershot, UK: Avebury, 1996. 44-51.
- Briggs, Vernon M., and Stephen Moore. *Still an Open Door? U.S. Immigration Policy and the American Economy*. Washington: American University Press, 1994.
- Brimelow, Peter. *Alien Nation: Common Sense About America's Immigration Disaster*. New York: Random House, 1995.
- Brown, Michael K. *Race, Money, and the American Welfare State*. Ithaca: Cornell University Press, 1999.
- Brubaker, Rogers. *Immigration and the Politics of Citizenship in Europe and North America*. Lanham: University Press of America, 1989.
- Bryson, Valerie, and Ruth Lister. *Women, Citizenship and Social Policy*. Bradford: University of Bradford/Joseph Rowntree Foundation, 1994.
- Bubeck, Diemut. *A Feminist Approach to Citizenship*. Florence: European University Institute, 1995.
- Buchanan, Patrick J. *State of Emergency: The Third World Invasion and Conquest of America*. New York: Thomas Dunne Books, 2006.
- Buijs, Gina, ed. *Migrant Women: Crossing Boundaries and Changing Identities*. Oxford: Berg, 1993.

- Burchell, Graham, Colin Gordon, and Peter Miller, eds. *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press, 1991.
- Burns, Peter, and James G. Gimpel. "Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy." *Political Science Quarterly* 115.2 (2000): 201-25.
- Bussemaker, Jet, and Rian Voet. "Citizenship and Gender: Theoretical Approaches and Historical Legacies." *Critical Social Policy* 18.3 (1998): 277-307.
- Calavita, Kitty. *Inside the State: The Bracero Program, Immigration, and the I.N.S.* New York: Routledge, 1992.
- Calhoun, Craig, ed. *Habermas and the Public Sphere*. Cambridge: MIT Press, 1992.
- Cammisa, Anne Marie. *From Rhetoric to Reform? Welfare Policy in American Politics*. Boulder: Westview, 1998.
- Campbell, Christopher P. "Beyond Employment Diversity: Rethinking Contemporary Racist News Representations." *Cultural Diversity and the U.S. Media*. Eds. Yahya R. Kamalipour and Theresa Carilli. Albany: State of New York Press, 1998. 51-66.
- Cantú, Lionel. "Entre Hombres/Between Men: Latino Masculinities and Homosexualities." *Gay Masculinities*. Ed. Peter Nardi. Thousand Oaks: Sage, 2000. 224-246.
- . "A Place Called Home: A Queer Political Economy of Mexican Immigrant Men's Family Experiences." *Queer Families, Queer Politics: Challenging Culture and the State*. Eds. Mary Bernstein and Renate Reimann. New York: Columbia University Press, 2001. 12-136.
- Carter, Thomas J. "Undocumented Immigration and Host-Country Welfare: Competition across Segmented Labor Markets." *Journal of Regional Science* 45.4 (2005): 777-95.
- Castles, Stephen, and Alastair Davidson. *Citizenship and Migration: Globalization and the*

- Politics of Belonging*. New York: Routledge, 2000.
- Chacón, Justin Akers, and Mike Davis. *No One Is Illegal. Fighting Violence and State Repression on the U.S.-Mexico Border*. Chicago: Haymarket Books, 2006.
- Chandler, Charles R., and Yung-mei Tsai. "Social Factors Influencing Immigration Attitudes: An Analysis of Data from the General Social Survey." *The Social Science Journal* 38 (2001): 177-88.
- Chang, Grace. *Disposable Domestics. Immigrant Women Workers in the Global Economy*. Cambridge: SouthEnd Press, 2000.
- Chang, Howard F. "Liberalized Immigration as Free Trade: Economic Welfare and the Optimal Immigration Policy." *University of Pennsylvania Law Review* 145.5 (1997): 1147-245.
- Chang, Robert S. "A Meditation on Borders." *Immigrants Out!* Ed. Juan Perea. New York: New York University Press, 1997. 244-53.
- . *Disoriented: Asian Americans, Law, and the Nation-State*. New York: New York University Press, 1999.
- Chavez, Leo R. "Immigration Reform and Nativism: The Nationalist Response to the Transnationalist Challenge." *Immigrants Out!* Ed. Juan Perea. New York: New York University Press, 1997. 61-77.
- . *Covering Immigration: Popular Images and the Politics of the Nation*. Berkeley: University of California Press, 2001.
- Chin, Gabriel J., ed. *The United States Commission on Immigration Reform: The Interim and Final Reports and Commentary*. Buffalo: William S. Hein & Co, 2000.
- Chiswick, Barry R. *The Economics of Immigration: Selected Papers of Barry R. Chiswick*. Cheltenham, UK: Edward Elgar, 2005.

- Citrin, Jack, et al. "Public Opinion toward Immigration Reform: The Role of Economic Motivations." *The Journal of Politics* 59.3 (1997): 858-81.
- Clark, Rebecca, and Jeffrey Passel. *How Much Do Immigrants Pay in Taxes? Evidence from Los Angeles County*. Washington: Urban Institute, 1993.
- Clark, William A. V. *Immigrants and the American Dream: Remaking the Middle Class*. New York: Guilford Press, 2003.
- Clinton, Bill. *Accepting the Immigration Challenge: The President's Report on Immigration*. Washington: U.S. Office of the President, 1994.
- Cohen, Robin. *Theories of Migration*. Cheltenham, UK: Edward Elgar, 1996.
- . *The Sociology of Migration*. Cheltenham, UK: Edward Elgar, 1996.
- Cohen, Steve. *No One Is Illegal: Asylum and Immigration Control Past and Present*. Stoke on Trent, UK: Trentham Books, 2003.
- Cohen, Steve, Beth Humphries, and Ed Mynott. *From Immigration Controls to Welfare Controls*. London; New York: Routledge, 2002.
- Cole, David. *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism*. New York: New Press, 2003.
- Cooper, Emilie. "Embedded Immigrant Exceptionalism: An Examination of California's Proposition 187, the 1996 Welfare Reforms and the Anti-Immigrant Sentiment Expressed Therein." *Georgetown Immigrant Law Journal* 18 (2004): 345-372.
- Cornelius, Wayne A. *Controlling Immigration: A Global Perspective*. 2nd. ed. Stanford: Stanford University Press, 2004.
- Crary, David. *Gay Rights Groups Target a Barrier to Immigration*. 2003. Miami Herald. Available: <http://www.miami.com/mld/miamiherald/2003/11/24/news/nation/7336152.htm>.

October 15, 2006.

Cruikshank, Barbara. *The Will to Empower: Democratic Citizens and Other Subjects*. Ithaca: Cornell University Press, 1999.

Dallmayr, Fred R., and José María Rosales. *Beyond Nationalism? Sovereignty and Citizenship*. Lanham: Lexington Books, 2001.

Daniels, Roger. *Coming to America: A History of Immigration and Ethnicity in American Life*. New York: Harper Collins, 1990.

---. *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882*. New York: Hill and Wang, 2004.

Daniels, Roger, and Otis L. Graham. *Debating American Immigration, 1882-Present*. Lanham: Rowman & Littlefield, 2001.

Danielsen, Dan, and Karen Engle, eds. *After Identity: A Reader in Law and Culture*. New York: Routledge, 1995.

Davis, Tracy. *Opening the Doors of Immigration: Sexual Orientation and Asylum in the United States*. 2006. Available: <http://www.wcl.american.edu/hrbrief/v6i3/immigration.htm>. March 26, 2006.

Dean, Hartley. *Welfare, Law and Citizenship*. London: Prentice Hall/Harvester Wheatsheaf, 1995.

Dean, Mitchell. *Governmentality: Power and Rule in Modern Society*. London: Sage, 1999.

DeSipio, Louis, and Rodolfo O. De la Garza. *Making Americans, Remaking America: Immigration and Immigrant Policy*. Boulder: Westview Press, 1998.

Dietz, Mary G. "Citizenship with a Feminist Face: The Problem with Maternal Thinking." *Political Theory* 13.1 (1985): 19-37.



---. "Context Is All: Feminism and Theories of Citizenship." *Daedalus* 116.4 (1987): 1-24.

Dolan, Jill. *Geographies of Learning: Theory and Practice, Activism and Performance*.

Middletown: Wesleyan University Press, 2001.

Dougherty, Jon E. *Illegals: The Imminent Threat Posed by Our Unsecured U.S.-Mexico Border*.

New York: Nelson Current, 2004.

Dudley, William. *Illegal Immigration: Opposing Viewpoints*. San Diego: Greenhaven Press,

2002.

Duggan, Lisa. *The Twilight of Equality: Neoliberalism, Cultural Politics and the Attack on*

*Democracy*. Boston: Beacon, 2003.

Duignan, Peter, and Lewis H. Gann. *The Debate in the United States over Immigration*. Stanford:

Hoover Institution Press, 1998.

Eager, Paige Whaley. *Global Population Policy: From Population Control to Reproductive*

*Rights*. Burlington: Ashgate, 2004.

Edwards, James R. *Homosexuals and Immigration: Developments in the United States and*

*Abroad*. 1999. Center for Immigration Studies. Available:

<http://www.cis.org/articles/1999/back599.html>. March 26, 2006.

Eig, Larry M. *Homosexuality and Immigration Law after the Immigration Act of 1990*.

Washington: Congressional Research Service, 1991.

Entman, Robert M., and Andrew Rojecki. *The Black Image in the White Mind. Media and Race*

*in America*. Chicago: University of Chicago Press, 2000.

Epps, Bradley S., Keja Valens, and Bill Johnson González. *Passing Lines: Sexuality and*

*Immigration*. Cambridge: Harvard University Press, 2005.

Espenshade, Thomas J., and Katherine Hempstead. "Contemporary American Attitudes toward

- U.S. Immigration.” *International Migration Review* 30.2 (1996): 535-70.
- Espin, Olivia, ed. *Latina Realities: Essays on Healing, Migration and Sexuality*. Boulder: Westview Press, 1997.
- . *Women Crossing Boundaries: A Psychology of Immigration and Transformations of Sexuality*. New York: Routledge, 1999.
- Evans, David T. *Sexual Citizenship*. London: Routledge, 1993.
- Fairclough, Norman. *Critical Discourse Analysis*. London: Longman, 1995.
- . *Analysing Discourse: Textual Analysis for Social Research*. London: Routledge, 2003.
- . “Critical Discourse Analysis.” *Marges Linguistiques* 9 (2005): 76-94.
- Fairclough, Norman, Simon Pardoe, and Bronislaw Szerszynski. “Critical Discourse Analysis and Citizenship.” *Analyzing Citizenship Talk*. Eds. Heiko Hausendorf and Alfons Bora. Amsterdam: John Benjamins, 2006. 98-123.
- Ferguson, Roderick. *Aberrations in Black: Toward a Queer of Color Critique*. Minneapolis: University of Minnesota Press, 2004.
- Fitzgerald, Keith. *The Face of the Nation: Immigration, the State, and the National Identity*. Stanford: Stanford University Press, 1996.
- Fix, Michael, and Laureen Laglaron. *Social Rights and Citizenship: An International Comparison*. 2002. Urban Institute. Available: [http://www.urban.org/UploadedPDF/410545\\_SocialRights.pdf](http://www.urban.org/UploadedPDF/410545_SocialRights.pdf). December 1, 2006.
- Fix, Michael, and Jeffrey S. Passel. *Immigration and Immigrants: Setting the Record Straight*. Washington, D.C.: Urban Institute, 1994.
- Flores, William C. “Citizens Vs. Citizenry: Undocumented Immigrants and Latino Cultural Citizenship.” *Latino Cultural Citizenship: Claiming Identity, Space, and Rights*. Eds.

- William C. Flores and Rina Benmayor. Boston: Beacon, 1997. 255-77.
- Flores, William C., and Rina Benmayor, eds. *Latino Cultural Citizenship: Claiming Identity, Space, and Rights*. Boston: Beacon, 1997.
- . "Constructing Cultural Citizenship." *Latino Cultural Citizenship: Claiming Identity, Space, and Rights*. Eds. William C. Flores and Rina Benmayor. Boston: Beacon, 1997. 1-26.
- Foner, Nancy, ed. *Islands in the City: West Indian Migration to New York*. Berkeley: University of California Press, 2001.
- Foucault, Michel. *The Archaeology of Knowledge and the Discourse on Language*. Trans. A. M. Sheridan Smith. New York: Pantheon, 1972.
- . *Power/Knowledge*. Ed. Colin Gordon. New York: Pantheon, 1980.
- . *The History of Sexuality, Volume I: An Introduction*. Trans. Robert Hurley. New York: Vintage Books, 1990.
- . "Governmentality." *The Foucault Effect*. Eds. Graham Burchell, Colin Gordon and Peter Miller. London: Harvester Wheatsheaf, 1991. 87-104.
- . *Discipline and Punish. The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage, 1995.
- Fox Piven, Frances, and Richard A. Cloward. *Regulating the Poor: The Functions of Public Welfare*. 2 ed. New York: Vintage, 1993.
- Fraser, Nancy. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy." *The Cultural Studies Reader*. Ed. Simon During. New York: Routledge, 1999. 518-36.
- Fraser, Nancy, and Linda Gordon. "Contract Versus Charity: Why Is There No Social Citizenship in the United States?" *Socialist Review* 22.3 (1992): 45-67.

- Freeman, James M. *Changing Identities*. Boston: Allyn and Bacon, 1995.
- Fremstad, Shawn. *Immigrants and Welfare Reauthorization*. 2002. Center on Budget Policies and Priorities. Available: <http://www.cbpp.org/1-22-02tanf4.pdf>. March 26, 2006.
- Friedberg, Rachel M., and Jennifer Hunt. "The Impact of Immigrants on Host Country Wages, Employment, and Growth." *Journal of Economic Perspective* 9.2 (1995): 23-44.
- Frost, Mervyn. "Migrants, Civil Society and Sovereign States: Investigating an Ethical Hierarchy." *Political Studies* 46.5 (1998): 871-85.
- Gabriel, John. *Whitewash. Racialized Politics and the Media*. New York: Routledge, 1998.
- Garcia, Soledad. "Cities and Citizenship: Special Issue." *International Journal of Urban and Regional Research* 20.1 (1996).
- George, Sheba Mariam. *When Women Come First. Gender and Class in Transnational Migration*. Berkeley: University of California Press, 2005.
- Ghosh, Bimal. *Huddled Masses and Uncertain Shores: Insights into Irregular Migration*. The Hague: Martinus Nijhoff, 1998.
- Gilchrist, Jim, and Jerome R. Corsi. *Minutemen: The Battle to Secure America's Borders*. Los Angeles: World Ahead Publishing, 2006.
- Gilens, Martin. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*. Chicago: University of Chicago Press, 1999.
- Gimpel, James G., and James R. Jr. Edwards. *The Congressional Politics of Immigration Reform*. Boston: Allyn and Bacon, 1999.
- Glenn, Evelyn Nakano. *Unequal Freedom. How Race and Gender Shaped American Citizenship and Labor*. Cambridge: Harvard University Press, 2002.
- Gordon, Linda. *The Moral Property of Women: A History of Birth Control Politics in America*.

- Urbana and Chicago: University of Illinois Press, 2002.
- Gordon, Paul. "Forms of Exclusion: Citizenship, Race and Poverty." *Windows of Opportunity: Public Policy and the Poor*. Ed. Paul Becker. London: CPAG, 1991. 77-88.
- Gramsci, Antonio. *Selections from the Prison Notebooks*. Trans. Quinten Hoare and Geoffrey Nowell Smith. Eds. Quinten Hoare and Geoffrey Nowell Smith. London: Lawrence & Wishart, 1971.
- Green, Allison, and Jack Martin. "Uncontrolled Immigration and the U.S. Health Care System." *The Journal of Social, Political, and Economic Studies* 29.2 (2004): 225-41.
- Green, Richard. "Give Me Your Tired, Your Poor, Your Huddled Masses' (of Heterosexuals): An Analysis of American and Canadian Immigration Law Policy." *Anglo American Law Review* 16:2 (1987): 139-159.
- Grewal, Inderpal. "The Postcolonial, Ethnic Studies, and the Diaspora: The Contexts of Ethnic Immigrant/Migrant Cultural Studies in the U.S." *Socialist Review* 24.4 (1994): 45-74.
- . *Transnational America: Feminisms, Diasporas, Neoliberalisms*. Durham: Duke University Press, 2005.
- Habermas, Jürgen. "The Public Sphere: An Encyclopedia Article." *New German Critique* 1.3 (1974): 49-55.
- . *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Trans. Thomas Burger. Cambridge: MIT Press, 1989.
- . "The New Obscurity: The Crisis of the Welfare State and the Exhaustion of Utopian Energies." *The New Conservatism: Cultural Criticism and the Historians' Debate*. Ed. Shierry Nicholsen. Cambridge: MIT Press, 1990. 48-70.
- . "Citizenship and National Identity: Some Reflections on the Future of Europe." *Praxis*

- International* 12.1 (1992): 1-19.
- . "The European Nation-State - Its Achievements and Its Limits. On the Past and Future of Sovereignty and Citizenship." *Mapping the Nation*. Ed. Gopal Balakrishnan. London: Verso, 1996. 281-194.
- Hampshire, James. *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain*. Basingstoke: Palgrave Macmillan, 2005.
- Hanson, Gordon H. *Why Does Immigration Divide America? Public Finance and Political Opposition to Open Borders*. Washington: Institute for International Economics, 2005.
- Hanson, Gordon H., and Antonio Spilimbergo. *Illegal Immigration, Border Enforcement, and Relative Wages: Evidence from Apprehensions at the U.S.-Mexico Border*. Cambridge: National Bureau of Economic Research, 1996.
- Harper, Philip Brian, et al., eds. *Queer Transexions of Race, Nation, and Gender*. Special Issue of *Social Text* 52-53 (1997).
- Harris, Nigel. *Thinking the Unthinkable: The Immigration Myth Exposed*. New York: I. B. Tauris, 2002.
- Hart, John. *Stories of Gay and Lesbian Immigration: Together Forever?* New York: Harrington Park Press, 2002.
- Hartman, Betsy. *Reproductive Rights and Wrongs: The Global Politics of Population Control*. Boston: South End Press, 1995.
- Hayter, Teresa. *Open Borders: The Case against Immigration Controls*. 2nd ed. Ann Arbor: Pluto Press, 2004.
- Heater, Derek. *What Is Citizenship?* Cambridge, UK: Polity Press, 1999.
- Hernandez, Donald J. *Children of Immigrants: Health, Adjustment, and Public Assistance*.

- Washington: National Academy Press, 1999.
- Hernandez-Truyol, Berta Esperanza, and Kimberly A. Johns. "Global Rights, Local Wrongs, and Legal Fixes: An International Human Rights Critique of Immigration and Welfare 'Reform.'" *Southern California Law Review* 71:3 (1998): 547-616.
- Higham, John. *Strangers in the Land: Patterns of American Nativism, 1865-1925*. 2nd ed. New Brunswick: Rutgers University Press, 1988.
- Hindess, Barry. "Divide and Rule: The International Character of Modern Citizenship." *European Journal of Social Theory* 1.1 (1998): 57-70.
- Hing, Bill Ong. *Making and Remaking Asian America through Immigration Policy, 1850-1990*. Stanford: Stanford University Press, 1993.
- . *Defining America through Immigration Policy*. Philadelphia: Temple University Press, 2003.
- Hoagland, Chris, and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity*. San Francisco: Coalition for Immigrant and Refugee Rights and Services, 1990.
- Hondagneu-Sotelo, Pierrette. *Gendered Transitions: Mexican Experiences of Immigration*. Berkeley: University of California Press, 1994.
- . "Women and Children First: New Directions in Anti-Immigrant Politics." *American Families: A Multicultural Reader*. Eds. Stephanie Coontz, Maya Parson and Gabrielle Raley. New York: Routledge, 1999. 288-304.
- . *Gender and U.S. Immigration: Contemporary Trends*. Berkeley: University of California Press, 2003.
- Houston, Marion, Roger G. Kramer, and Joan Mackin Barrett. "Female Predominance in Immigration to the United States since 1930: A First Look." *International Migration*

*Review* 18.4 (1984): 908-963.

Huber, Gregory A., and Thomas J. Espenshade. "Neo-Isolationism, Balanced-Budget Conservatism and the Fiscal Impacts of Immigrants." *International Migration Review* 31 (1997): 1031-54.

Huddle, Donald. *The Costs of Immigration*. Washington: Carrying Capacity Network, 1993.

---. *The Net National Costs of Immigration in 1994*. Washington: Carrying Capacity Network, 1995.

---. *The Net Costs of Immigration: The Facts, the Trends, and the Critics*. Washington: Carrying Capacity Network, 1996.

Husband, Charles. "Media and the Public Sphere in Multi-Ethnic Societies." *Ethnic Minorities and the Media*. Ed. Simon Cottle. Buckingham, Philadelphia: Open University Press, 2000. 199-214.

Hutchinson, E. P. *A Legislative History of American Immigration Policy, 1798-1965*. Philadelphia: University of Pennsylvania Press, 1991.

Inda, Jonathan Xavier. *Targeting Immigrants: Government, Technology, and Ethics*. Malden: Blackwell, 2006.

Inniss, Lolita Buckner. *California's Proposition 187: Does It Mean What It Says? Does It Say What It Means? A Textual and Constitutional Analysis*. Washington: Georgetown University Law Center, 1996.

Isin, Engin F., Thomas Osborne, and Nikolas Rose. *Governing Cities: Liberalism, Neoliberalism, Advanced Liberalism*. Ed. Working Paper. Vol. 19. Toronto: Urban Studies Programme, 1998.

Jacobs, Ronald N. *Race, Media and the Crisis of Civil Society. From Watts to Rodney King*.



- Cambridge: Cambridge University Press, 2000.
- Jacoby, Tamar. "Immigration Nation." *Foreign Affairs* 85.6 (2006): 50-65.
- Jäger, Siegfried, and Jürgen Link. *Die Vierte Gewalt: Rassismus und die Medien*. Duisburg: Diss, 1993.
- James, Daniel. *Illegal Immigration: An Unfolding Crisis*. Lanham: University Press of America, 1991.
- James, Susan. "The Good-Enough Citizen: Citizenship and Independence." *Beyond Equality and Difference*. Eds. Gisela Bock and Susan James. London: Routledge, 1992. 48-68.
- Jensen, Leif. *The New Immigration: Implications for Poverty and Public Assistance Utilization*. New York: Greenwood Press, 1989.
- Johnson, Kirk A. "Objective News and Other Myths: The Poisoning of Young Black Minds." *The Journal of Negro Education* 60.3 (1991): 328-41.
- Johnson, Kevin R. "Public Benefits and Immigration: The Intersection of Immigration Status, Ethnicity, Gender, and Class." *UCLA Law Review* 42 (1995): 1509-75.
- . "The Antiterrorism Act, the Immigration Reform Act, and Ideological Regulation in the Immigration Laws: Important Lessons for Citizens and Noncitizens." *St. Mary's Law Journal* 28.4 (1997): 833-882.
- . "The End of 'Civil Rights' as We Know It? Immigration and Civil Rights in the New Millennium." *UCLA Law Review* 49 (2002): 1481-511.
- . "September 11 and Mexican Immigrants: Collateral Damage Comes Home." *DePaul Law Review* 52 (2003): 849-70.
- . *The "Huddled Masses" Myth: Immigration and Civil Rights*. Philadelphia: Temple University Press, 2004.

Jones, Kathleen B. "Citizenship in a Woman-Friendly Polity." *Signs* 15.4 (1990): 781-812.

---. "Identity, Action and Locale: Thinking About Citizenship, Civic Action and Feminism."

*Social Politics* 1.3 (1994): 256-70.

Katz, Jonathan Ned. *Gay American History: Lesbians and Gay Men in the USA*. New York:

Avon, 1976.

---. "The Invention of Heterosexuality." *Socialist Review* 20.1 (1990): 7-34.

Katz, Michael B., and Mark J. Stern. *One Nation Divisible: What America Was and What It Is*

*Becoming*. New York: Russell Sage Foundation, 2006.

Kelson, Gregory A., and Debra L. DeLaet. *Gender and Immigration*. New York: New York

University Press, 1999.

Kil, Sang Hea, and Cecilia Menjivar. "The 'War on the Border': Criminalizing Immigrants and

Militarizing the U.S.-Mexico Border." *Immigration and Crime: Race, Ethnicity, and*

*Violence*. Eds. Ramiro Jr. Martinez and Abel Jr. Valenzuela. New York: New York

University Press, 2006. 164-88.

Kim, Elaine H., and Eui-Young Yu. *East to America*. New York: New Press, 1996.

King, David C. *Turf Wars: How Congressional Committees Claim Jurisdiction*. Chicago:

University of Chicago Press, 1997.

King, Desmond S. *In the Name of Liberalism: Illiberal Social Policy in the USA and Britain*.

New York: Oxford University Press, 1999.

Klusmeyer, Douglas B., and Thomas Alexander Aleinikoff. *From Migrants to Citizens:*

*Membership in a Changing World*. Washington, D.C.: Carnegie Endowment for

International Peace, 2000.

Knijn, Trudie, and Monique Kremer. "Gender and the Caring Dimension of Welfare States:

- Toward Inclusive Citizenship.” *Social Politics* 4.3 (1997): 328-61.
- Kofman, Eleonore. “Citizenship for Some but Not for Others: Spaces of Citizenship in Contemporary Europe.” *Political Geography* 14.2 (1995): 121-37.
- Kraut, Alan. *Silent Travelers: Germs, Genes and the ‘Immigrant Menace’*. New York: Basic Books, 1994.
- Kritz, Mary, ed. *U.S. Immigration and Refugee Policy*. Lexington: Lexington Books, 1983.
- Kurthen, Hermann, Jürgen Fijalkowski, and Gert Wagner. *Immigration, Citizenship, and the Welfare State in Germany and the United States*. Stamford: JAI Press, 1998.
- Kymlicka, Will. *Multicultural Citizenship. A Liberal Theory of Minority Rights*. Oxford: Clarendon Press, 1995.
- Kymlicka, Will, and Wayne Norman. “Return of the Citizen: A Survey of Recent Work on Citizenship Theory.” *Ethics* 104.2 (1994): 352-81.
- Laguerre, Michel S. *Diasporic Citizenship: Haitian Americans in Transnational America*. New York: St. Martin’s Press, 1998.
- LaLonde, Robert J., and Robert H. Topel. “Immigrants in the American Labor Market: Quality, Assimilation, and Distributional Effects.” *American Economic Review* 81.2 (1991): 297-302.
- Lamer, Wendy. “Neo-Liberalism: Policy, Ideology, Governmentality.” *Studies in Political Economy* 63 (2000): 5-25.
- Lee, Kenneth K. *Huddled Masses, Muddled Laws: Why Contemporary Immigration Policy Fails to Reflect Public Opinion*. Westport: Praeger, 1998.
- Leinwand, Gerald. *American Immigration: Should the Open Door Be Closed?* New York: F. Watts, 1995.

LeMay, Michael C. *Guarding the Gates: Immigration and National Security*. Westport: Praeger Security International, 2006.

LeMay, Michael C., and Elliott Robert Barkan. *U.S. Immigration and Naturalization Laws and Issues*. Westport: Greenwood Press, 1999.

Levin-Epstein, Jodie. *Lifting the Lid Off the Family Cap: States Revisit Problematic Policy for Welfare Mothers*. 2003. Childbearing and Reproductive Health Series. Available: [http://www.clasp.org/DMS/Documents/1071852641.91/family\\_cap\\_brf.pdf](http://www.clasp.org/DMS/Documents/1071852641.91/family_cap_brf.pdf). March 26, 2006.

Lieberman, Robert. *Shifting the Color Line: Race and the American Welfare State*. Cambridge: Harvard University Press, 1998.

Lipsitz, George. "The Possessive Investment in Whiteness." *American Quarterly* 47 (1995): 369-87.

---. "Listening to Learn and Learning to Listen: Popular Culture, Cultural Theory, and American Studies." *Locating American Studies: The Evolution of a Discipline*. Ed. Lucy Maddox. Baltimore: Johns Hopkins University Press, 1999. 310-31.

Lister, Ruth. "Women, Economic Dependency and Citizenship." *Journal of Social Policy* 19.4 (1990): 445-67.

---. "Dilemmas in Engendering Citizenship." *Economy and Society* 24.1 (1995): 1-40.

---. *Citizenship: Feminist Perspectives*. New York: New York University Press, 1997.

---. "What Welfare Provisions Do Women Need to Become Full Citizens?" *New Agendas for Women*. Ed. Sylvia Walby. Basingstoke: Palgrave Macmillan, 1999. 17-31.

Lofgren, Zoe. "A Decade of Radical Change in Immigration Law: An Inside Perspective." *Stanford Law and Policy Review* 16.2 (2005): 349-378.

- Logan, Robert A. *Analyzing News Content by Using the New York Times*. Available:  
[http://www.nytimes.com/ref/college/faculty/coll\\_mono\\_log.html](http://www.nytimes.com/ref/college/faculty/coll_mono_log.html). August 18, 2006.
- Lowe, Lisa. "Heterogeneity, Homogeneity, Hybridity." *Diaspora* 1 (1991): 24-44.
- . *Immigrant Acts: On Asian American Cultural Politics*. Durham: Duke University Press, 1996.
- Luibhéid, Eithne. *Entry Denied: Controlling Sexuality at the Border*. Minneapolis: University of Minnesota Press, 2002.
- . "Introduction: Queering Migration and Citizenship." *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*. Eds. Eithne Luibhéid and Lionel Cantú. Minneapolis: University of Minnesota Press, 2005a. ix-xlvi.
- . "Heteronormativity, Responsibility, and Neo-Liberal Governance in U.S. Immigration Control." *Passing Lines: Immigration and (Homo)Sexuality*. Eds. Brad Epps, Bill Johnson Gonzalez and Keja Valens. Cambridge: Harvard University Press, 2005b. 69-104.
- Luibhéid, Eithne, and Lionel Jr. Cantú, eds. *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*. Minneapolis: University of Minnesota Press, 2005.
- Maciel, David R., and Maria Rosa Garcia-Acevedo. *Culture across Borders*. Tucson: University of Arizona Press, 1998.
- Mann, Michael. "Has Globalization Ended the Rise of the Nation-State?" *International Review of Political Economy* 4.3 (1997): 472-96.
- Marie, Claude-Valentin. *Preventing Illegal Immigration: Juggling Economic Imperatives, Political Risks and Individual Rights*. Strasbourg: Council of Europe, 2004.
- Marley, Bruce Robert. "Exiling the New Felons: The Consequences of the Retroactive Application of Aggravated Felony Convictions to Lawful Permanent Residents." *San*

- Diego Law Review* 35.3 (1998): 855-896.
- Marshall, Thomas H. "Citizenship and Social Class." *Class, Citizenship, and Social Development. Essays by T.H. Marshall*. Ed. Seymour Martin Lipset. Garden City: Doubleday, 1965.
- Martin, Philip L. "Immigration and Integration: Challenges for the 1990s." *Immigration and the Social Contract: The Implosion of Western Societies*. Eds. John Tanton, Denis McCormack and Joseph Wayne Smith. Aldershot, UK: Avebury, 1996. 27-34.
- Martin, Sara A. "Postcards from the Border: A Result-Oriented Analysis of Immigration Reform under the AEDPA and IIRIRA." *Boston College Third World Law Journal* 19.2 (1999): 683-708.
- Martinez, Ramiro, and Abel Valenzuela. *Immigration and Crime: Race, Ethnicity, and Violence*. New York: New York University Press, 2006.
- Massey, Douglas S. "The Social and Economic Origins of Immigration." *Immigration and the Social Contract: The Implosion of Western Societies*. Eds. John Tanton, Denis McCormack and Joseph Wayne Smith. Aldershot, UK: Avebury, 1996. 22-26.
- McCarthy, Kevin F., and Georges Vernez. *Immigration in a Changing Economy: California's Experience*. Santa Monica: Rand, 1997.
- McCarthy, Thomas. *Ideals and Illusions*. Cambridge: MIT Press, 1991.
- McCuen, Gary E. *The Issues of Immigration: Melting Pot or Boiling Point?* Hudson: GEM Pub. Inc., 1997.
- McHoul, Alec, and Wendy Grace. *A Foucault Primer: Discourse, Power and the Subject*. New York: New York University Press, 1993.
- Mead, Lawrence M. *Beyond Entitlement: The Social Obligations of Citizenship*. New York: Free

- Press, 1986.
- Merrill, Heather. *An Alliance of Women: Immigration and the Politics of Race*. Minneapolis: University of Minnesota Press, 2006.
- Miller, David. "Bounded Citizenship." *Cosmopolitan Citizenship*. Eds. Kimberly Hutchings and Roland Dannreuther. London: Palgrave Macmillan, 1999. 60-82.
- . *Citizenship and National Identity*. Cambridge, UK: Polity Press, 2000.
- Miller, John J., and Linda Chavez. *Strangers at Our Gate: Immigration in the 1990s*. Washington: Manhattan Institute, 1994.
- Miller, Mark J. *Strategies for Immigration Control: An International Comparison*. Thousand Oaks: Sage, 1994.
- Mills, Nicolaus, and Toni Morrison. *Arguing Immigration: The Debate over the Changing Face of America*. New York: Simon & Schuster, 1994.
- Mink, Gwendolyn. *Welfare's End*. Ithaca: Cornell University Press, 1998.
- Mink, Gwendolyn, and Rickie Solinger, eds. *Welfare: A Documentary History of U.S. Policy and Politics*. New York: New York University Press, 2003.
- Minter, Shannon. "Sodomy and Public Morality Offenses under U.S. Immigration Law: Penalizing Lesbian and Gay Identity." *Cornell International Law Journal* 26.3 (1993): 771-818.
- Moore, Kathleen M. "U.S. Immigration Reform and the Meaning of Responsibility." *Studies in Law, Politics and Society* 20 (2000): 125-55.
- Mortimer, Delores, and Roy S. Bryce-Laporte, eds. *Female Immigrants to the United States: Caribbean, Latin American, and African Experiences*. Washington: Smithsonian Institution, 1981.

- Mouffe, Chantal. "Feminism, Citizenship and Radical Democratic Politics." *Feminists Theorize the Political*. Eds. Judith Butler and Joan W. Scott. New York: Routledge, 1992, 369-384.
- Muller, Thomas. "Nativism in the Mid-1990s: Why Now?" *Immigrants Out!* Ed. Juan Perea. New York: New York University Press, 1997. 105-18.
- Nacos, Brigitte L., and Natasha Hritzuk. "The Portrayal of Black America in the Mass Media." *Black and Multiracial Politics in America*. Eds. Yvette M. Alex-Assensoh and Lawrence J. Hanks. New York: New York University Press, 2000. 165-95.
- Nakano Glenn, Evelyn. *Issei, Nisei, Warbride: Three Generations of Japanese Women in Domestic Service*. Philadelphia: Temple University Press, 1986.
- Naples, Nancy. *Feminism and Method: Ethnography, Discourse Analysis, and Activist Research*. New York: Routledge, 2003.
- Narayan, Uma. *Dislocating Cultures: Identities, Traditions, and Third World Feminism*. New York: Routledge, 1997.
- Neubeck, Kenneth, and Noel Cazenave. *Welfare Racism: Playing the Race Card against America's Poor*. New York: Routledge, 2001.
- Ng, Doris. "From War on Poverty to War on Welfare: The Impact of Welfare Reform on the Lives of Immigrant Women." *Work, Welfare, and Politics. Confronting Poverty in the Wake of Welfare Reform*. Eds. Frances Fox Piven, et al. Eugene: University of Oregon Press, 2002. 277-88.
- Olsen, Laurie. *Made in America: Immigrant Students in Our Public Schools*. New York: The New Press, 1997.
- Omi, Michael, and Howard Winant. *Racial Formation in the United States: From the 1960s to the 1990s*. New York: Routledge, 1994.



- O'Neill, Terry. *Immigration: Opposing Viewpoints*. San Diego, CA: Greenhaven Press, 1992.
- Ong, Aihwa. *Flexible Citizenship: The Cultural Logics of Transnationality*. Durham: Duke University Press, 1999.
- Orloff, Ann Shola. "Gender and the Social Rights of Citizenship: The Comparative Analysis of Gender Relations and Welfare States." *American Sociological Review* 58 (1993): 303-28.
- Pacelle, Richard. *Between Law and Politics: The Solicitor General and the Structuring of Race, Gender and Reproductive Rights Litigation*. College Station: Texas A&M University Press, 2003.
- Papademetriou, Demetrios G. *The Effects of Immigration on the U.S. Economy and Labor Market*. Washington, D.C: U.S. Dept. of Labor Bureau of International Labor Affairs, Division of Immigration Policy and Research, 1989.
- Papademetriou, Demetrios G., Thomas Alexander Aleinikoff, and Deborah Waller Meyers. *Reorganizing the U.S. Immigration Function: Toward a New Framework for Accountability*. Washington: Carnegie Endowment for International Peace, 1998.
- Papademetriou, Demetrios G., and Kimberly A. Hamilton. *Managing Uncertainty: Regulating Immigration Flows in Advanced Industrial Countries*. Washington: Carnegie Endowment for International Peace, 1995.
- Papastergiadis, Nikos. *The Turbulence of Migration*. Cambridge: Polity Press, 2000.
- Park, Edward J. W., and John S. W. Park. *Probationary Americans: Contemporary Immigration Policies and the Shaping of Asian American Communities*. New York: Routledge, 2005.
- Pascall, Gillian. "Citizenship - a Feminist Analysis." *New Approaches to Welfare Theory*. Eds. Glenn Drove and Patrick Kerans. Aldershot: Edward Elgar, 2003. 113-26.
- Passel, Jeffrey S. *Immigrants and Taxes: A Reappraisal of Huddle's 'the Cost of Immigrants.'*

- Washington: Urban Institue, 1994.
- Pedraza, Silvia. "Origins and Destinies: Immigration, Race, and Ethnicity in American History." *Origins and Destinies: Immigration, Race, and Ethnicity in America*. Eds. Silvia Pedraza and Ruben G. Rumbaut. Belmont: Wadsworth, 1996. 1-20.
- Peffer, George Anthony. *If They Don't Bring Their Women Here: Chinese Female Immigration before Exclusion*. Urbana: University of Illinois Press, 1999.
- Pelner Cosman, Madeleine. "Illegal Aliens and American Medicine." *Journal of American Physicians and Surgeons* 10 (2005): 6-10.
- Pendakur, Ravi. *Immigrants and the Labour Force: Policy, Regulation, and Impact*. Montreal; Ithaca: McGill-Queen's University Press, 2000.
- Perea, Juan F. *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York University Press, 1997.
- Perot, Ross, ed. *Preparing Our Country for the 21st Century. The Official Transcript of the United We Stand America Conference*. New York: Harper Collins, 1995.
- Peterson, Alan, et al., eds. *Poststructuralism, Citizenship and Social Policy*. London: Routledge, 1999.
- Phelan, Shane. *Sexual Strangers: Gays, Lesbians, and the Dilemmas of Citizenship*. Philadelphia: Temple University Press, 2001.
- Pickus, Noah M. Jedidiah. *Immigration and Citizenship in the Twenty-First Century*. Lanham: Rowman & Littlefield, 1998.
- Podnanski, Robert. "The Propriety of Denying Entry to Homosexual Aliens: Examining the Public Health Service's Authority over Medical Exclusions." *University of Michigan Journal of Law Reform* 17.2 (1983-84): 331-360.

- Portes, Alejandro, and Rubén G. Rumbaut. *Immigrant America: A Portrait*. 2nd ed. Berkeley: University of California Press, 1996.
- Pozzetta, George E. *Ethnicity and Gender: The Immigrant Woman*. New York: Garland, 1991.
- . *Nativism, Discrimination, and Images of Immigrants*. New York: Garland, 1991.
- Procacci, Giovanna. "Poor Citizens: Social Citizenship Versus Individualization." *Citizenship, Markets and the State*. Eds. Klaus Eder, Colin Crouch and Damian Tambini. Oxford: Oxford University Press, 2001. 49-68.
- Quadagno, Jill. *The Color of Welfare: How Racism Undermined the War on Poverty*. New York: Oxford University Press, 1994.
- Reimers, David. *Still the Golden Door: The Third World Comes to America*. New York: Columbia University Press, 1985.
- Reimers, David M. *Unwelcome Strangers: American Identity and the Turn against Immigration*. New York: Columbia University Press, 1998.
- Richmond, Anthony H. *Immigration and Ethnic Conflict*. Basingstoke: Palgrave Macmillan, 1988.
- Roberts, Dorothy E. "Who May Give Birth to Citizens? Reproduction, Eugenics, and Immigration." *Immigrants Out!* Ed. Juan Perea. New York: New York University Press, 1997. 205-19.
- . *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*. New York: Vintage, 1997.
- . "Welfare Reform and Economic Freedom: Low-Income Mothers' Decisions About Work at Home and in the Market." *Santa Clara Law Review* 44 (2004): 1029-63.
- Roche, Maurice. *Rethinking Citizenship*. Cambridge, UK: Polity Press, 1992.

Rodriguez, America. *Making Latino News: Race, Language, Class*. Thousand Oaks: Sage, 1999.

Rodriguez, Nestor P. "Social Construction of the U.S.-Mexico Border." *Immigrants Out!* Ed.

Juan Perea. New York: New York University Press, 1997. 223-43.

Roediger, David. *The Wages of Whiteness: Race and the Making of the American Working Class*.

New York, London: Verso, 1991.

Romero, Victor C. "Decoupling 'Terrorist' from 'Immigrant': An Enhanced Role for the Federal

Courts Post-9/11." *Journal of Gender, Race and Justice* 7 (2004): 201-11.

---. *Alienated: Immigrant Rights, the Constitution, and Equality in America*. New York: New

York University Press, 2004.

Rose, Nikolas. *Governing the Soul: The Shaping of the Private Self*. New York: Routledge, 1990.

---. *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press,

1999.

Santa Ana, Otto. "Like an Animal I Was Treated': Anti-Immigrant Metaphor in U.S. Public

Discourse." *Discourse and Society* 10.2 (1999): 191-224.

---. *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse*.

Austin: University of Texas Press, 2002.

Sarvasy, Wendy. "Beyond the Difference Versus Equality Debate: Postsuffrage Feminism,

Citizenship, and the Quest for a Feminist Welfare State." *Signs* 17.2 (1992): 329-62.

Sarvasy, Wendy, and Birte Siim. "Gender, Transitions to Democracy and Citizenship." *Social*

*Politics* 1.3 (1994): 249-55.

Schiller, Nina Glick, Linda Basch, and Cristina Szanton Blanc. "Towards a Definition of

Transnationalism: Introductory Remarks and Research Questions." *Towards a*

*Transnational Perspective on Migration*. Eds. Nina Glick Schiller, Linda Basch and

- Cristina Szanton Blanc. New York: New York Academy of Sciences, 1992. ix-xiv.
- Schuck, Peter H. *Citizens, Strangers, and in-Betweens: Essays on Immigration and Citizenship*. Boulder: Westview Press, 1998.
- Schuck, Peter H., and Rainer Münz. *Paths to Inclusion: The Integration of Migrants in the United States and Germany*. New York: Berghahn Books, 1998.
- Schultz, Paul T. "Immigrant Quality and Assimilation: A Review of the U.S. Literature." *Journal of Population Economics* 11 (1998): 239-52.
- Seefeldt, Kristin S. *Welfare Reform*. Ed. Ann Chih Lin. Washington: CQ Press, 2002.
- Sevenhuijsen, Selma. *Citizenship and the Ethics of Care*. London and New York: Routledge, 1998.
- Shapiro, Stephanie. *Reinventing the Feature Story: Mythic Cycles in American Literary Journalism*. Maryland: Apprentice House, 2005.
- . *Return of the Sob Sisters*. 2006. American Journalism Review. Available: <http://www.ajr.org/Article.asp?id=4117>. August 16, 2006.
- Shklar, Judith N. *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press, 1991.
- Silvestrini, Blanca G. "The World We Enter When Claiming Rights": Latinos and Their Quest for Culture." *Latino Cultural Citizenship: Claiming Identity, Space, and Rights*. Eds. William C. Flores and Rina Benmayor. Boston: Beacon, 1997. 39-53.
- Simcox, David. *The Costs of Immigration: Assessing a Conflicted Issue*. 1994. Center for Immigration Studies. Available: <http://www.cis.org/articles/1994/back294.htm>. November 14, 2006.
- . "Population Growth and the American Future." *Immigration and the Social Contract: The*

- Implosion of Western Societies*. Eds. John Tanton, Denis McCormack and Joseph Wayne Smith. Aldershot, UK: Avebruy, 1996. 35-43.
- Simon, Julian Lincoln. *Population Matters: People, Resources, Environment, and Immigration*. New Brunswick: Transaction Publishers, 1990.
- . *The Economic Consequences of Immigration*. 2nd ed. Ann Arbor: University of Michigan Press, 1999.
- Simon, Rita James, and Susan H. Alexander. *The Ambivalent Welcome: Print Media, Public Opinion, and Immigration*. Westport: Praeger, 1993.
- Simon, Rita J., and Caroline Brettell. *International Migration: The Female Experience*. Totowa: Rowman and Allanheld, 1986.
- Simon, Rita J., and Margo Corona DeLey. "Undocumented Mexican Women: Their Work and Personal Experience." *International Migration: The Female Experience*. Eds. Rita J. Simon and Caroline Brettell. Totowa: Rowman and Allanheld, 1986.
- Smith, Anna Marie. "The Sexual Regulation Dimensions of Contemporary Welfare Law: A Fifty State Overview." *Michigan Journal of Gender and Law* 8 (2002): 121-93.
- Somerville, Siobhan S. "Scientific Racism and the Invention of the Homosexual Body." *Queering the Color Line*. Ed. Siobhan S. Somerville. Durham: Duke University Press, 2000. 15-38.
- . *Queer Alienage: The Racial and Sexual Logic of the 1952 U.S. Immigration and Nationality Act*. Working Papers Series. Vol. 12. Bowling Green: Dept. of Ethnic Studies, Bowling Green State University, 2002.
- . "Notes toward a Queer History of Naturalization." *American Quarterly* 57.3 (2005): 659-75.
- Soysal, Yasemin Nuhogly. *Limits of Citizenship: Migrants and Postnational Membership in*

- Europe*. Chicago: University of Chicago Press, 1994.
- Srikantiah, Jayashri. "Introduction to the Symposium: Globalization, Security and Human Rights: Immigration in the 21st Century." *Stanford Law and Policy Review* 16.2 (2005): 317-322.
- Stevenson, Nick. "Globalization, National Cultures and Cultural Citizenship." *Sociological Quarterly* 38.1 (1997): 41-66.
- Stewart, Gail. *Defending the Borders: The Role of Border and Immigration Control*. San Diego: Lucent Books, 2004.
- Suárez-Orozco, Carola, and Marcelo M. Suárez -Orozco. *Children of Immigration*. Cambridge, MA: Harvard University Press, 2001.
- Suro, Roberto. *Watching America's Door: The Immigration Backlash and the New Policy Debate*. New York: Twentieth Century Fund Press, 1996.
- . *Strangers among Us: How Latino Immigration Is Transforming America*. New York: Alfred A. Knopf, 1998.
- Takacs, Stacy. "Alien-Nation: Immigration, National Identity, and Transnationalism." *Cultural Studies* 13.4 (1999): 591-620.
- Takaki, Ronald T. *Strangers from a Different Shore: A History of Asian Americans*. Boston: Little Brown, 1998.
- Tancred, Tom. *In Mortal Danger: The Battle for America's Border and Security*. Nashville: WND Books, 2006.
- Tanton, John, Denis McCormack, and Joseph Wayne Smith. *Immigration and the Social Contract: The Implosion of Western Societies*. Aldershot: Brookfield Vermont Avebury, 1996.
- Taylor, David. "Citizenship and Social Policy." *Critical Social Policy* 26 (1989): 19-31.

- Taylor, Jared. *The Real American Dilemma: Race, Immigration, and the Future of America*. New York: New Century Foundation, 1998.
- Taylor, Margaret H., and T. Alexander Aleinikoff. *Deportation of Criminal Aliens: A Geopolitical Perspective*. 1998. Inter American Dialogue. Available: <http://www.iadialog.org/taylor.html>. March 26, 2006.
- Thom, Linda. "Where Are All These Poor People Coming From?" *Immigration and the Social Contract: The Implosion of Western Societies*. Eds. John Tanton, Denis McCormack and Joseph Wayne Smith. Aldershot, UK: Avebury, 1996. 59-65.
- Thomas, Susan L. "Race, Gender, and Welfare Reform: The Antinatalist Response." *Journal of Black Studies* 28.4 (1998): 419-46.
- Tichenor, Daniel J. *Dividing Lines: The Politics of Immigration Control in America*. Princeton: Princeton University Press, 2002.
- Torpey, John. *The Invention of the Passport: Surveillance, Citizenship, and the State*. Cambridge: Cambridge University Press, 2000.
- U.S. Commission on Immigration Reform. *U.S. Immigration Policy: Restoring Credibility. A Report to Congress*. Washington: U.S. Commission on Immigration Reform, 1994.
- . *Legal Immigration: Setting Priorities. A Report to Congress*. Washington: U.S. Commission on Immigration Reform, 1995.
- . *Becoming an American: Immigration & Immigrant Policy. 1997 Report to Congress*. Washington: U.S. Commission on Immigration Reform, 1997.
- U.S. Riot Commission. *Report of the National Advisory Commission on Civil Disorders*. New York: Bantham, 1968.
- United States Congress. *Grounds for Exclusion of Aliens under the Immigration and Nationality*



- Act: Historical Background and Analysis*. Washington: U.S. G.P.O., 1988.
- United States Congress, House. "Employer Sanctions, June 16, 1993." *Committee on the Judiciary, Subcommittee on International Law Immigration and Refugees*. Washington: U.S. G.P.O., 1994.
- . "Border Violence, on H.R. 2119, Immigration Enforcement Review Commission Act, September 29, 1993." *Committee on the Judiciary, Subcommittee on International Law Immigration and Refugees*. Washington: U.S. G.P.O., 1994.
- . "Impact of Immigration on Welfare Programs, November 15, 1993." *Committee on Ways and Means, Subcommittee on Human Resources*. Washington: U.S. G.P.O., 1994.
- . "Criminal Aliens, February 23, 1994." *Committee on the Judiciary, Subcommittee on International Law Immigration and Refugees*. Washington: U.S. G.P.O., 1994.
- . "Controlling the Flow of Illegal Immigration at U.S. Land Borders, December 10, 1993." *Committee on Government Operations, Information Justice Transportation and Agriculture Subcommittee*. Washington: U.S. G.P.O., 1994.
- . "Access to Public Assistance Benefits by Illegal Aliens, May 11, 1994." *Committee on the Judiciary, Subcommittee on International Law Immigration and Refugees*. Washington: U.S. G.P.O., 1994.
- . "Employment Eligibility Verification System, October 3, 1994." *Committee on the Judiciary, Subcommittee on International Law Immigration and Refugees*. Washington: U.S. G.P.O., 1995.
- . "Reform Immigration Laws, January 5, 1995." *Extension of Remarks*. Washington: U.S. G.P.O., 1995.
- . "Contract with America: Welfare Reform, Part 1, January 27, 1995." *Ways and Means*

- Committee, Subcommittee on Human Resources*. Washington: U.S. G.P.O., 1995.
- . "Foreign Visitors Who Violate the Terms of Their Visas by Remaining in the United States Indefinitely, February 24, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1995.
- . "Worksite Enforcement of Employer Sanctions, March 3, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1995.
- . "Border Security, March 10, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1995.
- . "Removal of Criminal and Illegal Aliens, March 23, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1995.
- . "Verification of Eligibility for Employment and Benefits, March 30, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1995.
- . "Impact of Illegal Immigration on Public Benefit Programs and the American Labor Force, April 5, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Legal Immigration Reform Proposals, May 17, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Members' Forum on Immigration, May 24, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Immigration in the National Interest Act of 1995, on H.R. 1915, June 29, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Guest Worker Programs, December 7, 1995." *Committee on the Judiciary, Subcommittee on*

- Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Societal and Legal Issues Surrounding Children Born in the United States to Illegal Alien Parents, December 13, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Agricultural Guest Worker Programs, December 14, 1995." *Committee on the Judiciary, Subcommittee on Immigration and Claims*. Washington: U.S. G.P.O., 1996.
- . "Field Hearing on Public Benefits, Employment, and Immigration Reform, February 26, 1996." *Committee on Economic and Educational Opportunities*. Washington: U.S. G.P.O., 1996.
- . "Comprehensive Antiterrorism Act of 1995 (H.R. 2703), March 13 and 14, 1996." *General Debate*. Washington: U.S. G.P.O., 1996.
- . "Immigration in the National Interest Act (H.R. 2202), March 19, 20, 21, and 28, 1996." *General Debate*. Washington: U.S. G.P.O., 1996.
- . "Antiterrorism and Effective Death Penalty Act (S. 735), April 18, 1996." *Conference Report*. Washington: U.S. G.P.O., 1996.
- . "Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (H.R. 2202), September 25, 1996." *Conference Report*. Washington: U.S. G.P.O., 1997.
- . "Field Hearing: How Does Illegal Immigration Impact American Taxpayers? August 2, 2006." *Committee on the Judiciary*. Washington: U.S. G.P.O., 2006.
- United States Congress, Senate. "Terrorism and America: A Comprehensive Review of the Threat, Policy, and Law, April 21 and 22, 1993." *Committee on the Judiciary*. Washington: U.S. G.P.O., 1994.
- . "Terrorism, Asylum Issues, and U.S. Immigration Policy, on S. 667, May 28, 1993."

*Committee on the Judiciary. Subcommittee on Immigration and Refugee Affairs.*

Washington: U.S. G.P.O., 1994.

---. "Proposals for Immigration Reform, June 15, 1994." *Committee on the Judiciary.*

Washington: U.S. G.P.O., 1996.

---. "Increasing Costs of Illegal Immigration, June 22, 1994." *Senate Appropriations Committee.*

Washington: U.S. G.P.O., 1994.

---. "Proposals for Immigration Reform, August 3, 1994." *Committee on the Judiciary.*

*Subcommittee on Immigration and Refugee Affairs.* Washington: U.S. G.P.O., 1996.

---. "Increasing Costs of Illegal Immigration, Special Hearing." *Committee on Appropriations.*

Washington: U.S. G.P.O., 1994.

---. "The Immigration Moratorium Act of 1995 (S.160), January 5, 1995." *Statements on*

*Introduced Bills and Joint Resolutions.* Washington: U.S. G.P.O, 1995.

---. "The Criminal Alien Control Act of 1995 (S.179), January 9, 1995." *Statements on*

*Introduced Bills and Joint Resolutions.* Washington: U.S. G.P.O, 1995.

---. "The Immigrant Control and Financial Responsibility Act (S.269), January 24, 1995."

*Statements on Introduced Bills and Joint Resolutions.* Washington: U.S. G.P.O, 1995.

---. "Proposals to Reduce Illegal Immigration and Control Costs to Taxpayers, on S. 269, March

14, 1995." *Committee on the Judiciary.* Washington: U.S. G.P.O., 1996.

---. "Comprehensive Terrorism Prevention Act (S. 735), May 25 and June 7, 1995." *General*

*Debate.* Washington: U.S. G.P.O, 1996.

---. "The Immigration Reform Act of 1995 (S. 1394), November 3, 1995." *Statements on*

*Introduced Bills and Joint Resolutions.* Washington: U.S. G.P.O, 1996.

---. *Legal Immigration Act of 1996: Report Together with Additional and Minority Views (to*

- Accompany S. 1665*). Washington: U.S. G.P.O., 1996.
- . *Immigration Control and Financial Responsibility Act of 1996: Report Together with Additional and Minority Views (to Accompany S. 1664)*. Washington: U.S. G.P.O., 1996.
- . "The Use of Supplemental Security Income and Other Welfare Programs by Immigrants, February 6, 1996." *Committee on the Judiciary, Subcommittee on Immigration*. Washington: U.S. G.P.O., 1997.
- . "The Immigration Control and Financial Responsibility Act of 1996" (S. 1664), April 15, 25, and 29, 1996." *General Debate*. Washington: U.S. G.P.O., 1996.
- . "Illegal Immigration Reform and Immigrant Responsibility Act of 1996, September 16, 1996." *General Debate*. Washington: U.S. G.P.O., 1996.
- . "Immigration: Economic Impacts, April 25, 2006." *Committee on the Judiciary*. Washington: U.S. G.P.O., 2006.
- United States Congress. *Illegal Immigration Reform and Immigrant Responsibility Act of 1996: Conference Report (to Accompany H.R. 2202)*. Washington: U.S. G.P.O., 1996.
- United States General Accounting Office. *Illegal Immigration, INS Overstay Estimation Methods Need Improvement: Report to the Chairman, Subcommittee on Immigration, Committee on the Judiciary, U.S. Senate*. Washington: U.S. G.A.O., 1995.
- van Dijk, Teun A. "Discourse and Racism." *Discourse and Society* 10.2 (1999): 147-48.
- . "New(S) Racism: A Discourse Analytical Approach." *Ethnic Minorities and the Media*. Ed. Simon Cottle. Philadelphia: Open University Press, 2000. 33-49.
- van Dijk, Teun A., et al. "Discourse, Ethnicity, Culture and Racism." *Discourse as Social Interaction*. Ed. Teun A. van Dijk. Thousand Oaks: Sage, 1997. 144-80.
- van Steenberg, Bart, ed. *The Condition of Citizenship*. London: Sage, 1994.

- Veciana-Suarez, Ana. *Hispanic Media: Impact and Influence*. Washington: The Media Institute, 1990.
- Vernez, Georges. *Immigrant Women in the U.S. Workforce: Who Struggles? Who Succeeds?* Lanham: Lexington Books, 1999.
- Vernez, Georges, and Kevin F. McCarthy. *The Costs of Immigration to Taxpayers: Analytical and Policy Issues*. Santa Monica: Rand, 1996.
- Voet, Rian. *Feminism and Citizenship*. London: Sage, 1998.
- Vogel, Ursula, and Michael Moran, eds. *The Frontiers of Citizenship*. Basingstoke: Palgrave Macmillan, 1991.
- Walby, Sylvia. "Is Citizenship Gendered?" *Sociology* 28.2 (1994): 379-95.
- Warner, Michael. *Fear of a Queer Planet*. Minneapolis: University of Minnesota Press, 1993.
- . *Publics and Counterpublics*. New York: Zone Books, 2002.
- Weeks, Jeffrey. *Sexuality*. London: Travistock, 1986.
- Wengeler, Martin. "Multikulturelle Gesellschaft oder Ausländer raus? Der sprachliche Umgang mit der Einwanderung seit 1945." *Kontroverse Begriffe: Geschichte des Öffentlichen Sprachgebrauchs in der BRD*. Eds. Karin Böke, Matthias Jung and Martin Wengeler. Berlin: De Gruyter, 1995. 711-49.
- Weston, Kath. *Families We Choose*. New York: Columbia University Press, 1997.
- Wiener, Antje. "Making Sense of the New Geography of Citizenship: Fragmented Citizenship in the European Union." *Theory and Society* 26.4 (1997): 529-60.
- Williams, Lucy A. "Race, Rat Bites, and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate." *Fordham Urban Law Journal* 22.4 (1995): 1159-1196.
- Williams, Mary E. *Immigration: Opposing Viewpoints*. San Diego: Greenhaven Press, 2004.

- Williams, Phil. *Illegal Immigration and Commercial Sex: The New Slave Trade*. Portland: Frank Cass, 1999.
- Wodak, Ruth, and Martin Reisigl. "Discourse and Racism: European Perspectives." *Annual Review of Anthropology* 29 (1999): 175-99.
- Wong, Carolyn. *Lobbying for Inclusion: Rights Politics and the Making of Immigration Policy*. Stanford: Stanford University Press, 2006.
- Wucker, Michele. *Lockout: Why America Keeps Getting Immigration Wrong When Our Prosperity Depends on Getting It Right*. New York: Public Affairs, 2006.
- Wygonik, Blythe. "Refocus on the Family: Exploring the Complications in Granting the Family Immigration Benefit to Gay and Lesbian United States Citizens." *Santa Clara Law Review* 45.2 (2005): 493-530.
- Yans-McLaughlin, Virginia, ed. *Immigration Reconsidered*. New York: Oxford University Press, 1990.
- Yoshida, Chisato. *Illegal Immigration and Economic Welfare*. Heidelberg: Physica-Verlag, 2000.
- Yuval-Davis, Nira. *Gender and Nation*. London: Sage, 1997.
- Yuval-Davis, Nira, and Floya Anthias, eds. *Woman – Nation – State*. New York: St. Martin's Press, 1989.
- Zimmerman, Wendy and Karen C. Tulmin. "Patchwork Policies: State Assistance for Immigrants under Welfare Reform." *Urban Institute Occasional Paper* 24 (1999).
- Zimmermann, Klaus F. *Migration and Economic Development*. Berlin: Springer-Verlag, 1992.
- Zolberg, Aristide R. *A Nation by Design: Immigration Policy in the Fashioning of America*. Cambridge: Harvard University Press, 2006.