

Fear and Threat in Illegal America:
Latinas/os, Immigration, and Progressive Representation in Colorblind Times

by

Hannah Kathryn Noel

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Doctoral Committee:

Associate Professor Evelyn A. Alsultany, Co-chair
Associate Professor María E. Cotera, Co-chair
Associate Professor María Elena Cepeda, Williams College
Associate Professor Anthony P. Mora

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DEDICATION

for
Mom
&
Dad

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TABLE OF CONTENTS

| | |
|--|-----|
| Dedication | ii |
| Acknowledgements | iii |
| List of Figures | v |
| CHAPTER 1: INTRODUCTION: Representing Un/Documented Latinas/os Under U.S. Neoliberalism: Progressivism, Personal Responsibility and Colorblindness | |
| 1. Neoliberalism | 16 |
| 2. Multiculturalism and Colorblindness | 28 |
| 3. “Illegal Alien” | 36 |
| 4. Summary of Contributions and Chapter Arguments | 47 |
| CHAPTER 2: NPR’S NATIONAL PUBLICS: Latinas/os and Neoliberal Modes of Social Regulation | |
| 1. NPR’s National Publics | 51 |
| 2. A Community in Flux: Postville 1998-2009 | 57 |
| 3. Narratives of Threat and Exclusion | 64 |
| 4. Rescripting the Discourse of the Nation | 68 |
| CHAPTER 3: BRANDING GUILT: American Apparel Inc. and Latina Labor in Los Angeles | |
| 1. Latinas in the L.A. Apparel Industry | 105 |
| 2. Ethical Consumption | 111 |
| 3. Selling Ethics | 120 |
| 4. Conclusion | 125 |
| CHAPTER 4: CONSCRIPTING THE DREAM: Latinas/os, Militarization, and the Myth of Immigrant America | |
| 1. The DREAM’s Metanarrative | 134 |
| 2. Outside the DREAM | 140 |
| 3. Latinas/os and Non-citizens in the U.S. Military | 146 |
| 4. Conclusion | 166 |
| CHAPTER 5: THE INSTITUTIONALIZATION OF THE TRANSBORDER IMMIGRANT TOOL | |
| 1. The Controversy | 171 |
| 2. The Institutionalization of the Transborder Immigrant Tool | 174 |
| 3. Conclusion | 179 |
| CHAPTER 6: CONCLUSION | |
| APPENDIX | |
| BIBLIOGRAPHY | |

LIST OF FIGURES

| | |
|--|-------|
| Figure 1: Doorway entering <i>State of Exception</i> Exhibit | 2 |
| Figure 2: Wall of Backpacks, <i>State of Exception</i> Exhibit | 3 |
| Figure 3: Glass Altar, <i>State of Exception</i> Exhibit | 4 |
| Figure 4: Glass Altar with 6 Videos, <i>State of Exception</i> Exhibit | 4 |
| Figure 5: Night/Day Videos and Water Jugs, <i>State of Exception</i> Exhibit | 6 |
| Figure 6: Google, Ngram Viewer Search for “Illegal Alien” in Books Published | 14 |
| Figure 7: ProQuest Search for "Illegal Alien" Used in Magazines | 15 |
| Figure 8: NPR’s Demographics | 59-60 |
| Figure 9: Sexually Provocative Ads | 106 |
| Figure 10: Sweatshops Now, Sweatshops Then | 114 |
| Figure 11: Vertical Integration | 126 |
| Figure 12: Race in American Apparel Ads | 127-8 |
| Figure 13: Legalize LA | 129 |
| Figure 14: American Apparel on Immigration | 131 |
| Figure 15: Letter from Blog | 133 |
| Figure 16: U.S. Army Recruitment Page for Hispanic Americans | 169 |

CHAPTER 1

INTRODUCTION

Representing Un/documented Latinas/os Under U.S. Neoliberalism: Progressivism, Personal Responsibility, and Colorblindness

Anthropologist Jason De León's Undocumented Migration Project examines the artifacts left behind by migrants while they cross an inhospitable stretch of Sonora Desert between Southern Arizona and Mexico. During the scorching summer months, De León, along with the help of his students from the University of Michigan, Ann Arbor, and local supporters, scour the Arizona border region south of Tucson for objects left behind by border crossers. Commonly found artifacts include: backpacks, shoes, prayer cards, water jugs, along with other items that were lost or viewed as no longer useful during the act of crossing. The region's harsh and hostile climate decays and decomposes organic matter and other artifacts with a rapid ferocity. With the help of curator Amanda Krugliak and New York based artist Richard Barnes, De León compiled

an exhibition, entitled “*State of Exception/ Estado de Excepción*,” to display a small fraction of the objects found by the Undocumented Migration Project.¹



Figure 1: Richard Barnes, Jose de León, and Amanda Krugliak. *States of Exception/ Estado de Excepción*. January 24 – March 12, 2013, Digital photograph, Institute for the Humanities, University of Michigan, Ann Arbor.

When you open the door to the *State of Exception/ Estado de Excepción* exhibit, the room is heavy, dark, and smells musky. You first enter into a short narrow hallway that opens into a small square room. Inside the exhibition there are no windows and the walls are painted pure white. From the moment you enter you are enticed to imagine that you are a part of the field site where De León and his students worked during the sweltering summer of 2012. Entering into the small hallway the floor is lined with a white screen (figure 1). The looping videos of backpacks and other belongings abandoned in the Sonora desert and found by the project are

¹ The exhibition was sponsored by the Institute for the Humanities at the University of Michigan, Ann Arbor, and ran from January 24, 2013 till March 12, 2013. The exhibition has been invited to tour in other locations.

projected onto this floor/screen/field site bringing color, movement, and life to the white screen. The projected floor/screen/field site image is composed of three looping video sequences; each provides close-up of sweeping images of a precise area in a larger pile of artifacts. These three video sequences are projected side-by-side on the floor, and when viewed together, form a one by three rectangle. The interactive video shorts morph and change with your gestures and shadow, making the viewer a part of the exhibition. In this moment, the exhibition viewer becomes an active member of the field school, visually excavating traces of artifacts from the cascading images of the desert repository. Spectators are encouraged to scour the artifact pile perhaps with the intention that these material objects might give us added insights into why individuals would choose to cross the border, as well as why certain objects were deemed no longer valuable.



Figure 2: Richard Barnes, Jose de León, and Amanda Krugliak. *States of Exception/ Estado de Excepción*. January 24 – March 12, 2013, Digital photograph, Institute for the Humanities, University of Michigan, Ann Arbor.

When you exit the hallway you see an entire white-painted wall covered with backpacks (figure 2). The backpacks spill onto an adjacent wall. Each backpack is neatly compiled into a straight line of about 10 to 12 backpacks high, and about 20 backpacks across. The backpacks each exhibit varying degrees of wear: some are sun-bleached, others are torn, some are barely

recognizable as backpacks, and a few appear almost new. Many are children's backpacks adorned with the transnational branding of cartoon images like Dora the Explorer, the Chicago Bulls, the Tasmanian Devil, Mickey Mouse, and Bart Simpson.



Figure 3: Richard Barnes, Jose de León, and Amanda Krugliak. *States of Exception/ Estado de Excepción*. January 24 – March 12, 2013, Digital photograph, Institute for the Humanities, University of Michigan, Ann Arbor.

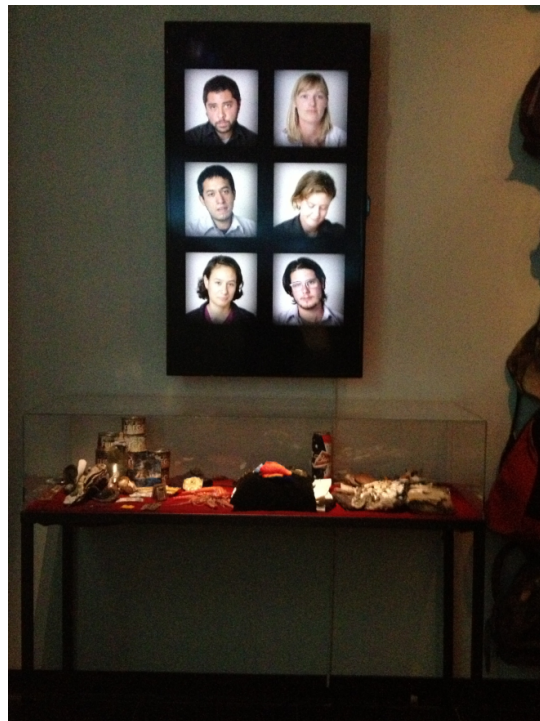


Figure 4: Richard Barnes, Jose de León, and Amanda Krugliak. *States of Exception/ Estado de Excepción*. January 24 – March 12, 2013, Digital photograph, Institute for the Humanities, University of Michigan, Ann Arbor.

At the end of the half wall of backpacks, there is a glass altar that encases a variety of relics: a cluster of fuego/fire starter cans, an empty can of beer, a child's dress shoe, Mexican currency, tooth brushes and tooth paste, prayer cards, a partially disintegrated bible and spiral notebook, an "A. Leon" fake drivers license, crucifixes, pictures, a wallet, and a beer can, to name a few (figure 3). The glass altar begins to resemble a glass coffin as your eyes fall on a small bit of multicolored fabric that was used to cover the corpse of a 41-year old female Peruvian migrant, given the pseudonym of Marisol, that De León's field school found in the summer of 2012 while exploring a trail. Above the altar is a vertical rectangular screen that holds the images of six field school participants, De León and five students (figure 4). These video testimonies are arranged in three rows and two columns. The six participants are recorded giving their reactions to finding Marisol. Each person gives their testimony against a white background, and we can only see each person's head, neck, and shoulders. This altar is not just in honor of Marisol, but also of all border crossers as Marisol's story is sadly not dissimilar to thousands of others.

At a right angle to the altar is a sweatshirt held by a stick, a sort of makeshift flag for undocumented migrants. Perhaps such a flag could be used to catch the attention of a Pollero/Coyote/Human trafficker or even the Border Patrol, a sort of mayday flag, if the undocumented migrant was dying of dehydration and could no longer walk. Immediately following the sweatshirt/flag is a video on loop taken through a border fence during daylight (figure 5). The striped video image gives the affect that we are in jail; a feeling echoed by the small, dark, white, and windowless space of the exhibition. The allusion to a jail is particularly compelling because if the sweatshirt flag were used as a mayday flag, the undocumented flag bearer would also end-up in jail prior to deportation.



Figure 5: Richard Barnes, Jose de León, and Amanda Krugliak. *States of Exception/ Estado de Excepción*. January 24 – March 12, 2013, Digital photograph, Institute for the Humanities, University of Michigan, Ann Arbor.

Projected onto the white wall adjacent to the border fence is another video that is on loop. This video moves the viewer down a dark road next to the border fence at dusk or early evening. The fickle and unpredictable temperament of the desert is evident during the video short as it begins to downpour. The juxtaposition in weather in these two videos and the unforgiving climate of the desert is highlighted in a second glass case/coffin of water bottles, some fully intact others are only partial bottles that deteriorated in the desert, located under the evening image of the desert rainstorm. Some of the gallon-sized water bottles are adorned with a fabric band for ease of carry; these bottles are either colored black or wrapped with fabric so that the bottle is no longer reflective as not to attract the attention of border enforcement. The sad irony of these dark bottles is that the dark pigmentation and fabrics also increase the temperature of the water making it at times too hot to drink. These water bottles are aptly positioned to catch the

water under the rainy video highlighting that if it rains in the desert and you do not have a receptacle to catch it, the rain quickly disappears into the parched desert sand or flash floods.

This exhibition humanizes the national problem at our borders where some of the most marginalized, lowest socio-economic class, and racialized subjects—such as Marisol—meet their untimely deaths. The exhibition also sets up the central polemic of this dissertation: How do self-identified progressive policies and practices interpellate the colorblind racial, linguistic, and ethnic category of the “illegal alien” to dehumanize, homogenize, and represent diverse Latina/o groups in the contemporary post-9/11 moment?² Three terms are particularly important to my central organize question: colorblindness, personal responsibility, and progressive.

Colorblindness, or post-race ideologies, refers to a prevailing contemporary racial ideology that recognizes that individuals are educated about the legacies of racism, yet view these legacies as no longer systemic or daily impediments to equality. Therefore, people who espouse a colorblind racial ideology view race as no longer a useful trope of analysis. Personal responsibility is an individualizing ideology that has discursive links to the American Dream.³

Jennifer Hochschild (1996) provides a fitting definition of the American Dream:

By the American Dream, I mean not merely the right to get rich, but rather the promise that all Americans have a reasonable chance to achieve success as they define it—material or otherwise—through their own efforts, and attain virtue and fulfillment through success. (1996, XI).

Hochschild’s definition of the American Dream is particularly useful to this dissertation as it has discursive links to colorblindness; the American Dream ignores the history of racial inequity in the United States by presupposing that everyone can equally attain success. The American

² Both colorblindness and personal responsibility are defined in more nuanced ways later in this dissertation.

³ The “American Dream” refers to a post-WWII ideology wherein all immigrants and native born citizens worked towards the American ideal of upward mobility: a hetero-normative nuclear family, a detached single family home in the suburbs, a white picket fence, and two cars neatly tucked away in a garage. Such a construction is reminiscent of TV families such as those seen in the sitcom *Leave it to Beaver*. Today, may argue that we are in the midst of a “reverse American Dream” where people are moving back to the cities and out of the suburbs as a way of achieving individualized notions of success. For more information see Gallager (2013) and Wasik (2010). .

Dream also has connections to rhetoric of personal responsibility, as in the American imagination the Dream has become the obligation of each patriotic and hardworking American (Hochschild 1996, Gallagher 2013, Wasik 2010). Personal responsibility is the notion that all individuals are equally responsible for their own destinies, choices, and futures; the idea that we can all just “pick ourselves up by our bootstraps” and achieve upward mobility.⁴ Like a colorblind racial ideology, an ideology of personal responsibility overlooks longstanding systemic and social legacies of inequality, like the inconsistent quality of public schools, in impacting an individual’s ability to achieve abstract notions of success with lineages to the American Dream and Bootstraps mentalities.

Whereas conservatives justify inequality based on personal responsibility, liberals and progressives seek to find solutions to problems that also endeavor to create a more equal and just society. The ways that progressives and liberals go about enacting this social change, however, can differ. I use “progressive” throughout my dissertation to describe a range of contemporary thought and perspectives with lineages to classic liberalism emerging from the Civil Rights era to more “progressive” strands of liberalism common today. There is much debate about what “progressive” means today. For example, President Obama has classified himself as a progressive, and during a 2008 presidential debate Hillary Clinton explained that she identifies with ““the word progressive” because liberalism “has been turned up on its head and made to seem as though it is a word that describes big government”” (Moody 2010). Although liberals can also be progressive, there is a general consensus among political columnists that the two

⁴ The phrase “pick yourself up by your bootstraps” is an allusion to the U.S. policy in Puerto Rico called “Operation Bootstrap” began in 1948 and championed upward economic mobility for islanders through hard work. Operation Bootstrap aided in the conversion of Puerto Rico’s economy from a rural agricultural one, to a more urbanized industrialized economy.

terms are not synonymous (Moody 2010). Huffington Post columnist David Sirota describes the difference between liberal and progressive in the contemporary moment:

There is a fundamental difference when it comes to core economic issues. It seems to me that traditional "liberals" in our current parlance are those who focus on using taxpayer money to help better society. A "progressive" are those who focus on using government power to make large institutions play by a set of rules. (Sirota 2005)

Sirota contends that progressives and liberals are both invested in funding and preserving social safety nets like welfare; however, where progressives can differ in thought from a liberal ideology is in their regulation of large institutions.

Others find that the core difference between liberalism and progressivism is that liberalism is an ideology that has developed over three hundred years, and progressivism is a problem solving method that has origins in the Progressive Era (1890-1920.) According to this school of thought, liberal ideology is “a set of ideals grounded in the social contract (rule by consent of the governed for mutual benefit), both negative liberty (freedom from unreasonable interference) and positive liberty (access to basic resources to pursue one’s goals), and both equality in law (legal rights and privileges), and equality of opportunity (social mobility)” (Brown 2013). Over the about 125 years that U.S. progressivism has been a problem solving method has lead to both positive and negative result.⁵ Whereas the difference between liberalism as an ideology and progressivism as a problem solving method may have been more appropriate in the past, today progressivism has morphed into an ideology that is unique to neoliberalism.

For instance, whether one views the key difference between liberalism and progressivism as based in the regulation of large institutions, or the difference between a problem solving method and an ideology, today progressivism means something different than it did during the Progressive Era. The Center for American Progress, arguably the ideological center for

⁵ For example the Tuskegee Experiment and Prohibition.

progressive thought located in Washington DC has an annual budget of about \$25 million dollars (Moody 2010). The Center for American Progress' website defines what "progressive" means today:

Progressives believe that there are some issues, such as increasing access to quality health care, improving public education, and providing retirement security, that are so vital to individual opportunity that strong public action is required to ensure basic needs that cannot be met by the free market alone. We know, too, that in other areas, like job creation and economic growth, the private sector must drive progress – and will do it better than government – but we recognize that a mix of public and private incentives and protections for consumers can best provide the framework for prosperity to flourish. And progressives focus strongly on cultivating moral values and personal responsibility in citizens as the best way for individuals and communities to take control of their own lives, ensure societal cohesion, and find solutions to problems that can seem intractable. (Halpin 2004)

Indeed, to the Center for American Progress a progressive political identification is more than a problem solving method, it defines an individual's moral compass and it is also fundamentally connected to neoliberal ideologies of personal responsibility. In this way, the Center of American Progress' understandings of the term "progressive" are simultaneously manifestations of core tenets of neoliberalism, as well as the seemingly contradictorily notion that the free market alone cannot properly regulate all parts of society. It is this core desire of progressivism, to both reject some of the economic tenants of neoliberalism while at the same time valorizing the social capital of neoliberalism, that makes the term particularly useful for this dissertation. Furthermore, I choose to use the term "progressive" in this dissertation because in the contemporary post-9/11 moment self-identified liberals, such as the commentators and contributors on MSNBC, are increasingly forgoing the use of the term "liberal" for "progressive" as a self-referent.⁶ It is my contention that, following on the aforementioned words of Hillary Clinton in 2008, some liberals today evoke the term "progressive" as a self-referent in efforts to

⁶At times in this dissertation, I may evoke the term "liberal" to refer to other scholars' work, for example the "liberal myth of Immigrant America," because these scholars specifically use the term liberal and term the myth a "liberal myth".

perhaps side-step the conservative and negative representation of liberals as soft or morally lax. As mentioned earlier, progressivism refers to reform movements that responded to the rapidly industrializing economy with a distrust and fear of the growth of monopolies and corruption. Today, progressives advocate for social justice issues, such as environmentalism, as well as often support social safety nets, like welfare, and the government regulation of industry. I choose to use the term progressive as opposed to liberal because of the boisterous advocacy for issues of social capital embodied in, for example, MSNBC's political agenda. This implicit assertion that progressivism is akin to moralism is at the heart of many of my chapter's arguments, for example my discussion of ethical consumption.

Indeed, the exhibition and the work of Undocumented Migration Project chronicles, yet does not actively aid, individuals crossing the border. Nevertheless, the exhibition can be identified as “progressive” as this non-interventionist strategy allows Barnes, De León, and Krugliak to bring contemporary social problems to a diverse audience’s attention through an institutionalized art exhibition. This exhibition presents a pertinent social issue, and asks the implicit question: *What will you do to change this situation?* It also makes the politically heated topic of humanizing undocumented immigrants palatable for a larger audience of people who may view aiding undocumented immigrants as akin to an act of terrorism, but who might also view the space of the academy as inherently progressive and relatively non-threatening. In this dissertation, I utilize a critical discourse analysis of media, political, and corporate institutions that profess to take up a similar call to humanize undocumented immigrants. However, it is my contention that although some of my research sites purport to humanize undocumented subjects, they inferentially perpetuate longstanding stereotypes about undocumented immigrations, the majority of whom are Latina/o. I refer to people of Latin American origin who reside in the

United States as “Latina/o” unless they explicitly self-identify otherwise. This is not to ignore that particularly first generation and 1.5 generation Latinas/os in the United States may have multiple identities; some individuals may identify as solely Latin American, or Latin American and Latina/o, for example. However, I use the referent “Latina/o” in order to symbolize the community formations that are formed within the United States. “Latina/o” is also used because implicit in this term is a U.S. connection, and all the representations that I discuss in this dissertation are specific to policies and practices in the United States. Additionally, as I will further explain in the Keywords section of this introduction, I also use the term “Latina/o” to signal that these individuals, although they may identify as Latin American, are interpellated in the U.S. context as “illegal aliens,” Latina/o, criminals, and Mexican.

This dissertation performs a cultural studies discourse analysis with a focus on race, class, and citizenship of the trope as a classed and racialized subject developing after 1965, and under U.S. neoliberalism. The year 1965 is the point of origin for my dissertation, as this is the moment that propels “illegal alien” into contemporary discourse. However, this dissertation analyzes the use of “illegal alien” in a post-9/11 moment where the colorblind use of the term “illegal alien” occurs in a time where border militarization and enforcement, along with deportations, are at an all time high. It is my contention that both federal and state level attempts to restrict Latina/o movement, either by the building of fences and militarization or attrition through enforcement immigration policies, are contemporary colorblind manifestations of an interpellation of “illegal aliens” as undocumented threats, predominantly from Mexico. It is only through acknowledging how pervasive this interpellation of Latinas/os as threatening is, that policy makers can begin to craft equitable and humanizing immigration policies.

As the two graphs indicate, the term “illegal alien,” defined in depth in the later parts of this introduction, exploded from relative obscurity into popular usage, both in magazines and in books, after 1965 (figure 6 and figure 7). Diverging from popular discourse that views “Illegal Alien” as primarily a legal classification, this dissertation views the term as a distinctly classed (and inaccurate) social construction that intersects with race, ethnicity, and national identity. Masao Miyoshi (1993) writes, “colonialism is more active now than it has ever been in the form of transnational capitalism” (728). For my dissertation, this means that a keystone of transnational capitalism is undocumented migration and the exploitation of people of color as inexpensive and marginalized menial laborers. The racialization of undocumented immigrants is key to understanding their contemporary colorblind racial configuration.⁷ This dissertation argues that undocumented migrants form a classed and racialized social and political subject that is, as Mae Ngai (2004) points out, discursively cast out of our imaginings of the nation and national identity. By indexing contemporary migration that has happened under “U.S. neoliberalism” as an economic reorganization of the global economy post-WWII, I am also locating “illegal aliens” as the lowest socioeconomic, and frequently ethnically Latina/o, group. U.S. neoliberalism is a prevailing social, political, and economic philosophy that champions deregulation, privatization, and individualism; in the pages that follow this introduction also provides a more expansive definition of this keyword.⁸

⁷ In terms of future research, the study of class-based hierarchies under the rubric of colorblindness can better enable scholars to comparatively analyze racially diverse yet similarly classed subjects, for instance undocumented migrants in Nebraska and coal miners in Appalachia or Mayday protesters and Labor Rights activists.

⁸ It is essential to also note that the classed subject “illegal alien” is also frequently structured in the contemporary moment as a terrorist or threatening subject. The construct of “illegal aliens” also exists in current moment where U.S. nationalism is often akin to militarization and has led to multiple wars, militarized borders, and an imagined national community discursively constructed based as on binary understandings of language, citizenship, and phenotype. This is explored more in my third body chapter on the DREAM Act.

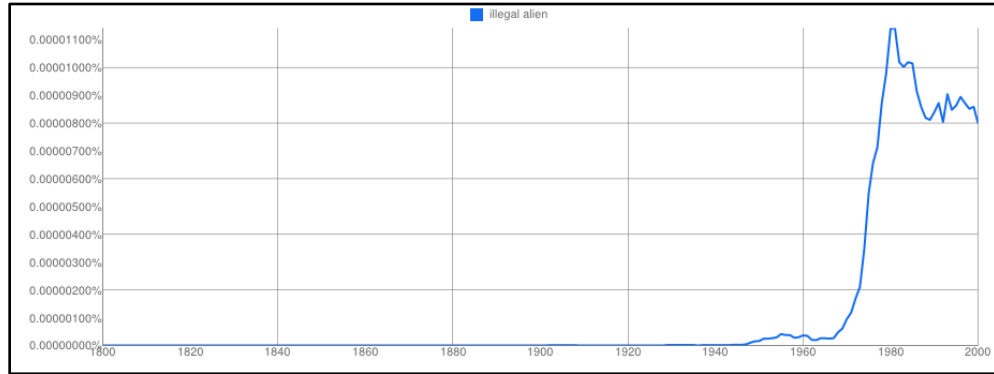


Figure 6: Google Books, Ngram Viewer. *Illegal Alien*. August 31, 2012, http://books.google.com/ngrams/graph?content=illegal+alien&year_start=1800&year_end=2000&corpus=0&smoothing=3.

Specifically, this dissertation performs a classed and racially sensitive analysis of “illegal aliens” in a contemporary moment where colorblind or post-race ideologies erase race as a crucial factor in the immigration debate. Instead, issues of the legality and rule of law operate as code words for racialized subjects. A prime example of this tenancy is the racial profiling charges levied against law enforcement officials who are called to detect visually undocumented immigrants in Arizona while enforcing the “show me your papers” clause in the state’s controversial immigration law S.B 1070, the only provision of the act upheld by the U.S. Supreme Court in the summer of 2012. In my assessment of colorblindness, I am also wary not to ignore the importance of class when discussing the ways that undocumented immigrants travel to and live in the United States. Indeed, the Immigration and Naturalization Act of 1965 gave preferential treatment to both the family members of citizens and also non-citizens whose education and vocational training were viewed as valuable to the U.S. economic growth. This act thereby legislated that more economically privileged migrants would be given citizenship over less educated and less privileged migrants. Racialized populations experience economic and social persecution all over the world; however, in the United States immigration law dictates that

undocumented immigrants are often the most socioeconomically marginalized both in their home country and in the United States.

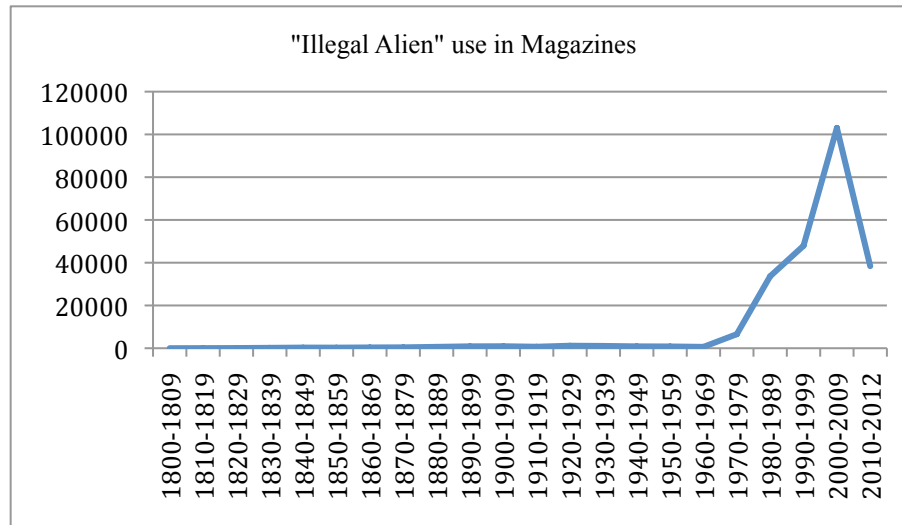


Figure 7: ProQuest Search. *"Illegal Alien" is Used in Magazines*. August 31, 2012, <http://search.proquest.com/news>. Accessed August 31, 2012.

My examination of representations of Latinas/os in self-identified progressive media, federal policy, and corporate policy engages in an established scholarly tradition in immigration studies that critique the so-called “liberal myth of immigrant America.” The myth of immigrant America asserts that the United States is a nation of immigrants who all equally wanted to come to the United States for our superior jobs, democracy, and way of life.⁹ Scholars like Bonnie Honig (1998) and Ali Behdad (2005) argue that the myth that immigrant populations come to the United States in search of freedom and equality actively misremembers the past through collective acts of forgetting.¹⁰ Such a rationale for immigration romanticizes U.S. capitalism and democracy as the ideal political, social, and economic systems. During this frequently subconscious act of idealizing U.S. immigration history, complex racial histories, like African

⁹ In this case, the “liberal” in “liberal myth of immigrant America” is not interchangeable with the word “progressive” as it is used in this dissertation. Rather, in this instance, liberal means that extensive liberties or willful forgetting are taken place when reflecting on U.S. immigration history. People of all political leanings have interpellated the myth of immigrant America.

¹⁰ I will discuss Honig and Behdad’s arguments more thoroughly in Chapter 3.

slavery and Indian removal, are willfully and unwittingly forgotten in order to perpetuate the myth that throughout history all U.S. Americans have equally desired U.S. citizenship. The chapters in this dissertation assert that this “myth of immigrant America” is present in the ways that un/documented Latinas/os are represented in the United States in social and public discourses. In other words, there remains a base presupposition in the U.S. public that it is both logical and right that all immigrants would want to come to the United States, perhaps even before all other nation states. Such a presupposition works in opposition to, for example, immigration policies that employ a “voluntary departure” and “prevention through deterrence” policy, similar to those seen in the state of Alabama.

Prior to delving into close readings of my proposed research sites, this dissertation provides brief literature reviews of four central keywords and ideas: “neoliberalism,” “multiculturalism,” “colorblindness,” and “illegal alien.” These social constructions are mobilized in the proceeding five chapters. The processes of keywording my dissertation locates my work within particular scholarly fields and indicates my contributions to the study of U.S. neoliberalism, racial construction, and immigration discourses and representation.

Neoliberalism

Neoliberalism is a political, economic, and social theory that calls for economic deregulation and privatization as two of the primary tenets needed in achieving personal freedoms, namely the accumulation of individual wealth. Evoking ideologies of free market and laissez faire capitalism, deregulation calls for a decrease in government regulation and control in industry. Operating under this logic, the assumed result of deregulation is the renewed economic vitality of the nation-state. In particular, privatization is the process of transferring ownership of state owned business, agencies, public services (such as Medicare or Social Security) to private

ownership. Privatization and deregulation are two of the original doctrines of neoliberalism that, as we shall see, expanded during the 1980s and 1990s to include issues of identity politics, such as an emphasis on cultural rather than racial diversity (Duggan 2003).¹¹

Although the origins and meanings of neoliberalism remain the subject of scholarly debate, in the U.S. context we begin to see neoliberalism in attacks on New Deal politics and unionism in the 1950s and 1960s (Foucault [1978-9] 2008).¹² When referencing “neoliberalism,” this dissertation is implicitly referencing *U.S.* neoliberalism. U.S. neoliberalism promotes an ideology of “individual responsibility,” yet economic exploitation and a funneling away of resources from welfare services and social safety nets frequently makes “pulling yourself up by your bootstraps” impossible for people of a low socioeconomic class (Harvey 2005). Although it is not a first order logic of neoliberalism, today U.S. neoliberalism often relies on the idea of “trickle down” economics; the economic theory dictating that concentrated wealth in the upper classes will eventually dissipate and benefit lower classes. “Trickle down” economics do not work when a lot of the money is actually *trickling out* of the local economy to

¹¹ Neoliberalism should not be confused with liberalism, as neoliberalism and liberalism are two distinct, yet sometimes overlapping, ideologies. Neoliberalism is not only a bastion of people who identify as conservatives; it is possible for an individual to simultaneously identify as both liberal and assert neoliberal economic and social policies. For example, neoliberalism envisions the achievement of personal freedoms as rooted in deregulation and laissez faire economics; however, this could also be true from a liberal perspective. Additionally from a liberal position identity politics and issues of human rights are often additionally stressed as articulations of personal freedom. Therefore, under popular liberalism, government aid and intervention for the underprivileged through taxation can be viewed as a way to maximize one’s ability to achieve personal freedoms through the act of performing a humanizing expenditure. A good example of U.S. popular liberalism in foreign policy is the federal governments annual donation of around 14.1 billion dollars in foreign aid for international development when about 15.1% of US citizens live in poverty and many without adequate government assistance, healthcare, or job opportunities. A conservative neoliberal perspective on such expenses could view the massive spending on poverty abroad as a hindrance to personal freedoms in that such policies give national wealth away, call for a higher individual tax rate, and take the decision of philanthropy outside of the hands of the individual. Put another way, simply because an individual supports humanitarian aid and identifies as liberal does not mean that they are necessarily in opposition to the neoliberal ideologies. That is not to say that popular liberalism escapes from the clutches of neoliberal hegemony.

¹² Although it is now a global phenomenon, neoliberalism manifests differently and at different times depending on the nation state. For more information please see: (Foucault [1978-90] 2008, 84; 88; 129-132; 145; 152; 160; 162; 185; 193; 225.)

privatized industries that are frequently owned by foreign investors (particularly in nations with less developed economies).

It is no coincidence that this post-WWII time period that in part gave rise to U.S. neoliberalism is also the time period that gave rise to the “American Dream,” the myth defined earlier that perpetuates the logic that with hard work and perseverance any individual can achieve success, however they may define it, in the United States (Hochschild 1996; Gallagher 2013; Wasik 2010). It is useful here to link the “American Dream” as a social and ideological internalization of neoliberal values like personal responsibility that still has lasting effects on families in the United States. The rhetoric of the “American Dream” promotes a certain type of “America”—one where everyone works hard while focused primarily on individual wants and desires. This “Dream” is popularly represented as one that is enjoyed by one who: is racially white, heterosexual, middle-class, lives in a private home, and believes that taking advantage of social safety nets, like welfare, is a shameful practice that represents personal rather than societal or economic failings. Within such a dynamic of the “American Dream,” then, “family” is implicitly defined as a hetero-normative nuclear grouping that lives in a single-family detached home away from the crime, poverty, racial diversity, and filth of the city (Luibhéid 2002, 5).

Although contemporary neoliberalism is a social and economic philosophy of both progressives and conservatives, it owes to its origins in the discourse of the political right. For example, the development of the neoliberal state is also tightly connected to the neoconservative state, associated with the political administration of President Reagan. During Reagan’s administration, a conservative discourse on “moral values” developed simultaneously with conservative economic policies. Furthermore, a seductive rhetoric of nationalism is often incorporated into the “moral values” narrative that helps to sell neoliberal policies (Harvey

2005). In the United States discourses of nationalism have always been tightly connected to nebulous constructions of morality (Lubhéid 2002; Behad 2005). For example, since its 18th century origins federal legislation has defined bearers of U.S. citizenship (originally eligible to only white men of property) as possessing “good moral character.” This phrase is still present in immigration policy today; for example, it is a mandatory attribute for individuals if they would like to qualify for the proposed provisions listed in the Development, Relief, and Education for Alien Minors Act (DREAM Act) discussed at length in Chapter 4. “Good moral character” in part governs behavior through ambiguity because, since its first iterations, “good moral character” has remained undefined by policy writers.

Views on neoliberal doctrines, similar to those on what qualifies as moral, frequently differ depending on political affiliation. For instance, often for progressives “neoliberalism” denotes a system of global exploitation that has had disproportionately negative effects on the world’s poorest residents. This point of view may be held by activists critical of free trade agreements that open trade boundaries between wealthy and poorer nations, but also lead to economic restructuring that funnels money out of the poorer nation and exploits the workers who live there (Cravey 1998; Enloe 2001). Recurrently for conservatives, “neoliberalism” is seen as the deregulation of economic and political interests that creates an environment where personal responsibility and hard work allows for the achievement of individual freedoms; the actualization of the American Dream. For instance, the transnational business leaders and politicians who benefit from free trade agreements may hold this point of view.

As a political and economic project of the global political right in the late 1970s, U.S. neoliberalism began in part as a response to an economic recession, the strong union salary negotiating power of the left, the gas crisis, and stagflation. This policy was designed to secure

for the United States and its allies democratic, economic, political, and world supremacy during the Cold War. Political leaders, such as Margaret Thatcher and Ronald Reagan, sought to jumpstart their respective national economies by mobilizing neoliberal economic theories and ending stagflation. Neoliberal theories did not simply develop due to natural market tendencies, but were first introduced into the academy by Nobel Prize-winning economists, such as Milton Friedman and his colleagues at the University of Chicago (Harvey 2005, 11).

These early neoliberal thinkers sought to undo a form of political and economic organization known today as “embedded liberalism.” In writing about the rise of neoliberalism in the late 1970s, David Harvey (2005) uses the term embedded liberalism “To signal how market processes and entrepreneurial and corporate activities were surrounded by a web of social and political constraints and a regulatory environment that sometimes restrained but in other instances led the way in economic and industrial strategy” (19). In other words, embedded liberalism results, for example, in part from the power of collective lobbying of labor unions that hold corporations responsible for their treatment of workers, and from politicians who are receptive to such interests. Conversely, Harvey argues that neoliberalism assumes that individual freedoms are not guaranteed through the power of collective lobbying, but are “guaranteed by freedom of the market and of trade” (Harvey 2005, 7). This dynamic is inherently problematic as it presumes that what is best for an elite corporation is also best for small and local businesses.¹³ As we have seen in recent years, this results in the ever-increasing power of big business at the expense of smaller “mom and pop” or local, privately owned establishments. Furthermore, the idea that increasing the power of wealthy elites to accrue surplus capital will increase the standard of living for all Americans is categorically false. The

¹³ It also foreshadows U.S. legislation that views corporations as people in order increase the power and reach of corporations to access the market. The logic behind such policies is that the market is inherently good and profits will trickle down to all levels of society.

United States has the largest income inequality gap today than at any other time in history, and has the highest income inequality rate of any developed nation (OECD 2013). In fact, since the 1970s the top 1% of income earners doubled their total share of the U.S. GDP (gross domestic product) from 10% to 20% (Alvaredo et al. 2013).

Harvey contends that deregulation, privatization, and specifically the withdrawal of the state from welfare and social services “Has pervasive effects on the ways of thought to the point where it has become incorporated into the *common-sense* way many of us interpret, live in, and understand the world” (2005, 3).¹⁴ In other words, Harvey asserts that neoliberalism is “hegemonic.” Antonio Gramsci’s ([1971] 1998) original theorization of “hegemony” details hegemony as a complex dynamic of force and consent; whereby consent operates through the creation of “common sense.” Building on Gramsci’s work, British cultural studies scholar Stuart Hall (1977) writes that hegemony results from indirect pressure that precipitates the

Framing [of] all competing definitions of reality within [the dominant class’] range, bringing all alternatives with their horizons of thought. [The dominate class] sets the limits—mental and structural—within which subordinate classes ‘live’ and make sense of their subordination in such a way as to sustain the dominance of those ruling over them. (333)

Another British cultural studies scholar, Raymond Williams (1976), recognizes that the subtle cohesion of neoliberal principles of deregulation and privatization into common sense is “Especially important in societies [where] electoral politics and public opinion are significant factors, and in which social practice is seen to depend on consent to certain dominant ideas which in fact express the needs of a dominant class” (145). In other words, in a political atmosphere in which neoliberal principles are thought to be “common-sense,” the electoral process will perpetually recycle the neoliberal ideologies of the elite classes that mask themselves as

¹⁴ Emphasis added. It should be noted here that Harvey differentiates between the ways that Neoliberalism has become hegemonic in both “First World” and “Third World Nations.” This section focuses on the First World because this dissertation is about the United States.

assuming “the needs of the masses that ensure political and personal freedom” (Williams 1976, 145). Indeed, this contemporary neoliberal dynamic in the United States (as well as in other nations) elucidates French philosopher Michel Foucault’s (1980) theorization that truth and knowledge never operate outside of relationships of power (131-3). In the subsequent chapters of this dissertation I will argue that neoliberalism has become so pervasive as “common sense” that it is internalized and espoused by even the most progressive among us.

David Harvey cites Gérard Duménil and Dominique Lévy, who specialize in neoliberal economics, when he concludes that from its first implementation in national economies neoliberal ideas of, for instance, the privatization of government programs and the deregulation of coal mining industries, were always about the restoration or reconstruction of elite class power (2005, 16). Being a tool of class warfare, neoliberalism is not a utopian system destined to restore personal freedoms but is “authoritarian, forceful and anti-democratic” (Harvey 2005, 33; 2005, 48). Elite classes have historically used neoliberal economic and political organization only when it best fits their economic interests. Harvey writes that “Evidence suggests, moreover, that when neoliberal principles clash with the need to restore or sustain elite power, then the principles are either abandoned or become twisted as to be unrecognizable” (2005, 19). Such a dynamic is easily observed during the past economic recession in the United States where the U.S. government “bailed out” large banks and corporations that were “too big to fail,” but whose dubious business practices had led them to financial ruin.

In practice, a neoliberal economic agenda entails the elimination of trade barriers, both foreign and domestic, and the privatization of industry. Rather than promote greater class equality, under a neoliberal economic agenda the middle-class is siphoned away. A small wealthy class, who owns industries, and a much larger lower class, who are responsible for their

maintenance and operation, replaces the former more stratified class dynamics. This large lower class is usually not unionized and provides labor for wages that are lower than before neoliberalism. Neoliberal corporations, for their part, view labor unions as an assault on their ability to maximize profit. Under neoliberalism, the laboring class has increasing job insecurity, they lose benefits, and union or worker representatives are targeted and eliminated. Under the ideal neoliberal economic structure, socialized services, like the Post Office, Medicare, education, or even Social Security, are privatized. The results of these changes in domestic and foreign economic relations include: an increasingly replaceable and therefore expendable workforce, a lack of adequate housing with basic infrastructure for workers, an increasingly feminized work force, an often female dominated workforce whose alleged docility helps with the tedious tasks of production, worker exploitation (including but not limited to: mandated birth control and verbal, sexual, and physical abuse) by management on the shop floor, extreme price increases, starvation, and longer working hours for less pay (Safa 1995, 95, 143-156, 159, 177; Cravey 1998, 44, 92-93).

Although contemporary neoliberal political rhetoric often claims to be intent on maintaining or “saving” democracy, neoliberal theory is inherently hierarchical and anti-democratic in practice.¹⁵ The multinational corporations that propel the development of neoliberal economic systems are simultaneously fearful of true democracy’s power in collective action, and in favor of governance by wealthy elites who own or benefit directly from corporations. They turn to financial institutions, like the International Monetary Fund and the World Bank, for regulation (Harvey 2005). This increasing connectivity and pooling of resources between corporations, financial markets, and governance structures allows large nations, like the

¹⁵ For example, the defunding of social safety nets is frequently rationalized under the notion that socialized services is antithetical to democracy. This is a similar rational that is espoused against Obamacare.

United Kingdom and the United States, more advantages. It also results in a more pronounced and uneven distribution of wealth. Through the enactment of “free trade” agreements, these larger countries often force developing countries into situations where people actually experience a further decrease in their standards of living, while the funds and goods they are responsible for generating are siphoned out of the nation and into the bank accounts international corporations and their home-nations markets (Carvey 1998).

However, more exploited market economies in less developed nations are not always complacent when it comes to their economic, political, and cultural exploitation at the hands of foreign corporate and government interests. A noteworthy response to the uneven practices of Neoliberalism as implemented through the North American Free Trade Agreement (NAFTA) is the indigenous Zapatista movement that began in Chiapas, Mexico. NAFTA is a political agreement signed into law in 1994 between Canada, the United States, and Mexico. It has helped accelerate the massive development of factories, or *maquiladoras*, on the Mexican side of the U.S.-Mexican border. *Maquiladoras* and their international corporate owners exploit Mexico’s people and natural resources, while also harming Mexico’s environment due to a lack of regulation. In addition, the trade subsidies guaranteed by NAFTA allow for the profits of factories located in Mexico to be siphoned away into the pockets of international elite corporations (Lane 2003).

Again, as Harvey asserts in terms of the immigration debate, neoliberal elites political and economic actions contradict themselves. Neoliberal elites actually economically benefit from the cheap labor of undocumented workers. In response to conditions of economic exploitation with little room for advancement for oneself, community, and family, some people—particularly in economically disenfranchised nations—respond by migrating to find

work while others may be directly recruited by industries, like food processing industries in the rural Midwest (Millard and Chapa 2005, 8; 14-15; 23; 33; 35; 40; 46; 58; 72; 83; 90; 105; 118; 119-20; 145; 204; 212; 220-221).

At the same time that global neoliberalism has propelled the exploitation of poorer people and less developed economies, it has also inspired some privileged individuals to aid more disenfranchised populations. Interestingly, Harvey observes that

Nongovernmental organizations and grassroots organizations have also grown and proliferated remarkably under neoliberalism, giving rise to the belief that opposition mobilized outside the state apparatus and within some separate entity called ‘civil society’ is a powerhouse of oppositional politics and social transformation (2005, 78).

Paradoxically, people who work in non-government organizations and grassroots organizations rely on funding often provided directly from the corporations and/or nation states that are exploiting a population. In this way, co-optation occurs and non-government entities attempt to mend the “social ills” precipitated through neoliberal policies, by accepting funding provided by the very individuals who are responsible for the worker’s exploitation. Under global neoliberalism where we all become more distanced from the production of the goods that we consume, it becomes increasingly important for us to understand this history behind the goods that we consume or the monetary contributions that sustain us, as the ethics behind even progressive or humanitarian gestures frequently become more opaque.

Like Harvey, Lisa Duggan (2003) asserts that neoliberalism manifests differently depending on the nation-state, and often operates through identity politics. She defines neoliberalism through a lens that focuses on U.S. cultural change and development. Duggan’s arguments are particularly important for this dissertation in that she only discusses U.S. neoliberalism and how it operates through identity politics, even for groups that at first appear to be progressive or on societies margins. The subsequent chapters of this dissertation will refine

Duggan’s arguments by asserting that U.S. neoliberalism requires the category of the “illegal,” one of the most marginalized subject positions, to develop and maintain hegemony in the United States context. Contesting scholarship that tends to overlook issues of culture when discussing neoliberalism, Duggan divides the construction of neoliberal hegemony into five different phases some of which have already been alluded to earlier. Here, I quote Duggan’s list at length:

- (1) attacks on the New Deal coalition, on progressive unionism, and on popular front political culture and progressive redistributive internationalism during the 1950s and 1960s;
- (2) attacks on downwardly redistributive social movements, especially the Civil Rights and Black Power movements, but including feminism, lesbian and gay liberation, and countercultural mobilizations during the 1960s and 1970s;
- (3) pro-business activism during the 1970s, as a U.S.-based corporations faced global competition and falling profit rates, previously conflicting big and small business interests increasingly converged, and business groups organized to redistribute resources *upward*;
- (4) domestically focused “culture wars” attacks on public institutions and spaces for democratic public life, in alliances with religious moralists and racial nationalists, during the 1980s and 1990s;
- (5) and the emergent “multicultural,” Neoliberal “equality” politics—a stripped-down, non redistributive form of “equality” designed for global consumption during the twenty-first century, and compatible with continued upward redistribution of resources. (Duggan 2003, xii)

Duggan’s particular intervention into scholarship on neoliberalism is her detailed discussion of how neoliberalism has mobilized culture and issues of white conservative gay male and feminist identities.¹⁶ Duggan makes clear how even marginalized identities have been mobilized under the neoliberal cause and how neoliberal policies have “Been implemented in and through culture

¹⁶ The specific case studies that Duggan discusses are: a discussion of Culture Wars at the women’s strides conference at SUNY New Paltz and the moralist discourse that came out of it; looking at the multiculturalism and the incorporation of the gay movement into Neoliberalism and looking at the development of gay Neoliberals; and lastly the split between “economic justice campaigns and anti-globalization politics on the one side and identity or cultural politics on the other, is a misguided and disabling connection for the entire progressive-left.” She concludes on a positive note and says that Neoliberalism is not irreversible. This book is a call to arms to change what is happening and it is meant for readers both inside and outside the academe.

and politics, reinforcing or contesting relations of class, race, gender, sexuality, ethnicity, religion, or nationality” (2005, XIV). The crux of her argument is that members of the progressive-left have adopted some ideologies of neoliberalism (diversification, privatization, and personal responsibilities), thereby perpetuating a political and economic structure that is not invested in their own wellbeing. Duggan critiques the neoliberal rhetoric of focusing on “individual freedoms” and “personal responsibility.” She contends that neoliberalism’s gradual destruction of equality and human rights can only be stopped if political progressives stop recycling the neoliberal rhetoric of personal responsibility and the idea that deregulation leads to personal freedom.

Duggan’s history of how neoliberalism is at play through identity politics throughout the past twenty or so years is foundational to this dissertation as it links racial construction as a project of neoliberalism. Her last two phases of neoliberal hegemony in relationship to identity politics are particularly applicable to the next keyword section on multiculturalism and colorblindness. Multiculturalism arises from the Culture Wars of the 1980s, and remains an influential ideology today. Under multiculturalism, sociologist Eduardo Bonilla-Silva (2006) argues a “new racism” developed that bypasses discourses of race by focusing instead on issues of “culture” and “personal responsibility.” The problem of racism can therefore be ignored even as our “multicultural society” is celebrated. Rhetoric of colorblindness upholds such ideologies through willfully ignoring legacies of racism, redlining, and other instances of economic and systemic inequity. In reality, race, ethnicity, gender, sexual orientation, and religious affiliation can impair one’s ability to achieve success in a nation where white hetero-patriarchy remains normative. The proceeding section, “Multicultural and Colorblindness,” further defines neoliberal racialization, specifically from the 1980s till today.

Multiculturalism and Colorblindness

In its relationship to immigration reform, neoliberalism's core ideologies of personal responsibility and individualism impact new and emergent understandings of race, namely multiculturalism and colorblindness or post-race ideologies. This second keyword section provides a brief intellectual history of these two racial ideologies. Race is a historically situated social construct that has political, economic, and cultural meaning (Omi and Winant 1994). The Civil Rights Movements ushered in a time where the dominant racial ideology presumed that racial inequality was real, and that it was a problem that needed to be fixed. In this time, legislation, such as the 1964 Civil Rights Act, sought to equalize systemic and social inequalities that had been a foundation of American ways of life since the country's founding. In the late 1970s, neoliberal thinkers, frequently wealthy or elite individuals, viewed government regulation as inhibitive to economic growth gained social and political power in the wake of the oil crises, stagflation, and the Vietnam War. This politically empowered neoliberal mindset distrusted government involvement in favor of privatization and deregulation, and also demanded a cheap labor force in order to increase their profit margins. It is in this political and economic moment that emerges a new era of racial construction that sought to undo many of the gains made by the Civil Rights Movement. Beginning in the late 1970s and continuing into the 1980s and beyond, the dominant racial ideology emerged from the liberal racial formation of the early Civil Rights Movement to a new racial understanding founded on neoliberal values: multiculturalism. For the purposes of this dissertation, I define multiculturalism as a still present racial logic where racial difference is celebrated; however, discourses of culture can side step those of race, which works to obscure histories of racial inequity.

Avery F. Gordon and Christopher Newfield (1997) discuss the complex meanings of multiculturalism. Their scholarship influences this dissertation's aforementioned definition by noting that in the 1980s multiculturalism "Sponsored renewed protests against white racism, and yet it appeared to replace the emphasis on race and racism with an emphasis on cultural diversity" (3). Gordon and Newfield assert that multiculturalism led to alliances being formed among non-white racial groups and it created a moral relativism which champions that "Equal respect would replace common culture as a nation's social cement" (8). They reflect that the very notion of multiculturalism elucidated the long-standing truism of intermixture within and between cultural groups. In practice, however, multiculturalism often results the separation of racial and ethnic groups, a dynamic that can inhibit coalition building. Despite the positive attributes of multiculturalism in that it recognizes and often created an institutional space for cultural difference, multiculturalism does not directly challenge white supremacy (Lipsitz 1995).¹⁷ Put differently, by changing the rhetoric of race and racism to one of culture, white privilege and the history of race-based inequity can go unchallenged.¹⁸

Multiculturalism is a racial project emerging in a moment where both neoliberalism and white supremacy were predominate institutions of power. Michael Omi and Howard Winant (1994) define racial projects as doing the ideological work of linking structure and representation: "*A racial project is simultaneously an interpretation, representation, or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines*" (56). A racial project is thus any historically situated happening that constructs meaning about race. Foreshadowing my next keyword, the post-1965 construction of

¹⁷ I am using the term "white privilege" here borrowing from the work of George Lipsitz on critical whiteness studies as he first uses in his article "The Possessive Investment in Whiteness" and later expounds upon in his monograph by the same title.

¹⁸ This racially charged rhetoric escalated during the Clinton Administration where the call to keep politics out of discussions of culture emerged with the notion of "political correctness."

the “illegal alien” is an example of a neoliberal racial project that seeks to ignore issues of race and racism and instead focus on legality, or the presumed “illegal alien” threat. The construct of the “illegal alien” becomes a racial project when groups interpellate hegemonic discourses against undocumented people. For instance, when individuals act on the ideology that their ability to achieve financial success, freedom, or opportunity is hampered by undocumented migration, rather than acknowledging that we all benefit from the exploitation of undocumented labor. Put this way, the construction of the “illegal alien” can then be understood as a neoliberal racial ideology that is central to the industrial state apparatus—which includes politicians, the media, and education—of the United States. Buying into the post-1965 racial ideology of the “illegal alien” threat can then be understood as consenting to U.S. hegemony. However, May Day immigration protests, the largest protests in U.S. history in 2006 following the senate introduction of the Sensenbrenner Bill, function as an act that deconstructs the racial ideology of the “illegal” because of its bonding of citizens and non-citizens in their fight for human rights and immigration reform (Chavez 2008).

Eduardo Bonilla-Silva (2006) takes Omi and Winant’s discussions of a racial project a step further, asserting that what Bonilla-Silva terms as “racial ideologies,” which would include multiculturalism, work to uphold white privilege (9). Similar to Omi and Winant’s “racial project” Eduardo Bonilla-Silva describes what he terms a “racial ideology.” Bonilla-Silva explains that a racial ideology is: “*The racially based frameworks used by actors to explain and justify (dominate race) or change (subordinate race or races) the racial status quo [white privilege].*”¹⁹ Understanding multiculturalism as both a racial project and racial ideology is important because, unlike Omi and Winant’s racial project, Bonilla Silva’s conceptualization of

¹⁹ Emphasis in original.

racial ideology is not coy and boldly names the dynamics of white racial hegemony as well as the disruptive potentiality of counter-hegemony.

Whether termed a racial ideology or a racial project, modes of racialization are historically situated social constructs, which means that they change and morph depending on the historical moment. For example, Michael Omi and Howard Winant discuss an emergence of a “new racial hegemony” during the neoconservative or new right era of Reagan-Bush politics that was embroiled with neoliberal ideologies of deregulation and privatization.²⁰ Seeking to undo the advances of the 1960s, this new racial hegemony sought to “address racism by ignoring race.” Omi and Winant explain that in the 1990s “neoliberals argue that addressing social policy or political discourse overtly to matters of race simply serves to distract, or even hinder, the kinds of reforms, which could most directly benefit racially defined minorities” (1994, 148). In the 1980s and early 1990s Omi and Winant argue that this was not a “color blind” logic, per se, but a way of conceptualizing difference without framing it under the now “politically incorrect” idea of race.²¹ Jodi Melamed (2006) terms a similar new post-racial understanding of race that works to uphold the neoliberal project as “neoliberal multiculturalism.” Melamed explains “Multiculturalism portrays neoliberal policy as the key to a post-racist world of freedom and opportunity” making “neoliberalism appear just, while obscuring the racial antagonisms and inequalities on which the neoliberal project depends” (1). Like Lisa Duggan’s discussion of how neoliberalism operates through identity politics, both Omi and Winant, and Melamed each assert that multiculturalism is one such project. In fact, Melamed contends that multiculturalism works to mask neoliberalism as moral, and desperately necessary in the pursuit of equality and personal freedoms as well as notions of the American Dream.

²⁰ A time period also popularly referenced as the “culture wars.”

²¹ Given Bonilla Silvia, Avery, and Newfield’s, arguments I disagree that early iterations of the culture wars did not exhibit colorblind racism.

Whereas multiculturalism has positive attributes, for instance it can foster community building across different racial and cultural groups, a colorblind ideology, on the other hand, renders race as no longer socially relevant. Colorblindness can be understood as emerging in its current form in the 1990s, and is particularly popular in the contemporary moment with conservatives and individuals who object to people of color who assert that they experience racial oppression. Melamed's understanding of neoliberal multiculturalism, which views racism as an outdated quality and overlooks structural and systemic inequalities, can also be understood as what Bonilla-Silva defines as colorblindness. Through its assumption that race is no longer relevant, a colorblind ideology is inherently a type of racism that dismisses the experiences of people of color under white supremacy.

Bonilla-Silva notes four components of colorblind racism. (1) "Abstract liberalism" or using the rhetoric of classical liberalism (the idea that every one has equal opportunity and individual choice) in a way that is used to "explain away" racial matters. This would include racist statements like: "The American Dream is attainable for all Americans." (2) "Naturalism," or explaining away racial issues by claiming that they are "natural" occurrences. An example of naturalism is the assertion that "Blacks are gifted athletes." (3) "Cultural racism" evokes cultural traits to explain the political, economic, and social standing of minority groups: for example, "As a culture Mexicans are lazy and that's why they don't achieve greater economic mobility as compared to Americans." (4) The "minimalization of racism" or the assertion that discrimination no longer exists. A popular example of the minimalization is the fallacy that "Since we have a black president, racism is dead in America" (Bonilla-Silva 2006, 25-52).

When recounting these attributes of colorblind racism, Bonilla-Silva notes that "abstract liberalism," the aspect of colorblindness with discursive links to the American Dream, is the

most dangerous of the four forms because it creates a common sense of “reasonable racism.”

Under this logic, racism is justified because structural inequities are shoved aside under the guise that minorities are not working hard enough to attain “success;” for instance, the idea that undocumented people do not follow the laws, rather than that the immigration system is broken. In the United States context, the development of Bonilla-Silva’s “abstract liberalism,” and Melamed’s neoliberal multiculturalism that operate vis-à-vis notions of hard work and personal responsibility are seen in the defunding of welfare and the simultaneous harshening of immigration policy. To flesh out this critical connection between the representation of undocumented immigrants, and colorblindness and immigration policy it is worthwhile to explain this dynamic through a brief analysis of select federal immigration policy from 1986 and 1996.

In 1986, president Ronald Reagan, a co-steward of the global neoliberal agenda along with leaders like Margaret Thatcher, signed the Immigration Reform and Control Act (IRCA), or the Simpson-Missoli Act, into law.²² This act sought to end the “new,” or post-1965, problem of “illegal immigration.”²³ The term “illegal alien” or “illegal” entered common lexicon post-Immigration and Nationality Act of 1965 when, due partially to the end of the Bracero Program and the end of the racist immigrant quota system, immigration from Mexico and Latin America

²² The 1921 Emergency Quota Act dictated that each year the United States would allow entry to 3 percent of the amount of people of a given foreign born group that were recorded as living in the United States 1910 census. This was amended in 1924. The new act called the Johnson-Reed Immigration Act allowed admittance to only 2 percent of the amount of foreign-born people of a particular nationality that were recorded in the 1890 census. The federal government chose to allow a smaller percentage of people as recorded in the earlier 1890 census because that census was taken prior to the large influx of western and southern European groups. At the time of act’s writing, the *New York Times* reported that the “immigrant exclusion bill” faced almost no opposition in the senate where it passed at a vote of 62 to 6 on April 18, 1924. (“Immigration Bill Passes Senate by Vote of 62 to 6”. *New York Times*. April 19, 1924. Retrieved February 18, 2011)

²³ The Immigration Reform and Control Act of 1986 gave a pathway to citizenship to some migrant laborers and undocumented people who could prove that they had maintained jobs and good moral standing since before January 1, 1982. The law prohibited discrimination based on national origin or citizenship. The Simpson-Missoli Act also made illegal to knowingly hire undocumented people and instituted employer sanctions so that the businesses would face fines and sanctions if they were found to illegally hire workers.

skyrocketed. IRCA purported to give a pathway to citizenship for individuals of “good moral character” who had been in the United States since before January 1, 1982, secured funding for militarizing the border, and instituted tougher sanctions on the employers of undocumented migrants. I argue that IRCA is a landmark act for the development of neoliberal common sense in that it constructed the representation of undocumented immigrants as personally responsible for their immigration status. IRCA recognized that the U.S. immigration system was inefficient and broken after the Civil Rights Movement and the 1965 Immigration and Nationality Act, but fixed these problems through offering amnesty to economically and morally upstanding undocumented individuals.²⁴

In retrospect, IRCA is widely considered a failure. *New York Times* reporter Rachel Swams (2006) writes that: “Instead, fraudulent applications tainted the process, many employers continued their illicit hiring practices, and illegal immigration surged.” The failure of the 1986 act to fix the problem of undocumented immigration again highlights that, even if an individual took advantage of the amnesty offered by the act, s/he could be looked at as criminally suspect as the act itself has not been viewed as successful in fixing the nation’s immigration problems. Swams’ article, entitled “Failed Amnesty Legislation of 1986 Haunts the Current Immigration Bills in Congress,” reports that today IRCA is frequently cited by conservatives as a tool to strike down bipartisan discussion of immigration reform under the logic of “don’t repeat past mistakes.” In the process, the idea of offering amnesty or viewing immigrants as victims of a broken system is stricken down as well.

²⁴ This 1965 act ended the blatantly racist and Eurocentric quota system in place in some form since 1921,

Ten years after the passage of IRCA, the Clinton administration passed a cluster of immigration and welfare reform legislation.²⁵ These three bills both reduced welfare services and dramatically increased penalties on undocumented immigrants without offering a pathway towards citizenship like that offered in 1986. Relying on the representation of undocumented immigrants constructed in part by IRCA's failure, these 1996 acts perpetuate the logic that immigrants are a drain on our welfare system, and cannot be economically and morally responsible as their undocumented status is indicative of their lecherous criminality. Succinctly put, this representation has discursive ties to both colorblind racism and neoliberalism. For instance, the 1996 Anti-Terrorism and Effective Death Penalty Act narrowed forms of welfare relief given to undocumented immigrants and allowed for deportation for certain crimes. The Personal Responsibility and Work Opportunity Reconciliation Act dictated that undocumented people were not eligible for most government services; after the passage of this act, many states made decisions whether or not to give undocumented people within their borders access to welfare services. Lastly, the Illegal Immigrant Responsibility Act expedited the removal process for undocumented people once detained, withdrew judicial review for certain forms of relief, expanded the definition of aggravated felony for undocumented people, and again asserted that there would be benefit limitations for non-citizens as well as time limitations for filing asylum claims. The welfare and immigration reform acts passed in the mid 1990s represent yet another attempt to expedite the removal of undocumented people and at the same time reduce welfare services to all people of color. The 1996 acts also contribute to the still dominant false rhetoric of threat that undocumented people who are predominantly Latina/o do not contribute to the nation, but are a drain on the national economy.

²⁵ My analysis of this cluster of acts in 1996 focuses on their impact to issues of immigration while also acknowledging both the feminization and racialization of poverty in the United States (Wilkerson and Gresham, 1989, 126-30; 132).

At first it may appear strange that legalization would both seek to reform welfare, a service predominantly received by citizens, and reform immigration. However, when viewed as colorblind racial projects under U.S. neoliberalism, the similarities between welfare reform and immigration reform become clearer. Both welfare (think of the image of the black welfare queen) and immigration (think of “illegal aliens”) are frequently represented in the popular imagination as systems exploited by poor people of color. These representations are colorblind in that welfare reform and immigration reform are coded as issues having to do with protecting our borders and social services and *not* race.

IRCA, along with the 1996 cluster of welfare and immigration reform acts, work together in perpetuating the neoliberal colorblind ideology that immigration status is the personal responsibility of an immigrant. This dynamic works to brand undocumented migrants as amoral because it does not consider the economic, political, and legal reasons why migrant may be forced or coerced into migrating without documentation. Furthermore, it marks all undocumented individuals as amoral because of a singular act of crossing the border without documentation. Building off such connections between neoliberal discourses of colorblindness and immigration, the preceding keyword section, “Illegal Alien,” explains how this term is also a neoliberal colorblind racial project.

“Illegal Alien”

The term “alien” entered into popular discourse surrounding immigration in the 1920s, around the time period when “problem immigrants” were viewed as white ethnics from Eastern and Southern Europe. As the aforementioned graphs demonstrated (figures 6 and 7), the term “illegal alien” entered U.S. popular lexicon in print media around the same time period that the results from the newly implemented Immigration and Nationality Act, or Hart-Celler Act, of

1965 and end of the Bracero Program were being felt.²⁶ The Bracero Program, from 1942 until 1964, was a guest worker agreement between the United States and Mexico. In exchange for their temporary labor, Mexican “Braceros” were given contracts dictating a rate of pay and working conditions. In practice, however, these contracts were rarely enforced and the labor exploitation of Mexicans in the agricultural fields of the United States was commonplace. The post-WWII U.S. neoliberal economy was built on the backs of cheap Bracero workers. When the program ended in 1964, the need for cheap labor did not; a dynamic that fueled undocumented migration, particularly from Mexico. Hart-Celler changed the national legislative immigration discourse from one based on issues of race and nation of origin (the quota system) to one based on socio-economic class and family reunification. Specifically, the Hart-Celler Act established the precedent that an immigrant’s skills, their ability to economically contribute to the nation state, and family reunification were now the primary criteria for legal immigration.²⁷ The Hart-Celler Act, in conjunction with the end of the Bracero Program, helped to construct a new underclass of predominantly Mexican-origin individuals whose labor was in high demand by exploitative U.S. economic interests, but whose migration was no longer legally sanctioned as it had been from 1942-64: the “illegal alien.”

The result of Hart-Celler and the end of the Bracero Program was a dramatic increase in documented and undocumented migration to the United States and, as mentioned earlier, mostly from the nation of Mexico and Latin America (Chavez 2008). Given the dramatic increase in undocumented migration to the United States during this time period, modern day

²⁶ The Bracero Program, from 1942 until 1964, was a guest worker agreement between the United States and Mexico. In exchange for their temporary labor, Mexican “Braceros” were given contracts dictating a rate of pay and working conditions. In practice, however, these contracts were rarely enforced and the labor exploitation of Mexicans in the agricultural fields of the United States was commonplace. The post-WWII U.S. neoliberal economy was built on the backs of cheap Bracero workers. When the program ended in 1964, the need for cheap labor did not; a dynamic that fueled undocumented migration, particularly from Mexico.

²⁷ The new act also established that 170, 000 visas a year would be made available to all other immigrants, excluding immediate relatives and the aforementioned “special immigrants.”

presuppositions about dark skinned or indigenous featured Latinas/os, assumed largely to be from Mexico, as “illegal aliens” developed. Therefore, deploying the trope of the “illegal alien” threat is a way of focusing on legal status rather than structural, national, and political equalities that precipitate international migration.

The term “illegal alien” also enters into popular usage in the United States during an economic depression. Undocumented and documented immigrants, and specifically Latinas/os, have frequently been used throughout U.S. history as scapegoats during times of U.S. economic hardship wherein they are constructed as “stealing” the jobs of U.S. citizens (Chavez 2008). For example, Gordon and Newfield argue that when the U.S. nation experiences economic and social decline (like the Great Depression) critiques from political elites are not about the inefficiency of domestic and foreign policy, but about “allegedly uncontrollable international forces, such as world wage competition and ethnic hatred” (1997, 8). For instance, during the Great Depression, millions of Mexicans and Mexican Americans were deported because of fears that they were taking US American jobs (Balderrama and Rodriguez 2006). Similarly, during the economic downturns of the 1950s another wave of massive deportations of Mexican nationals occurred called “Operation Wetback.”

Political and legal rhetoric blasts undocumented people as burdens on the national economy, hyper fertile, and criminals (Chavez 2008). At the same time, the neoliberal economic demands of the nation-state demand and directly recruit undocumented labor (Millard and Chapa 2004). Mae. M. Ngai (2004) writes “Immigration restriction produced the illegal alien as a *new legal and political subject*, whose inclusion was simultaneously a social reality and a legal impossibility—a subject bared from citizenship without rights” (4).²⁸ Ngai asserts that the idea of “illegal aliens” effects people of color regardless of citizenship status; Latinas/os are

²⁸ Emphasis in Original

presumed undocumented until proven otherwise in the United States. Ngai terms people that experience this type of second-class citizenship as “alien citizens” who are “American citizens by virtue of their birth into the United States but who are presumed to be foreign by the mainstream of American culture and, at times, by the state” (2004, 3). This is seen, for example, in the immigration enforcement strategies that champion a deportation through enforcement strategy, like the laws present in Arizona and Alabama that I discuss further at the end of this keyword section.

Ngai historicizes that the term “illegal alien” emerged as “a new legal and political subject” from restrictive immigration policy. While discussing the Indian, black, and white roots of the Mexican American race, Marta Menchaca (2001) “Found that over time the legal system has been the most effective method of reproducing institutional stability and indoctrination people to accept their prescribed racial roles” (3). Menchaca terms this reproduction of racial hierarchies and racial ideologies about Mexicans and Mexican American through both Spanish and US American colonial law as *racialization*. More broadly defined, racialization is the process of ascribing racial meaning to a subject; legal racialization is one form of racialization. She argues that racialization obscures the diverse Indian, Black, and White roots of Mexicans and Mexican Americans.

Menchaca is not the only scholar to note the devastating effect of racialization, much like the notion of the “illegal alien,” on the physical and physiological wellbeing of Latinas/os. Indeed, Laura E. Gómez (2007) argues a similar point about the importance of legal racialization in the creation of the Mexican American race. Gómez’s argument is threefold: (1) colonialism is central in understanding Mexican and Mexican American identity; (2) U.S. law created Mexican Americans as a racial group; and (3) the construction of the Mexican American “race” depended

on the establishment of a larger binary (black/ white) racial hierarchy that was maintained through the notion of Manifest Destiny, an ideology that, in practice demanded the acquisition of extensive portions of Mexican land. Gómez offers a more expansive version of racialization than Menchaca does.²⁹ Gómez defines racialization as “How groups come to be identified and identify themselves in racial terms and learn their place as deserving or undeserving in the racial hierarchy” (2). This second definition allows us to apply the concept of racialization outside of the law and public policy and into the venue of popular discourse. Ngai, Menchaca, and Gómez all coincide in that legal racialization is perhaps one of the most successful racial projects for immigrants in the United States. In addition, this racial project is one that seeks to leave white hegemony unnamed and define to minority racial groups—particularly Latinas/os—as degenerate, lacking, and subhuman.

Many scholars refer to “illegal aliens,” or individuals inside of the United States without proper citizenship papers or whose papers have expired, as undocumented residents. I utilize the term “undocumented resident” because of the racist and criminalizing connotations of the term “illegal”; after all, an individual’s actions can be illegal, but no human being can be illegal. In their book *Living “Illegal”*: *The Human Face of Unauthorized Immigration*, authors Marie Friedman Marquardt, Timothy J. Steigenga, Philip J. Williams and Manuel A. Vásquez (2011) nuance immigration debates that rely on a “legal” vs. “illegal” argument through chronicle testimonials of undocumented U.S. residents. Citing racist commercials from the 2010 campaign season that portray all undocumented Latinas/os as criminals with tattoos, the authors write that such

²⁹ Race is in quotes here because Mexican American—just like the “Latino”—is an ethnic classification and not a racial classification. I put race in this sentence because a part of Gómez’s argument is that it is useful to conceptualize Mexican Americans as a third race that disrupts the black/white racial binary logic of the United States.

Stories lay bare the emotional intensity surrounding the issue of unauthorized immigration, as well as the enormous gulf between the potent images circulating in our media and the complex reality of life as an unauthorized immigrant in the United States today. On the side of the gulf, such potent imagery has helped doom attempts to pass comprehensive federal immigration reform in 2006 and 2007 and has since shut down all alternatives beyond the enforcement of a system that most politicians and scholars agree is broken. The arguments underlying these images are best summarized by the expression popular among groups opposing immigration reform: “What part of illegal don’t you understand?” After all, a lawbreaker is a lawbreaker. There is nothing to discuss. To advocate anything but punishment—in this case deportation—simply amounts to aiding and abetting criminals, opening the way for others to commit the same offence with total impunity. (Friedman Marquardt et al. 2011, 4-5)

The authors argue that the “legal” vs. “illegal” dyad is bolstered by four broad claims made about undocumented immigrations. First, that undocumented immigrants come in droves across the US/Mexican border to take advantage of public benefits and social services without contributing to society and the solution to this problem is to seal the nation’s borders. Second, the claim that undocumented immigrants are an economic burden in that they take jobs from citizens and depress wages for working class citizens; again, critical here is the claim that taxpayers pay for undocumented immigrants to use public services. To help fix the problem, undocumented immigrants should be denied access to all social services and public benefits. Thirdly, the claim that undocumented immigrants are associated with criminality, violence, drugs, and gangs and therefore threaten documented communities. A solution to this problem is an increase in local and state law enforcement. The final claim they assert is that undocumented immigrants cannot assimilate into United States society because they hold values that contradict the values of the nation and they actively do not want to assimilate.

As a counter-discourse to the dominate claims discussed by Friedman Marquardt, Steigenga, Williams, and Vásquez, this dissertation utilizes the terms “undocumented residents,” “undocumented,” and “undocumented Latinas/os” are used interchangeably depending on the context. In so doing I assert that: (1) the term “illegal alien” attempts to de-humanize the subject

when, in reality, undocumented immigrants are fathers, grandmothers, mothers, sisters, brothers, and generally more law abiding than the documented populous. As discussed in the previous section of multiculturalism and colorblindness, “illegal alien” is a colorblind racial project that works to uphold the neoliberal project and perpetuate covert, and sometimes overt, racisms. A conscious refusal to recycle such a term is therefore a critique of both neoliberalism and colorblindness. (2) The term “*undocumented resident*” is used because undocumented people reside and contribute to the continued development United States: they live, work, raise families, go to church, go to school, and even pay taxes to the United States government. (3) The term “*undocumented American*” is sometimes used because America is first and foremost a hemisphere, not a country. Any group of Latin American origin is therefore also American and the failure to represent this fact perpetuates the logic of U.S. hemispheric omnipotence. (4) The term “*undocumented citizen*” is used to suggest alternative forms of membership that supersede or exist in tandem with citizenship to another nation-state.

The covert and often not intentional racism against undocumented immigrants is seen in many immigration enforcement strategies that have been alluded to previously in this keyword section. A dynamic of regulation and control of undocumented populations arises wherein a perpetual atmosphere of perceived fear and threat mandated through law, rather than the outward force of immigration officers, is used to police and control the daily actions of undocumented residents. For example, I noted earlier in this chapter that in Arizona under S.B. 1070 police officers were allowed to stop and search the vehicle or person of anyone that they presumed to be undocumented. The law goes further to empower state officials by allowing a law enforcement officers to arrest a person without warrant if they have “probable cause”; “probable cause” is defined at each enforcement officer’s discretion, thereby making “probable cause”

potentially any action and impossible to define. In June of 2011 Alabama likewise enacted a similar but more severe immigration act modeled after AZ. S.B. 1070, H.B. 56 or the Beason Hammon Alabama Taxpayer and Citizen Protection Act. Similar to Arizona, Alabama also legislated through H.B. 56 a dynamic of “voluntary departure,” or that undocumented residents ability to live, work, and raise their families in the state of Alabama would be made so intolerable that undocumented people would choose to self-deport rather than live in the southern state.

This hostile “voluntary departure” atmosphere is effective at governing documented and undocumented Latinas/os through the internalization of what Michele Foucault (1977) calls “the certainty of being punished” (9). While discussing the contemporary biopolitical framework that enables sovereignty, Foucault writes that punishment as public spectacle has ended, however:

Punishment, then, will tend to become the most hidden part of the penal process. This has several consequences: it leaves the domain of more or less everyday perception and enters that of abstract consciousness; its effectiveness is seen as resulting from its inevitability, not from its visible intensity; it is the certainty of being punished and not the horrifying spectacle of public punishment that must discourage crime: the exemplary mechanics of punishment changes its mechanisms. (9)

Indeed, in a nation with a history of white supremacy is ignored within the liberal myth of immigrant U.S. America, a Latina/o, particularly in states with conservative immigration laws like Arizona and Alabama, has historical precedent validating any premonition that she or he may have that the “discretion” of an officer might be inflected with hate-filled ignorance. Again prevention through deterrence enforcement strategies around immigration become covert forms of prejudice when any person presumed to be undocumented could be targeted by such an enforcement strategy due, for instance, to racial profiling.

This dissertation is a cultural studies project along the lines of what Teun A. van Dijk terms critical discourse analysis (CDA). In his article “Principles of Critical Discourse Analysis”

van Dijk (1993) explains that CDA evolves “a study of the relations between discourse, power, dominance, social inequality, and the position of discourse analysis in such social relationships” (249). Along with van Dijk, this project asserts, “social cognition is the necessary theoretical (and empirical) ‘interface’, if not the ‘missing link’, between discourse and dominance” (van Dijk 1993, 251). This dissertation explores how social cognition, or societal acts or processes of knowing, about un/documented Latinas/os is influenced by neoliberal ideologies of personal responsibility, and colorblindness.³⁰ Specifically, this dissertation argues that the category “illegal alien” is a product of the economic and social system of U.S. neoliberalism; under this prevailing colorblind racial ideology, undocumented Latinas/os are interpellated as “Mexicans,” who are in turn interpellated as “illegal aliens,” who are in turn interpellated as criminals in dominant media and public discourses (Aguirre Jr. and Simmers 2008-9, 103; Chavez 2008, 25-7).

In other words, racial and linguistic stereotypes operate in the U.S. context to brand darker skinned, indigenous featured, and particularly accented English or Spanish-speaking Latinas/os as potential criminals who also happen to be undocumented. Leo R. Chavez (2008) begins to touch on the wider ramifications of the interpellation of Latinas/os as illegal criminals when he contends that “the current opposition to allowing undocumented immigrants to become legal immigrants (the “pathway to citizenship”) begins with the same association of illegal entry with criminality, and Mexicans are the prototypical “illegal aliens” (Chavez 2008, 25). Indeed, immigration discourse around comprehensive immigration reform is easily stagnated when those

³⁰ In recognizing bias inherent CDA van Dijk writes “we pay more attention to ‘top-down’ relations of dominance than to ‘bottom-up’ relations of resistance, compliance, and acceptance” (van Dijk 1993, 250). The chapters two through four of this dissertation likewise fall into this bias and focus on ‘top-down’ relations of dominance as I analyze how self-identified progressive policies and practices perpetuate exclusionary discourses about Latinas/os. In an attempt at counterpoint, chapter five of this dissertation provides a critical discourse analysis of a ‘bottom-up’ art project that seeks to humanize undocumented Latinas/os.

individuals desiring citizenship are viewed as Mexican criminals. Furthermore, as much work on Hispanic Marketing suggests, dominant representations of Latinas/os in the media homogenize diverse Latina/o communities into a monolithic group in order to sell goods as well as ideologies (Dávila 2001; 2009). This corporatized homogenization of diverse Latina/o groups works to further posit all Latinas/os as Mexican. It must be stated, however, that non-Spanish speaking and non-indigenous featured Latinas/os are interpellated differently in the U.S. context. For example, a black-skinned Dominican and a white-skinned and blue-eyed Portuguese-speaking Brazilian are not as easily homogenized under the interpellation of Latinas/os as Mexican as these groups do not meet the same linguistic and/or racial stereotype.

The interpellation of “illegal aliens” as criminals, Mexican, and as Latina/o also has real and discursive ties to the U.S.-Mexican border and U.S.-Mexican international relations. For example, Adalberto Aguirre Jr. and Jennifer K. Simmers (2008-9) write about the social, cultural and political dimensions of the U.S.-Mexico border; specifically, how the Mexican body has become a border in the U.S. imaginary. Aguirre and Simmers explain:

The intersection between the physical border and the movement of bodies (e.g. people) crossing it creates the illusion that the U.S.-Mexico border accompanies the movement of Mexicans into the United States. As Mexicans crossing the border move into the United States, the border is perceived in the American public mind as invading the United States...In this sense, *the Mexican body is the border* wherever it moves. Public perception that the border is erected wherever Mexicans situate themselves in the U.S. creates an urgency for criminalizing their movement. (2008-9, 103)

It is important to add to Aguirre Jr. and Simmers sentiments that the majority of Mexican origin people in the United States are also United States citizens and that many of their families have lived in the U.S. for multiple generations. Therefore, terming such a diverse group as solely “Mexican” is a simplistic national characterization. Nevertheless, this conflation of Latina/o and Latin American is something that happens in the United States wherein “Mexican” or “Mexico”

becomes shorthand for anyone from Central America, South America, and/or the Caribbean. In a similar dynamic wherein the Mexican (or Latina/o) body is the border, the border and border militarization also signals a national anxiety and fear of “illegal aliens.” The discursive overlap between the interpellation of Latinas/os as “illegal” and the U.S. Mexican border makes the geographic location and its history particularly important for this dissertation, while at the same time I acknowledge that in reality Latinas/os have a plethora of diasporic experiences from a wide variety of nations. However, these complicated and unique heritages become collapsed in the U.S. context.

Leo R. Chavez (2008) contends that the notion of Mexican undocumented immigrants as criminals has been in U.S. public discourse since the 1920s (26). Racist immigration quota acts were passed in 1921, and amended in 1924, that regulated immigration to the United States by a set number of people per nation, and giving preferential numbers to white western Europeans. Chavez asserts that, although Mexicans had been criminalized in the United States, it was not till the 1970s that Mexican immigration was viewed as an invasion or re-conquest of the United States. This re-conquest narrative enacts a historical anxiety that Mexicans want to take back the land acquired by the United States from Mexico in 1848 at the end of the Mexican American War. Chavez explains that, in addition to this historical linkage to U.S. imperialism and Manifest Destiny, the re-conquest narrative is also motivated by linguistic anxiety:

Over time, the invasion theme evolved, with the elaboration of notions of a Mexican reconquest of the U.S. Southwest and what I call the Quebec model. In the Quebec model, the Quebecois independence movement among French-speaking Canadians is held up as the example of the threat posed by Spanish –speaking Mexican immigrants and their dependants, who supposedly maintain linguistic and socially separate lives from the rest of U.S. society. (Chavez 2008, 26)

In this way, the a Spanish language is also interpellated as “illegal” and, when spoken by a brown skinned and indigenous featured individual, a hallmark of an “illegal alien.” This complex

interpellation of “illegal alien” as the Spanish language, criminality, Latina/o, Mexican (read: all of Latin America), and the U.S.-Mexican border gives these referents added meaning throughout the breadth of this dissertation. The taken for granted set of assumptions about Latinas/os in the United States, as Chavez contends, is part of a larger narrative that posits Latinas/os as threats to the U.S. American way of life.

Chapter Arguments

My following chapters do not look at a one specific Latina/o ethnicity or nationality, but critique the representation of Latinas/os as a homogenous group. This dissertation’s second chapter, “NPR’s National Publics: Latinas/os and Neoliberal Modes of Social Regulation,” provides a close reading of National Public Radio’s coverage of the largest immigration raid in United States history, the 2008 raid at Agriprocessors in Postville, Iowa; this coverage is contextualized within an eleven-year coverage of race and ethnic relations in the small Iowa city. This chapter’s central organizing questions is: how are Latinas/os represented as threatening and foreign in the Postville coverage? NPR self identifies as a progressive news outlet whose imagined listening community is composed of individuals who are more educated, more politically active, and more intellectually inquisitive than the general public. Nevertheless, this chapter explores how historically situated rhetoric of exclusion, such as colorblindness, is often unwittingly espoused by NPR, and its listening community, about undocumented Latinas/os. This chapter argues that colorblind racism about Latinas/os is a neoliberal racial project that influences the ways that NPR’s liberal national publics edit, listen to, and compose broadcasts on the Postville Raid coverage.

My third chapter, “Branding Guilt: American Apparel Inc. and Latina Labor in Los Angeles,” provides a close reading of American Apparel’s advertisements, particularly its

Legalize LA pro-immigration reform brand agenda, and material posted on its corporate website. American Apparel stores are often located near college campuses, and it markets its Made in the USA clothing and accessories as environmentally and civically responsible. This chapter explores American Apparel's progressive brand image and narcissistic and vehemently anti-union CEO Dov Charney obscure the vital role that a predominantly Latina labor force plays in corporate profit. De-centering American Apparel as my primary cite of analysis, this chapter contextualizes Latina labor and labor exploitation at the corporation in an over century's long history of Latina labor use in the Los Angeles garment district. I argue that American Apparel's brand perpetuates a neoliberal dynamic of misrepresentation that attempts to sell goods to affluent consumers based on guilt-motivated consumption choices.

My fourth chapter, "Conscripting the DREAM: Latinas/os, Militarization, and the Myth of Immigrant America," provides a close reading of the federal DREAM act, or the Development, Relief and Education for Alien Minor Act. This chapter asserts that about 70% of individuals who would qualify to take advantage of the act (if it were enacted into law) would do so under the less publicized military option, instead of the education option. Although the DREAM act is frequently represented by conservatives as a progressive piece of legislation, this chapter suggests that the DREAM Act also be understood as a new type of conscription for noncitizens. This chapter explores the questions: How can the DREAM Act simultaneously be understood and represented in dominant media and public discourses as progressive, while others, particularly activist groups, fervently insist that the act is a new form of conscription for undocumented young people? How is such a dynamic enabled by U.S. nationalism and myths of U.S. exceptionalism? I ground my close reading my discussion of the DREAM act within contemporary political discourse and a longstanding historiography of Latinas/os and non-

citizens in the military. Through its wording, the federal DREAM Act constructs the “acceptable illegal alien”: those with either extraordinary opportunities for undocumented residents, such as free time from labor to pursue higher education, or those who are willing to fight and die for the United States in the hope that they will be honorably discharged so that they can gain permanent residency.

My fifth chapter, “The Institutionalization of the Transborder Immigrant Tool (TBT),” explores how the art and activist TBT collaboration pushes the boundaries of progressive representations of Latinas/os through providing migrants with a tool that gives them the coordinates to life giving water, a poetic accompaniment, and a proper route north. Do to a conservative backlash against the Electronic Disturbance Theater (EDT) 2.0/ bang lab that created the tool and the tool, the EDT 2.0 / bang lab sought legitimacy for the TBT within the walls of the museum. This final chapter questions: What does it mean to make a performance and a virtual tool for border crossers “safe” by institutionalizing it? What, if anything, is lost in the process of institutionalization? I argue that the TBT pushes the boundaries of popular progressive politics by choosing to disregard the constructed boundaries of the neoliberal nation-state in favor of embodying a politics where migration, like the sustenance of water, is a human right. The intervention, or suggested intervention, of the TBT in global and transnational immigration makes the TBT as art profoundly more dangerous to conservatives than the *State of Exception* exhibit that I described at the beginning of this introduction.

My final concluding chapter performs multiple interrelated tasks. First, it summarizes the key contributions of this dissertation. Second, I discuss Obama’s immigration enforcement agenda and the reality that, although elected by many as a “progressive” or left leaning democrat, the president has deported more non-violent undocumented residents than any other president in

U.S. history: 2.3 million people. Thirdly, I compare the political apathy that many people have to Obama's deportation record, to the massive immigrant rights protests responding to the 2006 Sensenbrenner Bill. Finally, I conclude with a discussion of areas for future development and research.

CHAPTER 2
 NPR'S NATIONAL PUBLICS:
 Latinas/os and Neoliberal Modes of Social Regulation

“Deportation Hearings Follow Iowa Raid” is the title of National Public Radio’s (NPR) first nationally syndicated news report about the May 12, 2008 Immigration Customs and Enforcement (ICE) raid on Agriprocessors Inc., a Kosher meatpacking plant in Postville, Iowa (Norris 2008). Debuting on the evening news program *All Things Considered* exactly one week following the immigration raid, this report contains an interview of *Chicago Tribune* journalist Antonio Olivio conducted by NPR host Michele Norris.³¹ Occurring under Bush Administration immigration policies, the Postville raid remains the single largest immigration raid in U.S. history where, to quote Norris, “Roughly 10 percent of the town’s population...almost 400 people

³¹ All of NPR’s radio broadcasts are also transcribed, and contain disclaimers that discuss how the fast turnover for transcripts sometimes results in a lower-quality transcription that would otherwise be desired by the media outlet. As Washington D.C. based NPR reporter Jenifer Ludden recognizes, “We [NPR] contract out the transcription of our shows, and I know that they are done as quickly as possible. There are sometimes errors, unfortunately” (Ludden 2012). To some extent, then, the transcriptions represent the unconscious political ethos of the transcriptionist; however, I contend that repeated mistakes or tendencies in transcription that NPR has not sought to fix, also tell us about what NPR views as acceptable practices.

were arrested” (Norris 2008).³² The interview opens with the description of the raid by Olivio where, “Fleets of helicopters and federal government busses came racing into Postville...surprising a lot of residents out there, and [ICE officials] went in to the plant, which is about a six-acre facility, and started picking people up” (Norris 2008). Such large-scale “shock and awe” immigration raids that targeted businesses known to employ undocumented workers were typical of Bush Administration immigration enforcement policy, yet not as effective as the Obama Administration’s immigration enforcement agenda.³³ (Under the Obama Administration, ICE now primarily targets undocumented individuals with a criminal history for apprehension and deportation, rather than businesses.)³⁴ Olivio informs NPR’s listening publics that the apprehended workers,

Were taken to a makeshift detention center about 77 miles away in Waterloo, Iowa, inside the National Cattle Grounds...It’s a place, essentially, for festivals and for some livestock exhibition shows and so forth. And they [ICE] had brought in trailers and set up a temporary court inside the trailers. (Norris 2008)

This initial story presents facts about the raid, and Norris and Olivio do not offer commentary or reflection on the events relayed by Olivio. The report does not question, for instance, the ethics of ICE corralling undocumented people like cattle or a festival exhibit by sentencing and interning them inside the National Cattle Grounds. In subsequent nationally syndicated coverage about the Postville Raid, NPR also never tells its listening publics what happened to these undocumented workers *after* they left the makeshift internment camp. We do learn, however,

³² Quotations from National Public Radio broadcasts are taken from official NPR transcripts. Inconsistencies in spelling, grammar, or wording are found in the transcripts that are produced on a fast deadline by subcontracted labor.

³³ I borrow the phrase “shock and awe” as an allusion to the Bush Administration’s “Bush Doctrine” for foreign policy and military action in the Middle East.

³⁴ This topic will be explored more in the conclusion to this dissertation, but one of the reasons that President Obama’s strategy is so effective is that ICE raids the undocumented criminal’s last known place of employment and/or residence. Even if the targeted individual no longer resides or works there, more often than not ICE finds more undocumented, yet non-violent and non-criminal, immigrants and apprehends and detains these individuals. For example, under President Barack Obama’s administration, deportations dramatically increased in frequency by about 400,000 deportations, or an increase of 25% since 2007, when compared to the Bush Administration’s figures.

that many of these individuals were issued a five-month to two-year prison term for working under false documents and stolen social security numbers. Although NPR never tells the following piece of information to its listening audience during the Postville coverage, many undocumented immigrants who are sentenced to a U.S. prison term, similar to those temporarily imprisoned in the Iowa, serve out their sentence in one of the many private prisons in the United States.³⁵

Additionally, when Norris conducted the May 19, 2008 interview with Olivio, the undocumented workers, not the managers and owners of the factory, were the only individuals reported as apprehended with pending charges. The 1986 Immigration Reform and Control Act in part tightened punishments on employers who willingly hired undocumented workers. Showing why this legislation is in retrospect viewed by many politicians and immigration historians as ineffective, Olivio reports that initially “To bring charges against an employer takes more time so [Officials] have been dancing around the subject” (Norris 2008). The Agriprocessors raid remains unique because in weeks following the raid, the managers and supervisors did face charges that included: selling social security numbers, trafficking undocumented people, and willfully hiring underage workers. Some floor supervisors and managers were arrested, and a few even fled the United States to their home nation of Israel (Reinitz 2012). However, details regarding these more high-ranking arrests of middle management supervisors, as well as the historical significance that supervisors and managers with regularized citizenship statuses were successfully charged with crimes, are absent from NPR’s Postville raid coverage (Reinitz 2012; “USA vs Juan Carlos Guerrero-Espinoza” 2008; “USA vs Martin De La Rosa-Loera” 2008; “Stiff Penalties for Kosher Plant Executives” 2010).

³⁵ The privatization of the prison industry is neoliberal economic and social change wherein a once-government service is outsourced out to the contractor that can most cheaply build and staff the prison system.

We do find out in proceeding nationally syndicated coverage that, about five months after the raid, police arrested Chief Executive Officer of Agriprocessors Shalom Rubaskin (Ludden 2008e). Following his arrest, Rubaskin was quickly released, from a prison cell *not* on the National Cattle Grounds, after paying a one million dollar bond and agreeing to wear a tracking device on his ankle. Rubaskin, the son of Agriprocessors founder, was convicted in 2010 of 86 counts of financial fraud resulting in a 27-year prison term.

This first interview on *All Things Considered* effectively highlights the racial, national, and ethnic diversity of the undocumented detained workers who were from Guatemala, Mexico, Israel, and the Ukraine. This diversity, however, is only represented in this May 19, 2008 broadcast, and remains invisible in the preceding seven months of NPR's coverage of the raid where undocumented laborers were only labeled as "Latino," "Hispanic," or "illegal."³⁶ In this chapter, I am interested in this disconnect between the diverse populations represented in this initial broadcast about the raid, and the discursive erasure of undocumented workers in subsequent nationally syndicated coverage. I explore how the evolving coverage of the raid homogenizes undocumented workers as Latina/o, specifically as Mexican. Tangentially, I also explicate how criminality is discursively cast onto Spanish-speaking Latinas/os throughout the breadth of the nationally syndicated coverage.

I am also interested in various historical or narrative gaps present throughout NPR's Postville raid coverage. Take for example the aforementioned first broadcast. In this initial

³⁶ Another interesting aspect of this story is that the reporter, Antonio Olivio, is never interviewed or referenced again during the Postville Raid coverage and no other individual with a discernibly Latina/o sounding name is the reporter of any subsequent installments of the Postville Raid coverage. Although it may be mere coincidence, Latinas/os are often looked towards—particularly by whites—as the bastions of knowledge about all "Hispanic" matters: immigration, "south of the border" travel, food, the Spanish language, and culture. Such a dynamic perpetuates the fallacy that, for example, ethnic studies programs can only be taught by the ethnic groups that they represent. Having a Latina/o report on such a racially heated matter may also serve to skirt NPR of any accusations from their self-identified liberal audience that they may have covered the immigration raid in a racist or simplistic fashion.

broadcast, undocumented workers are implicated in running a crystal methamphetamine lab inside of Agriprocessors. Olivo tells Norris, “There was apparently they are (sic) crystal methamphetamine lab inside the meatpacking plant. It is unclear who is running the lab” (Norris 2008). Continuing coverage does not answer the question: Did the drug lab really exist, and if so, who ran it? The May 19, 2008 report also details a shocking case of alleged abuse of an employee at the meatpacking plant where Olivo explains that, “A worker was—had his eyes duct-taped with a blindfold and then was hit in the head with a meat hook” (Norris 2008). This outrageous act of physical violence is never mentioned again in NPR’s ongoing coverage, although there are subsequent reports that discuss other less extreme examples workplace abuse like failing to pay workers overtime, or forcing people to work while ill and against doctor’s orders (Ludden 2008c). Norris does not ask any further questions of Olivo about this act—such as, was this atrocity committed by a supervisor or another worker? Or, was there any stated reason for such violence? Norris’s next question immediately following Olivo’s description of the violent scene is about the fraudulent identification cards used by the workers. Rather than contemplate these horrific acts of torture perhaps by documented plant employees, the audience is reminded at the end of the story that these undocumented workers were also working under stolen social security numbers. The broadcast’s final statement provides a discursive shift that posits criminality from the physically abusive working conditions and plant employees, and onto the undocumented laborers.

In this chapter I conduct a cross-media discourse analysis of NPR audio broadcasts and published transcripts from 1998 to 2008 about demographic changes in Postville, and focusing on the 2008 immigration raid at Agriprocessors. My central organizing question is: how are Latinas/os represented as threatening and foreign in the Postville coverage? In answering this

question, my intent in the sections that follow is to highlight a historically situated mode of neoliberal social regulation pervasive throughout these broadcasts that I argue works to discursively mark Latinas/os as “illegal aliens,” thereby casting them out of NPR’s national publics. The intent is not to label NPR or its listening audience as intentionally racist, but to uncover the ways in which a self-identified “progressive” media outlet while producing racially sensitive reporting for a well-educated, civically-minded audience, can simultaneously reproduce exclusionary logics, such as the notion that Latinas/os are “illegal” and threatening. Such exclusionary logics are often the result of the internalization of inferential racism and a colorblind racial ideology that is commonplace under U.S. neoliberalism.

The preceding section, “NPR’s National Publics,” provides a close reading of NPR’s own audience demographic profile. This profile is necessary for contextualizing my preceding close readings of the Postville coverage as the demographic coverage works to posit undocumented and documented Latinas/os as an “other” in opposition to the U.S. citizens who compose NPR’s national publics. This chapter’s second section, “A Community in Flux: Postville (1998-2009),” places the Postville immigration raid coverage in the context of a larger, ongoing narrative of eleven years of NPR broadcast coverage on Postville, Iowa. This more expansive coverage focuses on the changing racial/ethnic, religious, and cultural demographics in the small Midwestern town, and how labor demands at Agriprocessors facilitated each change in population. Significantly, this broadcast coverage informs my critical discourse analysis of the Postville raid broadcasts by providing critical background information with which long established listeners would be familiar.

Although I reference information from the NPR radio shows *Morning Edition*, *Talk of the Nation*, *Tell Me More*, *Day to Day*, and *All Things Considered*, my third section, “Narratives of

Threat and Exclusion,” contains close textual readings from six sets of *All Things Considered* and *Morning Edition* broadcasts and transcripts.³⁷ My concluding section, “Re/Scripting the Discourse of the Nation,” I discuss how NPR’s at times sensationalized coverage of the Postville ICE raid has the potential to directly impact future federal, state, and local government policy, and national opinion. I also explore a counter-hegemonic view of community that challenges the idea of singular national membership for translational people.

NPR’s National Publics

Through its broadcasts and digital publications, NPR constructs and maintains an image of its stereotypical listening publics. Regardless of gender, race, class, sexual orientation, and geographic location, all NPR listeners have one thing in common: they are imagined as members of the U.S. nation. However, NPR’s demographic profile recognizes that not all citizens are equally likely to be listening in. At the same time, these demographics implicitly cast those individuals who do not meet their demographic summary out of NPR’s imagined listening publics. Through its own naming as “National Public Radio,” NPR posits itself as the voice to and for the *national public*, NPR asserts itself as the voice of the nation during seasonal pledge drives where stations ask their listeners to financially support, or volunteer to help support, their community not-for-profit radio station.³⁸ Given a historical legacy of fundraising support from

³⁷ This section contains an analysis of the following: “Deportation Hearings Follow Iowa Raid” (May 19, 2008), “Iowa Plant Charged with Hiring Minors” (September 01, 2008), “Immigration Raid Leaves Mark on Town” (June 09, 2008) and “At Iowa Meatpacking Plant, New Workers Complain” (September 02, 2008). I chose to analyze this set of broadcast coverage for three reasons. First, the shows air during drive-time traffic (*All Things Considered* airs from 4-6:30 PM and *Morning Edition* airs from 5 am to 9 AM) and therefore have large listening audiences. My second motivation was that the NPR reporter who most frequently covered the raid in nationally syndicated coverage, Jennifer Ludden, issued reports about the Postville raid on both programs. The third motivations is the provocative naming of *All Things Considered*; the aim of this paper is to highlight that, no matter how progressive and politically aware the audience claims to be, not *all* presuppositions about Latinas/os are *considered*. I chose the following six particular sets of broadcasts and transcripts because they are typical of NPR’s coverage of the raid, and are spaced throughout the breadth of NPR’s syndicated coverage.

³⁸ Interestingly enough, the notion of a public entity “leaching” off of the tax dollars goes against basic neoliberal tenets of deregulation—this is why the contributions of individual’s tax dollars are so important to the neoliberal construction of U.S. listening publics. After all, the average NPR listener tends to be more philanthropic and is

the U.S. government, U.S. nonprofit organizations, and people residing in the United States, this “national membership” is tightly connected to United States membership. Although alternative “bottom-up” forms of group membership within Latina/o communities have been well studied,³⁹ NPR’s national membership is a top-down way of organizing people based on national affiliation, linked to citizenship status, and philanthropy, notably a practice of socioeconomic classes with surplus capital.

In addition to being national members, NPR journalist Brook Gladstone reported during a broadcast of *On the Media* about a 500-page 2006 demographic self-study of NPR’s listening audience’s consumption patterns, attitudes, behaviors, and personal politics. Gladstone reflects that the commonplace stereotype in American culture of NPR listeners as progressive is accurate. She narrates to NPR’s listeners that they:

Really do like Starbucks...you are 173 percent more likely [than a non-NPR listener] to buy a Volvo and 210 percent more likely to read *The Sunday Times*...Now, as far as left wing goes, you are more likely to live in the coasts, which tend to be blue, and you definitely like “The West Wing” more than average, but then again, you were 13 percent less likely to watch “Will and Grace,” so go figure...you are more likely to describe yourself as liberal. (Gladstone 2006)

On NPR’s website the page entitled “Audience” contains updated demographics of NPR’s listening publics for, presumably, the consumption of NPR’s digital publics.⁴⁰ These 2012 demographics inform us that the average NPR listener is 24% more likely to have a graduate

about 7% more likely to contribute to fundraising campaigns than the general public. This publically owned and operated status within a neoliberal state sets NPR apart from privately owned media conglomerates like Fox News, ABC, and NBC. However, through the interpellation of common sense ideologies that, for instance, substitute race for legal status and blame the individuals for their own immigration status, NPR, too, cannot escape the clutches of U.S. neoliberalism, namely “post-race” ideologies.

³⁹ For instance, Flores and Benmayor (1998) discuss “cultural citizenship” as a community based alternative to nation-state citizenship in their anthology *Latino Cultural Citizenship*.

⁴⁰ I am referring to the listeners of NPR on the Internet as well as radio listeners. Although a good topic for a subsequent seminar paper, the exploration of the convergence of media and the multiple lives of radio broadcasts (whether on your iPod, car radio, or computer) is not the objective of this chapter. By “digital publics” I am referencing the portion of NPR’s listening community that listens to NPR, or gains more information about NPR’s reporting, from visiting their webpage.

degree, 40% more likely to have a bachelor’s degree, 22% more likely to read books for a leisure activity, and 22% more likely to have voted in federal, state, and local elections than the general U.S. population (“Audience” 2011; figure 8). Although such generalizations may describe the “average” NPR listener, Gladstone is quick to report that they do not adequately describe *every* listener. She muses that some members of the listening audience “Are broke, plenty of you are conservative, and quite a few of you are young and 20 percent of you are not white.”

Gladstone’s report seeks to problematize the assumption that she observes wherein NPR listeners are stereotyped in popular culture as only “white, over-educated, latté drinking, New York Times-reading, Volvo-driving, West Wing watchers” while simultaneously reinforcing and perpetuating such assumptions in part through repeating them. Overstepping the differences of class, gender, race, and sexual orientation, Gladstone reflects that she was “struck most by [the audience’s high] self-esteem” and that NPR listeners are “more curious than average, more eager to spend time in other countries. Thirty percent of NPR News listeners are more likely to want to, quote, ‘understand how the world works.’” Both Gladstone’s report and the website’s demographics suggest that NPR’s national publics are composed of well-educated, relatively affluent, and civically engaged people with an open curiosity and willingness to make the world a better place.

| NPR listener | U.S. Population | Category Measured |
|---------------------|------------------------|---|
| 33% | 9% | Have a Graduate Degree |
| 67% | 27% | Have a Bachelor’s Degree |
| 60% | 38% | Read books for leisure |
| 74% | 52% | Vote in Federal, State, and Local elections |
| 25% | 18% | Participate in Fundraising |
| 25% | 15% | Attend a public meeting and town/school affairs |

| | | |
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| | | ©MRI Doubleblace 2011. [1] |
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Figure 8 NPR. *NPR's Demographics*. 2011. <http://nationalpublicmedia.com/npr/>

Despite possible criticisms about the use of doublespeak in her cheeky report, Gladstone nevertheless insinuates that the exact demographics of what I call NPR's "imagined listening community" is more complicated than can be deduced from statistics listed on a webpage, or even a dense marketing report with a range of topics from "personal politics to the purchase of laxatives."⁴¹ On the one hand, Gladstone's text also implies that the culturally curious NPR listener can better understand "how the world works" by turning their radio dial to their local public radio station. On the other hand, this chapter cautions against the easy listening of NPR in its argument that this "imagined listening community" should be reconfigured and understood as an audiotopic⁴² constitution of NPR's imagiNation.⁴³ Put another way, NPR's marketing of its imagined listening publics represents the crafting of NPR as a progressive brand that is appealing to its target demographic: wealthy, progressive, well-educated, predominantly white (80% white according to Gladstone), and civically engaged people.

⁴¹ In coining the term "imagined listening communities" I am directly evoking Benedict Anderson's theorization of the imagined community of the nation as articulated in his canonical work *Imagined Communities*.

⁴² I am borrowing from Josh Kun's (2005) term "audiotopic" or "audiotopia" which he develops from utopian understandings of Foucault's "heterotopia." Kun defines autiotopia's the spaces "within and produced by a musical element that offers the listener and/or musician new maps for re-imagining the present social world" (22-23). Kun encourages his listeners to be active listeners who consider the dynamic interactions between race, culture, language and art. Here I extend this musical element to also include radio broadcasts by NPR.

⁴³ I am borrowing from María Elena Cepeda's (2010) crafting of the phrase "musical imagiNation" to refer to the counter-hegemonic ways that members of the Colombian diaspora imagine nation and national identity in the diaspora through popular music. Here I repurpose Cepeda's terminology to refer to the ways that the U.S. nation-state are imagined through NPR reporting, particularly the coverage of the Postville Raid. This imagining of the nation can also be considered in part a diasporic imagination, but not exclusively so, because of the free access of all NPR reporting on its website. Similar to current legislation that gives corporations the legal definition of personhood, I too am asserting that NPR as an institution creates a certain image of the nation. Though this is not an image that is counter-hegemonic, like Cepeda's original use of the term, it can be viewed as a progressive national image. Although both Kun and Cepeda's work is principally about music and not NPR broadcasting—the Postville coverage contains music, dialogue, interview, sound-bites, and general news reporting—these scholarly works are important here as they engage with the distribution of sound, music, and national constructions that help their listeners engage with a particular historical moment and imagine race/ethnicity, gender, "home" and "nation" in new transnational and trans-sensorial ways.

By covering stories about non-citizens for a presumed audience of wealthy, white, and well-educated citizens, within the breadth of the coverage analyzed in this chapter, NPR at times inferentially “others” the undocumented residents targeted by the Homeland Security raid on Agriprocessors.⁴⁴ Through narrative analysis of NPR broadcasts and transcriptions, I argue that we can apply Fredric Jameson’s (1981) notion of the “political unconscious” to show how colorblind rationales that inferentially perpetuate racist and xenophobic stereotypes about Latinas/os inform NPR’s broadcasts, transcripts, and the interpretive mechanisms of its listening audience. In accomplishing this objective, I identify the broadcasts and transcriptions as cultural texts.⁴⁵ Jameson’s notion of the political unconscious is useful here as it demonstrates that cultural productions and the way(s) we interpret these productions are influenced by our prior exposure to the textualizations of historical narratives and our individualized experiences of socialization; this dynamic is similar to Louis Athusser’s ([1971] 1998) idea of “interpellation,” but is relevant here because it is specifically applicable to cultural texts and not just ideologies.

⁴⁴ Public policy, specifically immigration policy, must not be overlooked as a premiere example of the textualization of history that creates and perpetuates presuppositions about undocumented people in the political unconscious of the nation. Mae M. Ngai (2005) identifies xenophobic and racist immigration policy and quotas as the origins of many of the presuppositions about undocumented migrants. Ngai argues that: “Immigration restriction produced the illegal alien as a *new legal and political subject*, whose inclusion within the nation was simultaneously a social reality and legal impossibility—a subject barred from citizenship and without rights” (4). The constructed dichotomy of documented versus undocumented citizenship status creates a rudimentary class division; specifically, Ngai asserts that “illegal aliens might be understood as a caste, unambiguously situated outside of the boundaries of formal membership and social legitimacy,” (2). Although un/documented residents range in socioeconomic class from the extremely wealthy, to the homeless or destitute, by having documented status an individual has the legal right to be in the United States. Theoretically, all documented residents have the ability to access social services, elicit the support of the police force, receive emergency medical care, access public education, and have the right to live and work in the United States. Undocumented people often do pay taxes and their labor is in demand, but people without documentation must live with the omnipresent fear of discovery and deportation by ICE.

⁴⁵ *An individual unfamiliar with Jameson’s writing could argue that a radio broadcast is not a “text.”* The types of texts that Jameson utilized in his articulation of the political unconscious were classic works of literature, specifically those by Honoré de Balzac, George Gissing, and Joseph Conrad. However, I propose that we read a radio broadcast as a cultural text, one that is copyrighted and archived at only one location on the Internet, www.npr.org. In his book *The Political Unconscious*, Jameson did not limit his Marxian analysis to only works of literature but explored many types of cultural production as texts. For example, when discussing anthropologist Claude Lévi-Strauss’ visual analysis on Caduveo facial art, Jameson asserts that “the visual text of Caduveo facial art constitutes a symbolic act” and later identifies the markings as a “cultural text or artifact” (Jameson 79). Similarly, radio broadcasts are cultural artifacts that can be read as oral texts. Jameson argues that both literary texts and cultural artifacts (also identified as cultural texts) are socially symbolic acts (Jameson 20).

Therefore, all cultural productions that we encounter come before us “always-already read” (Jameson 1981, 9). Through locating the implicit and explicit placement of these presuppositions in the texts, I interpret what I term NPR’s “imagined listening community,” “imagined listening audience,” or “NPR’s national publics.”

As addressed in this dissertation’s Introduction, contemporary colorblind discourses of “legality” posit Latinas/os as racially “other” (read: non-white) and threatening.⁴⁶ Leo R. Chavez (2008) writes extensively about U.S.-based xenophobic and racist narratives that construct Latinas/os as threats to the nation; today such narratives operate in a time where colorblindness is common sense. Chavez defines what he terms the contemporary “Latino Threat Narrative” as a historically situated and evolving alarmist discourses in the media, public policy, and from anti-immigrant groups that constructs citizen and non-citizen Latinas/os as immigrant threats. He argues that narratives depicting racial/ethnic minorities as “threatening” are pervasive throughout U.S. history; however, the specific racial and/or ethnic groups labeled as “threats” have changed since the first Europeans landed on the shores of the Americas. Chavez locates the Latino Threat as the contemporary U.S. threat narrative preceded by “The German language threat, the Catholic threat, the Chinese and Japanese immigration threats, and the southern and eastern European threat” (2008, 177). Within this history of narratives of threat, Latinas/os are unique in that they have been members of the United States since 1848 and before, yet their representation in public discourse as unable to assimilate has not changed.⁴⁷ As a counterpoint, for instance, consider German Americans who were once considered linguistic and national threats in the early part of the 20th century, but have now assimilated into U.S.

⁴⁶ Today, a “post-race” discourse about Latinas/os, the nation’s largest minority, is propelled in part by the shifting demographic reality that infants of color outnumber white infants (Siek and Sterling 2012).

⁴⁷ Recall from the Introduction that 1848 marked the end of the Mexican American War where the U.S. was acquired nearly half of Mexico’s territory with the Treaty of Guadalupe - Hidalgo.

constructions of “whiteness.” Specifically, Chavez writes that he termed the Latino Threat Narrative, “To show that what might appear as random or idiosyncratic comments, characterizations, traits, images, and other representations about Latinos, both immigrants and U.S.-born, are actually part of a more cohesive set of ideas” (2008, 3). When internalized and espoused by the subject, the Latino Threat Narrative works to perpetuate stereotypes that homogenize diverse Latinas/os populations as: resistant to assimilation, Spanish speaking, Mexican, Catholic, tremendously fertile, members of large families, non-citizens, and terrorist threats to the nation-state.

NPR’s national publics of U.S. citizens are implicitly defined as in opposition to the Latino Threat Narrative that describes a prevailing social tendency to view Latinas/os as undocumented until proven otherwise. Such a discursive constitution implicitly casts Latinas/os, regardless of their citizenship statuses, out of NPR’s imagined listening community. While operating at a time when the Latino Threat Narrative is common sense, NPR’s own demographics explicitly construct its audience as progressive. However, NPR’s demographics construct a narrow definition of progressiveness as a political and social consciousness attributable to a listening publics composed of predominantly wealthy, well-educated, politically active, well read, predominantly white, and documented U.S. citizens. Put another way, the Latino Threat works in concert with NPR’s self representations of its audience to posit documented and undocumented Latinas/os as a foil to NPR’s national publics: non-citizens who are economic, linguistic, terrorist, and biological threats to the United States.

This careful definition of NPR’s representation of its national publics is essential when contextualizing the ways that NPR reporters casts non-citizens and accented English-speaking Latinas/os within their Postville raid coverage. Equally important is the added context that NPR

had been reporting on Postville's demographic changes since the late 1990s, well before the 2008 immigration raid on Agriprocessors. This background information enlightens my close readings of NPR's broadcasts and transcriptions as the intelligent and culturally curious NPR listener would be familiar, most likely from dialing into their local NPR station, of the rural Iowa town's fluctuating population. This broadcast history gives broadcast references of population and labor migrations to Postville added meaning. The proceeding section, "A Community In Flux," contextualizes the Postville raid coverage through a narrative analysis of NPR's previous eleven years of coverage on Postville, Iowa.

A Community in Flux: Postville (1998-2009)

When *All Things Considered* first reported on the ICE raid at Agriprocessors in May 2008,⁴⁸ NPR characterized Postville as a rural one-industry town with only four main roads in the northeast corner of Iowa. At the time of the raid, Agriprocessors was the largest kosher meatpacking plant in the United States, and the only plant that was allowed to export to Israel.⁴⁹ Throughout the breadth of NPR's eleven-year coverage of Postville, reports addressed the demographic, ethnic, racial, and religious changes occurring in the town as facilitated by employment opportunities at Agriprocessors. NPR's coverage represents Agriprocessor's hiring practices as facilitating demographic changes in Postville's population four times since the plant's founding in 1988. For example, in 1998, NPR reported that Postville's experienced a surge of Orthodox Jews from Brooklyn; at this time the population of the town was only about 1,500 people ("Orthodox Jews in Rural Iowa," 1988). The migration of rabbis who worked in the

⁴⁸ The historical information utilized in this paper about the Postville ICE raid and Postville, Iowa, more generally is either from a transcription or a broadcast of an NPR story—I do not access outside sources in my re-narration of the Postville coverage.

⁴⁹ Agriprocessors also received national attention in 2004 when NPR reported that representatives from People for the Ethical Treatment of Animals (PETA) released a video taken at the Postville plant depicting cruel slaughtering practices; the plant responded to the controversy by publicly changing its slaughtering methods (Allen 2008).

Agriprocessor's plant gave Postville the largest population of rabbis per capita of any city or town in the United States. Additionally, about three years later in March 2001, NPR reported that, due to another migration of low-wage Latina/o meatpacking-laborers, the town's population jumped to about 2,200 people ("Changing Face of America: Postville, Iowa," 2001). The ICE raid detained about 400 people, or what NPR estimates to be about 10% of the town's population; if this estimation is correct, it would represent a skyrocketing of the resident documented and undocumented population of Postville to 4,000 people, an increase of about 181% in ten years (Norris 2008).

Agriprocessors' position as the largest U.S. *kosher* meatpacking plant and NPR's history of covering religious tensions that arose when Hassidic Jews moved into the community over ten years ago, works to inscribe religious referents in the immigration raid coverage with added meaning. NPR's Postville coverage dating back to 1998 depicts the "old time" members of the community as Protestant (Anglo/white) Americans, and newer immigrants as Hasidic Jews from Brooklyn, New York, or the nation-state of Israel. Similarly, this tread continues in the 2008 coverage. For instance, when a reporter interviews a Protestant official, this individual is marked as a long established resident whose citizenship status is never in question, in part due to their non-accented use of English. This ten-years of coverage equips established NPR listeners with more knowledge about the town's Jewish community than can be deduced from their non-accented English. Whenever a reporter interviews a Jewish official in the Postville raid coverage, long-term listeners have been previously informed that the Jewish individual is a more recent immigrant to Postville who moved to the town *after* the Christian residents, but *before* the

most recent pre-ICE raid immigration of Latinas/os.⁵⁰ Moreover, the ethno-national identity of Jewish officials is always-already tied to the nation state of Israel in terms of both religious homeland and the fact that Agriprocessors was the only kosher meatpacking plant allowed to export goods to Israel.⁵¹ Significantly, within the post-raid coverage religious group members were interviewed in 50% (3 out of 6) of the *All Things Considered* news segments on the raid. Postville has a large Jewish population; however, a Rabbi is only interviewed very briefly in one segment. This Rabbi's commentary occurs after a longer interview with a Catholic minister who, partially through his fluency in Spanish and the presence of his church choir singing in Spanish, is associated with the Latina/o community. The tendency to focus on Christian leaders—from denominations including Catholic and Lutheran—over Jewish leaders in effect depicts Postville as a predominantly Christian town, and marks the Jewish community, even for newer NPR listeners, as less established and less influential than the town's Christian community.⁵² NPR's ten-year coverage of the social and economic changes occurring in Postville, Iowa, is encoded with labels for each new immigrant group, whether they be Jewish, Latina/o, or "illegal immigrants,"⁵³ as distinct from the town's older population. Postville's

⁵⁰ After the ICE immigration raid, other groups immigrated to Postville: specifically, homeless people from Texas, Somali Refugees, Palauan workers, and ex-criminals and ex-drug addicts from nearby metropolitan areas. These *post-raid* demographic changes are discussed later in this paper.

⁵¹ The term ethno-nation or ethno-national is used to define "culture" as "a sign of ethnicity and nationhood." In using the term "ethno-national," I borrow from Frances Negrón-Muntaner's (2004) articulation of ethno-national identity of Puerto Ricans on the island and in the Diaspora as a term that defines how race, ethnicity, and national citizenship status become synonymous with the ways that individuals define undocumented residents and how residents define themselves. Negrón-Montaner writes that ethno-national identification arises when a group of people "affirms themselves as a *culturally* distinct nation from the United States" (4).

⁵² Another NPR show, *Tell Me More*, aired a piece on August 08, 2008 in which reporter Michel Martin mediates a discussion about the raid on a Kosher meatpacking plant between Rabbi Manachem Genack, the head of the Orthodox Union Kosher Division, and Rabbi Shmuel Herzfeld of Oheb Shalom, the Rabbi at the National Synagogue in Washington DC. This piece focused on "food, faith and ethics"; specifically, what responsibility the OUKD had in regulating abuses, like those uncovered in Postville raid, and if the raid was "religiously relevant." Rather than portray the Jewish community in a positive way, this piece implicitly implies that "ethically" the OUKD should have had, along with the Federal government, a role in blowing the whistle on the poor working conditions, low wages, and abuse of workers that occurred at the plant.

⁵³ On November 13, 2008, Adriane Hill reported on the NPR morning news show *Morning Edition* that the nation was experiencing a shortage of kosher meat because Agriprocessors had to stop production.

earliest residence are marked as white, Lutheran or protestant, and rural. However, in the post-raid coverage Jewish community members are labeled, for instance, as community leaders, a designation that shows longstanding familiarity and membership in the greater Postville area. No Latina/o is referenced in the Postville coverage as a “community leader,” however one citizen is represented as an individual who, of his own fruition, complained about undocumented labor use in the factory to Agriprocessors’ supervisors. Significantly, no Latina/o is represented in the Postville raid coverage as a community leader outside of their employment at Agriprocessors, a construction that posits Latinas/os only as valuable to NPR’s national publics in relationship to their labor.

As mentioned above, the Christian officials, school representatives, and nonprofit organizers interviewed throughout the Postville raid coverage speak grammatically correct, Midwestern (read: standard U.S.) English. The ability of certain informants to speak U.S. English implicitly encodes various interviewees as ethno-nationally “American,” long-term residence, and U. S. citizens. Linguist Rosina Lippi-Green cites statistics from linguistic studies in her summarization that:

Standard US English is the language spoken and written by persons: with no regional accent; who reside in the Midwest, far west or perhaps some parts of the north-east (but never the south); with more than average or superior education; who are themselves educators or broadcasters; who pay attention to speech, and are not sloppy in terms of pronunciation or grammar; who are easily understood by all; who enter into a consensus of other individuals like themselves about what is proper language. (1997, 58)

However, the ethno-national and racial connotations of the strongly-accented English of the Somali-American and Mexican-American store owners interviewed by NPR within its Postville coverage brands these more recent immigrants of color as linguistically deviant and foreign, making their citizenship status suspect. NPR broadcasts only in English, and therefore the communicative burden of learning another person’s language is leveled on the immigrant’s

shoulders: to be a citizen, one must speak English. For instance, although the Spanish language is used as sound bits and background noise in many news stories, it is never transcribed in official transcripts. This gesture renders the Spanish language, and those who speak it, outside of NPR's national publics. In the proceeding section of this chapter, I perform a critical discourse analysis of the six aforementioned texts from *Morning Edition* and *All Things Considered*. Throughout this analysis, I borrow and expound on the ethno-national and linguistic codes previously discussed.

Narratives of Threat and Exclusion

On June 9, 2008, *All Things Considered* reporter Tim Belay issued a story, entitled "Immigration Raid Leaves Mark on Town," on the Postville ICE raid. This report begins by explaining that before the raid "about half of them [Postville residents] were Hispanic;" however, post-raid Postville faced the negative side effects of an overnight population shortage (Belay 2008). Belay predicts that "Mexican-Americans from Texas" will most likely fill the jobs now left vacant at Agriprocessors. In the meantime, Belay informs NPR's listening publics that Postville's schools, churches, and businesses are suffering due to a nearly 18% decrease in the town's overall population.

Belay's report is structured into two main parts: a back-story about the current economic and community crisis in Postville narrated by Belay, and interviews with community members who testify to the negative side effects of the raid on the overall economy, industry, and community of the small town. Belay interviews a Catholic minister, a librarian who discusses how the decrease in population hurts the school system, a leader of the Orthodox Jewish community, an owner of a successful Mexican restaurant, and finally a manager at a local radio station that broadcasts in English, Spanish, and Hebrew. Before the immigration raid at

Agriprocessors, Belay reflects: “This plant brought diversity and prosperity to a town with three central streets and no stoplight. But after the raid, many here are wondering if the future of the town is in jeopardy” (Belay 2008). Indeed, as discussed earlier, NPR has long reported on the demographic changes brought to Postville by the Kosher meatpacking plant, turning a once largely white and Protestant small Midwestern town of 1,500 into a more diverse community containing many Jews from Brooklyn and Israel, and later Latina/o immigrants who came to fill the more menial jobs at the processing plant. Given Postville’s history, Belay’s choice to interview a Catholic minister is significant as, according to Chavez’s Latino Threat Narrative, Latinas/os are largely presumed by the American public to be Catholic (Chavez 2008). After Belay’s prelude, the piece transitions into the background vocalizations of Catholic priest Father Paul Ouderkirk:

Father PAUL OUDERKIRK (St. Bridget Catholic Church): (Speaking Spanish)

BELAY: Father Paul Ouderkirk leads the Spanish mass on Saturday nights at St. Bridget Catholic Church. He says the immigrant raid wounded the town. (Belay 2008)

Unlike other NPR reporters, the Spanish language in Belay’s piece is rendered as just “ethnic noise” as neither Belay nor Father Ouderkirk translates it. Functioning similarly to the musical interludes often used by *All Things Considered* within and between broadcast stories,⁵⁴ “Speaking Spanish” in this case functions merely as a sound bite or melody connecting disjointed pieces of the story.⁵⁵ In terms of audience reception, the literal meaning of the Spanish text is rendered irrelevant to the monolingual English speaker as well as absent in the transcript for a bilingual audience. When Father Ouderkirk speaks in Spanish, he is also

⁵⁴ For more information about NPR and a discussion of its use of musical accompaniment, please see Susan Douglas’ book *Listening In* (1999).

⁵⁵ On September 02, 2008 Jennifer Ludden used the same strategy of using non-English speaking people as “background noise.” In this case it is the “foreign language” of Somali refugees.

foreshadowing his later statements that he is sympathetic to the plight of the undocumented community, and particularly after the immigration raid:

Father OUDERKIRK: First it's in the hearts of people. They're frightened. They're not sure. They had roots here. They liked it here because Postville was about the same size of areas that they came from. It's unsettled. The wound also has hurt this parish because it's so deep, we don't know that the long-term effects are going to be. (Belay 2008)

Father Ouderkirk describes Postville's undocumented community as assimilated into the Iowa town with "roots," and religious and community ties that resemble their own upbringing in rural Spanish-speaking (Latin) America. This humanizing message is important, but it is also significant how the Spanish language becomes a sort of "brand" identity that marks a space or individual as undocumented or sympathetic to undocumented interests. As evidenced in the aforementioned report, and as alluded to in the previous section of this chapter, the Spanish language functions in NPR's reports about the Postville raid as an ethno-national branding mechanism, or shorthand for "Mexican immigrant" or "Mexican Friendly."

There are three other instances in the text where music is used as background accompaniment throughout Belay's report. The first occurs as a "sound bite of choir" in the official transcription, or where the St. Bridget Catholic Choir sings religious music in Spanish as background noise following Father Ouderkirk's interview. The second occurs when Spanish language music plays in the background in Sabor Latino, a Mexican restaurant and grocery store, prior to Belay's interview with the establishment's owner. The last instance of music is an instrumental piece of blue grass music that provides the "sound bite of music" that introduces Jeff Abbas from "KPVV Radio, a local non-profit station [that]... broadcasts in English, Spanish, and Hebrew" (Belay 2008). All of the locations visited by Belay are linguistically associated with Spanish language, either through music or speech. These Spanish language spaces are left vacant after the raid, suggesting that the bodies that once occupied these spaces were "Spanish

speaking” Mexicans. This representation not only contradicts the demographic reality of Postville alluded to in Abbas’ description of his radio station, but such a simplistic representation also directly contradicts with NPR’s first nationally syndicated interview about the raid on May 19, 2008 *All Things Considered* piece wherein Michele Norris interviews *Washington Post* reporter Antonio Olivas. Recall that in this earlier piece Michele Norris tells NPR’s listening publics that: “Among the hundreds detained, [were] people from Mexico, Guatemala, Israel and the Ukraine” (Norris 2008). Although it appears as the first nation in Norris’ list, more specifically, most of the apprehended workers were not even from Mexico as the *Washington Post* reports that, “those arrested include 290 Guatemalans, 93 Mexicans, 2 Israelis and 4 Ukrainians, according to the U.S. attorney’s office for the Northern District of Iowa” (Hsu 2008).⁵⁶ As I will touch more on shortly, Leo R. Chavez argues that such tendencies to label all speaking Latinas/os as predominantly “Mexican” is not idiosyncratic, but a part of a more cohesive set of ideas that work together in crafting the Latino Threat Narrative.

Given Belay’s use of the Spanish language as background noise, and the noted absence of people from Latina/o marked spaces, it would appear as if the individuals apprehended from Israel and Ukraine never existed. After interviewing local librarian Julie Heitland about how, in the wake of the immigration raid, the local school system projects a loss of essential funding because of the decrease in “immigrant families” who attended the local schools, Belay interviews Aaron Goldsmith as a representative of Jewish interests in the community. Goldsmith’s comments do not directly challenge the image that the piece constructs of the undocumented community as solely Spanish speaking Latinas/os:

⁵⁶Leon Fink (2003) notes that many Guatemalan Mayans, feeling a war of counterinsurgency in their homeland, who first settled in Indiantown, Florida, shortly thereafter moved to Morgantown, South Carolina, to work in poultry plants there. From Morgantown, many then moved to the Midwest to work in meatpacking plants (Fink 2003; Loucky and Moors 2000; Millard and Chiapa 2004). Many of these first generation Guatemalan Mayan immigrants do not even speak Spanish, but an oral Mayan language like Kanjobal.

BELAY: Aaron Godsmith is a leader in the Orthodox Jewish community here, and he's worked hard to bring these very different cultures together. He says Postville's uncertain future depends on the makeup of the new workforce.

Mr. AARON GODSMITH: Who's running to get packing jobs? I don't know. I don't know if there's going to be people that are good community members. Are they going to be people that have jumped from job to job? What kind of people are they going to be? (Belay 2008)

As a representative of the Orthodox Jewish community, Goldsmith's testimony that he does not know who will take the absent jobs at Agriprocessors suggests that they will not be members of the Jewish or Israeli community. Furthermore, Belay's statement that Goldsmith has "worked hard to bring these very different cultures together" additionally suggests that the people who once held these packaging jobs were not Jewish.

Belay's text creates an image of a detained, undocumented community's life prior to the ICE raid through interviewing citizens. In choosing these interviewees and locations, the text implicitly repeats stereotypes about undocumented people. Belay's decision to interview people who symbolize the Catholic religion, the Spanish language, large family size (the school will get less government money because of the loss of half of its elementary school students after the raid), and Mexican food are all symbolic of popular presuppositions about Latinas/os that are outlined by Chavez. Belay's report mentions one nationality, Mexican, in reference to the goods sold at a grocery store and in the type of workers anticipated to fill the vacant positions at Agriprocessors. Although two Spanish-speaking groups (Mexicans and Guatemalans) were detained during the raid, Belay's sole use of the term "Mexican" in references to the types of goods sold at the restaurant/ grocery store Sabor Latino implicitly labels all of the undocumented people detained as Mexican.⁵⁷ This homogenization of all Latinas/os as being from one nation of

⁵⁷ Many scholars have recently written at length about and contested the racist presupposition, particularly in the rural migration of Latinos to the Midwest and Southeast, that all Latino groups are "Mexican," (see the bibliography

origin is typical in NPR reporting if, as reporter Jennifer Ludden reflects, “a group we're [NPR] reporting on is overwhelmingly from one country, we might refer to them by that term, "Mexicans," for example” (Ludden 2012). As mentioned above, the idea that most of the apprehended undocumented people were Mexican is untrue.

Another significant part of the Latino Threat Narrative, according to Chavez, is the idea that Mexicans and Mexican-Americans want to “re-conquest” the U.S. southwest in order to take back land that was originally taken from Mexico with the signing of the Treaty of Guadalupe-Hidalgo in 1848 that ended the Mexican-American War.⁵⁸ This idea of re-conquest, re-imagined when labeling a heterogeneous Latina/o group as implicitly Mexican, is significant because throughout the broadcast Latinas/os are depicted as newcomers to once rural, white, and protestant Postville who, at their highest numbers, made up 50% of the town’s overall population. In this way, Latinas/os are not only depicted as desiring to re-conquest the Southwest, aligning with Chavez’s arguments, but also as expanding territorial reach into parts of the United States that, since the forceful removal, genocide and relocation of American Indians, have been historically racially white and rural spaces. The reality that the overwhelming majority of apprehended undocumented people actually came from Guatemala, as well as the significance behind this growing diaspora, is not present in any of NPR’s coverage of the immigration raid.⁵⁹

Once narratives of threat are omnipresent in society, whether of Latinas/os, Arab Americans, or immigrants in a more general sense, they have quantifiable real life impacts on the lives of those deemed “threatening.” Latina/o Studies scholar Jon Xavier Inda (2007) researches

for the following sources: Loucky and Moors 2000; Fink 2003; Millard and Chapa 2004; Mohl 2005; Kandel and Parrado 2005; Johnson 2005; Orner 2008; Stull and Broadway 2008; Chavez 2008).

⁵⁸ For a more thorough discussion of this re-conquest narrative please see: Chavez 2008; Inda 2007; Johnson 2005.

⁵⁹ For more information please see the following sources: Fink 2003; Loucky and Moors 2000; Millard and Chiapas 2004.

the effects of restrictive notions of citizenship on Latinas/os in the United States. Inda recognizes that once a narrative of threat becomes socially pervasive the political ramifications are significant. Inda writes that narratives that depict immigrants as threatening, such as conquest and re-conquest narratives, “Ha[ve] given rise to and legitimated numerous efforts to exclude immigrants, both legal and “illegal,” from the body politic, including Operation Gatekeeper, Proposition 187, and the Illegal Immigration Reform and Responsibility Act of 1996” (2007, 134). The presence of the Latina/o Threat Narrative in NPR broadcasts suggests that, even the most progressive media outlets that broadcast to well-educated audiences, are not immune from recycling such rhetoric that in turn contributes to exclusionary and at times xenophobic immigration laws.

No matter what terminology that NPR uses when reporting about undocumented people, NPR’s national publics are able to successfully decode these linguistic cues that in effect work to criminalize Postville’s undocumented community. For example, on June 10, 2008, NPR’s Michele Norris and Melisa Block aired a “letters” segment on the show *All Things Considered*. This report details popular audience responses to Belay’s aforementioned piece on the Postville raid, as well as other recent *All Things Considered* programming. Block and Norris read two pertinent letter excerpts:

NORRIS: Listener Rodney Nilan (ph) of Greenville, South Carolina, was one of several people who wrote to say the story missed an important point. Tim Belay story’s fails to mention that those detained and deported are undocumented, illegal workers. This is just another example of a failed immigration policy from both parties.

BLOCK: And Sam Longstreet (ph) of St. Louis wonders why NPR is so sympathetic to Agriprocessors in Postville, Iowa? Agriprocessors had to knowingly hire illegal immigrants. Postville schools gladly took the government funding that came with the illegal immigrant’s children. What both did was wrong, and they deserve what’s coming to them. (Letters 2008)⁶⁰

⁶⁰ This is the text written exactly as it appears in the official NPR transcript. I believe that the (ph) after the names means that it is phonetically spelt. Also, Agriprocessors was incorrectly spelled in the official transcript. This

Although Belay's report never mentions "illegal immigrants" or "illegal aliens," the text does rely on many implicit stereotypes that are part of the Latino Threat Narrative. For example, by interviewing school officials who comment on a dramatic decrease in student population the Belay's broadcast could lead to a presumption by listeners that Latinas/os Catholic religion and genetic hyper-fertility result in them giving birth to many children in the United States, some of which may be "anchor babies."⁶¹ Additionally, the very nature of a report about a town left vacant when workers are apprehended by ICE presents an image that undocumented people, when given the opportunity, over-saturate the U.S. workforce and take American jobs. Through its omission of the terms "illegal workers" or "illegal immigrants," Belay's piece was successful at garnering even more attention and reaction from the listening audience, reiterating that the NPR audience has successfully internalized, and in the case of the letter writers espoused, discourse that labels undocumented Spanish speaking Latinas/os as immigrant threats. Although these letters place the blame in the hands of Agriprocessors, the undocumented workers, and on the school system, the letter writers do not question the greater economic, militaristic, and political factors that precipitate inter/national migration. Furthermore, through the action of reading Longstreet and Nilan's commentary, Norris/NPR and Block/NPR literally become representatives of the voices of the imagined listening audience.⁶²

Norris and Block do not provide their listening publics with the greater historical knowledge that rural food processing factories have an extensive history of using outside labor

highlights the hasty production of NPR official transcripts that one has to pay to gain only limited access to for a forty-eight hour period.

⁶¹ Many xenophobic and racist discourses explain "anchor babies" as children that undocumented people deliberately give birth to in the United States to guarantee that they will not be deported back to their home country, or to sponsor citizenship for family members once the child is 18 years old.

⁶² As in the case of Ludden's translation piece, here again is an example of two "standard English speaking" women embodying the voices for other people. This provokes the possibility of a gendered analysis of, in the case of the Postville raid, the use of women as linguistic translators.

contractors to directly recruit undocumented workers from Mexico and the U.S. Southwest. Rural meatpacking plants in the Midwest have even purchased billboards in Mexico advertising U.S. employment opportunities in efforts to cut costs and increase revenue (Millard and Chapa 2004). These jobs developed in rural locations because in order to cut costs; corporations restructured the food processing industry by moving processing plants out of cities, and nearer to the rural locations of the crops and animals that they process (Stull and Broadway 2008).

Neither the original nationally syndicated reports, nor the “Letters” *All Things Considered* segment ever question whether or not outside labor contractors were used before the raid took place to recruit undocumented workers. Subsequent reports discuss the use of outside labor recruiters to replace the apprehended workers, busing in homeless people from Texas, Somali refugees, and finally flying in U.S. nationals from Palau to fill the vacant jobs. In the proceeding coverage, the use of outside contractors, who are never specifically named by NPR, to bring in laborers with regularized statuses is the subject of two stories, one of which aired multiple times on *All Things Considered* under different titles. The apparent focus on labor contractors in these reports makes the failure of NPR reporters to discuss the individuals responsible for labor recruitment by Agriprocessors prior to the ICE raid starker, particularly for longtime listeners.

At the very least, and if it were in fact the case, the reports could include a disclaimer explaining how NPR could not find any information regarding the initial recruitment of Latinas/os to Agriprocessors. Although the use of outside labor recruiters in precipitating undocumented migration is briefly mentioned in multiple reports, the breadth of the Postville coverage never mentions the greater *systemic* problem of undocumented labor exploitation and recruitment by large corporations in the rural Midwest and Southwest into food processing industries, particularly over the past twenty or so years. In effect, the representation of undocumented

worker exploitation is posited in the Postville coverage as an anomaly, rather than a common occurrence. This is in part because it is not compared or analyzed next to any other large-scale immigration raid. This context is integral as undocumented labor recruitment is not always an individualized process, but corporations directly recruit both Latina/o and undocumented workers, many while they are still in their home country, to fill jobs in the food processing industry throughout rural America (Stull and Broadway 2008). Assuming that NPR's listening publics know this information is problematic because, as evidenced by the aforementioned letters, criminality is disproportionately levied on undocumented individuals rather than corporations and labor contractors. Put another way, failure to question if Agriprocessors was involved in direct labor recruitment of undocumented workers further vilifies the undocumented workers as criminals; when Agriprocessors could, in fact, be directly responsible for precipitating their labor migration. Perhaps this relatively recent history is overlooked because, as Mae Ngai (2004) notes, "Most Americans were blind to the causative connections between U.S. economic and political policies abroad and migration" (252). Ignoring the politics behind undocumented labor and those who facilitate undocumented diasporas works to erase the U.S. neoliberal legacy of the exploitation cheap undocumented Latin/@ labor, and to perpetuate a fallacy that migration is an individualized action, rather than a complex social processes with multiple actors facilitating migration.

On July 24, 2008 *Morning Edition* aired Jenifer Ludden's first report, "Immigrant rights Groups Challenge ID Theft Arrests," about the Postville Raid (Ludden 2008d). In NPR's nationally syndicated coverage, Ludden issued the most reports about the raid, a total of six pieces; the first and last airing on *Morning Edition* and the remainder airing on *All Things Considered*. This first report discusses how undocumented workers apprehended at

Agriprocessors were charged with aggravated identity theft, but that this charge was challenged both by immigration attorneys, and by congressmen in Washington D.C. Ludden explains that many of Agriprocessors' workers did not actually plead guilty to the charge because it carried with it a two-year prison term; however, it did result in many people pleading guilty to lesser charges. *Morning Edition's* Deborah Amos introduces the story and Ludden:

DEBORAH AMOS, host: Today, Congress joins those questioning a controversial immigration raid on a meat-packing plant in Iowa. Traditionally, illegal immigrants swept up in such raids have faced administrative charges and swift deportation. But in Iowa, the Bush administration brought criminal charges and sent hundreds of immigrants to prison. NPR's Jennifer Ludden reports.

JENNIFER LUDDEN: Iowa immigration attorney Dan Vondra says he was stunned to see immigrant workers from the Agriprocessors Packing Plant charged with aggravated identity theft. Congress created that law in 2004 to toughen penalties for what is a growing problem. (Ludden 2008d)

In other words, the Bush Administration created such tough penalties for undocumented immigrants as a preventative legal mechanism, rather than implementing direct actions, such as corporate sanctions and investigations into labor subcontractors, to halt undocumented immigration.

In this report, Ludden then interviews immigration attorney Mr. Dan Vondra who relays to Ludden that "The mainly Guatemalan immigrants he encountered had no idea what a social security card was, let alone that the numbers belonged to real people" (Ludden 2008d). Mr. Vondra makes this observation not based on the Postville case, but according to a separate conversation with a court translator. Although he is speaking of another case, Mr. Vondra's statement alludes to the accurate composition of the detained workers, that the overwhelming amount of the detainees were of Guatemalan heritage; nevertheless, the overt mention of this fact remains absent in NPR's coverage. Ludden then transitions to the statements of Iowa immigration attorney Mr. Gary Koos who utilized Mr. Vondra's argument, that many

undocumented immigrants do not know what social security numbers are, in court while trying another case in an Iowa courtroom, also not connected to Agriprocessors. Although Mr. Koos attempted to argue that his client's act of buying an identification document off of the street in order to fill out employment forms at a concrete company did not fit the crime of aggravated identity theft in Iowa, he did so unsuccessfully:

Mr. GARY KOOS (Attorney): If you want to think of it in legal terms, it would be that a person has to be put upon notice of what the crime is. And in this case, it's knowingly to use someone else's identity. My client didn't know he had someone else's Social Security number. He just had a number.

LUDDEN: Koos lost the case on appeal, and his immigrant client is now serving five years in federal prison. But other appeals courts have agreed with Koos, and he thinks the Supreme Court may well step in to resolve the dispute. (Ludden 2008d)

After explaining why there is precedent for the argument that undocumented immigrants cannot plead ignorance when charged with the theft of identity documents in Iowa, Ludden then discusses the issue with the spokesman for the U.S. Attorney's office, Mr. Bob Taig. Reiterating a subtle point made earlier by Ludden, Taig explains that, "The statute is not just designed to punish. The statute is designed to prevent" (Ludden 2008d). The rationale behind the extreme sentences of aggravated identity theft is that the charge works as a preventative mechanism for would be undocumented criminals; however, this report does not make sense of the reality that if a person does not know what a social security number is, how likely would they be to understand new federal immigration laws? Furthermore, by focusing on Mr. Vondra and Mr. Koos' respective immigration law cases, the NPR coverage works to individualize the issues of documentation threat while effectively sidestepping the greater systemic factor of workplace and labor subcontractor exploitation of an undocumented workforce.

Ludden proceeds to then interview immigration attorney and Democratic Congressman Zoe Lofgren of California who called for a hearing regarding how apprehended workers at

Agriprocessors were coaxed into pleading guilty to a lesser charge when faced with the 2-year prison term that comes with an aggravated identity theft conviction:

Representative ZOE LOFGREN (Democrat, California): Hundreds of people were convinced to plead guilty to a crime without really an adequate opportunity to see whether they had any remedy under immigration law. And, of course, now that they've pled guilty to a crime, they have no remedies that they might otherwise have had. (Ludden 2008d)

These legal issues that Rep. Lofgren brings to light, that workers at Agriprocessors employees may have been coerced into pleading guilty, are never again discussed in NPR's subsequent coverage. Perhaps this is because, under immigration law, once an individual admits to being undocumented the method of apprehension is no longer significant. Once an undocumented person is apprehended by ICE, deportation is imminent.

Although the plight of the undocumented workers is nuanced throughout Ludden's piece, she ends with a reminder that the undocumented workers at Agriprocessors are criminals who break the law by coming here and then break the law again by actually stealing the identity of U.S. citizens. Ludden interviews Ms. Julie Myers from ICE:

LUDDEN: Not all arrested immigrant workers are being sentenced to jail time, but federal immigration officials say incarceration can be an important deterrent. And Julie Myers, head of Immigration and Customs Enforcement, says some victims of this kind of ID theft do suffer financial and legal hardships.

Ms. JULIE MYERS (Immigration and Customs Enforcement): We think it's tragic and unfortunate when people break the law by coming here and then break the law again by actually stealing the identity of U.S. citizens.

LUDDEN: So far this year, the immigration agency has made more than 900 criminal arrests. Jennifer Ludden, NPR News, Washington. (Ludden 2008d)

In this final exchange, Ludden concludes by recognizing that the citizens whose identities were stolen are the "victims...[of] financial and legal hardships." Again, in this exchange the culpability of Agriprocessors and labor subcontractors in illegally acquiring these documents is

not explored. Furthermore, this tendency to remind the listening audience of the criminality of undocumented people at the end of broadcasts is pervasive throughout the breadth of NPR's coverage of the immigration raid. Ludden does successfully document two sides of the argument for and against charging those individuals apprehended at Agriprocessors with aggravated identity theft. However, the effect of ending her story with this ICE interview offers NPR's listening publics a concluding reminder that these workers are fundamentally double criminals, criminals for "stealing" social security numbers and criminals for crossing a border without proper documentation. This discursive technique functions to leave a final thought in listeners' imagination that works to undue the argument put forth in the beginning of the story where undocumented workers were portrayed as ignorant of U.S. labor laws.

In this first *Morning Edition* segment, Ludden and her interviewees suggest that the detained workers were not culpable for their acts because many undocumented people simply do not know that social security numbers are stolen property. While this point of view implicates a third party (probably a U.S. citizen) who actually stole and/or sold the social security numbers, it also brands undocumented laborers as ignorant. Migration to find work is not a spontaneous act, but a conscious decision made to better one's own life and that of one's family. Migration is a complex process precipitated by multiple push and pull factors; however, an individual's choice to migrate, particularly where they choose to migrate to, often follow the steps of a pre-existing immigrant community composed of family members and/or friends.⁶³ Claiming that undocumented people are categorically oblivious of the requirements to obtain lawful employment in the United States is absurd as Maria Angelina Soldatanko's (1991) research proves that many undocumented Latinas/os in Los Angeles are not only informed about U.S.

⁶³ For example, in the Guatemalan Mayan Diaspora to the United States three main locations of settlement, Indiantown, FL., Houston, TX., and Los Angeles, CA. were all chosen by individuals when in Guatemala because of preexisting community ties, along with potential employment that was secured because of these ties (Fink 2003).

labor laws, but they are even frequently aware of labor unions and pro-labor organizations. Documents had to be illegally produced or stolen to gain employment. If workers truly did not know that they needed papers stating their ability to legally work in the United States, the Postville plant's undocumented employees would have been working "under the table," not under false documents.

As we learn from Ludden's later interviews with apprehended workers, many of these individuals were not fluent in English and were still able to obtain false documents. Such a dynamic implies vertical power relationships within Agriprocessors where English-speaking supervisors held more social and managerial power. On the October 31, 2008 broadcast of *Morning Edition*, Ludden elucidated these power relationships. In this piece, Ludden details the reasons for CEO Sholom Rubashkin's arrest:

Dozens of plant workers were told their social security numbers were no good. They [Sholom Rubashkin and Agriprocessors] would have to buy new fake documents, so that company could rehire them under different names. The complaint describes a meeting near a barn on company property where Rubashkin is told that some workers don't have the \$200 for a new identification and he offers to loan them the money. Federal prosecutors allege he then called employees in to process these supposedly new applicants the Sunday before the raid. (Ludden 2008e)

As I mentioned earlier, Rubashkin was convicted and sentenced to a 27-year prison term. Significantly, no broadcast works to undo the idea that undocumented workers were ignorant of immigration laws. The undocumented workers at Agriprocessors, then, were perhaps knowingly laboring under aliases, but these documents were acquired and provided by an employer who was fully aware of their undocumented status and that they were purchasing stolen social security information.

On September 1, 2008 Ludden's second nationally syndicated report on the Agriprocessors Raid aired during *All Things Considered*. Although this second report spends a

majority of its airtime implicating Agriprocessors' role in hiring and exploiting undocumented workers who were *not* explicitly underage, the report is provocatively titled: "Iowa Plant Charged with Hiring Minors" (Ludden 2008c). This news segment has three discernable parts that each address distinct issues at Agriprocessors: (1) workplace abuse of two employees, (2) the hiring of an underage, and frequently undocumented, labor pool, and (3) past worker and Rabbi initiated protests against Agriprocessors for various abuses that upper management committed against laborers.

For instance, the first third of this report begins with Ludden's interview of two laborers, Ms. Cruz Rodriguez Moncada and Mr. Bartolo Bustamante, who faced workplace abuses at the kosher meatpacking plant, and not tales of underage labor. Ludden does not tell NPR's listening community the age of these two employees, rather Ludden focuses on the different types of abuses that they each faced at the hands of plant officials. Complying with the standards and practices of NPR to report all news in English (Ludden 2012), Ludden's English language translation overlays Ms. Rodriguez Moncada's Spanish language testimony:

Ms MONCADA (sic): (Spanish spoken)

LUDDEN: We suffered many humiliations under my supervisor, she says. He'd shout at us to move faster. If we arrive five or 10 minutes later, he'd dock us a day's pay. And if we complained, he'd say, go on then. There are 20 others waiting to take your place. (Ludden 2008c)

Immediately following Ms. Rodriguez Moncada's testimony, Ludden translates the testimony of Mr. Bartolo Bustamante⁶⁴ who cleaned turkey and chicken trailers for Agriprocessors. When a doctor told Mr. Bustamante that he could not work after falling on the job and injuring his back,

⁶⁴ Bartolo Bustamante is inconsistently labeled as "Mr. Bartolo Bustamonte" or just "Bartolo Bustamonte" in NPR's official transcript. Ms. Cruz Rodriguez Moncada is only labeled as such.

Bustamante forced himself to go to work despite his debilitating pain. Again, Ludden translates Mr. Bustamante's testimony as his Spanish words fade into the background:

Mr. BARTOLO BUSTAMANTE (employee) (sic): (Spanish spoken)

LUDDEN: My boss has told me, if you don't show up, we won't pay you. So, I had two days where my sisters had to help me stand up. They put my shirt on for me. They practically had to carry me into the plant so that I could work. (Ludden 2008c)

After these two testimonies of workplace abuse, Ludden reports that, following the immigration raid at Agriprocessors, government officials found that "At least 57 underage workers were at the plant, some as young as 13 in violation of state law" (Ludden 2008c). The placement of the first two testimonies of workplace abuse *before* any mention of child labor use makes the title of the report, "Iowa Plant Charged With Hiring Minors," not explicitly representative of the initial 1/3 of the interview. Similarly, only about the middle third of Ludden's report focuses on brief interviews with an Agriprocessor's spokesman and a Lutheran minister about the tendency for undocumented children in the community to work at a young age, as well as Agriprocessors policies against child labor.

Preceding the middle third of the report, the final third of the broadcast tells NPR's listening publics that historically the workforce at Agriprocessors has not been complacent in the face of workplace abuses. Ludden interviews Mr. Elver Herrera, who speaks accented and broken English. Mr. Herrera worked at Agriprocessors for seven years during which time he remained an advocate against poor working conditions and complained about such conditions to his supervisors:

Mr. ELVER HERRERA (Employee): I told with a lot of people. (sic) The problem is people never listen.

LUDDEN: Herrera says he personally told the plant manger about the mistreatment of employees. Conservative rabbis and the United Food and Commercial Workers Union had raised alarm bells about the kosher slaughterhouse. And last year, workers staged a protest walkout.

Mr. HERRERA: When you have a lot complains, you have to know something is wrong. And the complain started like what, 2001, 2002, '03, '04, '05, '06, what are you waiting for? (sic) (Ludden 2008c).

The report shifts from an explicit focus on employing minors in the middle third of the report, and in the final third narrows attention to the general culture of abuse towards Spanish-speaking or accented English speaking Latina/o workers employed at Agriprocessors. Ludden's strategic composition of her second report allures listeners into staying tuned with the idea that the listening audience will hear a report exclusively about child labor at Agriprocessors; notably these minors addressed in the middle third of the report are never discussed as documented or undocumented individuals. Ludden's focus on abuses perpetrated against workers and resistance to this abuse, rather than workers' immigration statuses, works to humanize undocumented Latina/o laborers and implicate the corporation as a violator of human rights. Ludden also historicizes instances of workplace abuse within a legacy of unionized Latina/o as well as Jewish leaders' resistance to workplace abuse.

As mentioned earlier, both Ms. Rodriguez Moncada and Mr. Bustamante give their testimonies of the raid in Spanish. Although they speak Spanish during the broadcast, after saying one or two sentences, their voices soften and Ludden's translation of their speech into English is heard over the beginning portion of their testimonies. Ludden's translation is more discernable than the Spanish testimony, but the presence of both English and Spanish being simultaneously spoken at the beginning of the translation could be considered confusing, especially for a bilingual audience. A commonality in all of the nationally syndicated

transcriptions is that Spanish words are not transcribed, even if audible. In the transcript of this story, Ms. Rodriguez Moncada and Mr. Bustamante's testimonies in Spanish are not written; the text only says "(Spanish spoken)." Of note here is that Ms. Rodriguez Moncada's testimony begins with the English words "in overtime" and then code-switches into Spanish, yet this language is also not translated. In an email interview, Ludden explained NPR's standards and practices regarding the use of translations of interviewees:

If someone speaks English well enough to be understood in a national broadcast, I will always interview them in English. I conducted interviews in Spanish either because someone did not speak English, or did so in such a broken way that it would not have been very usable on the radio. We use English translations, either from the field, or recorded in a studio after the fact. This has been standard practice as long as I've been at NPR, and it's what I did when reporting in numerous countries around the world. (Ludden 2012)

The choice to overly Spanish words with Ludden's English translation works to represent a Spanish voice in a format that is "English Only." Nevertheless, the technique of laying the English translation over the spoken Spanish literally silences or mutes the Spanish speaker's testimony and perpetuates the misnomer that the only undocumented people who were apprehended in Postville were Spanish speaking Latin Americans or Latinas/os.

Code switching is a well-studied and complex linguistic practice, and one whose complexity often goes unnoticed by a monolingual audience (Lippi-Green, 1997, 43, 24). Ms. Rodriguez Moncada's use of English to Spanish code-switching displays a familiarity with the grammar rules of both languages, as evidenced by her switching languages after an introductory clause: "In overtime." The broadcast and transcript of "Iowa Plant Charged with Hiring Minors" also contains two women taking care of a group of infants in a scene that is not integral to the story's content, but merely functions background noise in the middle third of the story connecting the interview of an Agriprocessors official, Mr. Menachem Lubinsky the company

spokesman, and the testimony of Lutheran Pastor Steve Bracket. In this second example, the speech of these two women is irrelevant to the plot of the report and works as a transitional background noise, similar to what is identified as music or a sound bite of chatter in other reports. Unlike the translated voice of Agriprocessors former workers who speak in Spanish or Spanglish, Ludden stops talking when the two English-speaking women begin to speak. The words of the unidentified English-speaking women are also included in the official transcript:

(Sound bite of chattering)⁶⁵

Unidentified Woman #1: Come on. Everybody's going to be in a circle.

Unidentified Woman #2: Right, right, yeah.

Unidentified Woman #1: (Unintelligible), come over here. (Ludden 2008c)

NPR is a monolingual radio station, and when background noise contains the English language and not the Spanish language the main reporter stops conveying her story so that her English language audience is not distracted by the overlay of multiple voices. Such a gesture ignores the difficulty that a bilingual listener may have in deciphering Spanish as background noise behind Ludden's English translation. For a bilingual audience, this is an incomplete transcription. If characters whose spoken words are superfluous to the plot of the piece are translated, than the Spanish language text, or at the very least the English phrase uttered by Ms. Rodriguez Moncada, should also be transcribed. This is a clear indication of the preferential treatment given to and differential value placed in the ability to speak the English language that has been internalized directly by NPR and by the transcriptionist NPR hires to transcribe broadcasts. If National Public Radio interviews people in Spanish and decides to broadcast their testimony, it would make logical sense that they would also transcribe their Spanish language testimony. At the very

⁶⁵ The spelling of "sound bit" or "sound bite" is not consistent in the NPR transcripts discussed in this essay.

least, the English portions of the text where code switching occurs should be transcribed, particularly if English language background noise is also transcribed.

This tendency to use the Spanish language as background noise, “ethnic noise,” or sound bites continues throughout NPR’s syndicated coverage of the raid. Mr. Herrera’s accented English brands him as Latina/o, but markedly less intimidated by supervisors than his Spanish-speaking coworkers as he actively complained about working conditions to supervisors. Mr. Herrera’s freedom to complain, even despite his supervisors not taking heed of his warnings, suggests that he holds a more privileged citizenship status. Along the same vein, the workers introduced during the first third of the report are rendered as undocumented, but contained and no longer an economic and/or social threat. For instance, Ludden asserts that after the raid Ms. Rodriguez Moncada is “Under home detention and her former supervisor has reportedly skipped the country to avoid arrest, [so] Moncada figures she has nothing to lose” from giving her testimony to NPR (Ludden 2008c). Such a characterization of Ms. Rodriguez Moncada as “having nothing to lose” works both to discredit her testimony by depicting her as desperate to avoid deportation, yet helplessly succumbing to the rules of law and order. Mr. Bustamante is not directly labeled as undocumented, yet his testimony is also given in Spanish, which linguistically associates him with Ms. Rodriguez Moncada who is overtly labeled as a non-citizen. Furthermore, Mr. Bustamante and Ms. Rodriguez Moncada each testify to workplace abuses that they felt that they could not address while employed at Agriprocessors, particularly due to their fear of losing their jobs. Such a reporting strategy works to contain and pacify the undocumented immigrants as nonthreatening and in fact as safe, awaiting deportation, and as complacent workers who do not affiliate with organized labor. This suggests that, although Ludden may be sympathetic and wishes to present Latina/o undocumented workers at

Agriprocessors in a humanizing way, NPR's listening community may be less willing to stay tuned to a story that only discusses how undocumented laborers faced abuse at Agriprocessors. Given the provocative naming of this story, NPR listening audience was, in a sense, lured into sympathizing with undocumented workers if they listened in based on the story's title and were therefore expecting a report that explicitly focused on child labor violations. Ludden's journalistic liberties and attempts to humanize undocumented Latinas/os were perhaps motivated by some of the letters sent into NPR in response to Tim Belay's earlier story. Recall that these letters in response to Belay's report criminalized all undocumented individuals regardless of human rights abuses committed against them by Agriprocessors.

Through focusing on how Agriprocessors exploited both youths and hard working adults, "Iowa Plant Charged With Hiring Minors" also evokes the image of hardworking undocumented families. Historian Mae Ngai (2005) argues that U.S. citizens have a tendency to empathize with undocumented people particularly when it involves the fracturing of families across nation-state borders (2). Despite this initial ploy towards sympathy based on a shared ethos of maintaining family ties, the piece nevertheless describes undocumented migrants as "illegal immigrants." The presence of the term "illegal" reminds NPR's audience of the laborers' alleged criminality. A gesture that works to distract attention from the professed focus of the story: the criminal acts of Agriprocessors. In an interview about her journalistic coverage of the Postville raid, Ludden reflected on NPR's "standards in terms of the use of "illegal" vs. "undocumented" when referring to immigrants." She responded that

There was no set policy, but I purposefully used both terms [in the Postville coverage], since not using either one would appear political, as if we were following the preference of one side or the other in the very polarized debate over immigration. I also used "unauthorized" sometimes, just for variety's sake. (Ludden 2012)

The fact that there were no standards in terms of terminology used to talk about undocumented subjects at NPR during the time of the raid tells us that Ludden's use of various words and phrases to refer to undocumented people is a reporter's own attempt to reflect dominate political discourses about undocumented subjects. In other words, the use of multiple terms, despite their inaccuracy, was a conscious decision by some NPR reporters to remain non-bias. It should be noted that this interview with Ludden occurred before the Associated Press (AP) changed their guidelines regarding the use of the term "illegal immigrant." Although it did not ban its use (Houghney 2013), the AP did clarify when it is or is not viewed as convention practice to use the term ("Reviewing the Use of Illegal Immigrant" 2012). The fact that the AP now suggests that journalists "use *illegal* only to refer to an action, not a person: *illegal immigration*, but not *illegal immigrant*" is indicative of the efforts of immigrant rights activists in their campaigns that attest that "no human is illegal." I argue that Ludden's use of various terms, such as illegal, unauthorized, Hispanic, or Latino, is in fact more stylized than she is aware of. In other words, her linguistic choices reflect an internalization and espousing of neoliberal ideologies as common sense that posit undocumented people as scapegoats for U.S. political and economic failure or fatigue. The notion that the term "illegal immigrant" was once viewed as interchangeable with "undocumented," "Hispanic," or "Latino" by NPR staff shows a neoliberal mode of social regulation wherein an entire racialized group becomes branded as foreign criminals.

In her September 02, 2008 news piece entitled "At Iowa Meatpacking Plant, New Workers Complain," Jennifer Ludden outlines the progression of low waged workers who filled the jobs vacated after the immigration raid. Despite Belay's report, the first laborers were not "Mexicans from Texas." Ludden explains Agriprocessor's employment problems:

JENNIFER LUDDEN: There isn't much local labor in this tiny town in Iowa farm country. Since Agriprocessors was accused of knowingly hiring illegal immigrants, it

turned over its hiring to outside labor contractors. The first busload brought in included people recruited at a homeless shelter in Texas. That didn't go over well, and some were sent back. The next wave of workers were Somali refugees. (2008b)

After discussing the bad working conditions, low wages, and tendency for Agriprocessors to perhaps unfairly dock worker's wages, Ludden interviews volunteers at a local Lutheran administered food pantry that "essentially subsidizes Agriprocessors' low wages." Throughout her report, Ludden interviews new laborers brought to Agriprocessors, she ends the report by informing NPR's nation publics that the homeless people from Texas, as well as the Somali refugees, both left their jobs at Agriprocessors. In their wake, Agriprocessors' labor contractors brought in other people, some with criminal histories, from the Midwest. Ludden ends her report with the suggestion that the meatpacking plant may soon bring workers from the Pacific island of Palau to fill the jobs once again left vacant.

Ludden details that these more recent waves of replacement workers at Agriprocessors experienced conditions similar to those that undocumented workers discussed during Ludden's September 01, 2008 piece, "Iowa Plant Charged With Hiring Minors." For example, Ludden interviews two men, Mr. Ricky Joe Rapier and Mr. Ariel Jimenez about why they work at Agriprocessors and the various labor abuses that they suffer at the meatpacking plant:

Mr. RICKY JOE RAPIER(ph): Well, it's hard for me to be employed because I have failed knees, I have a drug history and things like this.

LUDDEN: Fifty two-year-old Ricky Joe Rapier moved here a few weeks ago from Indianapolis seeking a second chance. He says he has no problem with the hard work. He vacuums out turkey innards. But he's been unsettled by the housing his staffing company arranged.

Rapier walks me into the two-story home he shares with at least six other packing plant workers.

Mr. RAPIER: I sleep there. And my bunkie sleeps here. That's our bathroom right here.

LUDDEN: They sleep on mattresses on the floor crammed into the dining room, utility room, and they're told will soon have another roommate in the dank concrete basement. There's no furniture. The upstairs shower doesn't work. And in the living room and kitchen, ceiling leaks have left rotted-out holes.

Mr. RAPIER: I mean, they treat us like illegal immigrants, right? You crowd a bunch of people in one house, you know? And see, illegal immigrants couldn't complain because they're illegal.

LUDDEN: Others in town say they've heard similar stories of substandard housing. But a spokesman with Rapier's staffing company, One Force, says he's heard only one complaint. And he says the contract workers signed strongly recommends they find their own accommodations.

Meantime, the workers have \$100 a week deducted from their checks for rent, plus other deductions for travel and cash advances. It's left some, like Ariel Jimenez(ph), nearly penniless their first weeks here.

Mr. ARIEL JIMENEZ: They promised me \$700 a week. And my first check was \$42. They ripped me off. I want my money back.

LUDDEN: Again, the contractor says all the deductions are clearly spelled out in the contract. (Ludden 2008b)

Mr. Rapier is correct that “Illegal immigrants couldn’t complain because they’re illegal” as verified by the translated testimony of Mr. Bustamante who injured his back and came to work against doctors orders, and Ms. Rodriquez Moncada’s testified that she was not paid overtime and repeatedly had her wages docked if she arrived five or ten minutes late for work. A notable difference between Ludden’s two stories is that, most probably in part because of the replacement workers’ legal documented statuses, these newer laborers felt empowered to vocalize these abuses to NPR *while still employed by Agriprocessors*.⁶⁶ The violations faced after the raid by new workers included: dangerous working conditions (such as machines being turned on while people were cleaning them), contracts with undisclosed clauses, unhealthy/unsafe living conditions in factory supplied housing, long hours, and illegally withheld

⁶⁶ Each of the aforementioned replacement workers had the legal right to be in the United States because they were: U.S. citizens, recognized refugees, or lived in a United States’ administered U.N. Territory (Palau).

wages. Ludden reports that the Iowa Labor Department found Agriprocessors culpable for numerous safety violations. This report resulted in Agriprocessors hiring a new safety and compliance officer; however, the new workers' testimonies challenge the effectiveness of this new hire.

“At Iowa Meatpacking Plant New Workers Complain” identifies the Agriprocessors employees detained during the immigration raid as “illegal immigrants” a total of five times throughout the short three-minute broadcast. However, the text's word choice changes when Ludden interviews community members about the “unwelcome change” that the “replacement workers [who were] nearly all single men” brought to the community. Postville Lutheran Pastor Steve Brackett explains some reasons why the older community members did not welcome new factory workers:

Pastor STEVE BRAKETT (Postville Lutheran Church): We had fights [because of the replacement workers]. We had a stabbing. We've had crime go up. There've been other problems and difficulties. And I think it will be several years once again before that stabilizes. (Ludden 2008b).

The Postville community did not experience “problems and difficulties” with the undocumented community members who were detained by ICE. In fact, Ludden reports, “Many of the Latino workers arrested in the immigration raid had settled in the community, having children, buying homes” (Ludden 2008b). This is the only time in her coverage of the raid on *Morning Edition* and *All Things Considered* that Ludden, or any NPR reporter for that matter, addresses all of the undocumented people detained in the raid as “Latino.” The word choice—from illegal immigrant to Latino—is telling and performs the ideological work of suggesting that contributing to a positive community dynamic, as well as being economically productive members of the community, is not a part of the narrative constructed about “illegal aliens.” Due to a commonplace interpellation of the Latino Threat Narrative, an “illegal alien” cannot be a

productive member of society as they are criminal threats; Ludden's word choice must therefore change to the less stigmatized, humanizing, and more accurate, word "Latino." Within these cultural texts, then, "Latino" should be understood as the acceptable "brown" subject.

Similar to her earlier report "Iowa Plant Charged with Hiring Minors," this second report by Ludden, "At Iowa Meatpacking Plant, New Workers Complain," also uses non-English language as background noise. In this second instance, after Ludden explains that Somali refugees came to fill jobs at Agriprocessors vacated by the raid, the text cuts to a sound bite of a man speaking what one can assume is either the Somali language or Arabic, the two official languages of Somalia. The transcript reads "Unidentified Man: (Foreign language spoken)" (Ludden 2008b). Unlike the first story, Ludden does not translate the Unidentified Man's dialogue into English. Later in the broadcast, Ludden interviews Postville's Lutheran Pastor Brackett where he talks about the local food pantry helping "Dozens of the new workers make ends meet" (Ludden 2008b). This scene includes the background noise of people at the food pantry helping other residents, and their dialogue is transcribed in official transcripts: "Unidentified Woman: If there's anything here you want, feel free to take whatever you need there" (Ludden 2008b). Similar to the transcription of English language background noise addressed earlier in this chapter, the Unidentified Woman's statement is not relevant to the story, yet her words are transcribed in the official transcription. Along the same vein, the words of the man speaking a "Foreign language" in this second story are also not transcribed. Admittedly, few people in the United States speak the foreign language spoken in this broadcast as compared to the large number of residents who are bilingual in Spanish and English; this assertion is supported by the ability of multiple transcriptionists to label the foreign language sound bites of Latinas/os as "Spanish spoken." However, the ability of transcriptionists to identify when

Spanish is used during broadcasts over other languages suggests that certain portions of broadcasts could easily be flagged for Spanish language transcription.

On September 25, 2008 *All Things Considered* aired the report entitled “After Raid, Iowa Meatpacker Seeks Palau Workers”⁶⁷ that confirms Ludden’s earlier speculation that Agriprocessors recruiters sought to employ Palauan workers (Ludden 2008a). This broadcast is a conversation between Jennifer Ludden and host Melissa Block about Agriprocessors hiring workers from the former U.S. occupied territory of Palau. As U.S. nationals, Palauans have the ability to travel to the U.S. with non-immigrant visas and can stay indefinitely. The report details that Palauan workers were given a one-way ticket to Iowa, and were promised housing, compensation, and an eventual return ticket. Ludden discusses that Palau’s government at first remained cautious of Agriprocessors’ attempts at labor recruitment:

LUDDEN: Palau’s president held a news conference to warn people [about “allegations of the mistreatment of employees”], but [Palau’s Ambassador] Kyota says the government can’t prevent anyone from coming. The Palauans began arriving in Postville in mid-September and have told local residents Agriprocessors paid for their plane tickets. The workers have declined to be interviewed. And a spokes man for Agriprocessors declined repeated requests for comment. (Ludden 2008a)

After visiting Agriprocessors, Ambassador Kyota “Came away thanking the company for its job opportunities” (Ludden 2008a). At the same time, Ludden also reports that, in the past, there have been “problems” for Micronesians and Marshall Islanders who were brought to the United States to work; for instance, they were not given housing or a plane ticket home. Agriprocessors filed for bankruptcy and the plant was sold at auction on July 20, 2009 for 8.5 million dollars; however, NPR did not report on the fate of these Palauan workers (Dube 2009). Agriprocessors

⁶⁷ This aired twice with two different titles. “Raided Iowa Meatpacking Plant Gets Palou Workers” on September 25, 2008 during the *All Things Considered* program, and entitled “After Raid, Iowa Meatpacker Seeks Palou Workers” on October 2, 2008, also on *All Things Considered*. The first title was deleted in 2009 from NPR’s database of stories which are all available for free in audio and written files on their website www.npr.org. For this reason and to avoid redundancies, I cite this story using the second title both in my dissertation and in my references.

now operates at a much smaller scale, which also suggests a need for fewer employees. This is a humanizing story as NPR makes efforts to show that undocumented people do not take jobs that Americans or documented refugees are willing to work.⁶⁸ At the same time, the breadth of NPR's coverage of the Postville immigration raid recycles discourses that brand, particularly Spanish speaking, Latinas/os as threatening criminals.

Airing on the October 31, 2013 broadcast of *Morning Edition*, Jennifer Ludden's report, "Kosher Slaughterhouse Former Manager Arrested," discusses the charges and arrest of Agriprocessors CEO Sholom Rubashkin who knowingly hired undocumented workers. In this piece, Ludden again interviews Mr. Elver Herrera, now labeled as a "former employee" at Agriprocessors, about the labor abuses that he reported to Rubashkin while employed at his company. Ludden first interviewed Mr. Herrera in the September 1, 2008 *All Things Considered* piece entitled "Iowa Plant Charged With Hiring Minors." In reaction to Rubashkin's arrest, Mr. Herrera explained what the charges against his former employer meant to him:

Mr. ELVER HERRERA (Former Employee, Agriprocessors): It's a big - a big day. It's a beautiful day, really.

LUDDEN: Elver Herrera worked seven years at Agriprocessors. He says there's no question Sholom Rubashkin knew hundreds of workers were illegal, because Herrera told him.

Mr. HERRERA: I talked to him several time. I told him about what's going on in the plant, about the corruption about it, every about it - underage, because the last meeting I had with him, I told him about it.

LUDDEN: By underage, Herrera means he even told Rubashkin there were immigrant workers who were minors. The State of Iowa last month brought 9,000 counts of child labor violations, which could put company officials in jail for many years if they're convicted. Agriprocessors had no comment on these latest charges, but an attorney for the plant owner Aaron Rubashkin, Sholom's father denied them... (Ludden 2008a)

⁶⁸ I borrow the phrase "simplified complex representation" from Alsultany (2012) as defined earlier in this dissertation.

Rubashkin was released from court after paying a million-dollar bond, and agreeing to wear a monitoring device. This piece is particularly interesting as the plant CEO was arrested, an uncommon incidence during or after immigration raids. This report also represents the second appearances of two people that Ludden interviewed in the September 1st broadcast: Mr. Herrera and Mr. Jeff Abbas. In this piece Mr. Abbas, the news director for the local radio station, only provides the context as to what type of production still occurs at the Meatpacking plant. This second broadcast interview presents additional evidence that works to support the idea that Mr. Herrera may be a citizen. In Ludden's first story, Mr. Herrera does not say that he personally experienced abuse, but that he witnessed abuses happening. I argued earlier that Mr. Herrera's command of the English language, along with his lack of experience of personal abuse, worked to render him a citizen. Additionally, in this second broadcast Mr. Herrera reports to Ludden that he told Rubashkin that "hundreds of workers were illegal"; this assertion not seem like an act of an undocumented person (Ludden 2008a). Considering that this piece aired almost six months after the immigration raid, Ludden may have not interviewed any undocumented or apprehended workers simply because they were already undergoing deportation hearings or otherwise no longer in Postville. What is particularly interesting is that, in his second testimony, Mr. Herrera makes an effort to differentiate himself from the apprehended undocumented workers. There are many reasons why Mr. Herrera may do this because, as Chavez points out, accented English speaking Latinas/os in particular experience a type second-class citizenship where they are presumed to undocumented until proven otherwise. After the immigration raid there was a white supremacist march through the streets of Postville, and, as the letters read on NPR suggest, even NPR's progressive listeners were sometimes unwilling to sympathize with someone branded "illegal." Given these multiple realities, it makes sense that Mr. Herrera would

take his second chance at an interview to make sure that the NPR audience implicitly knew that he was documented.

NPR's coverage of the Postville raid omits the context that it is extremely difficult, even unlikely, that a poor individual with little education from Mexico or Latin America would have the means to apply for citizenship, or legally come to the United States. The Immigration and Nationality Act of 1965 legislated that immigrants who were educated, as well as family members of citizens, would receive preferential access to citizenship and visas. During the 1990s this process was made even more difficult as Ngai (2005) explains, "The legislation of the 1990s reconfigured the line between legal and illegal aliens, enlarging the grounds that turn legal immigrants into illegal aliens and making it nearly impossible for illegal aliens to legalize their status" (2005, 269). For example, as was discussed in the Introduction to this dissertation, three laws were passed by congress in 1996 under the Clinton Administration that worked together to limit undocumented residents' access to welfare services, and sought to enact stiffer penalties for undocumented people in the United States.⁶⁹ More recently the 2006 legislation located the immigrant threat, not specifically in their use of welfare services as the 1996 legislation did, but on the U.S.-Mexico border. The Secure Fence Act dramatically increased border militarization by increasing funding for "border security" to \$10.4 billion, including: building an additional 700 miles of fence on the U.S.-Mexico border, the acquisition of cutting edge border enforcement equipment, and increasing Border Patrol agents to 12,000 individuals by the end of

⁶⁹ As discussed in this Introduction, the Anti-Terrorism and Effective Death Penalty Act not only widened the types of crimes that undocumented people could be deported for, but also narrowed the types of welfare relief given to non-citizens. The Personal Responsibility and Work Opportunity Reconciliation Act dictated that undocumented people were not eligible for most government services and made states responsible to decide if their state would allow non-citizens access to welfare services, such as aid for expectant mothers. After the passage of this act, many states suspended undocumented people from access to all state welfare resources. Finally, the Illegal Immigrant Responsibility Act withdrew review committees for certain forms of relief for detained undocumented people, expanded the definition of "aggravated felony" for undocumented people, limited the time allowed for filing asylum claims, and again reiterated that undocumented people would have severe limitations in accessing any welfare benefits.

2008. Additionally the legislation secured funds to train the National Guard to help the border patrol. Given that NPR's audience demographic reports discussed at the beginning of this chapter identify their listening publics as intelligent and more likely to be both politically active and have a college degree than the general American public, Ludden may assume that her listeners are familiar with such legislation. These relatively resent legal impediments, although they remain absent from NPR's coverage, no doubt impact Latina/o migration, and perhaps strengthen corporation's need for labor contractors.

About ten-years after the ratification of the three 1996 laws, a bipartisan coalition, lead by Ted Kennedy (D-MA.) and John McCain (R-AZ.), sought in part to simplify the citizenship process for undocumented people in the United States. This legislation, the Secure Borders, Economic Opportunity, and Immigration Reform Act, failed to pass congress. The act would have granted a pathway towards citizenship for undocumented people who maintained good economic and moral standing. As the largest immigration raid in U.S. history, the Postville case attracted much media attention. This spectacle also occurred at a time shortly after the Secure Borders Act failed to pass, and when the United States was suffering from a recession. Therefore, the massive media spectacle of the Postville immigration raid could be viewed as a carefully orchestrated and symbolic political performance by the Bush Administration that sought to distract America's attention from the recession, and political pushes towards comprehensive immigration reform and to the familiar U.S. scapegoat of immigration threat. Along this logic, the dramatic spectacle of the raid used undocumented immigrants as a familiar scapegoat for national problems and, in effect, validated the misnomer (and part of the Latino Threat Narrative) that undocumented immigrants take jobs from hardworking Americans. It is within reasoning then to suggest that the Bush Administration showcased the Postville Raid as an

example of their staunch stance on undocumented migration and notified the inter/national media that they would not practice leniency on the detained workers. Recall that the tough sentences administered to the apprehended workers discussed in Ludden's June 24th report were the result of 2004 Bush era policy changes. The Bush Administration therefore had the political precedent needed to justify the use of the Postville immigration raid as evidence of its effective regulation of immigrant threat and their willingness to keep American jobs for U.S. Americans. The proceeding and concluding section, entitled "Rescripting the Discourse of the Nation," further explores the causative factors behind narratives of threat that, as Inda's (2007) scholarship asserts, influence public policy in the United States. Sensationalist discourses work to obscure the reality that undocumented people maintain strong community dynamics in the United States that lead to alternative claims to citizenship.

Rescripting the Discourse of the Nation

Perhaps part from the negative publicity garnered by ICE and the Bush Administration's vow of non-leniency during the aftermath of the Postville Raid, ICE administered a face-saving program called "Scheduled Departure" shortly after the 2008 raid. Operation Scheduled Departure was an ICE program that sought to organize voluntary deportations in five cities for individuals who had been issued deportation orders and who did not have criminal records, but had ignored their orders. The objective of the program was to alleviate government costs by not keeping undocumented people in U.S. courts and stuck in deportation proceedings. ICE scrapped the program in August 2008 after only three weeks because it was unsuccessful: only 8 individuals out of 457,000 voluntarily deported ("That's 8 out of 457,000," 2008). On the August 05, 2008 during the NPR program *Day to Day*, reporter Madeline Brand interviewed Josh Hoyt, the director of the Illinois Coalition for Immigrant and Refugee Rights, about ICE's

new Scheduled Departure Program (Brand 2008). Hoyt describes his view of the program and the reasons precipitating its development:

Well, I think it's a—we're in the political silly season, and this is a silly fantasy idea, which I think is designed to put a happy face on what have been really brutal actions that have destroyed hundreds of thousands of families in the last couple of years...every person that is invited to participate in this program does not have a criminal record. They have a deportation order, and—but they're workers, and there desperately trying to stay in the United States because they have U.S. born children, citizens. They have spouses. They have jobs. Many of them have homes. They're clinging to the hope that they can stay here. Most of the time what they go back to is nothing. So this isn't compassionate. This is a response to the bad publicity that they've been getting from the brutal raids that they conducted in places like Postville, Iowa. (Brand 2008)

Even if a deportation is “scheduled” the undocumented individual is still deported. Once an individual is deported from the United States, they cannot apply for legal United States' residency. A *New York Times* editorial also reflected on the Bush Administrations true intentions:

It is tempting to mock the administration for naïve conception and even worse execution, but that would give it too much credit for sincerity. Immigration and Customs Enforcement could never have expected to reap a big crop of undocumented people this way. We suspect what it really wanted was to lend cover to its continuing campaign of raids and arrests. That is the real strategy. It is brutal, simplistic and also ineffective, but it is the one the country is sticking with. By capturing almost nobody, the report-to-deport program has bolstered the talking points pushed by the immigration agency and the restrictionist hard-core: illegal immigrants are a vast class of criminal fugitives, and only more enforcement can solve this problem. (“That's 8 out of 457,000,” 2008)

Both the editorial and Hoyt's comments seek to humanize undocumented immigrants in the face of a reactionary Bush era policy, Scheduled Departure, that was viewed as a face-saving policy enacted to justify the large U.S. tax-dollar expenditures needed in conducting massive immigration raids, typified by the raid witnessed in Postville. Hoyt's discussion of Scheduled Departure, along with Ludden's terminological slip discussed in the previous section from “illegal immigrant” to “Latino” when discussing undocumented Latinas/os as productive community members, operate together to signal that undocumented residents are vital to the

economy of the United States, own property here, and are *not* inherently violent, hyper-fertile, or disease ridden people.

Latina/o scholars and community leaders, like Adelaida R. Del Castillo (2007), have long theorized against dominant notions of “legality” and instead have sought new counter-hegemonic ways of conceptualizing the contributions and productive community formations of undocumented U.S. residency. Turning away from limiting discussions of legality, Del Castillo defines the social rights exercised by undocumented people as social citizenship or “the creation of community in host countries” (2007, 92). The presence of undocumented community formation is pervasive throughout Belay’s piece. He recognizes that local churches, restaurants, grocery stores, and schools were suffering from a lack of population. It is also present when Ludden mentions that undocumented people lived peacefully with their families and owned homes in Postville. Del Castillo argues that the reality of social citizenship in undocumented communities in the United States mandates a post-national mechanism for viewing citizenship and community. While the proposition of a world without a nation-state may be appealing, it remains a discursive argument. The effects of national borders are impossible to ignore, and particularly so under neoliberalism. For instance, neoliberalism is an economic and social reality is global in scale, yet manifests differently depending on national history and localized hierarchies of personhood. Nations and their borders are socio-political constructions, but they are constituted as Real through wars, government policy, the building of fences, and surveillance. Leo R. Chavez (2008) also encourages the analysis of social citizenship not just in a discursive world, but one actualized through the lived experiences of undocumented people. Chavez argues that:

In a world of widespread movement across national borders, citizenship becomes an ambiguous concept, not contained by purely legalistic definitions. The rights and

privileges of citizenship, the possibility of trans-border citizens, the practices of social citizenship, and the sentiments of cultural citizenship are all on the table as we try to understand what a sense of belonging and community membership mean today. (2008, 177)

Such imaginings of notions of belonging and community membership cannot be widely constructed and accepted, however, unless racist and nationalist presuppositions are first identified and challenged in public discourse.

Throughout this chapter, I have shown how NPR and its imagined listening audience have interpellated a U.S. neoliberal ethos that developed by and through a common sense understanding of “illegal aliens” as Latina/o criminals. (As explicated in the introduction to this dissertation, “illegal” is a color-blind concept that functions by ignoring race.) NPR’s imagined listening community is defined as predominantly a population of white, affluent, English-speaking United States citizens. NPR’s coverage of the Postville raid discursively casts Latinas/os, specifically Spanish-speaking and Mexican Latinas/os, and as threatening non-citizens who are therefore excluded from the imagined listening community of the U.S. nation. This chapter has explicated how the political unconscious of the imagined listening community of NPR is informed by and through what Leo R. Chavez terms the Latino Threat Narrative were issues of “legality” that become code words for criminality, race, and class. The federal government, mainstream media outlets, and citizens reference the Latino Threat Narrative, and particularly issues of legality, as justification for scapegoating undocumented Latinas/os as linguistic, cultural, economic, and biological threats to the United States. In reality, un/documented Latinas/os laborers are exploited, in terms of long working hours, low pay, and dangerous working conditions, by capitalist corporations; a reality only partially observed by NPR in its attempts to be “non-biased.” Furthermore, the U.S. neoliberal capitalist project cannot function without such exploitation of low wageworkers. Through being active and not

passive listeners, NPR's publics can perform the counter-hegemonic ideological work of publically acknowledging U.S. neoliberal identity constructions, particularly when it comes to discourses of "illegality."

Chapter 3

BRANDING GUILT:

American Apparel Inc. and Latina Labor in Los Angeles

American Apparel Inc.'s retail clothing stores adorn urban shopping districts near college campuses. The corporation markets its retro-hipster fashions and form-fitting t-shirts as socially conscious clothing that is made sweatshop-free and in downtown Los Angeles, California; a city whose garment industry employs mostly Latinas. Over the past ten years, however, American Apparel's presence in the national media frequently has had little to do with the company's urban-chic apparel and accessories, and more to do with immigration reform and undocumented labor. Such issues occupy the core of the company's pro-immigrant rights and t-shirt marketing campaign "Legalize LA" that promotes a seemingly progressive agenda on comprehensive immigration reform. Advertisements for Legalize LA in newspapers and on billboards often contain images of Latina/o workers, or the Canadian-born CEO Dov Charney's resident alien card.

American Apparel uses "Legalize LA" to further a neoliberal marketing agenda based in "progressive politics." A neoliberal marketing agenda is one that perpetuates the core tenants of the economic, political, and social system of neoliberalism, namely deregulation, privatization,

and personal responsibility (Shaeffer-Gabriel 2006, 898). Neoliberal ideologies are often deceptively complex and can deliberately, and in some cases unwittingly, use rhetoric of personal responsibility to obscure deep-seated systemic, racial-, gender-, sexuality-, and class-based equalities.⁷⁰ In the case of American Apparel, their neoliberal marketing agenda, enacted in part through the Legalize LA brand, perpetuates what I term as a “dynamic of misrepresentation.”⁷¹ The phrase “dynamic of misrepresentation” is used to explain an at times layered representation that works to simplify or obscure structures of exploitation behind an ostensibly progressive corporate politics. For instance, a corporately constructed “progressive” brand like Legalize LA works to obscure the CEO and corporation’s at times sexist, illegal, and anti-union politics, as well as its policy to pay seamstresses a piece-rate wage.

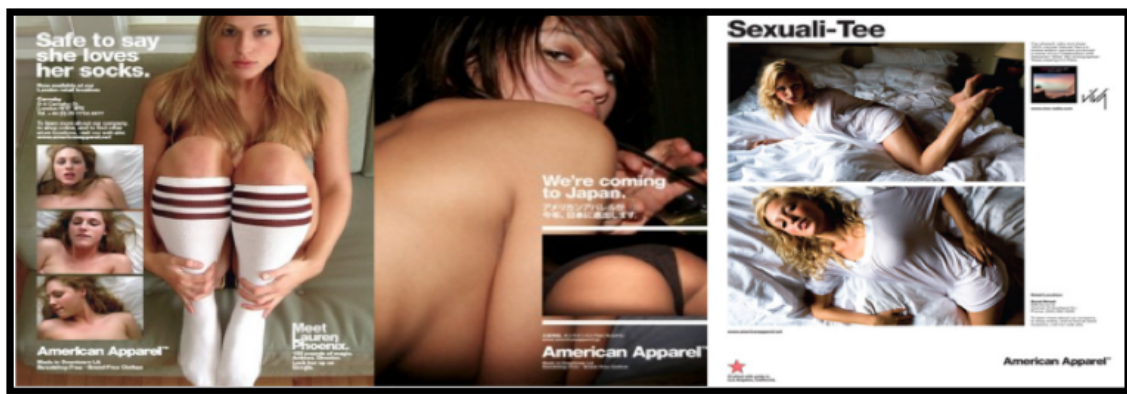


Figure 9 American Apparel Inc. *Sexually Provocative Ads*. 2009. <http://www.americanapparel.net/advertising/>

American Apparel’s branding contains additional deceptively complex representations of corporate conduct and policies. Take for example the corporation’s more traditional clothing and accessories ads that differ from the Legalize LA ads in terms of both style and content. The ads for clothing and accessories ads combine mainly provocative images of attractive, young, and

⁷⁰ For example conservative attacks on immigrant mothers in California around Proposition 187 that claimed that undocumented immigrant mothers disproportionately use social services such as health care when, in fact, the opposite is true (Chavez et.al, 1997, 89).

⁷¹ “Dynamics of misrepresentation” in advertising gains inspiration from Evelyn Alsultany’s (2012) term “simplified complex representation” to explain deceptively complex images and storylines that actually follow a predictable and stereotypical mode of representation in television.

predominantly white women wearing surprisingly few of American Apparel's fashions (figure 9). This second group of ads contains images of "untraditional" models who, according to the CEO, are pictured without digital editing enhancements. These fashion models are often handpicked by the CEO and are either corporate employees or, less frequently, individuals who submit their photographs to the "modeling" section of the corporation's website or are "discovered" by American Apparel employees (*No Sweat* 2006). The advertisements of mostly svelte white women in their early 20s represent the ideal American Apparel consumer; a markedly different representation than that of the darker skinned Latina/o laborers depicted in Legalize LA ads. The photographs in the clothing and accessories ads are taken at angles that focus on the young white women's crotches, butts, breasts, or facial expressions that insinuate that the model is experiencing sexual pleasure. These pixilated or slightly out of focus photos are frequently taken in the CEO's bedroom, and on his bed adorned with ruffled white sheets.

American Apparel's media attention is also attributable to Charney's history of alleged sexual harassment of employees, questionable behavior during media interviews, and self-proclaimed sweatshop-free garment production style. For example, journalist Claudine Ko reported that Charney masturbated about eight times during her 2004 interview with the CEO for *Jane* magazine (Ko 2004). In 2008, *The Guardian* reported that the CEO was facing his fifth sexual harassment lawsuit in three years (Petridis 2008, 49). Despite the explicit sexual content and nature of production of a majority of American Apparel's advertisements, Charney calls the sexual harassment lawsuits brought against him by his employees "completely peripheral and bogus" (*No Sweat* 2006). In an April 2012 interview with CNBC reporter Jane Wells, Charney again cast aside accusations of impropriety and lawsuits as "A testimony to my success...the fact that I'm a target for baseless lawsuits" (Miles 2012).

Jo Littler (2007) asserts that Charney's frequent presence in the headlines garners him a celebrity CEO status that also works to cross-promote the American Apparel brand. Charney's media persona, which extends to his brand identity, is hip, sexy, and rule bending. Littler writes that: "Many contemporary celebrity CEOs are trying to turn 'fat cats' into 'cool cats' by employing or appropriating discourses of bottom-up power and flaunting them across an expanded range of media contexts" (Littler 2007, 236). Charney is more than a celebrity CEO, this chapter takes Littler's argument a step further in arguing that American Apparel's advertising campaigns are manifestations of Charney's cult of personality, a visual embodiment of the CEO's narcissism. For instance, as I will discuss later in this chapter, Charney uses his Canadian resident alien card in Legalize LA advertisements, likening himself to his immigrant workers. Such deceptively simple representations overlook how the CEO's uniquely privileged white, North American, male, affluent, well educated, and heterosexual identity sets him apart from his workers.

Indeed, the objectification of models and employees, Charney's narcissism, as well as the numerous lawsuits brought against the CEO and American Apparel would appear to challenge the idea of ethical consumption that the corporation evokes in its marketing of "Made in the USA", environmentally sustainable, and civically conscious clothing that promotes both immigrant and gay rights. On face value, ethical consumption is the notion that when one buys American Apparel products the act is not a mere consumption choice, but also a political statement. For example, a hallmark of American Apparel marketing its brand as ethical is the corporation's "vertically integrated manufacturing" style, a corporate structure that is unusual in the LA garment district. A vertically integrated corporate model is a manufacturing style where all modes of production and marketing are conducted in one location.

Previous scholarship about American Apparel focus on how ethical consumption, Neo-Fordism,⁷² and the idea of the celebrity CEO are all the result of contemporary capitalism (Littler 2007; Moor and Littler 2008). This approach to the study of American Apparel, while acknowledging the exploitation of a predominantly Latina labor force, posits the CEO and capitalism as the central subjects of analysis and does not provide a critical reading of Latina/o representation, or lack of representation, in advertisements that purport to be ethical.⁷³ I argue that these dynamics of ethical consumption and personal responsibility espoused by Charney are more than an individual's internalization of late capitalism, they are also an internalization of the social, economic, and political system of neoliberalism. I also de-center the notion of the celebrity CEO and the study of American Apparel's corporate model. Rather than prioritizing an economic or marketing phenomenon, I accomplish this de-centered vantage point through my inclusion of a brief history of Latina labor in Los Angeles that posits Latina/o labor in its rightful place as the strong base responsible in part for the success of the apparel industry in Los Angeles and of the American Apparel Corporation. My use of ethical consumption is unique as I historicize the consumer tendency as an embodiment of a key tenant of neoliberalism: personal responsibility. I also add to existing scholarship through my inclusion of a close reading of

⁷² Neo-Fordism describes American Apparel's production style wherein the base of manufacturing is located in the United States, but the company still relies on the exploitation of a workforce of disenfranchised people of color, similar in ethnical/racial composition to those present in the third world.

⁷³ Arlene Dávila's (2001, 2008) foundational work on Hispanic marketing highlights the exploitation of Latinas/os as branding material. My project expands on Dávila's work in that it focuses on how representations of ethics, progressive values, nationalism, and corporate responsibility are exercised through corporate branding in a way that ignores and even erases the exploitation of Latina laborers who manufacture the branded goods. The branding strategy used by American Apparel functions in part through the "Legalize L.A." immigration reform and brand agenda that relies on the bodies and supportive words of American Apparel's predominantly Latina workforce to manufacture clothing and a specific corporate agenda. Therefore, while my approach to analyzing ethical consumption gains inspiration from Dávila's scholarship, it fundamentally differs from existing research on Hispanic marketing. I argue that American Apparel as a brand is the manifestation of Charney's cult of personality, itself an interpellation of neoliberal capitalism, and is unconcerned with marketing its corporate product to working-class Latinas/os. This branding strategy is instead invested in appealing to the apparently progressive ethics of young, white, college-aged women and the progressive constituencies that consume American Apparel blank t-shirts in bulk.

Latina/o presence and absence in differently branded and marketed American Apparel advertisements, notably Legalize LA.

Latinas have remained the dominant labor pool in LA for over a century (Fernández Kelly and García 1989, 258; Laslet and Tyler 1989, xiv). Therefore, my choice in this chapter to address the majority of laborers in LA and at American Apparel as Latina is not idiosyncratic. Furthermore, in representations of American Apparel's seamstresses on its website and in the documentary *No Sweat* (2006), the majority of laborers appear to be darker-skinned Latinas.⁷⁴ Scholarly discussions of Latina labor and the LA garment industry have predominately focused on: sweatshop conditions, apparel sub-contracting, immigrant labor, the informal economy, and homework.⁷⁵ In more recent years, scholarship about Latina labor offered a more comparative and transnational scope (Chavez et al. 1997, 88; Whalen 2002, 45; Meyler Peña, 2008, 97). This scholarship frequently critiques global capitalism and explores the intersection of race and gender (Browne and Misra 2003, 487). Other emergent scholarship traces more recent migratory destinations such as to the rural Midwest or Southeast (Williams et al. 2002, 563), and has focused on the education, labor, and work at home of teenage and adolescent Latinas/os (Cammarota 2004, 53). Scholars are also beginning to study how technology enables transnational flows, as well as the migration of more privileged middle class and aspiring middle-class labor migrants (Schaeffer-Gabriel 2006, 903). This literature does not address, however, how a company's progressive and neoliberal marketing towards an affluent consumer base works to erase and therefore help perpetuate the exploitation of Latinas and other laborers within the United States. A failure to address such a marketing dynamic threatens to perpetuate a myth within a civically conscious demographic, with high social capital and political power,

⁷⁴ The ethnicity of workers is often listed next to their image.

⁷⁵ Homework is the practice where employers give their workers material to take home to finish sewing and assembling.

that their spending habits are actually working towards *ending* labor exploitation. In practice my chapter suggests that such spending habits in part *perpetuate* other forms of labor exploitation.

This chapter suggests that branding a corporation's core ethos as "ethical" in order to sell a product to an individual consumer obscures the vital role that labor, and labor exploitation, plays in capitalist corporate profit—even if this manufacturing is done in a vertically integrated United States company. This chapter's central organizing question is: How does a dynamic of misrepresentation used in advertising work to obscure Latina labor exploitation? To help answer this question, this chapter performs a cross-media discourse analysis of advertising campaigns, print journalism, a documentary film, and select American Apparel website content from 2008-2012. My first section, "Latinas in the LA Apparel Industry," situates labor issues at American Apparel within a century-plus long history of Latina labor in LA. The second section, "Ethical Consumption," explicates my theoretical framework for analyzing Latina representation at American Apparel, or "ethical consumption." The final section, "Selling Ethics," provides a cultural studies reading of material from American Apparel's corporate websites and advertisements that work together to sell a particular brand of ethics to wealthy consumers.

Latinas and the LA Apparel Industry

American Apparel's choice to open a garment factory in LA was a strategic decision, as the city has remained the nexus of profitable West Coast garment manufacturing since the early 1900s. Over the past century, multiple factors have guided production in the LA garment industry, in part resulting in economic growth that has fueled Latina/o migration to the city. Pushed by a poor economy at home and the Mexican Revolution, over a million Mexicans immigrated to LA in the early twentieth century (Durón 1984, 147). The influx of Mexican labor, restrictions on Asian migration, and a rapidly growing manufacturing sector helped render

Mexicans and Chicanas/os a desirable labor pool for an industrializing LA economy (Durón 1984, 158). In fact, even before female full-time wage labor was commonplace, many Latinas worked part-time in the garment industry (Laslet and Tyler 1989, 18).

Today, 75% of all garment laborers in LA are Mexican women or Chicanas and less than 2% of workers are unionized (Kessler 2002, 91).⁷⁶ Despite efforts, American Apparel employees have failed to organize a labor union. This history of reasons behind why such attempts have not been successful in other LA garment industries helps to contextualize current labor struggles at American Apparel. Since its emergence as a manufacturing base, LA has remained staunchly anti-union. As a consequence, the garment industry boomed in LA during the 1920s partially because manufactures developed businesses in the Sunbelt city to avoid the union organizing taking place in New York City (Fernández-Kelly and García 1990, 137). Nevertheless, labor unions have existed in California since the early 20th century, but in the early years they had little interest or desire to organize Mexican and Chicana/o workers.⁷⁷

Feminist scholars argue that to understand the reasons why Latinas often choose not to be involved in labor unions we must first understand the historically patriarchal and racist organization of labor unions. Prior to the 1920s, the LA garment industry also employed immigrants from Europe in large numbers. In 1907, these European laborers organized the first labor union in the city. Again, race, citizenship, and gender play important roles in understanding Latinas configuration in the LA economy. For instance, Rebecca Morales' research (1983-1984) has shown that employers in the city divide their laborers into different groups based on citizenship status and race, paying non-white laborers and laborers without citizenship a lower wage (576). Such hierarchies have also been duplicated within labor unions

⁷⁶ The federal government estimates that 60% of these garment industries are sweatshops.

⁷⁷ Exceptions exist, for instance, in 1920s Los Angeles a failed attempt to organize Mexican garment workers, many of which were Mexican women or Chicanas, did take place (Laslet and Tyler, 1989, 20).

where, particularly within the male leadership, many European Americans assumed that Mexicans and Chicanas/os were not familiar with labor unions; however, Maria Angelina Soldatenko (1991) has since proven that this was not the case. Soldatenko writes that Latinas have long been aware of a complex web of unions and pro-labor organizations, both in their home countries and in the United States, and that they are also informed regarding US labor laws (83). In other words, simplistic portrayals of Latinas who did not want to organize due to their ignorance of labor unions or US culture sought to further perpetuate the pre-existing racism and sexism that permeated the era's labor unions (Soldatenko 1991, 73). In her discussion of Latinas in the garment industry, Patricia Zavella (1991) reflects that “We need to research women’s and men’s lives in ways that identify the sources of diversity without resorting to the mechanistic conclusion that class, race, or gender alone gives rise to difference” (313). Indeed, Soldatenko responds to this call when she argues that Latinas have resisted unionization in the LA garment industry partially because they occupy unstable positions within shops, perform homework, work in private homes, are involved in the informal economy, are undocumented, and encounter issues with child care (Soldatenko 1991, 84-88).

Yet, this is not to say that Latinas have never successfully organized in LA. Under the leadership of Russian and Jewish anarchist Rose Pesotta, the International Ladies Garment Workers Union (ILGWU) sought to organize Latinas. With growing Mexican and Chicana/o membership, the ILGWU successfully launched a dressmaker’s strike in the spring of 1933 against workplace violence and abuses, at a time when 75% of union members were women or girls of Mexican descent (Durón, 1984, 149). Like their economic stratification, workplace abuses also affected workers differently depending on their gender, race, citizenship status, ethnicity, and/ or social class. Labor violations included employers who expected “kickbacks”

from workers' salaries, and employees who were forced to “speed up” or increase the quantity of work produced in a given period of time. Many employees were also expected to work a double-day and take work home (Durón 1984, 149-150).



Figure 10 Sweatshops Now, Sweatshops Then. 2009. <http://www.americanapparel.net/advertising/>. <http://laborarts.org>.

Despite considerable technological advances over the past century, the nature of garment work has not significantly changed. When photos taken from a Google image search of sweatshop workers in 1906 New York City are placed next to photos of American Apparel's workforce taken from the corporation's 2008 website, the gendered division of labor—with males cutting the fabric and women sewing the garments together—and technology appear remarkably alike (figure 10). Similar to the lack of significant change in the gendered division of labor in the garment industry, the industry's LA executives have also remained hostile to labor organizing for over a century. The LA garment industry did, however, become more anti-union when unions lost strength after the auto-industry succumbed to the recession of the late 1970s and 80s (Morales 1983-1984, 574; Zentgraf 2002, 52-53). During the same time period that the

auto-industry vanished in LA, the garment industry was able to maintain a place and profit in the city in part due to a large pool of undocumented workers (Fernández-Kelly and García 1989, 259-260), many of whom were new immigrants from Central America (Hamilton and Stoltz 2001, 70).⁷⁸ These garment workers often labored for below minimum wage at home, in sweatshops, or cottage industry settings (López-Garza 2002, 145).

During the 1933 dressmakers strike in LA, dressmakers protested because they were paid at a piece rate scale for the time they spent working on a garment, not for total time spent in the factory. For example, one Mexican dressmaker involved in the 1933 strike, María Flores, explained: “I come in the morning, punch my card, work for an hour, punch the card again. I wait for two hours, get another bundle, punch card, finish bundle, punch card again. Then I wait some more—the whole day that way” (Durón 1984, 149). For Flores, being paid by the piece led to cyclical highs and lows in production that rendered her labor both monotonous and stressful, as her job security and daily pay rate varied. Significantly, such a system could also make workplace organizing difficult because workers might be forced to compete against one another to receive subsequent bundles.

Today, American Apparel also pays its garment workers by the piece and compensates them in modules, or small groups of workers who are managed by a supervisor or captain that constantly forces laborers to “speed up” their efforts. Christina Vásquez, a spokeswoman for the Union of Needletrades, Industrial and Textile Employees (UNITE!) in LA (a union that has failed to unionize American Apparel workers), reflects that at American Apparel, “The number one issue for the workers was the pressure...so this is a piece rate world. They are producing the work of two or three people” (*No Sweat* 2006). Cynthia Guillén, a former American Apparel

⁷⁸ In the 1980s, people from Central America, principally Salvadorians and Guatemalans, migrated to Los Angeles in order to escape violence in their home countries. Many of these people also sought employment in the Los Angeles garment district alongside Chicanos and Mexicans.

employee, explained the pressure of working in modules: “Everyday they [workers at American Apparel] worked so hard. I remember that they encouraged people to drink energy drinks like Red Bull and different things like that... They have captains on each floor and they were almost formed into like small little gangs” (*No Sweat* 2006). Between 2004 and 2006, Amie Williams compiled the footage for and released a documentary film entitled *No Sweat* that compared Ben Cohen’s failed sweatshop-free labor cooperative “Sweat X” with American Apparel.

Throughout the documentary, Williams interviewed many employees of Sweat X, but mentioned that American Apparel employees were reluctant to talk with her. However, she does interview in Spanish (with English subtitles) one anonymous current employee whose experience correlates with Vásquez’s and Guillén’s assertions:

When I first started at the company I saw that it was a big company and everything looked nice. Everything looked different from other factories. But...I became aware that there were a lot of abuses. They treated the workers really badly. Perhaps the owner is really cool but, the supervisors humiliate the workers. And that’s the pressure that exists in the modules. People can’t even go to the bathroom because the work accumulates. There are a lot of workers that have gotten sick. People have had nervous breakdowns and headaches. If you don’t do enough work, you run the risk of another worker producing more and you could get shoved aside. Always day to day I have that in my head. That one-day there’s work and another day, who knows? I feel the pressure and the majority of my coworkers think the same way. The company has a human resources department but when the employees go there to seek help or talk about their problems they don’t listen to them. That’s where there is this contradiction. Are they humane or inhumane? (*No Sweat* 2006)

Given the gendered nature of the garment industry addressed earlier, this laborer, whose gender has been omitted by Williams, is nevertheless feminized due to the type of work s/he does: sewing and garment assembly. In this vein, Clementina Durón (1984) writes that within the garment industry “women’s alleged docility and immunity to the tedium of routine household tasks were characteristics seen as vital to the performance of monotonous tasks of the unskilled industrial sector” (148). Similarly, Anne Phillips and Barbara Taylor (1980) note that

throughout the history of the garment industry, work done by men has been classified as “skilled” while work done by women has been classified as “unskilled” (85). These designations are largely arbitrary and result from resistance to the idea of women as breadwinners, a desire to maintain patriarchal control, and stereotypes about the gendered nature of labor (Phillips and Taylor 1980, 84).

The feminized American Apparel workforce maintains their silence because of a fear of their own disposability and a desire not to add work or stress to their co-workers. Melissa Wright (2006) documents what she terms the “myth of the disposable Third World woman” that is particularly applicable in understanding the experiences of Latinas at American Apparel. The myth references a key paradox of global capitalism in which a feminized laborer’s dexterous work creates wealth for multinational companies at the expense of the laborer’s health. Once the repetitive work renders the laborer no longer effective, she loses her job and as a result faces a more compounded physical, psychological, and economic exploitation (Wright 2006, 2). In the mind of the anonymous American Apparel worker, the myth of Latina disposability is alive and well, and constitutes daily threat that affects the physical, economic, and mental well-being of herself and her co-workers. The work of Alejandra Marchevsky and Jeanne Theoharis (2006) underscores the harsh reality that low-wage jobs like those typical in the LA garment district simply do not provide women with enough money to support their families. Rather, Marchevsky and Theoharis obliterate the stereotype of Latinas as “welfare queens” by adding nuance our understanding of Latina economic experiences as a dynamic of “interdependency between welfare and work,” even for women who have child care and other networks of support (2006, 8).

American Apparel employees' realities of economic need in the onslaught of feelings of disposability are further supported by corporate policies. The company's current practice of paying workers at a piece-rate wage was developed in 2003 to help streamline production:

Instead of rows of workers on an assembly line, sewing machine operators now complete garments in teams. One will attach a sleeve, another the neckline binding. Their machines are placed almost in a circle so the item is passed—flung really—from one to the next. When the change was first made, workers staged a mini factory-floor revolt, stopping production for a couple of hours. But after the system was better explained—including how they could make up to US\$20 an hour—workers returned to their machines. Now, because operations are paid in volume, needles fly at top speed. (Macklem, 2003)

American Apparel employs the allure of more money and capitalist values of worker competition in order to entice his workers to become more "productive." This new production model, along with a \$15 million upgrade in machinery, resulted in the lay-offs of hundreds of employees in December 2008, a time period when the corporation was very profitable. In response, American Apparel spokesman Elliot Sloan explained to the *Los Angeles Times* that: "As a result [of changes in manufacturing], employee productivity is up, the need for the same numbers of employees decreases" (Chang 2008). Sloan's statement ultimately contradicts the American Apparel website's claim that "most importantly we guarantee job security and full-time employment; this is an anomaly in the garment industry" (2009).

Rebecca Morales and Paul M. Ong (1993) argue that the LA economy was built on a surplus labor market that works to depreciate wages. Furthermore, the economic status of Latinas/os in the city is due to a combined legacy of racial prejudice, lack of education, gender bias, citizenship discrimination, and social class (Morales and Ong 1993, 57). This legacy is no doubt still at play in American Apparel's vertically intergraded LA-based factory. Take for example American Apparel's stance on progressive immigration issues that has been challenged on the national stage. On September 29, 2009 the *New York Times* reported that American

Apparel headquarters was “firing about 1,800 immigrant employees in the coming days — more than a quarter of its work force — after a federal investigation turned up irregularities in the identity documents the workers presented when they were hired” (Preston 2009).⁷⁹ In an email correspondence with the newspaper, Charney openly questioned the reasons as to why Immigration Customs and Enforcement (ICE) targeted American Apparel as one corporation, among the 654 other companies that were investigated, for employing undocumented workers. It can be assumed that Charney was alluding that the immigration investigation might have been triggered by his progressive immigration politics and pro-immigration advertising campaign. Charney argued that the firings at his company “will not help the economy, will not make us safer;” Charney continued to write that “no matter how we choose to define or label them they [undocumented workers] are hard-working, taxpaying workers” (Preston 2009). It is a matter of public record that American Apparel hired undocumented workers in his factory, but the corporation is not unionized and the exact details behind these laborers’ payment and treatment remains unclear.⁸⁰

American Apparel has not unionized because, like most LA factories over the past century, the corporation is staunchly anti-union. In an interview with Amie Williams (2006), CEO Charney contends that capitalism is based on the idea that “no one wants to be associated with a loser” and that he wants his company to “maintain a high level of independence,” an

⁷⁹ Under President Barak Obama’s administration, deportations have dramatically increased in frequency by about 400,000 deportations or an increase of 25% since 2007 when compared to the Bush Administration’s deportation figures (Stelvin, 2010).

⁸⁰ It is also public record that in 2006 Charney was accused of terminating the employment of Roberto Hernández, the employee in charge of accounts payable and technology at American Apparel, for dubious reasons. Hernández filed a lawsuit against his former employer, claiming that he was wrongfully terminated because he refused to inflate figures on the company’s balance sheet when the company was seeking outside investment (Casey, 2008). The proximity of this firing to the ICE raid invites speculation as to whether or not a disagreement between Hernández and Charney about Charney’s handling of his undocumented workers’ payment had any impact on Hernández’s termination. American Apparel denied all charges in a press release entitled “American Apparel Issues Statement on Baseless and Frivolous Lawsuit” (2008). According to Hernández’s attorney’s website, American Apparel offered Hernández a \$41,000 settlement, which he ultimately refused to accept.

independence that he maintains would be eliminated by a union. This desire for “independence” is likened to a version of individual success that erases the role that labor plays in corporate profit. According to Charney, it is his business acumen that has led to his company’s success: “I’m the corporation expert. That’s why the union couldn’t penetrate my company...I’m an expert entrepreneur. I am. You know what? I am one of the best hustlers of my generation, man!” The CEO’s individualized notion of success works to obscure the vital role that a cheap and renewable labor force has played in his ability to become a corporate entrepreneur, a gesture that “hustles” both money from consumers and justifies paying his easily replaceable workers a fluctuating piece-rate wage.

Ethical Consumption

American Apparel’s ethical advertising “hustle” is not a new corporate advertising technique. While American Apparel markets itself as socially aware, environmentally friendly, and sweatshop-free, the corporation is actually recycling longstanding discourses of consumer responsibility with origins in the United Kingdom during the 1800s (Nicholls and Opal 2005, 181). Ethically minded consumption possesses multiple dimensions. For example, American Apparel’s “Sustainable Edition” organic cotton line should be understood as fitting into a second commercial and corporate wave of eco-fashion that appeared in the 1990s and followed the leftist revolutions of the mid-1970s (Black 2008, 19). American Apparel’s garments and accessories also fit into an ethical consumption model founded on a “buy-American” ethos. Since 9/11, the United States has experienced a resurgence of patriotism that often seeks out immigrants as scapegoats for US social, economic, and political problems (Chavez 2008). This nationalism has in turn fueled a “buy-American” movement that is both xenophobic and global in scope. Some of the progressive motivations behind this post-9/11 “buy-American” movement are

tied to green solutions: buying goods locally made reduces carbon emissions during transport, “American-Made” goods give the consumer the peace of mind that they are not buying toxic or contaminated goods from “Third World” countries, and it addresses a concern that inexpensive imported goods will hurt the US economy by putting national corporations out of business (Williams 2007).

Ethical consumption, like that embodied by the American Apparel brand, tends to operate as a neoliberal construction that perpetuates the logic that “moral” or “ethically minded” corporations have the propensity both to steward individual consumption patterns as well as their consumer’s politics. From a corporate marketing perspective, this is the idea that a corporation’s purported politics in turn sells not only a product, but also an ideology and lifestyle. Linked to that ideology, as journalist Naomi Klein (1999, 2009) argues, corporations like American Apparel endeavor to market an image or brand of corporate social responsibility through ethically minded marketing campaigns, if not directly through their services. This new image of corporate social responsibility is no longer achieved directly through corporate philanthropy, but is deregulated and realized through individual consumer’s spending patterns. These spending patterns in turn mark the corporate brand as “ethical.”

As Clive Barnett, Paul Cloke, Nick Clarke, and Alice Malpass (2005) argue, “Ethical consumption works through a set of subtle interpellations that turn upon ambivalent forms of inducement as well as the provision of practical devices that enable action” (15). These “subtle interpellations” are what Sarah Barnett-Weiser and Roopali Makherjee (2012) define as “neoliberal ideas about self-reliance, entrepreneurial individualism, and economic responsibility” (2). Ultimately, this dynamic could be understood as a more nuanced rendering of the notion of

“personal responsibility,” or a variation of the ideal that deregulated economic and political conditions better allow an individual to actualize their own versions of the “American Dream.”

Although research on consumption choices being tied to market politics dates back over two hundred years, academic interest in the topic has dramatically increased over the past 35 years. Interest in this type of ethically minded consumption increased partially because of political and social debates evolving in the Environmental Movement and Civil Rights Movement. The popularity of ethical consumption as a market choice increased with “increased media coverage, increased levels of information, and the greater availability of ‘alterative’ products” (Journal of Consumer Behavior 2007, 254). Significantly, the development of intense academic interest and a social prevalence of the phenomena of ethically or socially minded consumption both gained popularity during the middle to late 1970s. Not coincidentally, this is the same time frame that scholars, such as David Harvey (2007), indicate as key to the development of contemporary neoliberal thought.⁸¹ The ideology of ethical consumption, one that focuses on individual spending as a way of actualizing political desires, has developed under the past 35 years under a neoliberal economic and social mindset that champions the notion that individuals must be self-reliant, entrepreneurial, and unmediated by government regulations.

Building on previous scholarship on ethical consumption, I would assert that over the past 35 years, ethical consumption has often functioned as a superficial, value driven, and neoliberal gesture wherein affluent individuals forgo political engagement for the immediate pleasure of “civically minded” and corporately marketed products. The ceaseless desire to accumulate material objects lies at the nexus of modern neoliberal capitalism and the so-called

⁸¹ The origins neoliberalism as a political, economic, and social system are often indexed as beginning at the end of WWII and the beginnings of the Cold War. This assertion does not challenge such scholarship; however, it does index our contemporary understandings of neoliberal economic systems and ideas of social responsibility as arising largely during the 1970s and on into the 1980s.

“American Dream.” The notion that the accumulation of the material objects, in this case American Apparel garments and accessories, also functions as an embodiment of corporately designed and branded social statement and passive political ideology.

Put differently, when worn or consumed, the often blatant branding on “ethical” products does not inherently denote a consumer’s political ethos. The *Journal of Consumer Behavior* explains, “Ethical consumption as a political project is often rejected because it is considered too individualized to achieve collective consciousness” (2007, 260). Other scholars critique this viewpoint and assert that ethical consumption can lead to “networks of global solidarity” (Barnett et al. 2005, 15). But the notion that ethical consumption can foster “networks of global solidarity” functions by ignoring “Third World” labor in the United States.

Furthermore, the freedom to consume ethically minded goods constitutes an act of class privilege that brands the consumption choices of poor and working class people as “unethical.” In their study of the LA economy, Morales and Ong (1993) find that “Wage discrimination and such institutional impediments as unequal access to education and a history of disrupted community formation have combined with structural factors to severely disadvantage this segment [LA Latina/o garment workers] of society” (57). In other words, structural impediments and discrimination in the labor force, which in part result in large numbers of Latinas/os employed in low wage jobs, render ethically branded consumption choices impractical or even impossible for the individuals that manufacture those very products.

In their analysis of Neo-Fordism, Fourth Worlds⁸², and American Apparel, Liz Moor and Jo Littler (2008) also contend that American Apparels overtures to ethical consumerism are

⁸² Moor and Littler use the term “Forth World” to refer to “zones of exclusion” present in every nation, regardless of “First World” or “Third World” ranking.

tempered by its staunchly anti-union politics. Moor and Littler explain the contradictions of American Apparel's purported politics and corporate actions:

American Apparel contributes at a usefully high-profile level to the discourse against sweatshops/unfair labour conditions, and demonstrates manufacturer responsibility towards paying the minimum wage. In this respect it is valuable. Yet, as its anti-union stance demonstrates, it clearly also trades on anti-exploitation policies not being enforced throughout the industry, and in doing so mitigates against the international policies which have been increasingly pursued by clothing trade union the International Ladies' Garment Workers' Union (ILGWU) since the 1990s. Instead, it relies on a paternalistic form of 'caring capitalism', the gendered and 'raced' legacies of which are registered through the ambivalences within its promotional complex that we have discussed. (Moor and Littler 2008, 719)

Moor and Littler astutely recognize that ethical consumption works within the American Apparel brand as a type of smoke screen of 'caring capitalism.' However, their essay posits that this is a problem, and does not seek to offer suggestions as to how to undue these processes, or present a history from a laborer's point of view. In this analysis, in other words, laborers are seen as pawns in the clutches of a Fourth World vortex. Such a simplistic representation posits people within systems of exploitation as complacent with their own subjugation. In reality, within American Apparel factory workers were active in immigrant rights movements prior to Charney's Legalize LA campaign; for example, workers were already organized against the Sensenbrenner Bill⁸³ prior to Legalize LA. Moreover, it does not provide a close reading of American Apparel's exploitation of discourses of immigration through their Legalize LA brand to uphold both ethnical brand power, as well as the CEO's cult of personality through, in part, the image of his resident alien card being used as a part of the campaign. The proceeding section

⁸³ The Sensenbrenner Bill (HR 4437), or the Border Protection, Antiterrorism, and Illegal Immigration Control Act passed the House in 2005, but failed to pass the Senate in 2006, in part because of May Day protests which became the largest immigration protests in U.S. history. This federal legislation sought to greatly increase the militarization of the border: adding new members of the border patrol as well as increased fortifications like the building of a 700 mile wall at the most crossed areas of the US-Mexican Border. The act contains a second title that increases the penalties for "alien smuggling and illegal entry and presence"; this includes that if an undocumented person is apprehended, they must pay \$3,000 prior to deportation.

performs a critical discourse analysis of American Apparel's advertisements and images on its corporate website to shine light on the underbelly of so-called caring capitalism.

Selling Ethics

American Apparel's provocative advertisements are salacious not only because they contain partially nude women, and its CEO is often the photographer. In an age when airbrushing and paper-thin models are the norm, the corporation's ads are supposed to represent "average" people (*No Sweat* 2006). However, the active participants in these advertisements are not necessarily accurate representations of the Latina seamstresses who assemble the clothing featured in the advertisements at piece-rate wages. In this regard, a comparison between the aforementioned sexually-charged and scantily-clad images of American Apparel models (figure 9) and the images of factory laborers, who function as a backdrop behind the focal point of another slender white woman in the ad entitled "Vertical Integration" (figure 11), proves telling. This ad elucidates the ethno-racial and classed divisions of labor between the predominantly slender white women chosen to be models, and the largely Latina female labor force. These Latinas might be constructing an American Apparel dress for piece-rate wages that amount to around twelve dollars per hour, an inconsistent pay-rate that is above the minimum wage, but that is also within pennies of the national average for a garment worker's hourly wage. Seamstresses who would not be likely to purchase the same dress that she helped to make in a matter of seconds at a cost of around fifty dollars. These Latina seamstresses hardly fit "ideal" body type, race, or class embodied by the slender and well-dressed model featured in the advertisement (figure 9, figure 11). Furthermore, the economic value of the model to the corporation is greater in that, according to its 2008 website, she earns more than four times the hourly salary of the seamstress, or about fifty dollars per hour.



Figure 11 American Apparel, Inc. *Vertical Integration*. 2009, <http://americanapparel.net/advertising>.

American Apparel’s ad campaigns greatly differ from the images of “everyday life” at American Apparel that are peppered throughout the corporate website in terms of race, class, weight, and level of conventional attractiveness. For example, despite the rhetoric that the models represent “average women,” they range in skin tone from only milky chestnut to lily white. The models all have clear skin, are thin, and embody an unrealistic body shape for the majority of American women.⁸⁴ Nevertheless, American Apparel’s advertising strategies invest a lot of money in selling the illusion that *any* “American” could participate in *any* stage of American Apparel production. Take again the ad entitled “Vertical Integration.” This ad depicts a slender white woman in three distinct rectangular snapshots stacked on top of one another: she is shopping at American Apparel at the bottom, manufacturing clothing on the shop floor in the middle, and wearing an executive-type outfit on the top (figure 11). This ad attempts to place the viewer/consumer in the position of the model; you too could work at, model for, and buy American Apparel clothes! The American Apparel model thus embodies the persona of the ideal clothing consumer: wealthy, slender, white, and female. Furthermore, the model is depicted as the only person in the roles of executive and consumer that works to further a notion that through

⁸⁴ According to the CDC, the average American Apparel model is 5’4” and 120 lbs.

individualized hard work, anyone can equally consume and become a corporate CEO—very much an incarnation of the American Dream. Such a construction of an executive’s accomplishments as an individualized achievement mirrors Charney’s own view of himself as a master “hustler” who alone is responsible for American Apparel’s economic success. In practice, economic success, particularly in the LA garment industry, is dependant on the hard work of women of color.

It is therefore quite predictable that the model in the three images in the “Vertical Integration” ad is a white woman. In a survey of ads on American Apparels “Recent Additions” section of its advertising webpage, which contained 261 ads from June 2011 to May 2012, the overwhelming majority, or 212 advertisements, contain individuals who appear to be only white women (figure 12).⁸⁵ The only one “Latina” is depicted in an ad is an employee who works on advertising from Mexico City.⁸⁶ Again, these advertisements on American Apparel’s website target the company’s major demographic that they explicitly represent: young white women with expendable income.

| Race in American Apparel’s “Recent Additions” Advertisements from June 2011 – May 2011 (Data Accessed June 2, 2012) (Source: http://www.americanapparel.net/presscenter/ads/index.aspx) | |
|--|---|
| 221 | White Women Only |
| 14 | White Men Only |
| 1 | Latinas Only |
| 2 | Latinos Only |
| 8 | Black Women Only |
| 1 | Black Men Only (figure in factory working, not a model) |

⁸⁵ The race of these individuals is an estimate and determined by the author through reading the captions of the advertisements; the ethnicity was listed on the respective advertisements.

⁸⁶ I categorized her as “Latina” because she lives and works in Los Angeles.

| | |
|-----|--|
| 2 | Filipino Women Only |
| 0 | Filipino Men Only |
| 8 | Multicultural (2 ads with 1 black and 1 white women; 1 ad with 2 white, 1 Latina, 1 black women; 2 ads with a combination of models and factory workers; 2 ads with 1 Latino and 1 white woman; 1 ad with 1 black man and 1 white man) |
| 4 | Other (ad contains no real people, but instead only: eyewear, drawings, or shoes) |
| | |
| 261 | Total Ads |

Figure 12 Race in American Apparel Advertisements, June 2, 2012,
<http://www.americanapparel.net/presscenter/ads/index.aspx>

American Apparel not only advertises itself as “sustainable” and “sweatshop-free,” but it also has an active immigration campaign, "Legalize LA." This campaign published advertisements on billboards in downtown LA and full-page ads in the *Los Angeles Times* and the *New York Times* in January 2008 (figure 13). The ads in these major newspapers claimed to “give a voice for the voiceless;” meaning undocumented migrants whose labor is exploited in sweatshops throughout LA and the United States. The advertisement explains:

Migration and economic experts generally agree that the productivity and hard work of immigrants improves the economy...Immigrants not only increase the wealth of the nation, they have contributed significantly to major scientific, medical and industrial advancements, as well as the arts. Many of them have become great entrepreneurs too.

The rhetoric of Legalize LA appeals to progressive consumers who support comprehensive immigration reform. This marketing strategy could appeal to immigration rights activists, but also to ethically-minded consumers who are interested in immigration issues, yet do not wish to be active in political change outside of an individualized consumption choice. Some advertisements for this campaign elaborate on immigrants that “become great entrepreneurs, too” and contain an image of American Apparel’s CEO’s resident alien card on a white background (figure 13). Ironically, this second ad promoting the May 1st, 2006 March for Immigration

Reform is meant to equate the CEO with undocumented workers, but in reality accomplishes the inverse. The ad validates the CEO's privileged legal immigration status as a white, male, Canadian resident alien, as well as his wealth and entrepreneurial skills. Despite his rhetoric to the contrary, this advertisement is an example of how profoundly entrenched in late capitalism American Apparel is: the focus remains on a CEO who demands "independence" from, yet is dependent upon, Latina/o workers.



Figure 13 American Apparel, Inc. *Legalize LA*. 2009. <http://americanapparel.net/advertising>


The full-page advertisements for the "Legalize LA" campaign in the *Los Angeles Times* and *New York Times* contained Latina/o workers from American Apparel's factory (figure 14). Unlike Charney's ad that asserts his documented status, the legal status of his undocumented workers is left suspect. Foreshadowing his company's September 2009 ICE investigation, these ominous black and white advertisements suggest that the corporation hires undocumented workers, all of whom are Latinas/os. By claiming to "speak for the voiceless" in its

advertisements, American Apparel paradoxically is taking the voice away from its workers by speaking for them—a voice that had been previously clearly articulated during the May 1, 2006 immigration protests in LA. A corporation run by a self-proclaimed “capitalist pig” that supports the legalization of undocumented people and “guilt” based consumption is therefore not necessarily progressive. If all undocumented people in the United States were given citizenship, like the “Legalize LA” campaign promotes, American Apparel would not have had to fire around 1,800 undocumented workers after the ICE raid. The company might have also had to pay workers a higher wage, which would depreciate profit margins. American Apparel has long offered immigration assistance to its employees, yet at the same time asserted that all its workers have proper documentation, a claim proven false in 2009. In a *New York Times* article about Legalize LA, Charney said:

These people [undocumented residents] don’t have freedom of mobility, they’re living in the shadows...this is at the core of my company, at the core of my soul. Let me be clear who makes our clothes. It’s a collaboration between American-born people and non-American-born people...I don’t think supporting immigration reflects negatively on the brand, and in fact, it makes it look like we’re a responsible business. I think my Latino workers are American workers...they’re from the Americas. We’re all here together. (Storey 2008)

Charney believes in a hemispheric definition of America; that is why he named his company "American Apparel" and not "United States Apparel." When Charney attests that “Latino Workers are American workers...they’re from the Americas” he may be calling for a more expansive definition of “America” but at the same time he also marks “these people,” his employees, as not yet a part of *US* America and as "Latina/o."

AMERICAN APPAREL ON IMMIGRATION



"America's immigration system is outdated, unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers, and invite chaos at our border." – President George Bush, State of the Union Address, February 5, 2005

At American Apparel, we agreed with the President's call for immigration reform, so why has nothing been done for the last three years?

It's time to give a voice to the voiceless. Businesses are afraid to speak to the media about immigration, frightened of reprisals by government agencies. But we cannot just sit in the shadows and watch the government and politicians exploit and misrepresent this matter to advance their own careers.

Over 12 million human beings have become integral to our society, economy and culture here in the USA, yet they do so in legal purgatory. While no serious political voice calls to send them back to their previous home countries, very few have the courage to admit that the only realistic option is some form of legal integration, coupled with a legitimate, forward-thinking immigration policy.

Migration and economic experts generally agree that the productivity and hard work of immigrants improves the economy, makes goods more affordable and available to US citizens, and creates more jobs for US workers. Immigrants not only increase the wealth of the nation, they have contributed significantly to major scientific, medical and industrial advancements, as well as to the arts. Many of them have become great entrepreneurs too.

At what point are we going to recognize that the status quo amounts to an apartheid system? At what point will America stop living in a state of denial?

At American Apparel we support our workers. We support our community. We support Los Angeles. We support the pride of America and the American Dream.

Enough is enough.

It's time to Legalize LA, and Legalize the USA.

www.americanapparel.net

American Apparel®

Figure 14 American Apparel, Inc. *American Apparel on Immigration*. 2009, <http://americanapparel.net/advertising>.

The placement of his advertisements in major newspapers, on billboards, and his use of provocative language in the advertisements, such as the claim that contemporary US immigration policy is an “Apartheid system” and that undocumented people are in “legal purgatory,” constitute deliberate attempts to use a brand based in ethical consumption to garner media attention. Although the ads do critique the United States’ failed immigration policies, they do not offer any real suggestions for changing the current system other than a nebulous call for “waking up.” American Apparel began its pro-immigrant May Day advertisement campaign in support of his workers who were already organized and politically active around issues of immigration reform. In this way, it can be argued that, to some extent, that the “Legalize LA” ads garnered media attention and took some public focus *away* from the acts of organized protest by American Apparel workers and instead focused attention on the “radical” immigration politics of a corporation and its celebrity CEO.

It is important to recognize, however, that the representations of Latina/o workers on the American Apparel website features individuals who seem to enjoy working at the corporation; the company is no doubt more humane than other manufacturers in that they employees are allowed to take breaks where they can receive a massage, for example. *New York Times* journalist Julia Preston (2009) also reports that many of the 1,800 employees that were forced to leave American Apparel after the ICE investigation had become a close community. She cites the case of “Jesús, 30, originally from Puebla, Mexico, [who] said he was hired 10 years ago as a sewing machine operator, then worked and studied his way up to an office job as coordinating manager....who would not reveal his last name because of his illegal status.” Jesús tells Preston that American Apparel gives him health and life insurance and that he makes around \$900 dollars a week before taxes. Jesús, a gay man, is afraid to go back to Mexico where he says

“They treat you and judge you without even knowing you.” He does not find such prejudice at American Apparel, where he reflects: “I learned how to think” (Preston 2009). Interestingly, Preston does not interview Latina seamstresses, only their relatively higher-paid male supervisors.

their lives and helped American Apparel grow. For most of us is really hard to leave a company that has giving us so much.

ICE has send us these letters with them our goals, and dreams are gone. They don't understand that we are human. That we are fathers, mothers, brothers, sisters, sons, or daughters of American Citizens and that they depend on us. Our only crime is not having a document. All we want is to work and be treated as human beens. But what do we do when all the doors are closed? Or what do we tell our sons, and daught when we don't have enought money and time because we have to work 12 hours a day to earn less than the minimum wage ICE we are good and hard working people. People in search of the American Dream. We will not go back. We will fight. We all pray that one day immigration laws will change. And that we all be treated equally.

Thank you American Apparel for giving us hope, and thank you to all the people who understand us. People like Dov Charney and Marty Beily. Our hopes and goals are gone but our faith is still very strong.

Figure 15 Letter from Blog, 2010. <https://www.americanapparel.net/aboutus/political/legalizela/>.

The Legalize LA blog contains a page of a longer letter purportedly given to Charney by a former employee during an immigration rights march (Figure 15). This touching letter reveals that its writer received a letter from ICE and was forced to leave her/his job. It reads: “Thank you American Apparel for giving us hope, and thank you to all the people who understand us.

People like Dov Charney and Marty Beily (sic.) [an executive]. Our Hopes and Goals are gone but our faith is still strong.” This letter is deeply moving. Nevertheless, it is still vital to contextualize American Apparel’s support of immigration reform as part of its "ethical, socially responsible" self-branding efforts. Furthermore, by its very nature, a political statement actualized through consumption constitutes a self-gratifying and individualizing gesture. When focused on goods or services, a trusting ethical consumer may not question the reasons and methods a company utilizes in constructing its corporate image of social or moral responsibility. When actualized through consumption this consumer-based act does not guarantee, for example, that the individual who made the “LegalizeLA” t-shirt does not face exploitation in the workplace.

Conclusion

Latina seamstresses at American Apparel are paid piece-rate wages to work for an anti-union CEO in modules where they are constantly coerced by male supervisors to drink energy drinks in order to “speed up” their labor. As a result, these workers sometimes forgo bathroom breaks, and undergo constant mental and physical stresses. Although laborers may be offered a massage on the shop floor without leaving their station, these aforesaid shop floor dynamics are conditions witnessed in LA sweatshops for well over a century. American Apparel, however, does not acknowledge these shop floor realities as working conditions that are detrimental and exploitative. On the contrary, the corporation’s progressive immigrant rights marketing campaign “Legalize LA” uses the images of these workers to promote a brand agenda. This brand agenda purports to espouse progressive values on immigration, but sells an ideology without substance. The globalized marketplace makes it difficult for consumers to understand the politics and production of their goods. However, the case of American Apparel shows that

progressive advertising can also provide a smoke screen that hides the very types of labor exploitation that it purports to help fight.

American Apparel's corporate conduct and business practices do not deviate dramatically from the national norm. The corporation acts as a manifestation of Dov Charney's cult of personality by reifying his entrepreneurial skill and corporate revenue as solely individualized accomplishments. The individualized construction of the U.S. American Immigrant Dream narrative embodied in Charney, however, is deceptively complex. His resident alien card does not liken him to his immigrant workers, many of whom have been or are undocumented. It further highlights his privileged status as a white, North American, heterosexual man from a relative affluent and well-off Canadian family. American Apparel's use of mostly Guatemalan laborers in its *New York Times* and *Washington Post* full-page ads promoting May 2006 activism did not "give a voice to the voiceless." In fact, these paternalistic ads ignore an over centuries long history of Latina labor organizing in Los Angeles and the CEO's successful attempts at silencing labor organizing at American Apparel.

The case study of American Apparel provides us with multiple representations of a core neoliberal tenet: personal responsibility. The celebrity CEO sees himself as exclusively responsible for his own and his company's successes. The marketing strategy of ethical consumption is relevant to consumers whose individualized acts of consumption purportedly display a progressive politics. What these two representations have in common, however, is a latent narcissism that applauds the individual for his or her selflessness and ostensibly heightened social consciousness or intellect. These two representations do not seek to deconstruct or de-center traditional power dynamics that have long existed in the LA garment industry that position women of color as the lowest and most exploited workforce. This chapter

reoriented the main subject of analysis in current scholarship on the corporation away from articulate and smart analyses of individualistic modes of capital and ego accumulation, and instead asserts the importance of the collective labor pool through making these workers' history, voices, and representations (or lack there of) the primary subject of analysis.

CHAPTER 4

CONSCRIPTING THE DREAM:

Latinas/os, Militarization, and the Myth of Immigrant America

While campaigning for the Republican nomination for president in 2012, Republicans lambasted their conservative candidate Rick Perry for signing into law the first statewide DREAM Act as Texas governor in 2001. This Texas state legislation permits the foreign-born children of undocumented immigrants to pay in-state college tuition. When asked by the *New Hampshire Union Leader* during his first interview of the 2012 campaign cycle if he regretted his support for the controversial act, Perry said: "To punish these young Texans for their parents' actions is not what America has always been about" (Kim 2011). Defining "what America has always been about" is not unanimous between members of the Republican Party, much less the nation-at-large. For example, another Republican presidential candidate, Mitt Romney, vetoed a state-level version of the DREAM Act in 2004 as governor of Massachusetts, legislation that was similar to the state version that Governor Rick Perry signed into law in Texas (Johnson 2012).

State-level versions of the DREAM Act have been introduced throughout the United States because the federal DREAM Act, the legislation discussed at length in this chapter, has repeatedly failed to pass the legislature. Although it is a bi-partisan crafted and supported act, the federal Development, Relief, and Education for Alien Minors Act, or DREAM Act, is more often than not depicted in popular media as a progressive effort to humanize undocumented people by allowing undocumented students the same access to higher education, and sometimes financial aid opportunities, that are available to citizens. Thanks partially to the tireless efforts of many student activist supporters of the DREAM Act, the legislation has maintained a prominent place in the federal government's discussions of immigration reform over the last ten years. However, in the polarized political climate of the first decade or so of the 2000s, many conservatives reject the bill ("Rubio says Dream Act-style proposal not amnesty" 2012; Sonmez 2012; Reyes 2012).⁸⁷ While campaigning in Le Mares, Iowa, on Saturday, December 31, 2011, Romney repeated a question asked of him by a voter: "If I were elected and Congress were to pass the DREAM Act, would I veto it?—and the answer is yes" (Sutten 2012).

Specifically, the DREAM Act has remained a fixture in federal political discourse about comprehensive immigration reform at various levels since 2001.⁸⁸ Most recently succumbing to a Senate filibuster in 2010, the act was reintroduced in 2011. The DREAM Act would provide a

⁸⁷ As the time neared for Romney to choose a potential vice presidential candidate, Florida Republican Senator Marco Rubio touted a renovated version of the DREAM Act that, instead of giving individuals Green Cards and a pathway to citizenship, would give them non-immigrant visas while they are in the military or in an institution of higher education. Once they would have graduated, the former soldier or student would be able to file for permanent resident status or citizenship status through regular channels. Many argue that Rubio's DREAM Act would work to create an underclass of once undocumented people and does not guarantee that an individual can even attain citizenship. Calling his version of the act "a humanitarian issue," Rubio maintains that his act does not discriminate. Notably, however, Rubio's DREAM Act does not address the overall broken immigration structure that would make the student or soldier have to leave the United States in order to apply for legal status. The amended act also does not address how filing for citizenship a long and costly process and disproportionately so for individuals from South and Central America. Although Romney has not supported this bill, he has expressed a willingness to consider Rubio's amended version of the act.

⁸⁸ Comprehensive immigration reform attempts to both enact legislation that will change our current broken system, and provide the people already here a pathway towards citizenship.

pathway towards citizenship for undocumented children who were younger than 16 years old when they came to the United States, earned a high school diploma or equivalent, have been a person of “good moral character” since time of entry, and have been admitted to an institution of higher learning in the United States, or have been admitted into the U.S. armed services. After completing two full years of higher education or military service, the individual would then be eligible to begin to apply for a pathway towards citizenship. The DREAM Act does not guarantee eligible individuals U.S. citizenship, it simply affords exceptional and hard working young people the opportunity to begin the process of regularizing their statuses.

The DREAM Act helps to construct a national image of “acceptable” undocumented people: young people under 30 years of age with either extra-ordinary opportunities for undocumented residents, such as free time from labor to pursue higher education, or those who are willing to fight and die for the United States. This chapter argues that it is useful to view the DREAM Act as a culmination of neoliberal ideological and repressive state apparatuses operating by and through immigration policy. The DREAM Act purports to create an alternative to deportation, criminalization, and what Romney terms “voluntary departure” by creating pathways towards citizenship for law-abiding children of “good moral character” brought to the United States before the age of 16 without proper documentation, but who are also under the age of 30 at the time the act becomes ratified. These pathways towards citizenship, however, are predicated on narrow ideas of what constitutes the ideal undocumented subject; namely risking one’s life for the United States through military service. Therefore, this chapter’s central organizing question is: How can the DREAM Act simultaneously be understood and represented in dominant media and public discourses as progressive, while others, particularly activist

groups, fervently insist that the act is a new form of conscription for undocumented young people? How is such a dynamic enabled by U.S. nationalism and myths of U.S. exceptionalism?

These questions are answered in four sections. My first section, “The DREAM’s Metanarrative: Discourses of Nationalism and Exclusion,” explicates longstanding notions of U.S. exceptionalism and national identity through an engagement with venerated words and phrases popular in U.S. immigration rhetoric, namely “good moral character” and “citizenship.” Rather than presuming, for instance, that citizenship is a bestowed gift, this section complicates our understanding of taken for granted rhetoric that is frequently used when crafting immigration legislation, like the DREAM Act. When mobilized differently in the past, such rhetoric enabled the persecution of certain individuals as ineligible for national membership due, for example, to their race, ethnicity, gender, sexuality, and/ or nation of origin. My second section, “Outside the DREAM,” explores how such exclusionary rhetoric is recycled through close readings of political discourse surrounding the DREAM Act.

The third section, “The DREAM Act,” performs a close reading of the 2010 version of the act. This section explicates how the DREAM Act was written from a colorblind militaristic framework that values personal responsibility and undocumented bodies for their potential contribution to the U.S. armed forces in the forms of direct military service or selective service. The final section of this chapter, “Latinas/os and Non-Citizens in the Military,” puts the DREAM act into conversation with the long history of non-citizens serving in the U.S. military. This final section makes note that the DREAM Act’s militarization provisions are not novel, but part of a more cohesive set of historical events wherein the United States has coerced or enticed non-citizens to join its military ranks—while never guaranteeing citizenship in exchange for honorable military service.

The DREAM's Metanarrative: Discourses of Nationalism and Exclusion

The DREAM Act reenacts and relies on long established discourses of citizenship and exclusion, as the legislation reuses terminology like “alien” and “good moral character” that have traditionally been present in U.S. restrictive immigration policy. Therefore, explicating the historical significance of such terminology is essential before a nuanced close reading of the act, or the discourse surround the act, can be performed. For instance, as discussed in the Introduction, “alien,” a term used to reference a non-citizen and often accompanied in popular culture by the adjective “illegal,” is considered by many in the human rights community to be offensive. “Good moral character” has been a vague and undefined requirement for non-citizens to achieve U.S. residency or citizenship since the 1700s.

Furthermore, constructions of “citizenship” reiterate exclusionary discourses of nationalism. Latina/o Studies Scholar Renato Rosaldo (1997) argues that notions of citizenship have historically presupposed and reinforced class, gendered, heterosexual, and racial hierarchies. Rosaldo explains that “Even in its late eighteenth century enlightenment origins, citizenship in the republic differentiated men of privilege from the rest: second-class citizens and noncitizens” (1997, 27). In the context of the United States, Renato argues that the “Question of citizenship is bipolar and simple: either one is a citizen or one is not, and that is that.” Within this discourse, the status of citizen is limited to “white men of property” (1997, 29). Various Civil Rights Movements during the 1960s and 1970s all sought to make discrimination based on race, class, gender, nationality, sexuality, and ethnicity, a crime. Nevertheless William Flores (1997) still asserts that, “Unfortunately, full citizenship rights have systematically been denied to Latinos and to other nonwhite racial groups in the United States. In fact, even when Latinos are U.S.-born citizens, they have been treated as second-class or third-class citizens” (255). In

William V. Flores and Rina Benmayor's edited collection *Latino Cultural Citizenship: Claiming Identity, Space, and Rights* (1997) the multiple authors define "second-class citizenship" as a reality in the lives of documented and undocumented Latinas/os. According to the authors of this collection, second-class citizenship manifests in: the presupposition that all Latinas/os are "illegal," a relationship of internalized colonialism and "racial subordination"(Flores and Benmayor 1997, 6; Rosaldo and Flores 1997, 94). This construction of Latinas/os as second-class citizens is instrumental when discussing the representation of "aliens" in the DREAM act because it asserts that, although the legislation may attempt to humanize Latina/o and other "alien" individuals, a lived reality of second-class citizenship and the structural legacies of U.S. citizenship complicates any such gesture for individuals of color.

In the case of the DREAM Act, the logic is that the "bestowed gift" of citizenship would undue for successful, brave, and educated undocumented people what Gina M. Pérez (2010) called the "Anti-immigrant and racist political and social climate in which many [undocumented people] live, work, and raise their families" (181). The U.S. Citizenship and Immigration Service's (USCIS) website defines "citizenship [as] one of the most coveted gifts that the U.S. government can bestow, and the most important immigration benefit that USCIS can grant" ("Citizenship" 2009). The federal government directly connotes citizenship, not in terms of community formation, fulfilling civic responsibilities, or something earned through participation in the military or higher education, but in terms of a "bestowed gift" of citizenship papers.

The U.S. government perpetuates the preconception that citizenship is a "gift" to obscure the reality that citizenship is by definition subjugation and therefore a limiting and tight regulation of rights. Amendment XIV to the U.S. Constitution defines citizenship as:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (*The Constitution of the United States* 2014)

The *US Constitution* depicts the federal government as the savior of citizenship against the minoritarian influence of the state that may intend to “deprive any person of life, liberty, or property, without due process of law.” Legal discourses construct citizenship in terms solidarity and membership only to the federal government of the United States. Complicating such simplistic understandings of citizenship, Legal Scholar Kevin R. Johnson (2005) notes that during the 1990s, citizenship rates of Latinas/os throughout the United States actually increased “In part by the relaxation by many Latin American nations of various legal requirements on dual nationality” (398). Similarly, if an individual serves in the U.S. military they must renounce any other citizenship. In other words, the United States does not recognize dual citizenship: echoing Rosaldo’s arguments, you are either a part of the nation, or you are not. Despite this increase in citizenship status, the deportation rates of undocumented immigrants have continually increased, and, as will be discussed more in this dissertation’s Conclusion, under the Obama Administration have reached an all time high.

A contradictory relationship exists in the United States between the restrictive discourses of nationalism and closed militarized border-zones, and the open economic borders to transnational trade and free trade agreements. Stacy Takacs (1999) calls for a decentralized identity politics when she “Argues that anti-immigration discourse works on a symbolic level to recuperate a coherent sense of national identity in response to the social and psychic ‘alienation’ caused by global penetration of capitalism” (591). In other words, capitalism mandates

transnational exchanges and particularly undocumented labor flows. However, these non-citizen economic migrants, so-called “aliens” or who Mae Ngai (2005) terms “impossible subjects,” can never fit into the idealized national family as the very idea of U.S. nationhood is based on the exclusion of the “alien other.” Quite contradictory, nationalist discourses today call for closing borders at the same time that global capitalism dissolves borders to enable transnational trade and capital flows.

An important contribution of Takacs argument is her underling assertion that a U.S. fixation on nationalism or nationhood is primarily motivated by economic reasons and not a version of patriotism. Harkening back to the first use of the phrase “good moral character,” Takacs affirms that our understandings of national identity are grounded in a white hetero-patriarchal construction: implying then that “good moral character” denotes heterosexuality, masculinity, and whiteness; therefore, citizenship denotes full assimilation into white heteropatriarchy. Takacs writes, “The desire to expel immigrants from the national body is an attempt to reconstitute the solidarity and stability of national boundaries, to overcome the ‘alienation’ caused by global capital, and to reaffirm a coherent national identity” (1999, 606). Given Takacs discussion of the racial, gendered, and heterosexist construction of citizenship, assuming that they wanted to, people of color cannot possibly fully assimilate within a political and social climate of fear of the racialized “alien-nation.” Furthermore, within such a dynamic of racially motivated fear, all dark-skinned Latinas/os are susceptible to racial profiling. Instances of racial profiling, like those seen in Arizona under the “show me your papers” provision of SB1070, work to assert that even documented Latinas/os are presumed “alien.”

Patriotism exercised through militarization is a key attribute of the U.S. strategy of border containment that began in 1995 under the Clinton Administration’s Prevention Though

Deterrence (PTD) strategy on the U.S.-Mexico border. Militarization is also a key fixture in the ways that Latina/o communities and the nation-at-large measure the abstract concepts of personal freedom, national preparedness, and American exceptionalism. Gina M. Pérez (2010) discusses how the military recruitment of Latinas/os, and by extension other marginalized communities, configures into a “new American militarism.” Citing conservative historian Andrew Bacevich (2005), Pérez outlines this new American militarism as a historically unprecedented view of military strength and power as the truest sign of American exceptionalism wherein, as Becevich writes: “Americans have come to define the nation’s strength and well-being in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideal” (Pérez 2010, 168).

Tightly connected to “good moral character” is the ideal of the nation-as-family, and particularly a militarized family. Pérez contends that military recruitment is uniquely successful in Latina/o and other communities of poor and marginalized people because military service is seen as a path towards social mobility and full citizenship rights. In fact, she writes about how “Hispanic” families are directly targeted by the military recruiters who assert that military values of hard work, loyalty, and obedience are akin to “Hispanic values” (Pérez 2010, 181). I will discuss Pérez’s arguments more thoroughly in the fourth section of this paper on the military component of the DREAM act, but what is relevant here is that Pérez asserts that an internalization and espousing of this new American militarism by Latinos/os is in part due to their simultaneous internalization of second-class citizenship as common sense.

The DREAM Act, while giving some people much deserved recognition for their hard work and dedication to the U.S. nation-state through qualifying for the possibility to be eligible to apply for citizenship, champions an unrealistic educational ideal for the majority of

undocumented residents in the United States. Although you may have grown-up in the United States and are just as “American” in terms of traditions, paying taxes, and behavior as a documented friend, colleague, relative, or neighbor, the notion of taking personal responsibility for immigration status rather than acknowledging that the immigration system is an unequal system, particularly towards people of color, is a function of the neoliberal industrial state apparatus that works through scapegoating national problems onto the onus of individuals. Furthermore, through its very naming as the “DREAM Act” the legislation has discursive links, both in language and spirit, to the myth of the American Dream and works to further perpetuate the ideological fantasy that ‘a land where gold paved roads of economic prosperity allow individual desires to be met’ ever existed for the overwhelming majority of citizens and non-citizens.

Outside the DREAM

In yet another example of willful misremembering of immigration history, dominant discourses surrounding the DREAM Act often operate by ignoring statistics about the true impact of the legislation at the federal level by focusing on the act as primarily an education bill. Specifically, the military provision is obscured in press coverage that focuses on DREAM Act activists in graduation robes and successful pro-DREAM Act organizers and pro-DREAM Act artists on college campuses (Lee 2010). DREAMers, or activist supporters of the DREAM act, have a lot to gain from this representation of undocumented youth not as uneducated, well-armed, and militarized, but as very intelligent and whose futures could be among the most promising in the United States *if* they were allowed to access in-state college tuition and student loans. As a counterpoint to this dominant (though not necessarily negative) representation, this chapter encourages readers to consider the DREAM Act primarily as a new form of conscription

and, only secondarily, as a bill that promotes undocumented higher education. Representations of the DREAM Act that do not state that more young people would actually take advantage of the military provision create the ideological fiction that the DREAM Act is about education, not also militarization.

For instance, the Migration Policy Institute estimated that: “Roughly 38 percent of potential beneficiaries — 825,000 people — would likely obtain permanent legal status through the DREAM Act’s education and military routes while as many as 62 percent would likely fail to do so”; this number has elsewhere been quoted as 67 percent (Batalova and Margie McHugh 2010). Activist website 67percent.net operates under the premise that only about 33% of people who successfully do take advantage of the DREAM Act would do so under the higher education provision.⁸⁹ The Migration Policy Institute finds that “the average cost of attending a two-year college would be beyond the means of many” (Batalova and McHugh 2010). 67percent.net, along with other activists, like media activist Marco Amador in his short viral video *Yo Soy El Army*, also argue that the DREAM Act can be viewed as a new form of conscription that could fold a newly legislated “underclass of undocumented subjects” into an existing military underclass (Chen 2010). This military underclass is made up largely of minority and poor citizens who are recruited by the armed forces very early on when they fall through the cracks of the nation’s educational system, or when the military actively recruits in or close to their high schools.

⁸⁹ Latinas/os do not have a high rate of attending higher education of any kind. The United States Census reports that only 24% of all Hispanics aged 18 to 24, regardless of citizenship status, attend college; whereas, 34% of all Americans aged 18 to 24 attend college. Showing a similar trend, *USA Today* reports that whereas 87% of Hispanics surveyed valued higher education only 13% had a college degree.

At the same campaign stop mentioned earlier in Le Mares, Iowa, where he fielded questions about the DREAM Act, Romney referenced the less publicized military provision of the DREAM Act, saying that he is

Delighted with the idea that people who come to this country and wish to serve in the military can be given a path to become permanent residents of this country...I respect and acknowledge that path.... For those who come here illegally, the idea of giving them in-state tuition credits or other special benefits I find to be contrary to the idea of a nation of law. If I'm the president of the United States, I want to end illegal immigration so that we can protect legal immigration. (Rucker 2011)

Without evidence, this rhetoric posits unregulated immigration as threatening legal immigration, as if legal migration will end if undocumented migration were to continue. As long as there has been legal migration, there has also been illegal migration. Such claims do not address the legal impediments to undocumented immigrants that work to police migrants, such as “attrition through enforcement” immigration policies.

Romney's strategic wording here also seems to suggest that he would not be opposed to undocumented people killing and risking their lives to gain citizenship status. When his comments at different public events are placed against one another for comparison, Romney's rhetoric on immigration issues proves to be one of flip-flopping and doublespeak. For example, although he previously claimed to veto the DREAM Act and to support “voluntary departure” of undocumented people, Romney nuanced his earlier statements during the first presidential debate in Denver, Colorado. At this debate the candidate asserted that he would not revoke the citizenship of individual's granted asylum during the summer of 2012 through Differed Action for Childhood Minors Act or DACA (“Romney Wont Revoke Young Illegal Immigrant Visas,” 2012). Although the presidential hopeful committed in Denver to a humanizing gesture that would not retroactively deport young people for the two years that differed action would remain in effect, Romney at the same time supported a policy that would make the lives of people

without documentation so miserable that they would want to leave the nation rather than stay in the United States: voluntary departure. Voluntary departure would also impact individuals who qualified for DACA if their status could not be renewed after two years. Significantly, DACA maintains that this two-year conditional status can be revoked at any time but not specifically for what offences. If Romney had won the election, DACA-qualified students would be in a state of two-year limbo where they would be forced to wait for their statuses to expire into an immigrant state where undocumented lives were deliberately made as intolerable as legally possible with no hope of regularizing their immigration status. Within such a dynamic of immigration enforcement, the failed presidential hopeful was not valuing the potential contributions of undocumented migrants, the majority of whom are Latina/o. This devaluation of human potential supports anthropologist Jose Xavier Inda's (2007) argument that the systematic devaluation of Latina/o humanity "attempts to exclude the immigrant from the body politic." In other words, undocumented Latinas/os are not political actors in Romney's scenario, but political pawns.

The militarization of the border and the policing of presumed non-citizens is a part of the U.S. Repressive State Apparatus. In his piece "Ideology and Ideological State Apparatuses," Louis Althusser ([1971] 1998) defines the relatively unified "Repressive State Apparatus" (RSA) as that which operates in the public domain to dominate and control subjects by violence or repression; examples include the Border Patrol, the Immigration Customs and Enforcement, the military, the police, the court system, and the prison system. The DREAM Act could serve to uphold and support the RSA in that the majority, or about 62-67%, of the people who would qualify for the act would take advantage of the military option.

To Althusser, RSAs function in tandem with the more insidious “Ideological State Apparatuses” (ISA). ISAs function by creating, maintaining, and disseminating certain ideologies, such as that citizenship is a “bestowed gift” rather than a legal status earned through hard work in the form of completed college courses or military service. Some institutions that form parts of the ISA include: churches and other religious institutions, the family, the law, the political system, the media (press, radio, television, and film), culture (literature, art, and sports), and schools. Althusser argues that belief systems are made real through our ideological internalization and performative recognition of them, or what he terms interpellation. Ultimately, if a hegemonic group wants to maintain power over its subjects, the dominant group must control the institutionalization of ideologies. Put differently, these ideologies, like the RSA, uphold and maintain state power. In his own wording, Althusser argues “No class can hold State power over a long period without at the same time exercising its hegemony over and in the Ideological State Apparatuses” ([1971] 1998, 155). While the DREAM Act purports to provide an alternative to immigration policies that criminalize and dehumanize undocumented immigrants, the act discursively constructs and helps to support existing ideologies, such as the ideas of “good moral character” and “citizenship,” that actually dehumanize Latinas/os and undocumented people as “alien” or foreign, and harmful to the family of the nation.

When applied to the contemporary moment, Althusser’s articulations of state power must be understood as neoliberal constructions operating at a time where the economic and social system of neoliberalism is common sense. (I alluded to this neoliberal economic dynamic earlier in this chapter in my discussion of Takacs’ scholarship.) Neoliberalism is an economic, political, and social system where the economic principles of deregulation and privatization are key to achieving individual (deregulated) freedoms. Contingent on this discourse is the notion that

one's success is based solely on personal responsibility, not the still persistent structural inequities that lead to imbalances along racial, gendered, class, sexual, and legal status in the United States. The Introduction to this dissertation established that it is now common sense that immigration status, or migrating illegally, is viewed as a personal and individual problem, rather than a response influenced by U.S. economic, political, and military imperialism.⁹⁰ This common sense ideology works to espouse the notion that a person's undocumented status is an individual's "fault" or "detriment" and, in some cases like arguably that of the DREAM Act, even within political thought that is branded, particularly by those in the Republican party like Romney, as progressive. It also works to overlook the impact one's race, gender, sexuality, social class, and nation of origin have on determining one's position "in line" to become a citizen.⁹¹

It is worth noting here that other than vetoing the DREAM Act, legislation that he has elsewhere referenced as a "handout," Romney idealizes Arizona's tough anti-immigration SB 1070 (Begala 2012, 22). AZ SB1070 sought to enact an "attrition through enforcement" policy. For instance, the bill passed by Gov. Jan Brewer on April 23, 2010 stipulated that: any undocumented person over the age of 14 had to register with the state if they stayed there for

⁹⁰ In the introduction I linked the idea of immigration status as a personal responsibility that developed through immigration policy first with the passing of the 1986 Simpson-Mizoli Act--an act widely considered a failure today, but when it passed provided amnesty for nearly 3 million undocumented residents under President Reagan--and secondly with President Clinton's three 1996 social reform bills that severely limited undocumented resident's access to any government services and also increased penalties and hastened departure for apprehended undocumented subjects. I argued that these two sets of legislation work to create the idea that the immigration system may have been flawed, but this fixed during the amnesty of the 1980s; amnesty that was the *personal responsibility* of undocumented people to apply for. The 1996 laws remind us that not all undocumented people took the responsibility on themselves to amend their status and it is the *personal responsibility* of these still persistent "illegal aliens" not to be a drain on federal welfare and social services, although undocumented people pay taxes.

⁹¹ For example, the Immigration Act of 1965 decreed that individuals with skills that would aid the United States were to be given preferential treatment when it came to migration status; a dynamic that differentially favors wealthy and educated migrants. There are also more migrants from the Americas applying for citizenship than individuals from Europe, for example. Therefore, an immigrant from Mexico who applies for U.S. citizenship will have a significantly longer wait, sometimes ten years or more, than an individual applying from France.

over 30 days, it made it a misdemeanor to be undocumented and not carry your papers, to work in the state you needed to pass a federal work authorization screening (E-Verify), it increased the power of state and local law enforcement, for instance an individual could be arrested without a warrant if an officer had probable cause; this provision was often criticized as one that could enable racial profiling. On June 25, 2012 the U.S. Supreme Court ruled most of the provisions of SB1070 illegal, except for the “racial profiling” provision that enabled individuals immigration status to be checked if they were stopped, detained, or arrested with reasonable suspicion of being undocumented. The Supreme Court also stipulated that an individual could not be detained for a long period of time if they were not carry documents, and that court actions would be taken at accusations of racial profiling.

Specifically, Romney suggests that we look towards employment verification systems (E-Verify), increased border patrol, a border fence, and voluntary departure as parts of a possible solution towards our national immigration problem. According to *The Washington Post*, Romney explains his immigration reform model: “I think you see a model in Arizona... You do that, and just as Arizona is finding out, you can stop illegal immigration.” He added that “on day one” of his presidency he would halt all lawsuits against the Arizona bill (Sargent 2012). Again, this rhetoric seeks to ignore racial prejudice under the guise that the *true* issue at play is legal versus illegal immigration status, not which race is deserving or undeserving of humanity.

The DREAM Act opens a door to conversation about the tangible results of a racist immigration system that has made it more difficult, and at times illegal, for certain individuals to legally migrate here due to their ethnicity, race, nation of origin, social class, level of education, sexuality, or gender. Yet, federal immigration discourse that does not acknowledge these legacies of inequity function by ignoring that our understandings of foundational concepts like

citizenship have origins as white supremacist, heterosexist, and classist presuppositions. Instead, the discourse surrounding the DREAM Act, perhaps unwittingly, perpetuates an ahistorical framework that immigration status is entirely a factor of personal responsibility. Transnational migrations, even during the Puritan and Jamestown migrations to the North American eastern coastline, have never been solely individualized processes. Given the racist history of the United States and U.S. imperialism, this dynamic of willful omission or selective memory of narratives of migration works to perpetuate a kind of neo-racism that operates by ignoring race: these are post race, or colorblind ideologies. Within the U.S. American context, post-race discourses operate within a longstanding narrative or “myth” of the United States as an immigrant nation composed of freedom and equality seeking newcomers who willfully migrate here.

Understanding how U.S. immigration history and colorblindness are each constituted through misremembering the past is critical to understanding my analysis of the DREAM Act as the act engages with contemporary constructions of race, class, and citizenship. Bonnie Honig (1998) and Ali Behdad (2005) both write about the “liberal myth of immigrant America” which is partially pertinent in the case of the DREAM Act as it discusses the willful misremembering, or in some cases the willful forgetting, of particular aspects of U.S. immigration history that are key to racial formation. For instance, African slavery, colonization, and the forced removal of Native Americans, are all ignored in remembering the United States as only a nation of “masses yearning to breathe free.” Honig explains:

Many liberals depict immigrants as the sole bearers of a consent that is phantom ground of American liberal democracy. The liberal consenting immigrant addresses the need of a disaffected citizenry to experience its regime as choice worthy, to see it though the eyes of still enchanted newcomers whose choice to come here also just happens to reenact liberalism’s fictive foundation in an act of individual consent. Simultaneously, the immigrant’s decision to come here is seen as living proof of the supposed universality of America’s liberal democratic principles. (1998, 2)

Such a dynamic of individualized forgetting perpetuates the notion that immigration is solely a matter of individual choice. In reality, immigration is motivated often by a complex set of push and pull factors such as the labor and recruitment practices of transnational corporations and free trade agreements. The “liberal myth of immigrant America” therefore also validates claims to U.S. exceptionalism through marking immigration to the United States a matter of individualized choice, a choice that works to uphold the supposed preeminence of U.S. democracy as it is constructed as a drawing force of freedom-starved migrants. Behdad writes that within this myth “the “alien” provides a signifier of otherness through which the nation defines itself as an imagined community” (2005, 22). Within this “myth of immigrant America” immigration is viewed as a bipolar concept where lawful migrations is representative of American ideals, like capitalism, and democracy and unregulated or undesired immigration is read as a threat to those same ideals and democracy.

The “liberal myth of immigrant America” is a prevailing desire to, unwittingly or willfully, forget racial and ethnic prejudice in favor of a welcoming, non-racist, non-imperialist, and egalitarian view of U.S. history. Overt forms of racism are key to understanding this founding myth prior to neoliberalism when blatant racial prejudice did not carry with it the same type of social stigma that it does today. Under neoliberal racial formation the “liberal myth of immigrant America” becomes more complicated in that overt racial prejudice is masked by covert racisms, for instance legal or pseudo legal terminology. When speaking of unregulated immigration in the post-World War II era of U.S. neoliberalism, “race” remains unspoken whereby other key terms, such as “alien,” “culture,” “religion,” or “legal status,” takes its place. For example, the racist epitaph “illegal alien” substitutes race for legal status as embodied by the legalized racial profiling that has occurred in Alabama after the ratification in June 2011 of AL

HB 56, the Beason Hammon Alabama Taxpayer and Citizen Protection Act. It also functions as Behdad asserts, as a foil to “normal” or “typical” white and heterosexual U.S. American citizens. Legislating a politics of attrition through enforcement like AZ SB 1070, Alabama’s HB 56 allows an officer to stop anyone who appears to be undocumented; more often than not these people are brown skinned Latinas/os. The category “Latina/o” is an ethnicity, not a race; however, under racial profiling it is most likely that darker, more indigenous featured Latinas/os constitute the subjects of racial violence.

My assertion that the DREAM Act operates under a myth of immigrant America is not intended to categorically brand the federal act as a regressive or “bad” piece of legislation that should not be supported by “true” progressives. Cultural Studies scholar Stuart Hall (1981) writes that “Ideological statements are made by individuals: but the ideologies are not the product of individual consciousness or intention” (272). Indeed, the ideologies that are normalized through the DREAM Act are the object of critique, not individual supporters of the DREAM Act. When speaking of ideologies espoused by the DREAM Act, I am speaking of colorblind and covert racism. It is important to note that when discussing the ISA, the racism espoused by these apparatuses are often inferential racisms that Hall defines as:

Apparently naturalized representations of events and situations relating to race, whether ‘factual’ or ‘fictional’, which have racist premises and propositions inscribed in them as a set of *unquestioned assumptions*. These enable racist statements to be formulated without ever bringing into awareness the racist predicates on which the statements are grounded. (1981, 273)⁹²

My endeavor here is to bring to light some of these “racist predicates on which the statements [of inferential racism] are grounded” within the federal DREAM Act. Put another way, my objective is to greater nuance our understandings of even progressive-leaning legislation in a

⁹² Emphasis added.

political atmosphere where colorblindness obscures long-lasting structural racism and seeks out “immigration solutions” based on a neoliberal construction of personal responsibility and the “American Dream.”

This chapter has thus far maintained that the DREAM Act contributes to the ideological work about undocumented Latinas/os that situates them as second-class citizens and always-already foreign threats to the nation. I have also argued that the military provision of the DREAM Act and its accompanying rhetoric help support and boost enrollments in the long arm of the U.S. Repressive State Apparatus: the military. At the same time, I contend that these theoretical understandings of creating and maintaining hegemony through ideology and violence have to be understood via the contemporary common sense of personal responsibility and colorblindness. The following section traces the reproduction of exclusionary logics through a rhetorical analysis of the DREAM Act.

The DREAM Act

The DREAM Act is a short 22-page document that begins like all congressional bills do, with a brief summary and introduction of the resolution. This title page is followed by a second section that defines key terms—“immigration laws,” “institutions of higher education,” “Secretary,” and “uniformed services”—preceded by a third section that details the key provisions of the bill entitled “Conditional Permanent Resident For Certain Long-Term Residents Who Enter the US as Children.” Section four of the act explicates the terms and conditions of permanent resident status, and section five explains the steps necessary for an individual to shift from permanent resident status to full citizen status. Section six reassures us that all information obtained from undocumented people through their participation in either higher education or the military remains confidential and, specifically, is not shared with the

Department of Homeland Security. The next section contains rules for the Secretary of Homeland Security's ("Secretary") implementation and publishing the act if it passes Congress, and is signed into law by the President. The eighth and final section of the act discusses the higher education assistance available to undocumented students. For instance, the act would guarantee that applicable undocumented college students would have their state resident-status reinstated when determining benefits and financial aid, repealing section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Through its wording, the DREAM Act performs the ideological work of normalizing the notion that an undocumented person's body, or the body of any citizen, is subject to the inspection, surveillance, judgment, and discretion of the all-powerful federal government (S.3992 2010). Michel Foucault's ([1978-9] 2008) notion of "biopower" is particularly useful here. In its most simple terms, biopower is a power dynamic wherein the sovereign state exercises control over subjects through its ability to maintain life or to extinguish life. In this way, the DREAM Act performs the ideological work of a biopolitical state; through the legislation, the federal government declares its ability to sustain and regulate human life as well as give non-citizens a reason or goal for their lives: U.S. citizenship. At this juncture it is important to nuance various understandings of "life" that are at work in the DREAM Act: 1) organic life and 2) symbolic life as membership, formal or informal, to a nation or community. Organic life can also be extinguished through death during military service. Likewise, life as belonging in or membership to the United States can also be extinguished through deportation.

It cannot be overstated that as a nation in multiple wars and conflicts throughout the world, our volunteer army is in particular need of soldiers' bodies. The DREAM Act is written in a way that entices the youthful bodies of potential soldiers to enlist in the armed services

without an overt recognition that a very real consequence of being a nation at war is that a soldier faces potential mental and/or physical injury, or even death. The third section of the act dictates that to qualify for the DREAM Act the individual must be “Younger than 30 years of age on the date of the enactment of this Act” (S.3992 2010, 6). This maximum age requirement functions to mandate that all beneficiaries have the physical ability, if not handicapped, to serve in the military. Even if the undocumented student does not take advantage of the military provision, the DREAM Act mandates that the male student must register for selective service even prior to receiving citizenship.⁹³ Through this stipulation, the DREAM Act normalizes the idea that in order to be granted a pathway to citizenship an individual must be willing to fight, kill, and die in the name of the United States.

The DREAM Act also functions to perpetuate the Latino Threat Narrative and the stereotype that undocumented people are dangerous and mysterious foreigners (Chavez 2008). This construction of “aliens” as culturally, ethnically, and racially foreign is ironic as in the case of the DREAM Act, the undocumented subjects in question have grown up as U.S. Americans. In its many iterations, the federal DREAM Act only references undocumented people as “aliens”—a total of times 110 times in the 22-page 2011 iteration of the bill. The term “alien” renders undocumented subjects as a subhuman group from a galaxy far, far, away whose language, customs, and family values are completely foreign to those of the United States. In reality, undocumented resident’s language (often English), labor (while paying income taxes), cultural customs, and family values are intricately intertwined and often indistinguishable from those of the dominant culture.

⁹³ Legal Permanent Residents have to also register for the draft; however, only till age 25. See the section on the Military Neoliberal RSA.

Even after an individual completes their two years as a student or soldier, citizenship is not immediately bestowed upon them. The DREAM Act names undocumented immigrants who have completed their two years of higher education or military service, but have not yet filed for (within the allotted time period of no later than 6 years after original conditional status was granted) and received citizenship as “conditional nonimmigrants” (S.3992 2010, 16). A “conditional nonimmigrant” is defined by the DREAM Act as “an alien who is granted conditional nonimmigrant status” (S.3992 2010, 3). A “conditional immigrant” is legally considered an “alien.” As discussed elsewhere in this dissertation, the term “alien,” often used with the racist and inaccurate modifier “illegal,” is a color-blind racial logic, closely connected to neoliberal political and economic policies. Rather than noting racial and ethnic differences within the U.S. undocumented population as well as the various reasons behind migration,⁹⁴ the trope of “alien” ignores the structural and political inequalities that precipitate international migration by focusing on issues of law and order.

The repeated use of the term “alien” or “illegal alien” throughout the multiple iterations of the DREAM Act to refer to children who grew-up in the United States can perhaps be viewed as an act of latent aggression towards undocumented people. The repetition of such xenophobic and racially tinged ideologies normalizes the Latino Threat Narrative, and specifically the fallacy that undocumented people are innately threatening or unable to assimilate into (white) U.S. American culture. The term functions to dehumanize those who Republican Gov. Rick Perry terms “innocent children,” not only adults. Perpetuating such racist ideologies leads to what Jose

⁹⁴ For instance, many times undocumented people come to the United States as refugees of conflicts sponsored or supported by the US government, as was the case of Guatemalan Mayan refugees of that country's war of counterinsurgency in the 1980s. In this case, migration was the direct result of US actions, but refugee status could not be given to Guatemalan Mayans because the U.S. government supported the oppressive regime that killed over a half million highland Mayan people.

Xavier Inda terms “devaluation of immigrant life” as well as racial profiling by Border Patrol and other immigrant enforcement groups.

Ironically, the DREAM Act mandates that any individual hoping to qualify for the act cannot commit any such act of bias based on race or nationality. The act reads that individuals applying for the DREAM Act must have “Not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion” (S.3992 2010, 5). A brief understanding of colorblindness or post-race rationales helps to contextualize this passage. Color-blindness operates under the assumption that if one does not “see color” or race, that race no longer exists and the structural consequences of a historically white-supremacist society have been eliminated (Bonilla Silva 2006, 9). This wording in the DREAM Act can be viewed as a tactic of a colorblind or post-race ideological state apparatus in that functions to validate its own non-racism, non-sexism, and non-prejudice by recognizing and lambasting hate crimes as wrong and, at the same time, perpetuating the ideology that anyone who commits a hate crime could not possibly be a U.S. citizen. This technique defines the nation through identifying what it is not: the undocumented other. Individuals also utilize a similar tactic and ideology when they espouse a color-blind racial logic.⁹⁵ This observation charts a connection between state discourse as Knowledge and Truth that impacts an individual’s interpellations of a perceived immigrant threat.

⁹⁵ Examples of such logics are found in the racial profiling accusations raised by civilians against Boston’s Logan Airport. Rafi Ran, a former security chief at Israel’s Ben-Gurion International Airport, aided the Transportation Security Administration (TSA) develop a “behavior-detection” policy to target drug smugglers, not terrorists; the presumption here is that terrorists are males from the Middle East and such a search would result in racial profiling. In Ran’s words, “As long as we push officers to look for drug smugglers rather than look for terrorists, and we give them a quota of the number of encounters, you can expect to see the result we’re seeing now.” The problem with a program that looks for “drug smugglers,” similar to SB 1070 that charges law enforcement officers to look for “illegal aliens,” is that even the most well trained officers have inherent notions of what races, classes, genders, religions, and nationalities make up “terrorist” (Middle Eastern) and “drug smuggling” (Latina/o) groups. In effect, vague terminology becomes substituted for racist logics of exclusion (Plugis et al. 2012).

Muslim and Arab American studies scholar Evelyn Alsultany (2008, 2012) provides a term that is useful for discussing this seeming contradiction of the DREAM Act's professed goals at preventing hate crimes, yet its simultaneous dissemination of xenophobic and inferentially racist rhetoric. Alsultany discusses the representations of Muslims and Arabs in U.S. TV dramas post-9/11 as "'simplified complex representations,' or the appearance of seemingly complex images and storylines that are in fact quite predictable and formulaic" (Alsultany 2008, 184). Although "simplified complex representation" is a term first developed to discuss TV representations, Alsultany's term proves useful when discussing the ideologies normalized through the DREAM Act. The notion of "simplified complex representation" helps us to nuance our understanding of the inferential racism present in legislation that seeks, at first glance, to humanize undocumented subjects and promote non racism, but at second glance to perform opposing ideological work and defines only Americans as inherently non-racist. Echoing Stuart Hall's aforementioned arguments about inferential racism, the "common sense" rhetoric of the act functions to perpetuate and maintain relationships of exclusion, xenophobia, and racism.

Recycling longstanding rhetoric of citizenship and enacting a logic of personal responsibility, the DREAM Act reads that a person must be of "good moral character since the date the alien initially entered the United States" to qualify for the act's provisions (S.3992 2010, 4). What behavior denotes "good moral character" remains undefined in the document. This ambiguity governs in part through the uncertainty that an undocumented individual could be discriminated against in terms of criteria, such as their sexual orientation, job, and/or a habit or belief system that a hegemonic power deems as "not moral." The act mandates morality when, even among a single political party, there is no agreement on morality (consider issues such as

stem cell research and access to affordable health care). “Good moral character” must be a frightening concept for an individual whose daily categorization as an “alien” or “illegal alien” by the media and politicians reinforces the notion that undocumented people do not fit the federal government’s definition of “morality.”

As mentioned earlier, the DREAM Act begins with the definitions of four key terms—“immigration laws,” “intentions of higher education,” “Secretary,” and “uniformed services”—but “good moral character,” a deciding factor for the state to decide if an individual qualifies for the Act’s provisions, goes undefined. As mentioned earlier in this chapter, the idea of “good moral character” can be read as a historically situated social construct first seen in the 1790 Naturalization Act. Since this early legislation, the concept remains a consistent and purposely vague phraseology in U.S. restrictive immigration policy. For instance, the 1790 Naturalization Act granted citizenship to only “free white persons” of “good moral character.” The act failed to extend citizenship to: Native Americans, indentured servants, slaves, and free blacks. (Asian Americans were briefly given citizenship but this was repealed before 1795.) Adding a gendered element to morality that was absent in subsequent Naturalization Acts, this 1790 Act dictated that citizenship was a quality to be inherited through the father; meaning that if a woman’s father was not born in the United States she could not be a citizen. Today, articulating a notion of “good morals” as being akin to white masculinity would be seen as overtly racist and sexist. Yet, the continuous assumption of “good moral character” as common sense further works to uphold a relationship of biopolitics governed by and through the fear of the unknown and that believed to be taboo.

In another example of the biopolitics, the DREAM Act mandates that the United States government is allowed to take ambiguous liberties in researching and inspecting potential

candidates for the DREAM Act. The act dictates that all participants must consent to a background check where: “The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the secretary determines is appropriate.... to determine whether there is any criminal national security or other factor that would render the alien ineligible for such relief” (S.3992 2010, 8). The act suggests that an undocumented resident must be willing to allow the federal government to gather whatever information “the secretary determines is appropriate” about them without ever knowing the full extent or reasons behind the inquires. Undocumented subjects must also have a medical examination to qualify for DREAM Act provisions. The act reads:

An alien applying for relief available under this subsection shall undergo a medical observation and examination. The Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services shall prescribe policies and procedures for the nature, frequency, and timing of such observation and examination. (S.3992 2010, 8-9)

In this case, the Secretary of Homeland Security and the Secretary of Health and Human Services maintain the ability to decide the extent and frequency of medical examinations of a person petitioning for the student or military provision of the act. Although a medical examination makes logical sense for someone serving in the military, its necessity for a student in higher education is less clear. Given that all males using the education provision will have to register for Selective Service, this provision works to suggest that the DREAM Act constructs all undocumented men as, primarily, potential soldiers. According to the DREAM Act, monitoring an individual’s entire biographical and health related history is now at the discretion of two secretaries from the federal government. Both of these provisions perform the ideological work that undocumented residents who are pursuing a pathway to citizenship must relinquish the possession and control of their bodies and personal history to the federal government. Again,

this is a dynamic expected in military service, but not in a career beginning with higher education.

The overt policing of Latina/o bodies, as evidenced in the forced medical observations and examinations mandated in the DREAM Act, is reminiscent of attributes of Leo R. Chavez's Latino Threat Narrative: the notion that Latinas/os need to be contained, for example, "disinfected" of their language/s, culture/s, disease, and hyper fertility. These provisions, as well as others that attempt to control and potentially exclude the physical bodies of undocumented subjects, must be understood through a Foucaultian inspired framework. This framework of understanding acknowledges that inherent within the policing function of immigration policy, the state also holds the power to create knowledge and truth about immigrant subjects as the "other."⁹⁶ Many scholars, such as Ali Behdad (2005) and José Xaviar Inda (2007) discussed earlier in this chapter, employ Foucault's ideas on knowledge and power as well as biopower as key fixtures in their analysis of Latinas/os and immigration policy ((1978-9) 2008). Additionally, Leo R. Chavez (2008) and Eithne Luibhéid (2002) both index Foucault's ideas about knowledge and power, or that those in power create knowledge, as central to their analysis of U.S. immigration history. Speaking more generally about immigration policy and not focused on Latinas/os, Eithne Luibhéid argues that U.S. officials used sexuality, gender, race, and class as criteria in deciding who to admit and who to exclude from the nation. Luibhéid argues that a framework founded in an understanding of "knowledge and power" is critical when analyzing immigration policy because:

Foucault's framework suggests that immigration-control practices, down to their most mundane procedural details, produced and naturalized these identities [sexuality, gender, race, and class]. Therefore sexuality—and by extension race, gender and class—have been central to immigration control since its inception not because these are essential or biological identities that can be discovered within bodies, but because sexualization,

⁹⁶ This dynamic is similar to Althusser's aforementioned theorization of common sense or normalized ideologies.

racialization, and so on are larger social processes whose presence is made evident by the classification of bodies into hierarchical schemes. Such classification schemes, which were rooted in histories of imperialism and modern state formation, ensured that those granted admission were incorporated into relationships of surveillance and discipline within the United States. (2002, xxii)

Through policing medical examinations and biographical information for an indiscriminant length of time, the DREAM Act also works “incorporate” undocumented subjects “into relationships of surveillance and discipline within the United States.” If it were ratified into federal law, an individual who wished to take advantage of the DREAM Act would have to surrender all information about himself or herself, along with his or her body, to the wills of the federal government. In the process, the undocumented subject is interpellated into a type of conditional second-class non-citizen who is potentially given nation-state citizenship status if he or she willingly gives up all personal information and their physical bodies to the indeterminate will of the federal government and the Secretaries of Homeland Security and Health and Human Services. Perhaps the most mentally taxing attribute of these provisions is their deliberately vague construction that leaves undocumented youth constantly on edge wondering what, if any, information the federal government may demand of them, and how often. These provisions function to create a dynamic of power and fear by and through their ambiguity, thereby taking away, or possessing the potential ability to take away, an undocumented subject’s free will over his or her body and personal history.

The ability of the federal government to take away an individual subject’s free will over his or her body is surprising when we envision a student pursuing higher education.

Undocumented Latinas/os in the military, and all members of the armed forces, are assumed to give up any and all free will to the state. The military-nature of the bill is particularly relevant if you view the bill as a new form of conscription, given that the majority of eligible applications

would be members of the military. Non-citizens have long served in the U.S. military, and this greater historical context adds layered meanings to my analysis of the DREAM Act as a new form of conscription. In the section that follows, I ground my critique of the military repressive apparatus arm of the DREAM Act in a longer history of Latina/o enlistment and service in the U.S. armed forces as well as the service of non-citizens in the U.S. armed forces.

Latinas/os and Non-Citizens in the U.S. Military

When placed within the legacy of non-citizens fighting in the U.S. armed forces rather than as a progressive pathway towards citizenship, the intensions and methods of the DREAM Act become muddled behind a complicated history ripe with carnal and economic violence, as well as systemic ethnic and racial inequalities. U.S. economic, military, and political imperialism increases the numbers of bodies willing to, or coerced into, fight and die for the United States. For instance, U.S. Nationals in American Samoa and in the Swains Island can register to become a part of the armed services. Also resulting from U.S. Imperialism but ending in the early 1990s, Filipinos were also able to enlist. Filipinos were neither U.S. nationals nor resident aliens after Filipino Commonwealth status was granted in 1935. In fact, taking advantage of this “Filipino exception,” nearly half of all Filipino men entered the US armed services during Word War II, and particularly in the Navy. Similar to the cases of non/citizen Latinas/os in today’s military that I will discuss in this section, Filipinos entered the armed forces because of limited socioeconomic opportunities that were intimately linked with U.S. colonialism. These examples of what some view as coerced conscription of colonized citizens and non-citizens elucidates a historical absence in the DREAM Act: the United States has a history of having individuals kill and risk death to gain potential—not guaranteed—access to citizenship or some abstract notion of freedom and prosperity.

Today, many documented Latinas/os may be entering the U.S. armed forces in the pursuit of upward socio-economic mobility and their own “American Dream;” if the DREAM Act passes, their undocumented peers could soon join them. Historically, when compared with other minority groups, Latinas/os have had a low representation within the U.S. armed forces, but a larger presence in proportion to their population numbers. Significantly, Latina/o representation has slowly increased over the past ten years. The Population Reference Bureau (PRB), a group of private foundations, government agencies, and individual donors who study world population, health and environment, find that 11.2% of all active duty personal in 2006 were of “Hispanic” origin, a number that was up from 9.5% in 2002 (Wechsler Segal and Segal 2007). Given the current trends, PRB projects that the numbers of Latinas/os in the military will only increase. If the DREAM Act were to pass it would undoubtedly further boost Latina/o enlistment particularly given Latinas/os low median age. According to the 2012 U.S. Census, Latinas/os have a median age of 27 years as compared to 36.9 years for the population at large (Castañeda 2012, 252).

In their paper “Latinos and African Americans in the US Military: Trends in Representation,” sociologists Mandy Wechsler Segal, Meredith Hill Tanner, and David R. Segal (2006) found that, whereas African American representation in the armed forces is slowly depreciating, Latino/a representation in the military is increasing and taking its place. Interestingly, Latinas/os as a group within the armed forces, however, exhibit more gender diversity than the armed forces at large. Challenging some presuppositions of “Hispanic culture” as masculine or male-dominated, the enlistment rate of Latinas among all women in the military is actually higher than the enlistment rate of Latinos among all men in the military. When separated by gender, there is a higher percentage of Latinas among all women recruits than there

are Latinos among all male recruits (Wechsler Segal et al. 2006). The significant and growing Latina participation in the armed forces, particularly the Marines, suggests that the individuals taking advantage of a potential military option of the DREAM Act may have a greater female population than the armed forces at large. Although Latinas are not required to register for selective service if they take advantage of the DREAM Act, the reality that they are more likely to join the military than other groups suggests that the legislation could be viewed as a form of conscription that crosses a gender divide.

Latinas/os increasing numbers in the military are in part the result of a strategic, well funded, and organized effort in marketing by the U.S. armed forces. The upward trend in Latina/o enlistment has led to and is the result of an increase in what Arlene Dávila (2001) terms “Hispanic Marketing,” or marketing geared towards a homogenized Latina/o population that lacks racial, national, linguistic, and other types of diversity, in all branches of the U.S. armed services.⁹⁷ Focusing specifically on Latina/o military recruitment, Gina M. Pérez (2010) argues that the low median age of Latinas/os makes them particularly appealing for military recruiters. To recruit this ever-growing youthful population Pérez asserts that a marketing discourse is deployed that links the abstract concepts of “military values” with “Hispanic values” (a construction influenced by presuppositions of lower class Catholic values) of family, hard work, ability to follow orders and act with selfless honesty. Pérez explains this dynamic:

When military leaders, politicians, and civic organizations appeal to Hispanic values and traditions as precisely the same values that characterize the U.S. military, the most respected American institution today, it is not surprising that many Latinas/os would feel proud and encourage such positive comparisons, especially given the anti-immigrant and racist political and social climate in which many live, work, and raise their families. (Pérez 2010, 181)

⁹⁷ For a more in-depth argument about how “Hispanic Marketing” homogenizes diverse racial and ethnic groups into a marketable product ripe for consumption in U.S. capitalist markets (Dávila 2001).

An example of such marketing that makes Latinas/os “feel proud” to join the military exists when you enter the U.S. army’s recruitment page for “Hispanic Americans” (<http://www.army.mil/hispanicamericans/>). When you visit this site you are greeted with a patriotic image overlaid with giant yellow sun adorning red lettering that reads “Hispanic” with much smaller font below it reading “Americans in the U.S. Army” (figure 16). Behind the image of a familiar golden sun and the term “Hispanic,” you see an army of light-skinned men huddled together with weapons drawn in the midst of combat with some unseen foe. Absent from this picture are dark-skinned Latinas/os, non-Anglican featured Latinas/os, the rising numbers of Latinas in the army, and the many Latina/o Legal Permanent Residents who play non-combatative roles in the military. The website is also only available in Spanish and English, ignoring the fact that Latinas/os speak many languages, such as Portuguese.



Figure 16 U.S. Army's Recruitment Page for Hispanic Americans. 2011. <http://www.army.mil/hispanicamericans/>

Latinas/os are more likely than other groups to be first generation soldiers; however, their parents are more likely to recommend that their children enter the military than other racial and

ethnic groups.⁹⁸ Wechsler Segal, Tanner and Segal do not specify if this generalization is only applicable to citizens, therefore, one could assume that it could also apply to non-documented U.S. resident Latinos/as. The authors also do not specify why parents are more likely to recommend that their children enter the military, but, given Pérez's arguments discussed earlier, one could assume that a desire for acceptance in a culture where Latinas/os encounter racism may be a contributing factor along with, perhaps, socioeconomic need. One could view military enlistment as acting on a set of family values and ideologies while others may see it as an opportunity for family upward socioeconomic mobility, or a combination of the two. Recall that Althusser links family as an important part of the ideological state apparatus, which, in the present case of the DREAM Act, works to uphold the restrictive state apparatus, in this instance the military.

Despite their increasing enlistment numbers in the military, even Latina/o U.S. citizens face restrictions while serving. Central to many Latinas/os identities is their status as dual citizens, but there are serious restrictions for dual citizens in the armed forces. For example, the army does not allow dual citizens enlist unless a cadet renounces her or his non-U.S. citizenship. The air force does allow dual citizens to enlist if they do not renounce their non-U.S. citizenship; however, they must enlist as a non-citizen or Legal Permanent Resident, thereby not permitting the dual citizen certain security clearances and promotions. This fact may actually conflict with family ideology, making the reasons behind Latina/o enrollment more nuanced and likely linked in some degree to socioeconomic issues. Supporting this idea but not providing statistics, the Public Research Borough finds that when compared to other racial and ethnic groups Latinas/os

are more likely to report that they come from “working class roots,” rather than other criteria like “middle class” or “upper class” backgrounds.⁹⁹

The view of some groups like 67percent.com of the DREAM Act’s military provision as a form of conscription for non-citizens is historically founded. The connection between United States expansionism and forcing imperialized peoples to fight for the United States in various branches of its armed forces is a pattern represented throughout the imperialist nation’s history.¹⁰⁰ Since the revolutionary war, the United States has had non-citizen soldiers fighting in the armed forces. Legal Permanent Residents, or LPRs, can enlist in the armed services and LPRs aged 18-25 must register for selective service. In 2005 CNA’s Institute for Public Research, a non-profit research organization that pioneered operations research and analysis, published a report entitled “Non Citizens in Today’s Military: Final Report” with a research team of people from the fields of business, government, public service and the military. CNA estimates that around 8,000 LPRs enter the armed forces per year and most fill menial positions, such as janitorial work and food preparation (Hattiangadi et al. 2005). Although the exact number varies between military branches, less than half of these LPRs ever gain U.S. citizenship status. There is no doubt that with a dramatic increase in non-citizens in the military—like would be evidenced through the passage of the DREAM Act— these positions would be overwhelmed and the potential for non-citizens to undertake combative or more dangerous duties would therefore increase.

Conclusion

⁹⁹ It is important to note here that this study did not contain the exact numbers of the amount of Latinas/os in the military that identify as working, middle, or upper class. The authors mention that Latinas/os are more likely to report coming from working class roots only at the end of their paper and fail to quantify this assertion (Wechsler Segal and Segal 2007).

In the politically polarized battleground of Washington, D.C., the DREAM Act is often held up as a progressive act that humanizes the innocent victims of the United States' broken immigration system by providing them with a pathway towards citizenship. Nevertheless, an ideal undocumented subject is constructed through ideologies normalized by the DREAM Act and present in over two hundred years of restrictive immigration policy. This ideal undocumented subject is a person under the age of 30 who is "of good moral character," able-bodied, obedient, of sound health, a person free of hate towards any U.S. citizen (regardless of race, sex, nationality, gender, or class), patriotic, and above all willing to join the U.S. armed services. These ideologies buttress a logic of personal responsibility and colorblindness that functions to view immigration issues using inferential racism by focusing on "legal status vs. illegal status" rather than on what bodies are deserving of humanity under white hetero-patriarchy. The objective of this chapter was to nuance understandings of the federal DREAM Act, legislation that some media outlets and individuals purport to be progressive or forward thinking. At times, however, this document and the discourse surrounding it unconsciously and consciously reproduces the very structures of power, racism, and inequity that progressive discourses on immigration policy purport to deconstruct.

Through its suggestive naming, the DREAM Act attempts to re-imagine the quintessentially U.S. American rags to riches Horatio Alger—from undocumented to documented—story of success and prosperity against all odds either through education or, most likely, through military service. Serving in the military as a conditional pathway to citizenship is fraught with ideological struggles for people whose national identity, ethnicity, race, and immigration status is constantly vilified by the dominant discourses of the neoliberal ideological and repressive state apparatuses, such as the Latino Threat Narrative. For a young person who

feels as though higher education is not their ideal path or lacks the financial means to pursue higher education, the DREAM Act offers no option other than military service. *Is this really a choice?* Was joining the U.S. military as a Filipino in 1935 really a choice or was it an economic demand heightened by WWII conflict? The potential answers to these rhetorical questions vary depending on the individual and historical context, but the similarity of the questions across U.S. historical-Imperial time should be noted.

CHAPTER 5:
THE INSTITUTIONALIZATION OF THE
TRANSBORDER IMMIGRANT TOOL

On May 20, 2013 the *New York Times* reported that between 2007 and 2013 over 2,100 bodies had been found on the U.S.-Mexico border, and in each subsequent year during this time period the number of bodies found continued to rise. Even more, untold numbers of bodies are never found or recovered. The human rights group “Washington Office on Latin America” provided the newspaper with the statistic that during the 2012-2013 fiscal year alone a total of 463 people died while crossing, this staggering number means that an average of 5 migrants died every 4 days during this time period. The overwhelming majority of these people meet an untimely death due to dehydration or exposure resulting from extreme heat or cold (Santos and Zemansky 2013).

In response to this humanitarian crisis, but also in response to conversations in new media art, contemporary poetry, Latin/o American Studies, border studies, and gender and sexuality studies, in 2008 Electronic Disturbance Theater (EDT) 2.0/ b.a.n.g. lab, began to repurpose GPS cell phones, working under the premise that those phones could become last mile lifesaving devices, poems and artwork. Despite right- and left- wing rhetoric that misrepresents the project as designed to lead the undocumented across the Mexico-U.S. border, the

Transborder Immigrant Tool, or TBT, was designed and tested to lead individuals to water caches and safety sites *on the U.S. side of the border*. The TBT's design directs its user with an arrow on a basic compass background, and vibrates when its user deviates from the correct path. In addition, the TBT extends other forms of sustenance to border crossers. At various points along the journey the GPS cell phone can be queued to play poetry in Spanish and English, accompanied with different vibrations, that offers its listener desert survival facts. While this poetic gesture is about survival in that the tool helps its user both find water and offers information about the desert environment, the tool's ability to give directions and advice also asserts to its user that he, she, or ze is a member of a greater community of people who have successfully walked in the border region.

Micha Cárdenas, Amy Sara Carroll, Ricardo Dominguez, Elle Mehrmand, and Brett Stalbaum, the artists, social activists, and scholars who came together post- 9/11 to create TBT, call themselves Electronic Disturbance Theater (EDT) 2.0/b.a.n.g. lab. EDT 2.0/b.a.n.g. lab operates in the legacy of Electronic Disturbance Theater (EDT) and Flood Net, a virtual-sit-in technology, that was first used in 1998 in solidarity with the Zapatista movement in Chiapas, Mexico (Dominguez 2009, 1807). The original members of EDT were Ricardo Dominguez, Brett Stalbaum, Stefan Wray, and Carmin Karasic. A virtual-sit-in is where *FloodNet* technology sends and automated reload request to websites, such as Mexican President Ernesto Zedillo's website, which seek to overload the website's server. *FloodNet* also has the ability to use the "404_file not found" function of a website search to intentionally search for data that is not included in the website: for example, according to Brett Stalbaum, the server may return error messages that read "human_rights not found on this server" (Dominguez 2009, 1807). EDT is a type of Electronic Civil Disobedience that has origins in early writings on civil

disobedience, for instance by Henry David Thoreau, and by the civil disobedience of the Civil Rights Movement. But, according to all members of the group, equally importantly, FloodNet and EDT's actions more generally constitute theater and performance and conceptual art. Citing William Karam (2003), Ricardo Dominguez (2009) writes that "EDT's online activism shares two important features with civil disobedience: deliberate unlawfulness and accepting responsibility" (1808). Indeed, Dominguez contends that "In our view, ECD is and should be treated as a digital practice intimately tied to the long tradition of civil disobedience—nothing more and nothing less" (2009, 1808). EDT 2.0/b.a.n.g. lab also operates in the long tradition of civil disobedience, experimental theater, and performance and conceptual art, but unlike EDT does so in a post- 9/11 moment where border security and enforcement are at an all time high.

As a group of artists, educators, and social activists, EDT 2.0/ b.a.n.g. lab originally envisioned their device as a mixture of performance art, direct social action, and poetry in the tradition of previous U.S.-Mexican border art. As a mixture of art and social activism, EDT 2.0/b.a.n.g. lab's TBT is an "activist" project. Chela Sandoval and Guisela Latorre (2008) define the term "artivism" as "a hybrid neologism that signifies work created by individuals who see an organic relationship between art and activism (82). Specifically, artivism is a modern form of art and social activism that emerges contemporaneously with anti-war and anti-globalization protest that seek to use a milieu of media, including the internet, to subvert dominant power and representations and reclaim public space (Dominguez 2009, 1811). TBT is a piece of contemporary art intended in different forms for both the space of the museum, and to function as a humanitarian intervention to help people locate water caches on the lab border.

EDT 2.0/ b.a.n.g. lab intended for the TBT to be both a museum exhibition, as well as to be used in the U.S.-Mexico border region; Carroll wrote different sets of poetry for each

location, Mehrmand coordinated the performance of these pieces, and Stalbaum and Carroll co-designed the progression of the poems in the sound installation. Because the TBT is a piece of performance and postconceptual art that makes a humanitarian intervention in the face of border militarization and the growing numbers of human deaths in the border region, conservatives, like radio and TV personality Glenn Beck and California's Republican Congressmen Darrell Issa, Duncan Hunter and Brian Bilbray, lambasted the collaborative team as helping "illegal aliens," and domestic terrorists. Despite or perhaps because of the controversy, museums worldwide invited the group to exhibit the tool and poetry, and shortly thereafter the TBT was and continues to be exhibited extensively. This chapter contends that the TBT engages with undocumented immigrants in a more radical and humanizing way than the other progressive sites analyzed in this dissertation. This humanizing approach is in part why conservative pundits and politicians viewed the TBT as threatening to national security. The controversy, in turn, reveals the political potential of the TBT performance.

This chapter explores two sites. First, "The Controversy," explains the controversy surrounding the tool. I begin with a close reading of two conservative representations of the TBT. The first representation is a tirade against the TBT by Glenn Beck on his, now canceled, Fox News self-titled show, and the second is a video and radio compilation by the conservative blogging website the *Blaze*, also associated with Beck's name. The conservative rhetoric analyzed suggests that the EDT 2.0/ b.a.n.g. lab through their 'hospitality' are read as criminal threats. The social capital that the EDT 2.0/ b.a.n.g. lab have as educators possessing the proper legal statuses and sympathy towards people who inhabit the border region, individuals who are interpellated as "illegal aliens" and "Mexican" in part through their connection to the U.S.-Mexican border, renders the group doubly threatening to conservatives. I then move to the other

side of the controversy by conducting a close reading of a selection of a *Hyperallergic* interview with TBT co-founder Dominguez, as well as a TBT poem written by Dr. Amy Sara Carroll for the museum exhibition entitled “I Like America. America Likes Me,” and translated into German by Dr. Petra Kuppers.

This chapter’s second section, “Institutionalized in the Museum,” I am interested in how an ethos of U.S. neoliberalism is enabled through institutional recognition. Reading the project as artworks, I first position the art project in conversation with other work by transnational and Latin/o political artists. I argue that, in the eyes of the academy, the museum exhibition component of the EDT 2.0/ b.a.n.g. lab art and activist work was a necessary component of the project that worked to legitimate the institutional need for the collaborators’ jobs and statuses as students. These dynamics reveal much about the apprehensions and fear that propels the contemporary post-race racial construction of Latinas/os and, more generally, U.S. neoliberalism.

This chapter’s central problematic explores what types of direct action to aid Latinas/os and other groups interpellated as “illegal aliens,” if any, are permissible under U.S. neoliberalism. It also engages with the TBT as both an artistic and activist work by putting the work in conversation with similar politically motivated transnational artworks and cultural phenomenon, particularly U.S.-based Spanish-language radio’s Migra (Border Patrol) Warnings. The central organizing questions of this chapter are: What does it mean to make a performance and a virtual tool for border crossers “safe” by institutionalizing it? What, if anything, is lost in the process of institutionalization? I am not suggesting that individuals who view the TBT exhibition are apolitical or do not work towards wider social change.

The Controversy

In 2008 on his self-titled Fox Cable Network program, conservative television and radio personality Glenn Beck reported to the American public how poetry was threatening to destroy the nation. He briefly explained his understanding of the *Transborder Immigrant Tool*, a GPS cell phone that plays audio recordings of this subversive poetry:

A few employees at the University of California, San Diego, are openly and with the aid of your hard earned tax dollars, aiding illegal aliens with GPS cell phones. Two of the project developers, one is a lecturer (sic) and the other is a professor, are open--they talk openly about wanting the total collapse of the United States. That alone should make you feel pretty comfortable having them in our university system...

In a passionate and exasperated manner, Beck perpetuates many stereotypes about undocumented migrants as he mocks the EDT 2.0/ b.a.n.g. lab's analogy of the tool as a modern type of "Statue of Liberty" that functions as a homing beacon to welcome new immigrants to the United States. Beck exclaims:

As the illegals are trudging 80 miles across the Arizona desert in 125 degree heat without water or sun block, often carrying their small children on their back, at least they'll have the welcoming hospitality of the Statue of Liberty--you ready--giving them poetry....Who needs water when they're souls will be drenched in life refreshing dew of poetry like that. Oh we are in good hands aren't we? America, this is madness and you know it.

Beck continues to plead to his audience to act upon their own "common sense" to make a stand against such individuals explaining that he believes these educators "should be fired. But you can't. Tenure you know." Beck's rhetorical simplification about the structure of the U.S. university system is evident here in that he does not rationalize in his diatribe that lecturers (students, in reality) are not given tenure and that their contracts are often renewed semester-by-semester. Beck's statements also challenge academic freedom as one of the often-cited merits of the tenure system.

Beck's comments suggest that he finds these university professors and lecturers more threatening than undocumented migrants because they are citizens who use tax dollars to extend

what Beck calls “American hospitality”—in scare quotes—to people without proper paperwork to legally be in the United States. This dissertation has discussed at length how undocumented migrants are racialized as brown with indigenous looking features. This is how Latinas/os as an ethnic group can be racially stereotyped, for instance, under Arizona’s SB 1070. Scholars such as Martha Manchaca (2001), Mae Ngai (2004), and Laura Gómez (2007), have written about the racialization of Latinas/os and other ethnic groups, particularly through federal and state immigration policy prior to 1965. Additional scholars, like Leo R. Chavez (2008), argue that contemporary representations in media and scientific discourses cast all Latinas/os as “illegal aliens,” and as perpetually threatening to and unable to assimilate in the United States. With such stereotypes in mind, the artists and social activists involved in the TBT project are likewise constructed as threatening and racialized by conservative rhetoric, such as that espoused and by Beck, and as possessing a “Brown” (read: Mexican-friendly and therefore anti-American) consciousness. Perhaps more dangerous to conservative pundits, these educators are rendered doubly dangerous as “brown” bodies with intellectual, institutional, and social capital. The EDT 2.0/ b.a.n.g. lab members are threats that cannot be deported because either they have citizenship, or legal right to be here enabled in part through their privileged immigration status, social class, and university affiliations.¹⁰¹ These rebel artists and social activists, according to Beck, practice this “American hospitality” in part through the TBT’s use of poetry audio recordings that are sent to individuals at different points along their transnational journey. Pushing his argument against the EDT 2.0/ b.a.n.g. lab as anti-American even further, Beck confides to his audience that he believes that such actions are domestic terrorism that “re-educate” America’s impressionable youth: “I have news for you: there are a lot of universities

¹⁰¹ Recall the immigration act of 1965 gave well educated immigrants who could demonstrate an ability to contribute to the overall economic good of the United States preferential immigration status.

that are just as dangerous with indoctrination of our children as those terror groups are in Iran, or North Korea.” In part because of conservative pressure and negative representations of the TBT, its nation-subverting poetry, and its developers, the members of the EDT 2.0/ b.a.n.g. lab received and continue to receive death threats.

As the vignette describing Glenn Beck’s report on the TBT suggests, conservative media pundits represent the EDT 2.0/ b.a.n.g. lab as a group of radical professors, poets, and lecturers who use government tax dollars to help “illegals” cross the US-Mexico border. The TBT is situated in such discourses as a tool in a greater political struggle where the radical, tax-dollar-leaching poets, artists, and educators are branded as desiring to destroy the U.S. nation-state. For example, on August 31, 2010 conservative blogging website *Blaze* posted a video compilation at 8:17 am of selected and highly edited portions of television and radio interviews given by Micha Cárdenas and Ricardo Dominguez, the two members also targeted directly by Beck.

This post, entitled “USD Professors: Dissolve U.S.--Give GPS Phones With Explicit Poetry to Illegals for Border Crossing,” is a video compilation of edited shorts. In this montage Cárdenas and Dominguez dare to suggest that nation-state borders are fluid and will most likely one day dissolve, as each collaborative member discusses the impermanence of economic and national borders. The video does not discuss, however, where each video or radio interview excerpt was originally taken from. The *Blaze*’s transcription (full of spelling errors and transcribed here) of Cárdenas’s May 2009 interview segment appears in close captioning under the video:

I think the way to fix the country is to dissolve it. We could ether [sic] give all the land back to the indigenous people that we stole it from or we could just wait for the economic collapse and build community based alternatives and infrastructure to replace the current system.

Given the nature and structure of Cárdenas statement, it appears as if she is responding to a

question; however, in the video compilation we are not given the added context of any potential question or prompt. Like the *Transborder Immigrant Tool* and its user encounters both real and imagined borders at the time of the filing of this interview Cárdenas was in the process of her own transformation, from male to female. Cárdenas was also targeted, by Beck and in death threats, as a trans-subject (Carroll 2014).¹⁰²

Following Cárdenas' statement, the screen transitions to black with white lettering and we begin to hear Dominguez's voice with no image, this time we are given the context that the audio is taken from a November 2009 interview with radio station 89.3 KPCC. The prompt, question, or any added context as to the reason for the interview are not included in the video montage. This radio interview appears to be spliced, as there are breaks in the tone and logic of Dominguez's statements. The *Blaze's* transcription of this second testimony also includes the editorial choice of the *Blaze* to include all capital letters to accentuate the effect of certain statements:

In terms of immigrant rights and that is safe passage [segment cut] and so the question to move the kind of anchor of civil disobedience within a kind of OVER FETISHIZED NOTION OF A SINGLE SOVEREIGNTY OF A NATION but to look at a larger TRANS-TRACK a larger TRANS-SOCIETY that is emerging that also should have a kind of global rights.

The use of trans-track and trans-society has multiple valences; for instance, harkening back to Cárdenas' own gender transition, it is a queering gesture, and also has economic and geographical meanings. Nation state borders are fluid. Whether in the U.S.-southwest or in Berlin during the Cold War, borders have historically and artificially separated communities creating trans-societies; is not a new or novel concept. Using technology to help bridge this human-imposed geographic divide, whether it be through, for instance, the telegraph, telephone,

¹⁰² Although the queering gesture and multiple meanings behind the “trans” in *Transborder Immigrant Tool* offers much room for scholarly discussion, this is not the primary subject matter for this chapter. Other scholarship on the TBT and EDT 2.0/ b.a.n.g. lab also already has or is taking up this question.

or video chatting, is also not a novel concept. Furthermore, transnational economic fluidity across borders, as well as free-trade agreements like NAFTA, reinforce the notion of a trans-track of global capital. Interestingly, the *Blaze* does not discuss the historical support for Cárdenas and Dominguez's' arguments. Spanish colonists drew the first national borders in the U.S.-Southwest. The U.S. Mexican border shifted twice within the past 200 years: in 1848 when the U.S. acquired nearly half of Mexico's territory as a result of the signing of the Treaty of Guadalupe Hidalgo that ended the Mexican-American War, and in 1853 as the result of the Gadsden Purchase where the U.S. government purchased land from Mexico that is in present day southern Arizona and New Mexico. The Gadsden Purchase established the contemporary U.S.-Mexico border. Given this recent history and the global tendency of national borders to move and dissolve because of war and treaties, Cárdenas and Dominguez's' arguments are historically founded. This *Blaze* video articulates yet again a compounded conservative fear not only of undocumented migration, but also that American universities are, to use Glenn Beck's repurposed terminology, "re-education camps" that breed domestic terrorists. These domestic terrorists, the *Blaze* video compilation suggests, are crafted when educators ask youthful minds to conceive of a borderless world where humanity and hospitality are prioritized before the economy and nation-state.

Although media and politicians from a variety of political leanings voiced their opposition to the TBT and the collaborative group, the members of the activist group remained largely silent in mainstream media, with candor, for instance, denying an interview with Fox News because, according to Carroll in an email that the network and other news outlet quoted multiple times, their aesthetics differed too much from that of the news outlet to foster productive conversation. The EDT 2.0/ b.a.n.g. lab has, however, been vocal about their project

on more independent media websites as well as on their personal blogs and websites. In a July 23, 2012 interview with *Hyperallergic* reporter Leila Nadir, Dominguez explained the controversy from his perspective. Unlike the conservative representations that use fragmented portions of interviews by collaborative members from other sources to help craft a representation of collaborative members as terrorists, *Hyperallergic* allowed Dominguez the opportunity to explain his view of the controversy; this interview was edited and had a particular word count. Dominguez is allowed to contextualize his involvement with electronic civil disobedience, a type of cyber performance that he was hired by UCSD to research and develop. He also elucidates an irony that although pundits and the university challenged his tenure, through his involvement with the TBT performance, Dominguez was fulfilling the very reason why UCSD hired him and gave him tenure in the first place: his controversial activist performances that provoke his own written and oral discussion and reflection. I am including his entire statement here both as a means to contextualize the TBT controversy from the point of view of a collaborative member as well to offer a longer testimony of voice that has remained fragmented in the conservative media coverage above:

Leila Nadir: The Transborder Immigrant Tool and the artists involved in creating it have been investigated by the Republican Party and the FBI Office of Cybercrimes. You have been accused of misusing public funds and promoting illegal activities; your tenured position at UC San Diego was threatened. Given your history of pioneering new forms of activism and civil disobedience with electronic media, you are no stranger to the state's interest in your work. How has the US government's response to TBT been similar to or different from your previous encounters?

Ricardo Dominguez: The major difference between the 2010 investigations of projects by Electronic Disturbance Theater/b.a.n.g. lab and those that took place in the late 1990s was the nature of the stage: in the 1990s we were an autonomous group of artists creating art projects online that activated responses from the Mexican government to the Department of Defense. From the FBI to NSA [National Security Agency], these entities failed to establish any investigations on an international or national level, even though they really wanted to. In 2010, the stage was completely different: the Transborder Immigrant Tool and our Electronic Civil Disobedience performances were now being

created and performed with the support of a large institution, the University of California and CALIT2 (a new-edge technology research center) at UC San Diego. I was also a tenured professor for on the (sic) art-based research I had established in 2010.

TBT was already under investigation starting on January 11, 2010, by UCSD (this included the entire group of artists working on it). Then I came under investigation for the Virtual Sit-In performance against the UC Office of the President (UCOP) on March 4 (against students' fees in the UC system and the dismantling of educational support for K–12 across California). That was then followed by an investigation by the FBI Office of Cybercrimes. The FBI was seeking to frame the performance as a federal violation, a cybercrime, based on UCOP stating that they lost \$5,600 because of the disturbance. It is important to know that the cost had to be over \$5,000 for it to be a crime, so UCOP tacked on \$600 to push the performance into cybercrime territory. I think that all the actions on the streets of California, the occupations and protests across all the UCs by students and faculty and the online actions, created a space where they could not fail to notice its impact on multiple scales.

There were three investigations in total. They were all seeking to find a way to stop TBT and to de-tenure me for doing the very work I was hired to do and tenured for, so the irony was lost to no one, not even the FBI. In the end, all the investigations were dropped. UCSD did not find any misuse of funds for the TBT project (three Republican Congressmen had called for the investigation). I did have to agree not to do another VR Sit-In performance on the UCOP for close to four years, but the day I signed the agreement, a number of supporters across the nation did a VR Sit-In on UCOP again — so I am not sure what that means. UCSD dropped its actions to de-tenure me and instead gave me merit for my research. One strange element about the agreement that they wanted me to sign, without even giving me or my legal team time to look over, was that it included clauses like: I would never speak or write about what had happened, I was never to create any art work that might disturb anyone and of course, refrain from an activist performances — none of which I agreed to. How could we do our research if we did? (Nadir 2012)

Dominguez's statements here contextualize that his tenure was challenged around the time of his involvement with the TBT and EDT 2.0/ b.a.n.g. lab. The case brought against his tenure had to do with a Virtual Sit-In against the UC Office of the President, similar to those done by EDT in the late 1990s. We find out that the body of work that Dominguez received tenure with at UCSD included a collaborative project of Electronic Disturbance Theatre against the Mexican government. This project was investigated by the U.S. government and was also ruled not to be a cybercrime. Around the same time, EDT 2.0/ b.a.n.g. lab found an exhibition space for the

version of the TBT and set of poems intended for the museum.¹⁰³ The space of the museum provided the institutional recognition of the TBT, rather than as solely political activism or terrorism as it was represented by Beck.

A part of this representation of institutions viewing the TBT performance only as “art” within the space of the museum, displays a fundamental disconnect in understanding the over fifty-year history of performance art and expression. It also expresses the differential educational and artistic value placed on tangible and archival based artistic expression (Taylor 2003). Latin American performance studies scholar Diana Taylor (2003) writes that Western cultures have long viewed archival forms of knowledge production as superior to other more ephemeral and performative forms of knowledge transversal that have long been a way of preserving knowledge and history for non-western people. The desire to contain the TBT in a museum space, therefore, could in part be read as a colonial desire to turn performance-based art into a tangible abstraction of its original form in order to reify it as tangible “art” in a classical Western tradition.¹⁰⁴

The representations cast by the blog-post compilation radio, video, and editorial text mash-up from *Blaze* and Glenn Beck’s tirade about the TBT on Fox News each present the members of the collaborative as prioritizing a global sense of human rights and hospitality over what the conservative media present as omnipotence of law and nation-state borders. These conservative representations take a presupposition that national laws are inherently just as “common sense.” In their representation of the tool, conservative media outlets like the *Blaze*

¹⁰³ “Here Not There: San Diego Art Now.” Museum of Contemporary Art, La Jolla, California, June 6, 2010-September 19 2010.

^{103c} “City Centered, A festival of Locative Media and Urban Community.” San Francisco, California, June 11-13, Workshop on June 19-20.

¹⁰³ 2010 California Biennial. Orange County Museum of Art. October 21, 2011 - March 13, 2011.

¹⁰⁴ The artists do not agree on this representation.

and Glenn Beck posit a brand of unwavering, not contextualized, and fervent patriotism over aesthetic and emotional sustenance and value put on all human life, regardless of citizenship status. It is because of this discursive and aesthetic disconnect that the EDT 2.0/ b.a.n.g. lab in part denied Fox news their request for an interview, citing the impossibility of a productive dialogue due to their differing aesthetic registers.

This conservative and limited version of patriotism—you are either for the nation, or against it—casts the EDT 2.0/ b.a.n.g. lab as not simply unpatriotic, but as domestic terrorists. While discussing the globalization of the garment industry, Latina labor, and sweatshops both in the United States and in Puerto Rico and the Dominican Republic, labor historian Carmen Teresa Whalen (2002) notes a historical tendency wherein U.S. Americans view immigration in simplistic terms, and only from a U.S.-centric position. Whalen explains that:

Immigration is often portrayed as something that happens *to* the United States and that is problematic precisely because the United States does *not* control the process. This perspective ignores the impact of U.S. political and economic interventions in shaping economic development and causing out migration, as well as continuing reliance of U.S. economic interests on low-wage immigrant labor in the United States. (2002, 46)

Within conservative representations of the tool, a similar black-and-white dynamic is at play that looks at immigration as something that happens to the United States.

The GPS cell phone and algorithm programmed into the phone offer users the coordinates of way stations in one section of Southern California, Anza Borrego State Park; the poetry that plays on the tool offers desert survival facts. Carroll's poetry included on the tool in museum contexts humanizes undocumented migrants and their unique narratives of migration. Nuanced representations of border crossers suggest that the complicated histories behind migration cannot be simply deduced with culpability assigned according to who broke which nation's law as is common in conservative media outlets. For example, in representing migrants who cross the U.S.-Mexico border, Beck names such people "illegal aliens," the *Blaze* calls them

simply “illegals.” The introduction to this dissertation provided a comprehensive discussion of the keyword “illegal” or “illegal alien” as a term that is no longer commonplace, and is a colorblind misrepresentation of migrants. “Illegal alien,” and various other iterations of the term, criminalizes racialized people as threatening and allows for colorblind racism, where rhetoric of legality is substituted for discussions of race, and racial profiling.

Dr. Carroll’s second series of poems for TBT writes against such narratives that indiscriminately label immigration as something illegally done to the United States, take for example the poem “I Like America and America Likes Me.” This poem appears on the tool in multiple languages and on June 13, 2010 was published in English and German on the *Poets for Living Waters* website; the title for this poem is taken from a performance by German artist Joseph Beuys (1974) of the same name. In the latter, he locked himself, wrapped in a fleece blanket, in a room in the René Block Gallery in New York City for eight hours over three days with a wild coyote (Levi Strauss 1999). The poem and its German translation, by Dr. Kuppers, are quoted here in their entirety:

I LIKE AMERICA AND AMERICA LIKES ME

An environment—like a word’s connotation—shifts with impact. Minimal. Or, maxed out. “Remains of the day” go black (bodies) and white (objects). Corpses bloat. Paper, plastic, fabric fade, bleached as bones after the meat falls away. Coyote (kahy-oh-tee, borrowed from Mexican Spanish, borrowed from Nahuatl, cóyotl): Canis latrans. Trickster. Coyote (co-yo’-tay, borrowed from Canis latrans): Youngest child. Middleman. Human trafficker.

Ich liebe Amerika und Amerika liebt mich

Eine Umwelt – und eine Wortbedeutung – aendert sich mit jedem Eindruck. Minimal. Oder, ganz gross. Die Daemmerung des Tages zeigt sich (koerperlich) schwarz oder (gegenstaendlich) weiss. Leichen blaehen auf. Papier, Plastik, Stoff bleicht, ausgelutscht wie Knochen wenn das Fleisch abgefallen ist. Coyote (kahy-oh-tee, aus dem Mexikanisch-Spanischen, vom Nahuatl, cóyotl): Canis latrans. Jupp Beuys in Amerika, wie man sich das so vorstellt: Schelm. Coyote (co-yo’-tay, vom Canis latrans): draussen in der Wueste: das juengste

Kind. Mittelmann. Sklavenhaendler. (Carroll and Kuppers 2010)¹⁰⁵

Similar to all of the poems on the tool, the second series of poems for TBT play in ten languages, including English, Spanish, German, Greek, and Mandarin Chinese. The multilingual poetry complicates the traditional stereotype held in much of the United States that all undocumented people who cross the U.S.-Mexico border speak Spanish, or that all undocumented people in the United States are Latin American. In this case, the use of German provides an allusion to Beuys' own status as an immigrant, who was known to have an ambivalent relationship to the United States (Levi Strauss 1999). Beuys' performance was very much about fear, violence (at times the coyote tore apart Beuys' blanket and he arrived to the gallery in an ambulance and was placed in the room on a stretcher), and surveillance (Levi Strauss 1999). These themes are relevant, albeit on different registers, when Dr. Carroll uses Beuys' title in the context of the U.S. borderlands.

While complicating and broadening our understanding of who border crossers are—literally anyone, from any nation who speaks any language—the title of the poem, “I Like America and America Likes Me” when taken outside of the context of Beuys' performance and placed into the context of the U.S. Mexican border zone, immediately humanizes a potential migrant by using the first person pronoun “I” that puts the listener/reader in the subject position of the migrant. Rather than viewing border crossers as an abstraction, like an “illegal alien,” this title not only personifies the border crosser, but also personifies the U.S. nation state. Both the migrant and the U.S. economy are driving forces behind migration. The notion that both the border crosser and the U.S. nation state “like” one another elucidates a wider allusion that many border crossers have that the U.S. may be a welcoming place where they could easily find a job;

¹⁰⁵ I choose not to change the formatting of the original poem because the font and placement of words adds levels of meaning to the work.

a markedly less true statement with anti-immigrant laws being passed in states like Alabama, Arizona, and Georgia. On another level, the title is also representative of a wider transnational community embodied by the EDT 2.0/ b.a.n.g. lab: the tool is proof that there are people in the United States who self-identify with and humanize with border crossers.

The poem begins with the sentence: “An environment--like a word's connotation--shifts with impact.” The literal border here is the U.S.-Mexico border whose harsh desert climate is markedly less harsh for a border patrol agent in her/his air conditioned SUV, than for a border crosser who travels by foot, carrying her/his water and personal possessions, over the most perilous and mountainous stretches of the Sonoran desert. This environment remains intangible to the drone operators and individuals who monitor government satellites that provide surveillance for the militarized zone.

The impact that the border environment has on organic and inorganic objects also fluctuates. As the poem poignantly and succinctly states “Copses bloat.” and organic matter quickly decomposes and disappears. This is in contrast to the material objects that border crossers carry and sometimes leave behind them, the “paper plastic, fabric fade, bleached as bones after the meat falls away” yet remain in the space longer than organic matter. An additional climate of hospitality is represented in the poem in that it functions also as warning. Although America, or the crossers imaginings of America, may seem like a welcoming or friendly space full of economic opportunities, the physical space of the border lacks hospitality. The tool and poetry operate as an intermediary within this space, a transnational coalition dedicated to welcoming and warning travelers.

The short poem ends with various pronunciations and meanings of the word “coyote,” or the colloquial term used for the guides who help people without documentation cross the border.

The poem makes clear that the very word “coyote,” like the space of the border, has its origins in hybridity as the term is borrowed and repurposed from the multiple languages spoken by the diverse groups that inhabit in the liminal space. “Coyote” has multiple connotations, from trickster to human trafficker. Often coyotes work for larger organizations, and perhaps drug cartels, and charge exorbitant amounts of money to help people cross the border and may or may not be concerned with the physical health, never mind the emotional and aesthetic well-being, of a border crosser. Traditionally, being a “coyote” is represented in popular culture, take for example in the non-fiction book *The Devil’s Highway*, as primarily an economic and not humanitarian gesture (Urrea 2005). This poem and the TBT are, however, yet again redefining the term “coyote” as the TBT and its transnational collaborative team also become “coyotes” by helping individuals in the borderlands.¹⁰⁶ The TBT embodies a humane version of “human trafficking” where the travelers’ aesthetic, emotional, and organic substance are all considered equally important as the collaborative members seek to employ what Dominguez earlier referenced in the *Blaze* excerpt as “global human rights.” “I Like American and America Likes Me,” describes the border as a land of extremes. The types of reactions that the U.S. public had, from both sides of the political spectrum, to the TBT performance can similarly be seen as extreme or polarizing. Conservatives flatly rejected the TBT as a tool by terrorists, and some liberals sought to institutionalize the tool within a museum. Institutionalizing the art piece can be viewed as a way of saving a trace of the original performance in the onslaught of conservative pressures, such as Dominguez’s tenure review, and as a way to spread awareness about the deaths in the border zone.

Institutionalized in the Museum

¹⁰⁶ The artists do not agree with this representation.

Ultimately, the TBT performs more than a new articulation of cyber citizenship and *Latinidad*; the EDT 2.0/ b.a.n.g. lab is both “affective and effective.” After the controversy, dominate discourses surrounding the tool transitioned from ones focused on conservative fear and perceived threat, to artistic discussions that directly asked collaborative members to explain their artistic and political interventions. Take for example the aforementioned *Hyperallergic* interview. In this interview, collaborative member Ricardo Dominguez explains how the group conceptualizes their work as both art and social activism:

And for us the frame of our work can be traced as an aesthetics of code switching between the Greek etymology of the word “aesthetic” (*aisthitikos*, that which is “perceptive by feeling”) and the effective poetry of code that functions, that “works.” Thus we are constantly and concurrently affective and effective. (Nadir 2012)

The affective and effective dimensions of the TBT are evidenced in the artistic (affective) and social activism (effective) dimensions of the project. On reflecting about the effective history of social activism, Dominguez writes:

Activists have traditionally, for good reasons, focused solely on the side of effective use of social technologies or actions. These projects must have or at least be imagined as having strong, concrete outcomes to the conditions that have failed or are failing to create the spaces necessary for a community to be sustainable in any number of ways. And often power, as command and control, will respond to activists by targeting them as law breakers or potential law breakers and shut them down under the empirical weight of the “Law.” (Nadir 2012)

Dominquez theorizes that social activism is often squashed by those in power under the logic of the rule of law. Artivism, a hybrid between the affective and effective, is at the nexus of the subversive political potential of the TBT. Understanding this duality and ability of the tool to code switch between different spaces is needed in order to understand what is fundamentally lost through institutionalizing the performance piece.

Indeed, as mentioned earlier the conservative media analyzed in this chapter operated under the logic that the TBT had to be eliminated because it broke the law and therefore impeded

on the conservative individual's personal freedoms. The affective and artistic dimensions cause a rupture in traditional power dynamics, Dominguez clarifies that: "The question of aesthetics, at least for us, creates a disturbance in the "Law" to the degree that it cannot easily contain the "break" and it is forced to enter into another conversation — a conversation that power-as-enforcement may not want to have." The TBT's political potential also lies in its hybridity and inability to be just art or just social activism: it is both, but can also situationally claim or assert one identity over the other. Dominguez explains that collaborative members Dr. Carroll and Cárdenas theorize this relationship, wherein the TBT is not entirely social activism, but also not entirely affective, as the transreal or paraliterary. Paraliterary is a term used to dismiss or discount writing as not literary, for instance graphic or romance novels. EDT 2.0 / b.a.n.g. lab envisioned the tool as an artistic and activist project that had the flexibility to exist in both the museum and as a borderlands performance. This quality of the TBT as not entirely a museum and not entirely a borderlands performance is key to understanding its "transreal" quality.

It is the artistic component to the political activism of the TBT that makes the project so difficult to contain within prevailing understandings of art or social activism. The EDT 2.0/ b.a.n.g. lab is not the first group to combine art and social activism in a transnational context. Drawing such parallels to other artist and social activists' work helps to better contextualize the unique contributions the TBT makes to performance and politics. Before accomplishing this task, however, it is important to situate why transnational alliances are key to the success of the TBT performance as well as define what is meant by term "transnationalism." The TBT is a transnational art project made possible through the efforts of cross border coalitions. The performance of using the tool to help people from a variety of nations navigate dangerous terrain with the cooperation of international NGOs and non-profits is by definition transnational, and the

use of GPS technology is transglobal. According to Luis Eduardo Guarnizo and Michael Peter Smith (1998) in their edited collection *Transnationalism from Below* describe transnationalism as the “Penetration of national cultures and political systems by global and local driving forces,”

(3). Simplistic readings of transnationalism interpret the political, economic, and cultural phenomenon from a utopian standpoint; however, transnationalism is both strengthened and weakened “from above,” for example through global economic exchanges, and “from below,” for example the exchange of reparations to family members abroad. On the one hand, Guarnizo and Smith locate the positive results of transnational phenomena as spurring market rationality, liberalism “from above,” the creation of liberatory practices and space “from below.” On the other hand, a potential negative of transnationalism is that it propels global consumerism and global capitalism.

On an individual level and in the context of situating transnational artwork of Rubén Ortiz Torres, Ondine C. Chavoya (2004) explains that the “concept of transnational identities proposes that both host *and* home countries undergo transformation” (143). Chavoya discusses Torres’ art pieces *Power Tools*, an exhibition of customized electric leaf blowers made in response to the California electric leaf blower boycott in the 1990s, and *Alien Toy*, a customized low riding car whose hood, doors, and other parts disassemble and then reassemble. Chavoya’s ruminations on the significance of customization within Torres’ artworks bear some interesting parallels to the customization used by the TBT team in creating its hybridized cell phone.

Chavoya writes that within transnational art practice, like that of Torres, style is a function of politics: “The lived experience of more and more people, including transnational artists, migrant workers, diasporic communities, and exiles, occurs outside the cultural norms idealized by the state, and this situation often results in transnational cultural formations that move beyond ethnic

and national lines” (Chavoya 2004, 143). As evidenced by Beck’s backlash against EDT 2.0/b.a.n.g. lab, the TBT “occurs outside the cultural norms idealized by the state” through its prioritization of human life, poetry, and sustenance over what Beck views as nation-state laws and policies of militarization and surveillance.

Torres’ piece *Alien Toy* deals with the popular connotation many Americans have that links low riding vehicles and violence. Chavoya writes that “While cruising “low and slow” on the city streets of Southern California, low-riders constantly must negotiate the thrill and threat of hypervisibility in the face of cultural stereotypes and a history of delimited mobility for Latinos and African Americans,” (2004, 154). *Alien Toy* is a project that is as much about customization as it is about hyper-visibility and re-scripting (by literally recycling old parts) the ideals of consumer accumulation at the heart of the American Dream (Chavoya 2004, 150). While conservatives misrepresent TBT as a subversive and even hidden cultural production that helps border crossers navigate under government surveillance, it is also very much about hyper-visibility. This hyper-visibility takes many forms that extend further than its exhibitions in museums and presence on websites and blogs. By using the tool, border subjects potentially become hyper-visible to community organizations and activist supporters. This hyper-visibility allows the user to maintain cyber citizenship within a community of like-minded border crossers. This idea of a cyber citizenship could seem a lot like science fiction, topics that Chavoya also discusses as relevant to the artwork of Torres. Chavoya contends that “Science fiction creates allegories in which stories of the future are really about the present” (2004, 156). In the rhetoric of Beck’s rants, the TBT reads like a work of science fiction stuck in a library; as an object “designed to help people easily cross borders without sacrificing their physical and mental health,” as an oddity that uses poetry “to destroy the nation.”

The original problem for many pundits, politicians, and potentially even progressives with the TBT as borderlands performance art is in part that it was not contained and institutionalized within a safe space that could be used to break international laws. As Ondine C. Chavoya (2004) and Alicia Gaspar de Alba (1998) note, there have been many debates within the art community about the space and place of Latinas/os within the museum, particularly on the use of immigrant labor for services sector jobs within these spaces (Chavoya 2004, 142). In her book *Chicano Art Inside/Outside the Master's House: Cultural Politics and the Cara Exhibition*, Alicia Gaspar de Alba writes about the *Chicano Art: Resistance and Affirmation Exhibition* (1965-1985), a traveling exhibition curated by the Wight Gallery at UCLA, as the first art show that was organized by and displayed the work of Chicana/o artists within a mainstream art institution. Although, as Gaspar de Alba maintains, the organization and artwork represented in the CARA exhibition a counter-hegemonic ethos, the exhibition is at the same time a byproduct of the 1980s Culture Wars and multiculturalism. Multiculturalism was defined at length in the introduction to this dissertation, but specifically Gaspar de Alba defines

Multiculturalism broadly as close encounters of the Third World kind between the dominant culture and “aliens”—a category which includes immigrants of both the documented and undocumented varieties as well as citizens and residents who for generations have grappled with racial, ethnic, and cultural bigotry. (Gaspar de Alba 1998, 19)

Although the importance of CARA as an exhibition curated by Chicanos/as containing Chicana/oa artwork within a mainstream museum cannot be overstated, the history of the museum as a colonial and imperialist space is nevertheless present even within such multicultural discourses. Gaspar de Alba explains the oppositional consciousness embodied within the CARA exhibition in an age of multiculturalism:

The close encounter offered by the CARA exhibition was different, more civilized, more on the symbolic terms of the dominant culture, and it could have happened before the

culture industry and the educational system assumed control of multiculturalism. Liberals would argue that it was, in fact, the other way around, that multiculturalism assumed control not only of the culture industry and the educational system but of the nation itself--wishful thinking, to be sure. The bottom line of multiculturalism is difference, and difference has never had power in this country. Difference gets melted down, exoticized, stereotyped, invisibilized. On the one hand, difference becomes “Santa-Fe style,” or a Benetton label, or a funding category. On the other hand, difference gets denied a public education, health services, and a decent place to live. Difference forgets its history, its name, itself. It was precisely in resistance to that trajectory of erasure and historical amnesia that CARA was organized. (Gaspar de Alba 1998, 19-20)

It is within the legacy of the CARA exhibition, reminding viewers of the senseless death and dying that occurs on militarized national borders that the TBT enters into the space of the museum.

A critical take away from CARA, the TBT, and the *State of Exception* exhibits is in part that global issues that are racialized as “multicultural” are sometimes rendered safe topics of discussion when their representations are located in the sterile and privileged setting of the museum. Gaspar de Alba successfully shows how Chicana/o artists and curators have the potential to assert a counter-hegemonic positionality encased within the walls of privileged and historically white and imperialist spaces. In such spaces, however, patrons can discuss the humanitarian issues of undocumented migration and border militarization, for example, while also embodying the choice to disengage upon leaving the museum. Unlike the CARA exhibition, the TBT and the *State of Exception* exhibitions operate during a post-race moment where colorblind discourses mask racial prejudice behind, particularly for brown skinned and Spanish-speaking bodies, rhetoric of legality.

For the conservative media, the institutional legitimacy garnered by the TBT’s code switch from the border zone to the museum made the device markedly less threatening, and the poetry that so perplexed and puzzled Glenn Beck became no longer as cautionary. It is also important to recognize that, after its very first exhibitions, the yearlong review from the

University of California, San Diego ruled that that the EDT 2.0/ b.a.n.g. lab had not committed any wrongdoing. The TBT published the university's final judgment on its website: "Project Assessed to be an Appropriate Use of Fund on July 21st, 2010: "Based on our review procedures, we concluded that neither University funds nor effort were used inappropriately during the development of the TBT or the Project"" ("Use of Resources Investigation" 2010). Recall that the EDT 2.0/ b.a.n.g. lab was targeted based on the claim that they misappropriated university funding. In the case of the TBT, its later museum exhibitions also came with the assurance that the collaborative members were not criminals, and did not misappropriate tax dollars. In terms of audience reception post-investigation, it is meaningful that although the TBT toured internationally in museums, Fox News and other conservative outlets stopped reporting on the TBT shortly after it entered into museums. The death threats and other hostile messages that the collaborative received whenever Fox reported on the tool, however, did not cease and they still receive messages today.

Recall that on his syndicated cable news program when reflecting on the potential of the TBT's poetry to subvert national boundaries and laws, conservative Glenn Beck proclaimed: "There are universities that are just as dangerous as the terror groups in Iran and North Korea...we have been setting up re-education campus, we call them universities." Beck pronounced that these terrorist professors of poetry and electronic civil disobedience were too concerned with hospitality and welcoming undocumented people into the United States, rather than upholding law and order. Indeed, poetry and sound are powerful. Through its transmission of multilingual poetry, the TBT allows its users to express cyber citizenship through sound. In her discussion of how undocumented and documented call-in listeners patrol ICE's movements and actions through the Spanish language radio, Dolores Inés Casillas (2011) argues that U.S.

Spanish-language radio broadcasts serve as “enfranchised spaces” of anonymous community support and community citizenship for Latinas/os (809). Casillas also notes that Latinas/os are more likely than other groups to be active listening audiences as more Latinas/os listen to radio than any other group. This therefore makes Spanish-language radio a convenient “acoustic tool,” Casillas asserts, for undocumented and documented Latinas/os to use where they can foster a “collective sense of understanding” through sound (2011, 809). The tendency for Latinas/os to be active listeners in the United States and to use sound as a tool to aid undocumented people also draws a clear parallel to the multilingual poetry of the TBT:

Similarly, the TBT provides its audience of citizens and non-citizens messages of support, tips on how to survive in the militarized border, and affirms a listener’s anonymous membership into a greater community through sound. While a TBT user performs their membership into a greater auditory and technological community. Casilla’s comments on the importance of seeking comfort and citizenship through sound:

Listening offers an opportunity to retreat or sense of security unattainable through silence. Within these specific immigrant-directed broadcasts, the role of listening crafts a distinct aural public sphere where citizenship is not a (quiet) formality tied to paper-and-pen but a personal subject matter voiced publicly (callers) and experience collectively (listeners). As an acoustic ally, Spanish-language broadcasts not only assume callers and listeners are undocumented persons, legal residence, or from mixed-status families, but popular radio hosts and radio programs open really in solidarity of their listeners’ civil rights, a provocative feat both given *and* because of the recurrent changes in immigration politics. (2011, 810)

This excerpt about Spanish-language radio holds particular similarities to the TBT. Like Spanish-language Radio, the TBT poetry also offers an audience of migrants “an opportunity to retreat” and a “sense of security unattainable through silence.” Similar to the way that radio listeners use La Migra Alerts to notify a migrant community about the location of ICE patrols, the TBT also imagines its listeners and users in terms of their humanity, specifically their needs

to access emotional as well and organic substance from water caches. EDT 2.0/ b.a.n.g. lab functions as both an “acoustic ally” and, more specifically, a technological ally in the form of a hybridized, GPS equipped, cell phone and border survival tool.

The EDT 2.0/ b.a.n.g. lab asserts themselves as border transgressors: these borders include the lines between organic and emotional sustenance, queerness and heteronormativity, citizen and alien, and artist and activism. Within its pamphlet “A Play for all Tran[s]borders,” the EDT 2.0/ b.a.n.g. lab includes a diagramed sentence that repurposes a line from Luis Alberto Urrea’s *The Devil’s Highway: A True Story*: “In the desert we are all illegal aliens.” The conceptual and concrete poem has been used in various museum spaces. Simplified to “We are aliens,” the sentiment of this statement echoes that of DREAMers who “come out” as undocumented. “Coming out” as aliens in this way also asserts that all migrants who cross borders are imagined as threatening and “other” regardless of the material, legal, or artistic construction of those borders: what I discussed earlier as the dynamic that all border crossers have of “feeling brown.”

Indeed, the “anonymity of sound” that Casillas sees as so integral to a migrant community as they listen to Spanish-language radio is queered by the TBT. Whereas Spanish-language radio offers its listeners the opportunity to be anonymous and report the location of La Migra, the TBT device makes its user maintain both invisibility to ICE and hyper-visibility to a like-minded migrant community as it literally guides its user using a compass row and GPS location. Furthermore, if a TBT user does need emergency help from, for instance the Border Patrol, the TBT has the ability to call out, depending on reception; an act that then notifies law enforcement of the user’s location.

Repeatedly, critics engaged with the project have misrepresented the TBT as a tool to help undocumented people evade ICE and the Border Patrol, this misrepresentation is similar to the perceived intent of Spanish-language radio's La Migra Alerts. When compared to the TBT, La Migra Alerts can be read as less threatening to law enforcement because by calling into the radio station to share information individuals are not actively breaking international laws. It is this supposed overt challenge established laws that worked to brand the activist project as threatening to conservatives like Glenn Beck. Spanish language radio is additionally less threatening than the TBT as both the Federal Communications Commission and the ratings company Arbitron regulate it. In the case of the TBT, the project remains unregulated and "unsafe" when performed on the border; when under surveillance in the halls of a museum the subversive potential is mediated. However, there are many TBTs and they are relatively simple and cheap to manufacture; simply because some are displayed on the walls of a museum does not mean that there are not additional TBTs being used in the border zone.

Surveillance and vulnerability to Border Patrol and ICE are poignant realities for border crossers. Both Spanish-language radio's La Migra Alerts and the TBT that respond to the injustices within the United States that construct certain individuals as 'illegal.' Similar to how La Migra Alerts in Casillas words, "Exemplify how sound enables clear forms of political resistance by those most disenfranchised, armed simply with a telephone and a radio," (2011, 820) the TBT displays the transnational potential of humanitarian groups, artists, and activists, to challenge laws and policy that they view as inhuman. Furthermore, the TBT proposes a new definition of technological surveillance not by the government or corporations, but surveillance by non-profits, artists and social activists as a humanitarian gesture. In his discussion of how cookies instantaneously construct website browser's race, gender, class, and ethnicity, John

Cheney Lippold (2011) articulates what he terms as a “new algorithmic identity.” He defines “new algorithmic identity” as:

An identity formation that works through mathematical algorithms to infer categories of identity on otherwise anonymous beings. It uses statistical commonality models to determine one’s gender, class, or race in an automatic manner at the same time as it defines the actual meaning of gender, class or race themselves. Ultimately, it moves the practice of identification into an entirely digital, and thus measurable, plane. (2011, 165)

From a “bottom up” perspective, the algorithmic identity of a TBT user is an identity that rejects association with any one nation state, language, gender, or class. In other words, the TBT identifies that a person who uses the virtual hiker algorithm not as a potential consumer, but as an individual in need of aesthetic and humanitarian support.

Casillas writes that immigrants’ use of Spanish-language radio as a tool to conduct surveillance on both ICE and Border Patrol is an example of “low-tech” modes of sound”” responding directly to “ICE’s “high-tech” visual tracking capabilities” (2011, 817). The TBT represents a paradigm shift wherein high technology, namely cell phones and GPS technology, are so commonplace that individuals viewed as “low-tech” people, also understood as “illegal aliens,” have access to “high-technology.” Indeed, it is this very dynamic of using government GSP technology against itself, where the everyday item becomes a mode of transnational transgression, that the TBT proves so threatening to global networks of power and therefore in need of containment.

Like the TBT, Guillermo Gómez-Peña’s (1996) text and performance of *NAFTAZTEC: Pirate Cyber-TV for A.D. 2000* combined political activism and technology. On Thanksgiving Day 1994, the performance of Naftaztec (Gómez-Peña) and Cyber-Vato (Roberto Sifuentes), the “cyber Aztec TV pirates,” was broadcast via cable television to over 3.5 million United States’ homes from the performance artist’s “pirated” bunker-studio located somewhere from California,

to New York City. Nestled before their television sets, audience members were not told that this was a performance; the omitted information led some impressionable viewers to believe that they were watching a pirated broadcast. Throughout the broadcast, Naftaztec and Cyber-Vato answered questions from audience members who were invited to “call-in” during the show. When a caller challenges Naftaztec’s citizenship status and his “right” to be on television, Naftaztec tells the caller that: “Access to the media and access to high technology is not that easy especially for people of color...tonight at least, Cyber-Vato and I are in total control of the TV” (1995, 123). The performance ends when their total control is terminated; the “cyber Aztec TV pirates” being forcefully taken off the airwaves. *NAFTAZTEC: Pirate Cyber-TV for A.D. 2000* directly celebrates linguistic, racial and cultural hybridity within the “new world border,” while it performs a type of “re-tropicalization,” or the performance common stereotypes that depict Latinos as threatening to the U.S. nation-state in order to deconstruct them. Just as Gómez-Peña, like Torres, uses commoditization as a way to articulate a distinctly Chicana/o aesthetic, as does the EDT 2.0/ b.a.n.g. lab. Significantly, however, the TBT performance ushers in a new age of performance art where high technology is repurposed in order to subvert established systems of surveillance, governance, and migratory regulation.

EDT 2.0/ b.a.n.g. lab labels the Transborder Immigrant Tool an “artist” work; a mixture of art and social activism that is both political and theatrical. To clarify, within the performance of the TBT in the border zone *theater is politics*. Theater scholar and former Workers’ Party politician Augusto Boal (1985) made a successful career voting in the Brazilian legislature based on the outcomes of numerous theatrical performances that were acted out in public spaces throughout Rio de Janeiro, these performances were facilitated by individuals trained in the theater and law. In his book *Theatre of the Oppressed*, Boal discusses how the origins of

contemporary theater studies are based on teachings by Aristotle, Machiavelli, Hegel and Brecht. Through discussing these canonical founders of Western theater, Boal asserts that, “Theater is necessarily political, because all the activities of man are political and theater is one of them. Those who try to separate theater from politics try to lead us into error—and this is a political attitude” (1985, ix). Even if one attempts to separate politics from theater, that objective is a political act used to control and subdue theater’s role in participatory democracy.

While an elected member of the Workers Party, Boal voted in the Brazilian legislature based on the outcomes of many different performances of what he termed “Legislative Theater.” During a performance of Legislative Theater trained actors act out a contemporary issue; also, there are lawyers witnessing and taking part in the performance. After the scenario is acted out, it begins again but this time a moderator, termed “joker,” asks the audience members how they would like to change this scene to have an outcome that is favorable to the consensus. Boal used Legislative Theater as a means to create a more democratic political system. All audience members are “actors” in the democratic process. They can directly participate in the performance, offer suggestions as to the outcome, observe on the sidelines, or even walk away. Each gesture facilitates a community dialogue that reinforces the virtues of participatory democracy. On contemplating the power of performance, Boal writes that:

The theatre is a weapon. A very efficient weapon. For this reason one must fight for it. For this reason the ruling classes strive to take permanent hold of theatre and utilize it as a tool for domination. In so doing, they change the very concept of what “theatre” is. But the theatre can also be a weapon for liberation. For that, it is necessarily to create appropriate theatrical forms. Change is imperative. (1985, ix)

Although they are not elected politicians like Boal, outside of the museum the TBT can also be viewed as participatory democracy that challenges the exclusion of un/documented Latinas/os from the political arena. Both the Naftazteca and TBT performances suggest that the artists do

not operate under or flatly reject the laws of the United States government; the Naftazteca performance led some audience members to believe that they were watching pirated television and, as the political right fears, the TBT could potentially aid undocumented individuals to safely enter the United States. These performance artists are calling attention to the economic, military, racial, gendered, heterosexist and xenophobic forces that repress Latinas/os' access to high technology and the historically Anglo-centered world of United States' politics.

Although Boal locates the origins of contemporary theater in Western tradition, Taylor (2003) locates the origins of performances, like those of Gómez-Peña and the EDT 2.0/ b.a.n.g. lab , in the Americas. Taylor critiques Western epistemologies that privilege archival knowledge and the colonial space of the museum over the repertoire or embodied knowledge. She argues that when European powers colonized the Americas, they brought with them the notion that the paramount forms of knowledge production and transmission were archival, in forms such as books, government documents, and artifacts. Taylor historicizes that in the Americas there has been a long tradition, dating back to before colonization, of people transmitting knowledge, political and social commentary, and memory through performance. This is a tradition still practiced throughout the Americas in the work of the EDT 2.0/ b.a.n.g. lab as well as by performance groups such as the Argentinean performance group H.I.J.O.S. H.I.J.O.S., or the children of the “disappeared,” use performances of public shaming, termed “*escratches*,” to remember the individuals pardoned by Argentina’s government who were responsible for the murders and torture of their parents during Argentina’s Dirty War. The H.I.J.O.S. performances also facilitate the remembrance of the locations of internment camps and sites of torture. Without placing the works of Western theater scholars above those of the Americas, Taylor asserts that:

By shifting the focus from written to embodied culture, from the discursive to the performative, we need to shift our methodologies. Instead of focusing on patterns of cultural expression in terms of texts and narratives, we might think about them as scenarios that do not reduce gestures and embodied practices to narrative description. This shift necessarily alters what academic disciplines regard as appropriate canons, and might extend the traditional disciplinary boundaries to include practices previously outside their purview. (2003, 16-17)

Taylor does not argue that embodied performance, such as the TBT performance on the border, is superior to archival forms of knowledge production, for instance the TBT museum exhibitions, but asserts that both performance and the archive are equally valuable sites for the transmission of knowledge.

These performances also directly critique racist and classist rhetoric, such as anti-affirmative action legislation, that have historically made access to high technology difficult for people of color. Performance artist and scholar Coco Fusco (1995) recognizes that:

Scores of artists and critics of color (myself among them) have implicitly and explicitly chipped away at the essentialist aesthetics of cultural nationalism, openly appropriating influences and ideas that could be considered “white,” and self-consciously infiltrating traditionally white cultural institutions and academic disciplines. (76)

To Fusco, as with Taylor and Boal, performance—especially by artists of color— is political. An analysis of Electronic Disturbance Theater’s performance art *must* include a discussion of politics because these artists’ respective works are engaged in political debates that directly critique the U.S. nation-state’s hegemony by challenging the notion of a cohesive community based on nation-state citizenship status.

Conclusion

One could view EDT 2.0/ b.a.n.g. lab’s decision to create a museum and borderlands performance version of the TBT as a response to U.S. neoliberal forms of social regulation that seek to interpret both the TBT and EDT 2.0/ b.a.n.g. lab as criminal and “illegal” threats. At the same time, EDT 2.0/ b.a.n.g. lab found a refuge for the project in museums because it gave the

project artistic authenticity in the minds of the corporate university. This institutionalization verified that the TBT was, in fact, art and not revolutionary social action (as if the two are mutually exclusive), a vindication that in turn allowed EDT 2.0/ b.a.n.g. lab members to retain their jobs, tenure, and positions as students in the face of conservative attacks. The TBT is particularly threatening to the U.S. neoliberal state because it directly challenges the core doctrines of U.S. neoliberalism, including privatization, capitalism, consumerism, and the preeminence of nation-state laws. Instead, the TBT offers a new discourse of humanity unbound from individualized rhetoric of personal responsibility and instead concerned with hydration and survival.

CHAPTER 6

CONCLUSION

“But like with your Internment Camps, and what do you call it there?—Slavery, America has a history of doing a tremendous amount of stuff that we don’t do. We are a moral people—in hindsight.”

--Jon Stewart, *The Daily Show*, Monday, April 7, 2014



“Don’t get me wrong folks, immigration is what made this country great, but only when it’s the result of Nazis, potato famine, or however black people got here. I don’t know.”

--Steven Colbert, *The Colbert Report*, Monday, April 7, 2014



On April 7, 2014, Comedy Central’s progressive political satirists Jon Stewart and Steven Colbert made similar evaluations of Americans and their willful forgetting of U.S. immigration history on their respective television programs. These comedians’ comments can also be understood as critiques of the “myth of immigrant America.” You will recall, that Bonnie Honig (1998) and Ali Behdad (2005) contend that the “myth of immigrant America” involves our willful forgetting and idealization of U.S. immigration history. The process of remembering the United States as a nation of immigrants who all come here seeking a better way of life validates

notions of American exceptionalism. These selective memories, as both Colbert and Stewart point out, are only possible by forgetting the unsightly parts of U.S. history, like Japanese American internment, African Slavery, and Indian Removal. This ever-present myth remains a pervasive narrative in the ways that we learn about and remember U.S. immigration history, and this is precisely the reason why these satirists critique it. Colbert's comments that we valorize the immigration of white ethnics escaping from the threats of famine or Nazi persecution as favorable immigration, yet forget about African slavery, upholds the representation of United States as a moral savior. His comments also highlight that white supremacy remains as an organizing force in society and how history is selectively remembered (Lipsitz, 1995). Stewart's evoking of the idea that "we are a moral people—in hindsight" is particularly clever as the nebulous notion of "morality" or "good moral character" has always had a place in federal discourses of citizenship since the 18th century. As Stewart aptly points out, we Americans, as supposedly "moral" people, continuously do unmoral things, particularly to immigrants.

Stewart and Colbert's commentaries reflect the importance of U.S. immigration as a current political issue, but one that is both misunderstood and misrepresented. This dissertation helps to clarify the muddled representations of U.S. un/documented migration through arguing that the post-1965 racial construction of Latinas/os continues a longstanding tradition of stereotyping Latinas/os as perpetual foreigners.¹⁰⁷ Beginning in its introduction and developed throughout its four body chapters, this dissertation highlighted a new post-1965 racial configuration of Latinas/os, and the ways in which racism can continue in subtle forms under the rubric of colorblindness. It explored how ideologies of personal responsibility and colorblindness are at times unwittingly espoused through the policies and practices of self-identified progressive

¹⁰⁷ My work does not look at one specific Latina/o ethnicity or nationality, but critiques the representation of Latinas/os as a homogenous group.

media, corporate, and legislative initiatives. Through analyzing progressive sources, my research suggests that ideologies of colorblindness are now common sense, internalized by individuals and intuitions of a myriad of political leanings. In order to begin to deconstruct such a pervasive ideology, I assert we must recognize how insidious notions of colorblindness and personal responsibility are in the ways that even the most progressive, affluent, and educated among us live, work, consume, and understand the world. Specifically, this dissertation examined how progressive institutions, businesses, and federal policy each perpetuate a covert class- and race-based neoliberal brand of social regulation that works to racialize undocumented Latinas/os as darker-skinned and as politically, criminally, sexually, and linguistically threatening.

Immigration reform and undocumented migration are two of the most polarizing topics in contemporary politics. Latinas/os are frequently cast as the brown bodies at the heart of the debate. Although technically an ethnic group, scholars, such as Martha Menchaca (2001), Mae Ngai (2004), and Laura Gómez (2007), have written about the racialization of Latinas/os and other ethnic groups, particularly through federal and state immigration policy prior to 1965. Additional scholars, like Leo R. Chavez (2008), argue that contemporary representations in media and social scientific discourses cast all Latinas/os as “illegal aliens” and as perpetually threatening to and unable to assimilate in the United States. Tangentially, Eduardo Bonilla Silva (2006) and Evelyn Alsultany (2012) theorize that contemporary colorblind or post-race ideologies function as covert racisms that occur in a time when people are educated about the legacies of racial prejudice, and therefore assert themselves as non-racist or that they “do not see color.” This dissertation contributed to these literatures through its discussion of the post-1965 colorblind construction of Latinas/os as “illegal aliens,” socially pervasive today even in

progressive representations of undocumented Latinas/os. Specifically, my dissertation highlights a new subtle and covert racial formation of Latinas/os that is unique to neoliberalism. This contribution is important because without such analysis of the ways that progressives interpellate a stereotype of Latinas/os as perpetually racialized threats, undocumented and documented Latinas/os will remain the targets of inferential racism perpetrated through media, legal, and corporate representations.

The remainder of this conclusion has two primary functions. First, it provides a more recent discussion of Obama's actions regarding immigration reform and enforcement. Following this brief update on contemporary politics and how they connect to this dissertation's key themes, I discuss the 2006 immigration protests. These protests around the United States remain the largest protests of their kind in U.S. history. I choose to end this dissertation with a brief discussion of un/documented self-representation in these protests as such collective acts of participatory democracy and resistance to bias legislation work to undo neoliberal common sense and various dynamics of misrepresentation discussed in this dissertation. Choosing to remember the acts of participatory democracy embodied during the 2006 immigration protests while discussing contemporary immigration issues also functions as perhaps a foreshadowing of what types of community-based reactions are necessary to force Obama to change his current policies regarding immigration enforcement.

In 2012 the Latina/o vote helped to win President Obama the election; he won 71 percent of all Latina/o votes in the 2012 election. However, this dissertation enters into discourse surrounding the immigration debate at a time when many Latinas/os are becoming disillusioned with a president that they helped to elect (Calmes 2014). Today, there remains a paradox in Obama's simultaneous humanization of undocumented immigrants through some progressive

policies, and his inaction to change policies enacted before his presidency; he has actually intensified the enforcement of such policies that are discussed shortly. President Obama claims to support immigration reform, yet arguably has not pushed hard enough to pass comprehensive immigration reform in Washington. At the same time, Obama has passed policies that ostensibly support his purported call to help immigrants. For example, Deferred Action for Alien Minors (DACA) that was discussed earlier in this dissertation seeks to help undocumented young people attending an institution of higher education through providing a pathway to regularize their status for 2-years (“Consideration of Differed Action for Childhood Arrivals Process” 2014). Similarly, in the summer of 2012 when the Supreme court upheld the racial profiling provision of Arizona State Bill 1070, Obama announced that he set up a hotline for people to report such abuses and vowed to prosecute any offenders (Ahlers 2012).

President Obama deportation record is higher than any other president in U.S. history. His deportation strategy differs from President Bush’s strategy of massive immigration raids, such as the one in Postville, Iowa. Instead, President Obama has long asserted that his immigration enforcement techniques do not use the large spectacle of massive immigration raids, but focus on those who commit serious offenses, such as treason, espionage, sedition, sabotage, and homicide, and are deemed to be threats to society. The current technique for monitoring and regulateding immigration involves a program termed “Secured Communities.” This government program began in 2008 at the end of the Bush presidency and uses biometric and fingerprint data, collected through systems like E-Verify, to monitor undocumented people. Significantly, Secured Communities dictates that local law enforcement shares any information that they get from non-citizens, which included this biometric data, and share it with Immigration Customs and Enforcement (ICE).

A Syracuse University study (2014) using data obtained from Immigrations Customs and Enforcement through the Freedom of Information Act found that about 2.3 million deportations have occurred during Obama's presidency. These deportations, however, have not followed the president's professed strategy of targeting for deportation threatening criminals that have committed major crimes (TRAC, 2014). In fact, this study finds that the number of people deported for serious offenses actually has decreased in the past four years. For example, during the fiscal year 2013 out of the 357, 565 individuals who were deported, only 12% of people were deported for serious offenses. In addition, about 13% were deported for minor traffic violations, 15% were deported for immigration related issues (possessing fraudulent documents and/or smuggling "aliens"), 17% were convicted of "other" charges, and a startling 43% of individuals deported in 2013 were convicted of no crime at all. These "other" charges include some convictions for drug possession, but the overwhelming amount of people were found in possession of small amounts of marijuana which has since become decriminalized in two states.

ICE's classification of "criminal" activity is particularly liberal. The Syracuse report finds that of almost a quarter of deported individuals who were convicted of any crime at all faced the most serious offence of illegal entry, classified as a petty misdemeanor under federal criminal code. In terms of the individuals convicted of traffic violations, most infractions include being pulled over for speeding or driving without a license. The report finds that, "If the same definitions [of criminal activity] were applied to every citizen — rather than just to noncitizens — available evidence suggests that the majority of U.S. citizens would be considered convicted criminals" (TRAC, 2014). An analysis of ICE's deportation data under Obama Administration proves that Obama's claims to deport only "criminals" is categorically false.

Responding to Obama's deportation record, Janet Murguía, president of the National Council of La Raza, called the U.S. president the "deporter-in-chief." In her speech during the organization's awards gala in Washington, Murguía said:

We respectfully disagree with the president on his ability to stop unnecessary deportations. He can stop tearing families apart. He can stop throwing communities and businesses into chaos. He can stop turning a blind eye to the harm being done. He does have the power to stop this. Failure to act will be a shameful legacy for his presidency. (Ruiz, 2014)

On March 9, 2014, *New York Daily News* reporter Albor Ruiz found that Murguía's disbelief of Obama's assertions to end unnecessary deportations was verified by the administration's budget proposal. Ruiz writes that

Obama's budget proposal calls for \$2.6 billion for deportations and border security and \$5.4 million for the Department of Homeland Security's disastrous 287(g) program, which trains local law enforcement officers to serve as immigration agents and which most House Democrats voted last year to defund. It also handsomely rewards the despicable private prison industry — companies like Corrections Corp. of America and the Geo Group Inc. — by allocating \$1.3 billion to lock up a minimum of 30,359 immigrants each day no matter what. (Ruiz, 2014)

Disillusionment with Obama's immigration policy is also reflected in Latinas/os lack of interest in voting in future elections. On March 30, 2014 Jackie Calmes of *The New York Times* wrote that there existed

Disillusionment with both parties among Latinos, enough to threaten recent gains in voting participation that have reshaped politics to Democrats' advantage nationally, and in states like Colorado with significant Latino populations. High hopes — kindled by President Obama's elections and stoked in June by Senate passage of the most significant overhaul of immigration law in a generation, with a path to citizenship for about 11 million people here unlawfully — have been all but dashed. (Calmes 2014)

Rather than being spurred into political action against President Obama, like for example in the form of collective protests, many Latinas/os are turning to political apathy at the polls.

In her discussion of Latina/o community organizers, Calmes' article works to undo a dynamic of misrepresentation that was in part perpetuated through the Postville immigration raid

coverage discussed earlier in this dissertation: the notion that undocumented people hide and are not politically active. As alluded to during my discussion of the DREAM Act, student supporters of the act who call themselves “DREAMers” have been very vocal and public about coming out as undocumented in order to both end the stigma about one’s status, and to raise awareness about the legislation. Indeed, undocumented people have been bravely coming out with their status, particularly since the 2006 immigration protests against the Sensenbrenner Bill. The Sensenbrenner Bill (H.R. 4437)¹⁰⁸ sought to amend the 1965 Immigration and Nationality Act (Hart-Cellar Act) and to strengthen border security in part through increased budgetary funding for the Border Patrol, Homeland Security, and the construction of a 700-mile fence on the 1,969-mile U.S.-Mexico border.

In early 2006 the U.S. Senate was still deliberating on the Sensenbrenner Bill. While the Senate was deliberating, many un/documented immigrant rights activists refused to be silent in their protests against the overwhelmingly Republican-supported act. Over the course of about three months, the nation erupted in the largest immigration protests in United States history. On

¹⁰⁸ On December 16, 2005 the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) passed the United States House of Representatives with a vote of 236 to 189. H.R. 4437, also called the Sensenbrenner Bill in honor of the Wisconsin Republican Representative F. James Sensenbrenner who sponsored the now infamous house resolution, is legislation cosponsored by 34 republicans and one centrist democrat, Representative Collin Peterson from Minnesota’s 7th district. The proposed increased penalties for employers of undocumented residents included the implementation of an expensive electronic validation (E-Verify©) system to prove the legal status of all U.S. employees. If it had been ratified into law, the act would have also increased the fines that the employers of undocumented immigrants were subject to pay from a sweeping range between \$250-\$10,000 (an amount established in the Immigration Reform and Control Act of 1986) to a more standardized rate of \$7,500 for a first offence, \$15,000 for a second offence, and \$40,000 for all subsequent offences. Some of the Sensenbrenner Act’s newly proposed penalties for undocumented immigrants included: paying \$3,000 in fines to the U.S. government prior to forced departure, voluntary departure time was decreased to 60 days, and the minimum sentence for having the possession of fraudulent documents, no matter who originally acquired and supplied those documents, was set at 10 years and/or the payment of fines (“E-Verify State Map” 2012). The E-Verify (©Department of Homeland Security) system is currently used by all or most employers in 9 states and by government employers in 15 states and is bending legal decision in Oklahoma. E-Verify is hotly contested—not only because of the undocumented employment issue—but because it hurts small and locally owned businesses (Wolgin 2011). The additional cost and burden of the E-Verify system on small businesses would be immense. The first year start up costs for businesses with 10 employees would be \$1,254, 50 employees would be \$3,163, 100 employees would be \$5,515, and 500 employees would be \$24,422. The annual costs after year one for a small business would be about \$435, in other words, that is a cumulative cost per year for all small business of \$2.6 billion dollars (Runyan 2000, 32; H.R. 4437 2005).

March 10, 2006, while chanting Chicano social activist Cesar Chavez's slogan "Sí se puede/ Yes we can," an estimated 100,000 people took to the streets in Chicago to protest H.R. 4437 (Avila and Olivo 2012). Obama's presidential campaign borrowed Chavez's call to action; however, his commitment to undocumented Latina/o issues is not as boisterous as the actions of the about 100,000 protesters that lined his home city of Chicago in 2006.

Also inspired by Chavez's call and the injustice of the Sensenbrenner Bill, on March 25, 2006 an estimated 500,000 people marched through downtown Los Angeles in the largest single protest against H.R. 4437 and the largest single immigrant's rights protest in the U.S. history (Watanbe and Becerra 2012). To the pro-immigrant protestor's delight, on April 7, 2006 the 109th Senate did not pass H.R. 4437 (named Senate Bill 2454 "Securing America's Borders Act") because of a failed vote for cloture, or a limit that the Senate places on the consideration of a matter, thereby making a filibuster impossible. Protests did not end with the failure of H.R. 4437. In fact, three days after the failure of the infamous resolution the nation saw the largest single day of mass protests for immigrant's rights with rallies in 102 cities nationwide (Avila and Olivo 2012).

The 2006 immigration protests embodied a landmark shift in the way that the U.S. public enters into discourses of immigration policy (Chavez 2008, 1). However, such a reaction seems to be absent when critiquing President Obama's inaction and doublespeak. Indeed, since 2006 clusters of un/documented immigrants rights protests have made May first—popularly called International Workers' Day, also known as "May Day"—a national day for solidarity in remembering and re/embodying the labor and working class struggles. Helped with the support of members of labor unions, International Workers' Day is a national holiday in around 80 nations worldwide and is unofficially supported in many other nations, like the United States.

For instance, it would seem as through the United States government attempted to shift celebration of International Workers' Day to Labor Day, which celebrates the economic and social contributions of workers, observed the first Monday in September. The protests of the Occupy Movement on May 1st, along with the immigration rights protests that began in 2006, are reminders of the importance of May 1 in the United States context as an unofficial day of documented and undocumented labor solidarity ("May Day Draws Occupy Protests and Immigration Demonstrations 2012). Although fewer marchers were expected than the 500,000 person crowd seen in 2006, on April 29, 2011 Los Angeles police were readying themselves for an immigration rights rally of about 50,000 people (Quinones and Blankstein 2011). Yet again, on May Day 2012 the nation saw immigrant's rights protesters along with Occupy Movement protesters in cities throughout the United States ("Immigration Advocates" 2012).

Unsubstantiated by scholarly studies, conservatives tend to view the original sin of crossing the border without proper documentation as an act that makes undocumented migrants more prone to breaking other laws while in the United States. Regarding undocumented immigration, Wisconsin republican Rep. James Sensenbrenner, heir to the Kotex fortune and the original sponsor of H.R. 4437, writes on his website that

Most importantly, we must not provide amnesty for illegal immigrants, which would encourage future illegal immigration by retroactively rewarding illegal behavior and allowing those who have broken the law to receive billions in public benefits. This would encumber our current welfare system at every level of government, increase taxes for all Americans, and raid the Social Security trust fund of billions of dollars needed to pay for the retirement of U.S. citizens. ("Quick Links: Immigration" 2012)

Sensenbrenner fails to acknowledge that, on the federal level, the Anti-Terrorism and Effective Death Penalty Act, Personal Responsibility and Work Opportunity Reconciliation Act and the Illegal Immigrant Responsibility Act all signed into law by President Clinton in 1996 severely restricted undocumented individual's access to any federal government or welfare services.

Significantly, at least one sociological study has shown that undocumented residents in the United States are actually less likely to break the law than regular citizens, partially because of fear of deportation (Hagan and Palloni 1999).

Rep. Sensenbrenner's proposal of H.R. 4437 along with Arizona's S.B.1070 exemplify rightwing perspectives on immigration that criminalize all Latinas/os and undocumented immigrants. The May Day protests that were supported by many Democrats and immigrant's rights activists in turn demonstrate that views about immigration legislation that criminalizes all Latinas/os and undocumented immigrants are contentious. The D.R.E.A.M. Act is a piece of legislation, probably supported by the majority of May Day protesters, that typifies a more progressive perspective than H.R. 4437 and S.B. 1070 in that, on face value, it attempts to humanize undocumented immigrants by providing a pathway towards citizenship. Significantly, the failure both of the Sensenbrenner Bill and the D.R.E.A.M. Act, as well as Arizona's foray into immigration federalism¹⁰⁹ with S.B. 1070, is representative of a larger stalemate in Washington, D.C. around the immigration debate.

May Day protesters were extremely clever in their deconstruction of racist ideologies: for example, take May Day protestors attempts indirectly to challenge Sensenbrenner's assertion that undocumented people are criminally prone individuals with a propensity to become dependant upon government services. May Day protestors, like those in Los Angeles and Chicago, deliberately use language that evokes the inherent family values of undocumented people, such as the protest signs reading "stop ripping families apart," to turn conservative immigration rhetoric that blasts undocumented migrants as criminals, drug dealers, and terrorists on its head. In so doing, May Day protestors argue that undocumented people are first and foremost members

¹⁰⁹ Immigration federalism refers to states making immigration policy. According to the US constitution, only the federal government can make immigration policy thereby making the constitutionality of state immigration legislation suspect.

of a larger U.S.-American based, documented and undocumented, Christianized family group. In this regard, these moments can also be unintentionally heterosexist in their framing of the ideal family unit. May Day protesters embodiment of “traditional American” family values dramatically reconstructs the imagery of Latina/o families away from a “repertory of images” that construct Latina/o families as migrant farm workers and transient narcotics traffickers on the U.S.-Mexican border zone. In its place, a new repertory of images is constructed that asserts that Latina/o families are stationary, in the heartland of the United States, and willing to fight to stay united.¹¹⁰ Out of this May Day call for family unification a new type of “American Dream” is born which is both an undocumented and documented dream for the preservation of heteronormative and Christian family values and family unity.

Leo R. Chavez (2008) argues that the ability to assert and claim rights during the 2006 May Day protests never operated outside of neoliberal economic and other power relationships. Chavez writes that under neoliberalism “A key aspect of the imagined world is the assumption of personal responsibility as the key to individual freedom and economic competitiveness” (2008, 175). When an individual internalizes and espouses this neoliberal ideology they become what Chavez terms “neoliberal citizen-subjects.” This dissertation is concerned the political economy of U.S. neoliberalism, specifically with identifying, naming, and historicizing its relationship to the category of the “illegal.” Therefore, it is important to further specify that, although he does not qualify it as such, Chavez is referencing specifically United States “neoliberal citizen-subjects.” Chavez explains that an example of this is witnessed

During the marches, immigrants reassured the public of their internalized self-monitoring and their self-engineering. They emphasized their embodiment of the type of workers required in the day’s competitive labor market. They presented themselves as neoliberal

¹¹⁰ I borrow the term of phrase “repertory of images” from Edward Said’s book *Orientalism* where he discusses the ways in which the west constructs its understandings of the east based on a collected set of images, collected and made by western artists and intellectuals, that actually tell us more about the west than they ever did about the east.

citizens, asserting their positive economic contributions to society despite a lack of government support and often vociferous anti-immigrant sentiment. (2008, 175)

The protests, therefore, did not break established ideologies regarding economic policy or family values. What the May Day protests did accomplish, however, was a repositioning of these discourses by also giving a voice to the oppressed undocumented subject. Put another way, the immigration rights protesters never challenged doctrines of U.S. neoliberalism, but rather re-inscribed neoliberal notions of personal responsibility with different counter-hegemonic meanings, hinging on the hetero-normative Christian idea of the preservation of the family, from undocumented positionalities.

The May Day protestors counter-hegemonic work at redefining the U.S.-American family has yet to seep into dominate conservative ideologies. In 2010 Arizona Governor Jan Brewer, the individual who signed S.B. 1070 in to law, sensationally and incorrectly assessed that: “The majority of the illegal trespassers that are coming into the state of Arizona are under the direction and control of organized drug cartels and they are bringing drugs in” (Davenport 2010). Besides being overtly racist and xenophobic, Gov. Brewer brazenly ignored the integral labor that undocumented people provide to the legitimate economy in the forms of agricultural labor, construction, manufacturing, and food processing, to name but a few industries. Gov. Brewer’s comment is also in desperate need of fact checking about the composition of the U.S. undocumented population. For example, the United States Department of Homeland Security defines

The unauthorized resident immigrant population...as all foreign-born non-citizens who are not legal residents. Most unauthorized residents either entered the United States without inspection or *were admitted temporarily and stayed past the date they were required to leave*. (Heofer 2010)

In fact, the conservative non-government organization the Center for Immigration Studies’ fellow David Seminara (2008) writes that “Nearly half of the 12 million-plus illegal aliens in

America arrived legally with temporary, non-immigrant visas.” This means that nearly half of the undocumented population in the United States entered legally through airports and other checkpoints. This one statistic challenges the popular rhetoric espoused by Gov. Brewer that blasts undocumented migrants as sub-human, drug dealing, border jumpers.

Conservative republican politicians like Gov. Brewer and Rep. Sensenbrenner are at times blatantly anti-immigrant, and occasionally perpetuate racist ideologies about undocumented migrants. Obama was elected, supported by a strong Latina/o vote, partially because he claimed to assert a progressive policy on comprehensive immigration reform. In practice, however, Obama has not lived up to his progressive politics and in fact has deported more non-violent individuals than any other president; next year’s budget suggests he plans to increase such efforts. Supported by conservatives who, as discussed earlier in this conclusion, do not mind disseminating hateful and xenophobic stereotypes about immigrants, the Sensenbrenner Bill was a logical target for immigration protests. In the case of a Democratic president like Obama who has a history as a community organizer, the reality that his policies are more effective at deporting and breaking up immigrant families seems more difficult to believe. As the *New York Times* contends, Latinas/os are responding to the Obama immigration paradox with apathy at the polls. There is reluctance among individuals who supported President Obama to critique him for his policies, and such a response goes against principles of participatory democracy (Davis 2014). Progressive inaction when it comes to protesting Obama’s policies and failed promises also highlights a latent anxiety many progressives under colorblindness possess: the fear of being called racist. Critiquing a politician for bad policy choices, or choices that you do not agree with, through direct political action is not an act of racism, it is an action of participatory democracy. The connection, however, between critiquing a president for bad

policy decisions, and being considered racist reflects an internalization of colorblind racism and the latent fear that many white people have in America of being called a racist; this fear is in part why people who are colorblind sometimes attest that they “do not see race.” Perhaps Obama’s current policies and false statements regarding how ICE operates in the United States would be more overtly challenged like the Sensenbrenner bill *if* progressives felt as though they could critique the president based on his political doublespeak and inaction.

Future directions for Latina/o studies scholarship should include further explore the interconnectedness of covert forms of racism against Latinas/os and immigration, and particularly how gender, sexual orientation, and class impacts racialization. Additional future studies should explore and expand the interconnections between Latina/o and Latin American racialization in the United States, U.S. military intervention abroad, and global capitalism. Complicating prevailing notions of *Latindia*, emerging scholarship could explicate the complexities behind how unique transnational experiences impact the racialization of people of Latin American origin in the United States, and complicate prevailing notions of *Latinidad*.

APPENDIX

Transcript of Email Interview with Jennifer Ludden. May 21, 2012.

Hannah Noel: When you were reporting on Postville, Iowa, (mostly in 2008) what were the standards and practices of NPR? Have they changed? If so, how?

Jennifer Ludden: I'm not sure what you're referring to here. Do you mean our standards in terms of the use of "illegal" vs "undocumented" when referring to immigrants? There was no set policy, but I purposefully used both terms, since not using either one would appear political, as if we were following the preference of one side or the other in the very polarized debate over immigration. I also used "unauthorized" sometimes, just for variety's sake.

HN: I am very interested in naming and, particularly, the naming of different documented and undocumented Latina/o groups. Is there a standard protocol for NPR when it comes to naming or labeling various ethnic, racial, gendered, or legal (documented vs. undocumented) groups?

JL: We use Hispanic and Latino interchangeably, even though I know different regions of the country prefer one over the other. If a group we're reporting on is overwhelmingly from one country, we might refer to them by that term, "Mexicans," for example. But this was not usually the case. I'm not sure what other terms you mean.

HN: Do you recall if the interviewees asked to be represented in a certain way other than to be referenced under a pseudonym, for example as a Guatemalan, Latino, Hispanic, or maybe helpful

member of the community?

JL: No, I don't recall anyone asking for that.

HN: I have noticed that in much of the Postville coverage, many people respond to the interviewer's question using Spanish. Is this because Spanish is their first language or do they speak English also? The Spanish is played during the report as background noise and the English translation is overlaid over the original Spanish speech. Could you explain why this technique is used? Who developed it and is it a standard practice throughout NPR?

JL: If someone speaks English well enough to be understood in a national broadcast, I will always interview them in English. I conducted interviews in Spanish either because someone did not speak English, or did so in such a broken way that it would not have been very usable on the radio. We use English translations, either from the field, or recorded in a studio after the fact. This has been standard practice as long as I've been at NPR, and it's what I did when reporting in numerous countries around the world.

HN: I have noticed when Spanish is spoken in a story; it is not included in the transcript of the story. Why is this? There are also inconsistencies in the ways that various NPR stories about Postville are transcribed. What are the standards and practices of the transcribers? Are all transcriptions English only?

JL: We contract out the transcription of our shows, and I know that they are done as quickly as

possible. There are sometimes errors, unfortunately. I don't know what inconsistencies you mean, but I imagine that many different people transcribe our many daily reports, and that could account for some differences. I'm sure the transcribers do not all speak Spanish. Since we produce reports from all over the world, using numerous languages, I can imagine it would be impossible to find a transcription service whose employees were all multi-lingual.

HN: Is there anything else you, as an NPR reporter, think that I should know about your coverage of Postville, Iowa after the immigration raid?

JL: I'm happy to answer any further questions you have.

HN: Also, I listen to NPR a lot and I remember hearing that there is a yearly report that NPR does wherein it discusses who its average listeners are. Is there any way for an average listener, like myself, to obtain a copy of this report?

JL: I found this tidbit on our website...<http://www.npr.org/about/aboutnpr/audience.html> You could contact listener services or the ombudsman to ask for a full report (their contacts are listed on the bottom right of the page link.)

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