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Framing Illegality in the United States: Sonic Culture, Power and the Politics of Representation

By

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A dissertation submitted in partial satisfaction

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in

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in the

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University of California, Berkeley

Committee in charge:

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Abstract

Framing Illegality in the United States: Sonic Culture, Power, and the Politics of Representation

By

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Doctor in Philosophy in Ethnic Studies

University of California, Berkeley

Professor José D. Saldívar, Chair

This dissertation takes an interdisciplinary approach and situates nation-building, ordinary culture, and racial formation within the context of the immigration debates during the 1980s and 1990s in the United States. Specifically, I argue that the historical and discursive significance of the term *illegal alien* stems from the ways in which society negotiates and challenges presupposed assumptions, privileges, rewards, and attitudes toward a segment of US society associated with undocumented immigration into the United States. The dissertation demonstrates the crisis the State faced in negotiating, on the one hand, the needs of capital (e.g., the availability of cheap labor) and on the other the social dilemmas of enforcing equitable immigration reform (e.g., the Immigrant Reform and Control Act of 1986 and Illegal Immigration Reform and Responsibility Act of 1996). My dissertation examines the convergence of race and illegality as flexible and continually evolving patterns of racial formation. To incorporate a Chicana/o and Latina/o perspective into the immigration debates, my dissertation examines Border and *Norteno* ballads. This form of sonic culture draws attention to nationalistic rhetoric and spaces. My dissertation shows that *Nortenos* are engaged in the project of constructing a people as an audience and demonstrates how ordinary culture is a legitimate site of domination and resistance. The dissertation argues that the political economy of music cannot control the use-value or cultural value of political *corridos*. This genre of music and in particular the language of political *corridos* exemplifies an internal dialogue within the text that mirrors the social contradictions experienced by Latina/os in the United States. The crisis at the border (where and however it is being used by those in power and consenting society) works as a metaphor. It is a turning point in speaking about race, now enunciated along immigration lines. This is part of the convergence of race and immigration as flexible and continually evolving patterns of racial formation.

Chapter One: States of Racial Being: IRCA and the Political Economy of Citizenship

“Law is an essential feature in the illusion of necessity because it embodies and reinforces ideological assumptions about human relations which people accept as natural or even immutable. [T]hus conflict and antagonism are constrained: the legitimacy of the entire order is never seriously questioned.”

-Kimberle Williams Crenshaw

“Even within the framework of an earlier mode of production certain needs and certain means of communication and production must have developed which go beyond the old relations of production and coerce into the capitalist mould. [I]t thereby creates the material basis of a newly shaped social process and hence of a new social formation.”

-Karl Marx

Human relations are fraught with difficulties and contradictions. These relations become even more difficult to negotiate when legislation is involved. The law in the United States has been a terrain that has attempted to constrain, solidify, and reproduce capitalist social relations. The quote from legal scholar Kimberle W. Crenshaw (1995) above eloquently illustrates this point. Moreover, when thinking of the social order of the United States, a discussion of ideology, power, and domination is useful in understanding inequity and how it relates to the process of racialization, immigration, social domination, and the legal power it involves.

Power, which is inscribed and articulated through the juridical structure of the United States through a complex combination of political, ideological and civil institutions, ultimately solidifies the inequality within the entire social formation. In the United States, racialization along the legal authority of citizenship has legally and politically set the cultural and ideological parameters upon which a nation is to be imagined and how race as well as immigrant groups from the periphery are to be positioned in relation to the modern capitalist state.

The modern capitalist state regulates and facilitates the movement and accumulation of capital resulting in political and cultural contradictions which emerge as crises that threaten the stability of social relations of production and reproduction. These crises were seen in the immigration debates of the 1980s. Due to the Cold War labor shortage, the 1965 immigration act was designed to attract labor in to the United States. Immigrants poured in, unions were strong, and corporate capital benefited. During the 1980s, the State was left with a puzzle of how to manage immigration, labor, and xenophobia. The answer was the Immigration Reform and Control Act (IRCA) of 1986 where the State closed down on general and undocumented labor and opened the door for agricultural labor. In this critical decade, the exercise of State power through the operation of law was an ongoing attempt to legitimate racial, ethnic, gender and class concessions¹ in a way that insured the long term growth and stability of corporate capital.

The modern capitalist state, in different moments in time, will impose its legal authority on capital itself because part of the responsibility as the “armour of consent,” according to Gramsci, is to lead and educate the people by sanctioning market, property, social and class

¹ During the 1980s this dynamic process was witnessed through the Congressional Hearings on Immigration related issues. The State had to draft an immigration act that to the best of its ability appeased Latina/o and conservative lobbying groups, agribusiness representatives, and other lobbying interests. The end result was an immigration act (IRCA) riddled with problems.

relations. The history of the US demonstrates that the law has sometimes intervened against the demands of capital and the ruling class. Therefore, the capitalist state will enforce its legal norms and sanctions against illegal capitalist transactions and conversely maintain property rights for those who have the means to engage in the cycle of accumulation. Applying Gramsci's cultural conversation on leadership and consent, as it relates to the relative autonomy of the State in a society structured by race, class and gender, we can see how the capitalist state can operate more effectively not with coercion but through the production of consent. The decade of the 1980s was one such moment. State representatives were actively involved in framing the meaning and implications of undocumented immigration. In this way, according to Gramsci, the capitalist state could engage in a more effective manner in its educational, ethical and cultural projects (Forgacs 2000, pp. 189-221).

This chapter situates citizenship at a Marxist level of analysis. More specifically, I will explore the ideological implications of nation-building as the State attempts to legally resolve the capitalist contradiction surrounding the definition of citizenship under a so-called democracy. Doing so will provide a conversation around how a nation produces and attempts to police the lives of those who lie outside the jurisdiction of the U.S. legal system—racialized immigrant populations. By defining certain groups as illegal aliens, the State through IRCA attempted to resolve and manage not only a social, cultural, political, and economic crisis, but to serve as a mechanism of social control.

I argue further that the political and economic implications of the Immigrant Reform and Control Act were problematic for immigration policy because it revamped ideologies of the racial other and attempted to fix new immigrants to particular geographies. My investigation will include a Marxist based analysis of this state mandated legislation; how this legal doctrine advanced particular ideas of citizenship, race, and nationhood, patriotism and nationalism; and how the latter were shaped by the social, economic, and political neo-conservatism of the mid-1980s. Finally, this project will examine historic moments of potential revolutionary transformation and how the political and social understanding of race, citizenship status and the exploitation of racialized labor can be applied to the political economic context in which IRCA was legislated.

In this dissertation, I rely on a combination of primary and secondary forms of data to further my argument. I draw from primary resources such as the 1986 legal archive, IRCA, 1980s Congressional Hearings on immigration issues, and various print media, in the form of newspaper clips, to address, and shed light on the neo-conservative characteristic of the 1980s. I also examine secondary forms of quantitative figures, national surveys, and published commentary from political pundits to shed light on significant moments of shift and change in the social formation process that required particular kinds of social demarcation and legal order. My secondary sources are highly dependent on the theoretical frameworks I examine that are grounded in Marxism, Leninism, and Gramscian thought.

Key Questions

This chapter is organized through thematic sections in an attempt to develop a conversation around the following questions and concerns: When, how, and through what media are ideas of nation and nationalism articulated in an attempt for a social resolution around citizenship and illegality? Then with regard to Capital and the State to what extent does the constant demand for surplus labor in California's low-wage and agribusiness industries, shape the racial and spatial discourse of citizenship, criminality, and legality? In the age of economic

restructuring and employer sanctions what makes it still profitable for low-wage industries in California to successfully operate? To what extent are undocumented workers in the form of “labour-power” traditionally free and mobile?

If the State is the mediator of grievances between capital and labor, then how can the analysis of law contribute to understanding of the crisis of possible labor shortages for the California economy during the 1980s? At what scales were ideas of inclusion, and what Benedict Anderson has coined an imagined community, revamped during the 1980s and how were they structured, negotiated or repressed through the legislative operations of the State? What was at stake in immigration reform in relation to the articulation of new technologies and capacities at play in reproducing relations of domination¹ and exploitation?

As stated above, an indispensable theoretical framework of this chapter is the use of Marx’s concepts of surplus labor, labor power, surplus value, and exchange to analyze the reproduction of racialized immigrant labor. I apply these concepts to determine if the reproduction of labor was influenced not just by the forces of capitalist relations of production but by the current coercion of the modern capitalist state. By applying and expanding Marx’s concept of the reproduction of labor-power, we can investigate how capital, through the authority of the State, creates states of exception that enabled capital to pay for labour-power significantly below the cost of its reproduction. As for theorizing the State, I have utilized authors such as (Lenin, 1975; Hall, 1988; Brown, 1995; Agamben, 2000; Gramsci, 2000; Goldberg, 2002) and, to a lesser degree (DuBois, 1962; Harvey, 1996) to problematize and expose the contradictory nature of the State in modern times.

This chapter acknowledges the limits of Marx’s conception and understanding of the superstructure. Marx gave no definite demarcation of the superstructure specifically, the role of non-economic institutions such as ideology, the legal system, and the State in explaining how property and citizenship were themselves legal institutions. In addition, Marx lacks a substantial engagement with how State structures construct, perpetuate, and redefine notions of criminality based on race, nationalism, citizenship, and social structures under the capitalist mode of production.

Capital and the Politics of the Neo-liberal State: Revisiting Marx, Lenin, and the Concept of Immigration

Karl Marx’s Capital is an indispensable text to understand the logic of capital accumulation and how capitalist class societies are structured. Marx’s work highlights the mode of production as a political, social, and economic arrangement that facilitates the accumulation of capital. Of particular importance to this chapter is the role of the State in maintaining capitalist social relations of production and reproduction by restricting the political, economic, and spatial mobility of immigrants. It also examines how the concept of race has been used to frame the national debate on immigration, immigrants, and the rights of labor. According to Marx, the State arises out of a need to maintain the social relations of production necessary for the reproduction of capital. Under this definition, the State is an organization of force, violence, and power carried out through an army, police, politicians, and judiciary to ensure the naturalness of labor relations of capital. Lenin insist that the State is “the product and manifestation of the irreconcilability of class antagonisms,” heavily invested in creating order. He concludes that an

analysis of class struggle must also recognize the “dictatorship of the proletariat” in making claims on the State.

The idea that the State reflects and legitimates bourgeois economic relations and that it is an instrument of class domination is the first basic and necessary step in understanding the contradictory nature of the modern-day capitalist state. The State is, of course, a lot more complex. The State does have a certain relative autonomy, but it needs to valorize economic and property relations. In terms of making claims to citizenship and political rights, the State is an essential unit of analysis for people reified along racial, gender, and class lines. Contrary to what Stuart Hall (1978) has argued about the non-interventionist characteristic of the British State during the *laissez-faire* period, the Capitalist State as it arose in the US, has intervened through military coercion and/or through legal means (production of consent), varying by time and space, to shape and re-shape racial, social and political meaning in a way that favors the reproduction of capitalist social relations.

In a racially and class stratified society such as the United States, capital and State interests may be contradictory; on the one hand, capital has a fundamental need for exploitation of labour-power regardless of its origins. As witnessed during the 1980s, the State was politically invested in implicating citizenship and the meaning of wages along racial, class, and gender lines. However, capital had historically benefited and often sought the division of working classes in terms of race, class, and gender. A growing heterogeneity in the United States and need on the part of the State to police this perceived demographic “crisis” can be examined by the ways in the national debate over the meanings of nationhood, citizenship, and patriotism were articulated at different scales in the mid 1980s.

During the 1980s, and decisively with the passage of IRCA, the State deeply inscribed itself in the debate over immigration. In the process, the State did not curb immigration, but it did decisively define the geographies of employment for immigrant labor. The State created the incentives for undocumented workers to gain quicker naturalization through an agricultural clause. This was the way in which the State responded to potential labor shortages. It was a way to manage labor. In this period, then, the law played a crucial role in limiting the spatial mobility of workers and establishing a certain idea of citizenship and entitlement. The 1986 Immigrant Reform and Control met the need of California’s agricultural industry for surplus labor, and simultaneously manufactured consent against a perceived wave of illegality.

The public ritual over the meaning of immigration and citizenship during the mid 1980s testifies to how such public ceremonies embody the notion of authority and the production of consent while also bearing deep race and class undertones. This can be seen through the ways in which immigrants were positioned within the economic and social structures of the U.S. The process of defining citizenship and immigration reform during the 1980s constituted a significant racializing discourse, a critical part of a “racial project” that linked “Latinity” with “illegality.” The call to “reclaim” the U.S.-Mexico border involved a relinquishing of rights. Immigration control was intertwined with dominant ideas of race, nationhood, and legality. During the 1980s, the political construction of “racial immigration” was used to facilitate the management of immigrant social, spatial, and economic life. It produced particular cultural boundaries to restore law, order, and national pride.

Neoliberalism and the State: The Crisis of Overproduction, Cross-border Migrations, and Modern Ideas of Latinity

There is a re-occurring pattern in how the crisis of capital, the struggle to secure surplus labor and avoid over-production is resolved at the scale of the State. On the social level of analysis, the State has been key into the intersections of immigrant criminalization and racial ideology, particular to modern ideas of Latinity put in play to shape how social groups are categorized.

There have been moments in the history of the U.S. where the contradictions and volatility of capitalism were pronounced such as the 1929 stock market crash. The potential for class struggle to mobilize against this instability has been displaced by either assigning blame to politically vulnerable groups residing within the jurisdiction of the State (as in the case of Operation Wetback deportations during the recession of the 1930s) or resolving this crisis externally through wars as in the case of Vietnam, Kosovo, and Iraq (Harvey, 2004).

Contrary to what some scholars have written about the State's lack of autonomy in the age of globalization and flexible labor markets, the State continues to be an important actor in resolving local and global crisis of corporate capital and has created the social and geopolitical structures necessary for U.S. companies to accumulate and re-invest capital abroad. U.S. foreign policy during the second half of the twentieth century in the form of third world interventions was a plan to construct a global system of free trade and investment (Chomsky, 1992). Other economies, as in the case of Mexico, do not have the scale of capital to be able to compete with First World corporations and rely on conditional loans to develop their most promising industries (e.g. agribusiness in Mexico). For example, John Ross states, "One such loan that helped bind Mexico to Washington's mandate [the adoption of neoliberalism] followed the February 1982 devaluation of the peso--the \$75 million jolt pried loose from the U.S. Federal Reserve carried a laundry list of anti-protectionist suggestions" (Ross 1998, p. 168).

David Harvey's discussion of the Neo-liberal state argues that it is the instant for the transformation of peripheral regions into free-markets for the needs of corporate capital. "The subordination of Mexican capitalism to U.S. Imperialism and the global institutions of neoliberalism set the stage for further economic convulsions" (Chacon and Davis 2006, p. 110). For Mexico, convulsions such as the one in 1982 resulted in cross border migrations where low wage industries in the United States were more than eager to further exploit a pool of immigrant workers.

Two factors of the late twentieth century were especially important in creating this scenario. First, as many observers have noted, globalization has promoted higher rates of immigration. The expansion of U.S. private investment and trade; the opening of U.S. multinational assembly plants (employing mostly women) along the U.S.-Mexico border and in the Caribbean and Central American nations, facilitated by government legislative efforts such as the Border Industrialization program, the North American Free Trade Agreement, and the Caribbean Basin Initiative; the spreading influence of U.S. mass media; and U.S. military aid in Central America have all helped rearrange local economies and stimulate U.S. bound migration from the Caribbean, Mexico and Central America.²

² (Passel 2005, p.46).

Domestic and international racial inequality scaled through U.S. immigration policy are a systematic expression of neoliberal globalization. It is a problematic feature in the legacy of over-intervention by the Capitalist State in what Wendy Brown coins as the co-optation of freedom and democracy by the bourgeoisie and the interests of corporate capital. According to Harvey, the rise of the Neo-liberal State can be described as one that is heavily invested in free-markets, corporate bail outs, and opening up new terrains of capital accumulation by an attack on human and property rights.

The history of the geopolitics of the Americas has influenced the formation of a dominant cultural landscape in the U.S. conducive to criminalization, detention, racial ideology, and surveillance of immigrants reified by modern ideas of Latinity. This is part of the process of defining Latinity in the United States. From the modern perspective of coloniality, the idea of Latinity in the United States works to restrict the democratic and citizenship rights of Latina/os. It supports a hierarchical system of differentiating social groups, limiting their overall democratic experience in the United States. On a societal scale it works as a framework of knowledge to establish natural interpretations of people of Latin American origin, what Gloria Anzaldúa (1990) calls the colonial divide. This current mode of reifying bodies, cultures, and languages comes with severe sociopolitical implications for the general public as well. The modern rituals of fearing the other manifest therefore through the erosion of civil liberties at the hands of Capitalist State. The discourse of immigration reform and control articulated by the modern capitalist state, through its legislative apparatus must be considered a domain of ideological legitimation. The emerging political and cultural articulations within the domain of a Nation-State were implicated in the global system of capital accumulation.

Under the guise of National security, IRCA represented a compromise between different interests groups. Moral crusades wanted to secure and protect US borders against the threats of *latinidad*. The construction of the illegal immigrant was an ideological tool employed by those in power to mystify the implications of corporate capital and true inequities within the system of U.S. capitalism. It also served as a tool to further ostracize an already vulnerable group of undocumented workers. In effect, IRCA had succeeded in not necessarily stopping the flow of immigration³ into the U.S., but creating the perfect domestic worker-- a worker that acquires a minimum or substandard wage and receives very little in social services.

Immigrant labor and its spatial condition must be examined within the web of anti-immigrant legislation, interests of the agricultural capital, and the emerging immigrant detention system. The structural position of these workers in U.S. society as low wage labor would not be possible without the idea of race. Immigration involved race during the 1980s. It influenced legislation and structured relations where certain people had to toil in the ditches of agricultural production. IRCA specifically targeted Mexican immigrants because they were identified by the State as being the most likely groups of people who were suited to perform this type of drudge work.

Regardless of the legal position of this worker, he or she was still being taxed by the State and was therefore contributing to the subsidies of the State. IRCA was not necessarily aimed at stopping immigration. Instead, it reformed the immigration measures of the mid 1960s and tried to solve the labor puzzle. It can be argued that immigrant workers were helping subsidize the rest of society. For example, a *Time Magazine* article estimates that “through 2002,

³ In order to understand the motives as to why people migrate into the US, the unequal power relations of countries in the world must be considered. Specifically how transnational capital uproots people in the peripheries of the world economy and what this means to how the US responds to such dislocations of groups of people.

undocumented migrants ha[d] contributed up to \$463 billion to Social Security” (Chacon and Davis 1996, p. 166).

Even the workers who obtained citizenship through the provisions in IRCA could not receive any form of social services for the first five years.⁴ IRCA helped the State by creating a grace period for recent legalized immigrants to prevent the State from being overwhelmed by an increased number of people eligible for social services. The issue of subsidy as it speaks to the total tax amount deducted from an undocumented worker or the first five years of a recent legal immigrant’s wages helps illustrate a form of inequality experienced by immigrants. This type of legislation guaranteed a higher subsidy return from these laborers than what went out to them in State assistance.

The Rise of Neo-Conservatism: Cultural and Ideological Implications of Print Media and Modern Methodologies of Racial Othering

The State was heavily involved in producing, defining, and policing new landscapes and spaces for the capitalist mode of production in the 1980s. The State with its various roles of enabling economic growth and continued interests in reproducing labour-power (e.g. education, health and immigration reform) instigated political and social controls that played a significant part in the social structuring of immigrant and Latina/o life. The production of cultural and racial meaning around citizenship was a dynamic social process. Neo-conservative politicians functioned not just as the overseers of corporate capital but, just as devastating, they shifted the language of racism to one of nationhood centered around racial exclusivity in the interests of preserving an “American culture”. Through an examination of the debates over immigration and the subsequent culmination of these discourses in the form of IRCA, we can understand what is at stake and what processes intersect with the racial and spatial division of immigrant labor.

During the mid 1980s, political pundits and elite newspapers rapidly assumed a position of clear authority over immigration, undocumented bodies, and border issues. Their attitude was monopolistic, not pluralistic, and by 1986 a vast majority of the print media was calling for State regulation, even the outlawing, of immigrants. The State was clearly frustrated by the elusiveness of a vibrant undocumented society and by the limits of its own policing capabilities. This meant that it was heavily invested with a great deal of official authority yet it was also tied to the financial, labor, and political constraints of its low-wage industries and the agribusiness which would collapse without the availability of State coerced immigrant labour-power. Chacon and Davis illustrate the role of the State and immigration policy in relation to the needs of capital by arguing that, “Policy-makers, acting in the interests of capital, developed a dual strategy for labor control, externally in the form of immigration “filtration,” and internally in the form of legally sanctioned segregation through the practice of selective citizenship. This process gradually transformed the state apparatus into a mechanism through which labor would be provided and policed, according to the dictates of immigration policy and with the aid of its ancillary enforcement agencies” (Chacon and Davis 2006, p. 179).

In 1986, the familiar ideological terrain of the racial other was articulated as an invasion of state-less Mexican immigrants with ambivalent loyalties. This laid down the cultural landscape in which a national debate, fueled by racial and class meaning over citizenship, was staged. The modern construction of the immigrant threat from the chaos of the periphery was packaged during the 1980s as an attack on the resources of the State, a threat to the cultural

⁴ (Massey et al. 1990).

fabric of national identity, and most importantly, as losing control of the border. Immigrants from failed states were not only constructed as a social and cultural threat but, more devastating, the ideological foundation upon which future propositions in California, such as 187, was set in place.

To understand the undocumented immigrant condition in the United States, we must revisit Marx to examine the exploitation of labour-power and the production of surplus value in market societies and how they may be constrained by non-economic institutions. Undocumented immigrant labour power, unlike any other commodity, produces more than its own value. It produces a surplus. Unlike any other means of production, undocumented labour has to be policed by ideological, social and physical means for the exploitation to continue. Exploitation and the maintenance of social, political, and cultural conditions conducive to this cycle is central to a discussion in what is at stake for low wage U.S. industries which would collapse or be forced to relocate abroad without the availability of this coerced labour.

Other proletarians have the legal right to refuse work to any given capitalist, but undocumented labour-power is positioned differently in modern capitalist societies. In this sense, undocumented labour-power suffers a different rate of exploitation. The power of State sanctioned proletarians (e.g., citizenship status) lies in their legal right to confront capital through the strength of their unity and place demands through the collective bargaining process. However, because undocumented labour-power is strategically placed in a state of fear, bound to certain landscapes and types of employment, the possibility of striking by withholding their labour-power becomes problematic. "Immigration law and deportation have been crafted and implemented over the years not to streamline citizenship or stop immigration but to permanently fragment the working class. The comprehensive appropriation of the state apparatus of immigration control by capital has created the 'illegal' worker, an entirely artificial construction whose sole purpose is to deprive the international 'American' working class of its democratic rights" (Chacon and Davis 2006, p. 199). Historically the State has denied undocumented workers the power to strike. This testifies to how politics and culture fashion the discursive representation of racial difference based on dominant assumptions of citizenship and needs of capital. This ultimately affects who can make claims. It restricts the numbers of undocumented workers in unions and affects the overall spatial distribution of immigrants in the U.S.

Because the greatest perceived⁵ threat to U.S. capital has been local and international class struggles, it is important for the State to deprive immigrants of "participation in strikes, protests, and other arenas of class struggle so that immigrants achieve real sociopolitical integration and become 'Americanized' in the sense that they are accepted into class-based, collective formations that afford them protections and advancement previously denied" (Chacon and Davis 2006, p. 178). One in which the social meanings of citizenship have been associated with a particular condition of movement and freedom.

The construction of the illegal, immigration law, and the discursive representation of immigrants also worked to undermine the possible formation of social movements--specially, multiethnic coalitions--by packaging immigrants as the real threat to the middle class and the American way of life. Not all immigrants were reified in this fashion. Immigrants from less developed regions in the world were heavily criminalized during the mid-1980s and were juridically linked to crime in the 1990s (e.g., IRRIRA). The policy was to create walls not amnesty programs to deal with undocumented immigrants. It illustrates a culture of exclusion at

⁵ This is, of course, not true; the gravest threat to capital is not social movements but capital itself or its capacity of over production. See Wallerstein (1984).

play in framing effective immigration controls. Nonetheless, this method of othering ultimately provided the moral and political means in which to legitimate an incredibly expensive and ineffective military style regime along the U.S.-Mexico border.

The struggle over the reproduction of labor power and surplus labor are concepts advanced by Marx which illuminate the ideological, political, and economic underpinnings of IRCA as it relates to the criminalization, subordination and hyper-exploitation of Mexican immigrant labor. This struggle was during a wave of neo-conservatism led by Ronald Reagan. While Marx grounds his analysis in 19th century England, his work can be applied to the late 20th century United States. The contradictions of late capitalism have exaggerated class antagonisms through a continual increase in the centralization of wealth in the hands of the few. The rise of the neo-liberal State secured those interests and illustrated the massive State budget exigencies at play to secure coercion and consent at both the domestic and global scale. Neo-conservatives were continually innovating and re-building ideological projects that strategically de-contextualized the contradictions⁶ of late twentieth century capitalism. This shifted blame and punishment towards vulnerable sectors of U.S. Society.

George Lipsitz suggests, “by generating an ever repeating cycle of ‘moral panics’ about the family, crime, welfare, race, and terrorism, neo-conservatives produce a perpetual state of anxiety that obscures the actual failures of conservatism as economic and social policy, while promoting demands for even more draconian measures of a similar nature for the future” (Lipsitz 1997, p. 16). Politicians thus play a critical role in the maintenance and the fluid operation of power. At the level of ideology, the U.S. State and its international political constituency had a vested interest in solidifying the political, cultural, and social conditions conducive to transnational and domestic corporate capital. Neo-conservative politicians created the ideological and cultural grounds upon which public consent could be garnered, as witness the passage of an anti-immigrant bill, disguised as a cultural, territorial, and political solution to immigrant illegality, in the mid 1980s.

This new form of racism in the 1980s made claims that the issue of color now irrelevant while enacting ideas about immigration that had everything to do with race. In the process, it shifted the articulation of racism to one of a cultural threat to the fragile cohesion of a nation. Fears to some vague and essentialized idea of American culture being in a state of crisis was an effective rhetorical device employed by politicians to create the cultural and political conditions necessary for the passage of IRCA. In the case of the debate over undocumented immigration, economic and political exclusion was justified by reference to the idea of illegality and cultural adherence, not race.

4 Since the 1960s the United States has relocated industrial production sites such as tire companies, steel and car operations employed working class people of color. These companies provided union wages and benefits that were crucial to working class families who did not have university or college credentials and could not be employed in the white collar sector of the economy. With the relocation of means of production of these industries came the flight of capital from these working class communities. The flight of capital has impacted the wages of the working class of color.

Whose America Is It? : Politicians, Illegal Aliens, and the Rhetorical Tactics of the Racial State

During the mid 1980s, there was a wave of anti-immigrant backlash. Political pundits at the time targeted these populations as consuming U.S. resources to such an exaggerated extent as to cause the U.S. economy to slide into a recession and thus adversely affect all U.S. society. Regardless of the fallacy of this notion, immigrants were constructed as cultural outsiders to an imagined American⁷ community, identity, and way of life. Through the ideological and discursive practices of the State and its discourse on immigration control, corporate interests and geopolitics were being played out. They defined the ways in which immigrants could be stratified. These communities were signified as sub-human and unsuited to engage in or benefit from the social rewards of capitalism. The impact of these ideological notions projected onto Mexican immigrant populations can be seen with various public surveys conducted months before the passage and codification of IRCA in November 1986.

In a public opinion poll conducted in California in 1985, 87 percent of those interviewed felt that undocumented migration from Mexico at the time was a “serious thing” or “very serious”.⁸ The poll demonstrated the degree to which people subjected themselves to the opinions of the political elite with respect to immigration and citizenship. What is interesting is how politicians were able to create the social conditions necessary for the passage of a bill that does very little to stop undocumented immigration but nevertheless relieves public concern on this issue.

Another news poll conducted by CBS and published by the *New York Times* in June 1986 employed a series of graphs to differentiate the various reactions towards immigration and immigrants based on culture and race. According to the article, seventy-three percent of whites compared to thirty-four percent of Latina/o's agreed that the government should penalize employers for hiring “illegal aliens”. The article projects a popular image of immigrants that works with the dominant idea of Latinity in the United States. This idea perceived this new wave of immigrants as a group that needed to be punished. It positioned them as lawbreakers. What was interesting was how a disproportionate number of whites testified to a different social and cultural understanding of citizenship.

At the level of civil society, community leaders such as Rev. Leroy Vickerson were quoted as stating, “We once were a melting pot, but other countries have abused our resources. The welfare rolls are filled with the names of immigrants who have little education. With the economy now, immigrants are a greater drain than a help.” In 1984, the *Washington Post* ran an article in which Ronald Reagan was rallying support for his administration by denouncing immigrants and blaming them for draining the economy. Reagan utilized the notion that the State had lost control of its borders to create the political and ideological context upon which the nation could view immigration legislation.

During the same year the *Wall Street Journal* published an article entitled, “The Latino Tide: Law on Illegal Aliens Faces Hurdles In House as Difficult to Enforce and Probably Costly”, in which states and local governments were said to complain that illegals already bore major costs for providing state services to them. The article clearly demonstrated the negative

⁷ The US has appropriated the term America and what it means to be “American” from the rest of the Americas. The concept of America should stretch from the North America to South America. This appropriation of America is part of the colonial imaginary of the US.

⁸ see (Muller and Espenshade 1985, p. 201).

idea of Latinity during the 1980s, one closely linked with undocumented immigration. In June 1984, the *Washington Post* published an article, which posed a series of questions about immigration that worked in harmony with the agenda of neo-conservatives of the time. By posing questions such as, “How many illegals are there? Do they displace American workers? Do they drive down the wage scale? Could the flow be stopped?” a powerful rhetorical strategy of appealing to dominant American exceptionalist values rooted in racism and class antagonisms was being revamped in the 1980s.

The ideological underpinnings of these questions prompted the urgent response of not only the common populace but also members of Congress who engaged in this ideological project. They used print media as a means to transmit their political agenda. Daniel E. Lungreen, 42nd District (Long Beach), appeared in the October version of the *Los Angeles Times* as saying, “Unfortunately, the option of doing nothing is not really an option that is available to us. [S]uch an alternative is tantamount to surrendering control of our borders to the economic and political woes of the rest of the world.” It is clear that people from failed states were being called “cultural aliens”. The representatives of the State were involved in producing an image of people from the periphery as economically, culturally, and politically incompetent. In the process they were removing blame from the larger forces of U.S. intervention, IMF, and World Bank policies that displace people and cause immigration to the First World.

The way in which these officials spoke about losing control was a frantic call to the national body to strengthen the border between Mexico and the U.S. It was both a process of nation-building and an articulation of a new form of patriotism closely intertwined with anti-immigrant nativism. In this case, culture and national consciousness were intertwined with U.S. individualism, patriarchy, and paternalism. It was part of the American drama that was being played out through the power of print media. As Aihwa Ong argued (1999), intervention in theorizing American citizenship, civil institutions, and social groups also functioned as disciplinary forces in the production of “cultural citizenship”. Applying Michel Foucault concept of governmentality⁹ we see how the rituals that produce consent in society take on an interesting form when society regulates itself and in turn attempts to maintain the values and norms of a nation state. In Foucault’s terms, civil society operated as a means of social control to police a cultural, political, and social landscape in which immigrants were positioned. Civil institutions such as nativist social groups (e.g., English Only, American Legion) operated in and within the context of the racial state and both relied on a series of discourses about what it means to be part of a nation. This was enacted to maintain internal pacification and strengthen its national defense in the name of security.

While the members of these nativist organizations may not be part of the bourgeoisie, they had a vested ideological and cultural interest in securing their own privileges of full citizenship. Their symbolic rewards came by excluding groups of people that had been constructed as culturally backward and therefore unfit to lay claim to social and political rights ensured by the State. The call for immigrant legislation was not only informed by concepts of culture and race, but also by an exceptionalist narrative going back to an origin story of the nation. The legislation secured a body politic that was in tune with the marriage of Protestant values with the attributes of modernity (e.g., constant innovation, exportation of ideas and property rights). In theorizing the racial conception of the State, David Theo Goldberg stresses how the meanings attached to race shape the parameters of State projects and institutions and serve to restrict the hybridity and heterogeneity of a nation (Goldberg, 2002).

⁹ (Foucault 1991, pp. 87-104).

Specifically, immigration control and immigration policy (a State project) are embedded with ideas of race and culture and simultaneously function to address the interest of U.S. industries' continual dependency on low-wage labor. For example, "a report released by the American Farm Bureau Federation claims that if migrant labor is cut off by acts of Congress, \$5 to \$9 billion of agricultural revenue would disappear, along with the up to one-third of farm producers" (Chacon and Davis 2006, p. 158). This particular triangulation of nation-building, dependency on cheap labor, and the reproduction of the State (through border and deportation projects) creates the social and political structures necessary for more effective and flexible ways of accumulating capital for low-wage industries.

For example, the economic importance of illegal immigration to the United States is that unlike the *Bracero Program*, "the costs of the reproduction of labor are pushed onto farm workers themselves" (Chacon and Davis 2006, p. 152). Of course not all undocumented workers toil in the agricultural sector, but Chacon and Davis make an important point in understanding the economic significance of undocumented status in the United States; that is, the systematic illegalization of people in the United States is the new mode of creating political, economic, racial, and social difference. Low wage industries have historically benefited from this form of labor. Illegality is flexible in its capacity to reify (e.g., economic exploitation and/or social differentiation) and to serve intersecting interests (e.g., legitimate State policing projects, inform immigration policy, and serve as a platform to mobilize xenophobic movements, and curtail civil liberties).

Immigration policy influenced by issues of race, class, and proximity to Mexico, ultimately reflects a two-track system by which Mexican workers become segregated and separated from the rest of the working class through the designation of some Mexicans "illegal." This pejorative is loaded with the anti-Mexican bias of the past, now encoded in 'acceptable' discourse. Couched in the language of legality, it remains a means of division and exclusion to better sustain the hegemony of capital over labor.¹⁰

According to Goldberg, "the modern state is tied then to a fixed mode of managed accumulation with the logic of production largely dictating the limits of circulation, exchange and consumption" (Goldberg 2002, p. 121). Here Goldberg is interested in examining the role of the State in managing heterogeneity in the transition from a slave/plantation economy to a wage society where the State increases the sophistication of *racial projects* to better regulate racial otherness in the age of de-facto law. For example, within the context of immigrant worker movements Chacon and Davis argued that, "the defeat of farm workers' strikes was further ensured by a bevy of legal and extra legal measures employed by State and local governments. When those failed, hired thugs were employed to terrorize the workers to such an extent that some historians consider their actions to be the closest thing to a substantial fascist movement in the United States has ever seen" (Chacon and Davis 2006, p. 136). The racial state acted as an instrumental coercive force by maintaining a racial and social order necessary for the production and reproduction of capital and what Goldberg calls homogeneity. When consent cannot be obtained, sheer coercion, as in the case of worker movements of the 1930s, is employed.

The racial fabrication of an illegal alien, implying a cultural alien, was reproduced over the cultural meanings of citizenship. This way of theorizing undocumented immigrants became a racial reference for immigration from the third world and it functioned as a strategy to limit

¹⁰ (Chacon and Davis 2006, p. 62).

social possibilities within the nation-state. The Immigrant Reform and Control Act of 1986 is an illustration of how the State provided the measure of scope over immigrants. It is an assertion and legitimization of institutional power by shaping the spatial, economic, and political possibilities of vulnerable sections of the U.S. population. The ideological and discursive practice of state law with respect to undocumented immigrants was dialectically producing a national identity. It did this by defining what was considered to be outside of nationhood.

Illegalizing the Workforce through IRCA: The Cultural Politics of Citizenship

IRCA set the legal definition of who was considered an illegal alien and what that condition implied in regards to employment and rights. Through an analysis of IRCA we can see the dialectics between prohibiting and sanctioning labor-power. It was important to consider the political and social status of undocumented workers because it questions as to how their wages might be affected. The process of enacting this form of legislation offers insights into how society consents or challenges legal separation of people.

The legal discourse of the State can be further examined by considering Aiyem Ong's definition of cultural citizenship. According to Ong, "cultural citizenship refers to the cultural practices and beliefs produced out of negotiating the often ambivalent and contested relations with the state and its hegemonic forms that establish the criteria of belonging within a national population and territory" (Ong 1999, p. 264). While the criminalization of immigrants was a racial project of the State, immigrants negotiate and contest these meanings through cultural production that fuse and blur the border of authentic American values and customs. This process of re-signification was important because it undermined the legitimacy of homogeneity. It directly challenged the racial and cultural assumptions of the State. By making claims to the State through cultural citizenship, immigrants re-inscribe themselves in the cultural and political fabric of national belonging. These processes of re-signification speak to the refusal of immigrant groups to be at the margin and provide a cultural and political critique of this new form of multiculturalism and racism.

Considering Gramsci's contribution to the study of hegemony, legislation is an integral part of developing compliance from society because it functions as a legitimate point of reference to which people consciously and unconsciously submit. The debate about immigration during the mid 1980s was an important ideological struggle in which notions about culture, nation, class, and race were constructed and applied to groups of immigrants. In February 1983, the *New York Times* published an article entitled, "Time to Turn the Illegal Tide" in which it called for a rapid introduction of immigration legislation aimed at controlling undocumented immigration. Such notions of what immigrants are, and the ways in which ideology can reify people, have a long tradition in the United States. At certain moments, images of the racial or in this case the "alien" other were deeply rooted in the assumption that this new wave of immigrants was incapable of politically, culturally, and socially assimilating. Old notions of the racial other were revived and the media constructed new ideas about what it means to be an immigrant in an effort to develop public support for immigration reform.

In this anti-immigrant political climate we saw the inextricable links between law, politics, culture, and economic stagnation in motives behind IRCA. These links also helped us understand why social anxiety over the shortcomings of capital in the mid-1980s were codified in law to further fragment and exploit a population of laborers. Contrary to the dominant perspective of Reaganomics that argued that immigrant demands on the State and inflation of

wages were the primary cause of recessions, economic downturns are related to accumulation and over--capacity (Monthly Review, 2001, vol. 52), I side with those who looked at how IRCA used the State in sanctioning notions of legality and culturally constructing the illegal other to shift blame from the implications of over-investment and over-expansion of debt under the Reagan administration.

The first clause in the IRCA statute is stated in the following words:

It is unlawful for a person or other entity—

(1) To hire, or to recruit or refer for a fee, for employment in the US an alien knowing the alien is an unauthorized alien with respect to such employment,

(2) Continuing employment

It is unlawful for a person or other entity, after hiring an alien for employment in accordance with paragraph (1) to continue to employ the alien in the US knowing the alien is (or has become) an unauthorized alien with respect to such employment.¹¹

Terminology in the statute was important because it signified power relations and indicated difference. Legal language informed society who should be considered as human under the legal apparatus of the State. The State employed the term “alien” to connote difference and to divide forms of labor. The term alien here referred to a specific demographic fraction of society. It was a term that had gathered its meaning from the context in which it was used. It was terminology that successfully tied together under one name themes of illegality, criminality, race, and social control.

The IRCA act also appeared to criminalize employers who were engaged in the activity of hiring people whose labor power had not been sanctioned by the State. By not recognizing the labor power of undocumented workers, the State was in effect undermining the value of their labor and creating hierarchies of labour-power. IRCA transformed what it means to be an immigrant into a controlled representation that reflected how dominant ways of seeing (as seen through newspaper clips) became legitimated statist ways of seeing.

Furthermore, these class and immigrant relations of production inscribed by the legislative act were a way to further fragmentize the working class. This accords Wendy Brown’s analysis of how the law of the bourgeois state forecloses class solidarity and struggle, in this case by constructing the meanings of possible remedies or punishments at the scale of the individual and not the group. Targeting the individual makes it difficult for remedies and solidarity to jump scales to a larger collective. It undermines possible collective mobilizations. Such legislation isolates claims and does not take into consideration the context of class and/or group solidarity.

The coercive power of the State is further seen in how it refused to recognize the social status and labor opportunities of undocumented immigrants. In the process, the State perpetuated a configuration suited to the accumulation of capital in low wage sectors. “With the state apparatus firmly on the side of growers, an agricultural labor force was consciously constructed so as to ensure its complete subordination to the dictatorship of farm capital” (Chacon and Davis 2006, p. 132). By making it illegal to employ undocumented labor, the State undermined the labor market in which undocumented immigrants can legally work. More importantly, it assigned no market value and protection of their labor-power. The State defined

¹¹(Committee on Immigration Reform 1985, pp.132-133).

these workers thus, “the term unauthorized alien means, with respect to employment of an alien at a particular time, that the alien is not at that time either a) an alien lawfully admitted for permanent residence, or (b) authorized to be so employed by this chapter or by the Attorney General” (Section (3) Definition of unauthorized alien, IRCA). By refusing to recognize the legality of these workers, the State created the conditions necessary for an informal economy of identity fraud and hyper exploitation of labor. It also secured surplus labor for low-wage industries.

Marx does not fully investigate the role of the State or the idea of race and national belonging in terms of regulating wages. But labour-power that is sold by workers who are not sanctioned by the State, is not necessarily guaranteed a minimum wage. Or if we consider wages informed along race lines, as Carey McWilliams observed,

From the grower’s point of view, the Hindus fitted nicely into the pattern of farm labor in California. Not only were they good workers, but they could be used as one additional racial group in competition with other racial groups, and thereby wages would be lowered. A notable fact about farm labor in California is the practice of employers to pay wage scales on the basis of race, i.e. to establish different wage rates for each racial group, thus fostering racial antagonism and, incidentally, keeping wages at the lowest point.¹²

Even if the commodities produced by these workers are labor intensive, they are not going to get a higher percentage of the surplus. The surplus capital generated after these items are sold in the market will be appropriated by the employer and reinvested within the cycle of capital accumulation. Because of the social and political status of immigrant workers, they are not in a state-legitimated position to bargain for a higher return of the surplus that was made by their labor. The Capitalist State does not recognize undocumented labour-power, so the assumption that white, black, Asian and brown workers stand in the same relation to capital is incorrect.

Central to the study of legal discourse and undocumented labour-power is how the State has the capacity to exclude groups of people from its jurisdiction and expose them to hyper-exploitative sites. The hierarchy of difference created by one’s positionality to the States’ discourse on inclusion and exclusion is arranged in a conflict of U.S. industries’ perceived labor shortages. Immanuel Wallerstein has written, the relationship between States in the international arena organizes State based difference and ideas of citizenship on a local scale (Wallerstein, 1984). Marx’s concept of value can be explored in relation to the State(s) ongoing project to legalize and torment a section of the workforce. The policing of immigrant labor exists within the context of a discursive and coercive State; it is a dynamic process that contributes to the production of flexible meanings of citizenship and illegality. It is a project that undermines the mobility of labor and makes the hyper exploitation of undocumented labor possible. This is a real feature in U.S. corporate agribusiness. For example, Bill Christison of the National Farm Family Coalition elaborates on agribusiness’ overall influence:

U.S. corporate agribusiness has been imposing their agenda through international trade agreements for the past two decades. U.S. farm policy has been tinkered with for many years with Congra and Catgill and other transnational corporations often directly influencing the legislative process as

¹² (McWilliams 2000, p. 97).

well as the regulatory process through their influential role within the U.S. Department of Agriculture¹³.

An example of this clout was the passage of the Immigrant Reform and Control Act (IRCA), legislation clearly favoring corporate agribusiness growers.

What does IRCA do? : Border Enforcement and Policing Labor

IRCA also set the legislative framework for the growth of enforcement departments in the area of border policing. In fact, “the Border Patrol is now the largest federal law enforcement body, with over twelve thousand agents in the field” (Chacon and Davis 2006, p. 205). Similarly, Douglass Massey states, “the number of Border Patrol Officers increased from around 2,500 in the early 1980’s to around 12,000 today, and the agency’s annual budget rose to \$1.6 billion from \$200 million.”¹⁴

If we consider how IRCA affected immigrant labor within the sphere of commodity exchange, we see how an informal economy of labor, specifically undocumented labor, existed where wages and worker rights were not protected by the authority of the State. Marx measures the capacity of a worker to produce a commodity with exchange value as relating to its congealed labour. Labor power is a form of commodity that can be consumed by a capitalist wishing to transform a given raw material into a product that has exchange value in a capitalist market. Therefore what gives a commodity value is its congealed labor.

What is interesting here is the way in which racism and the exclusivity over the rights of citizenship creates an advantage for capital allowing it to assert its influence and control over a pool of workers that can easily be deported. Deportation does not happen without the institution of the State, illustrating the clout capital has in terms of mobilizing the State as a labor regulator and supplier in operations such as the Bracero Program and Operation Wetback. Francisco E. Balderrama and Raymond Rodriguez elaborate:

[Immigration and deportation] was done in order to serve the needs of influential growers and industrialists. Regulations were loosely enforced when Mexican workers were needed to harvest crops or increase production in the mines or on the assembly lines. Conversely, the strict letter of the law was applied when Mexican labor exceeded the seasonal demand. Then deportation raids at work sites, usually before payment, became common occurrences. The raids were sometimes conducted at the request of unscrupulous employers.¹⁵

Marx provides insight on how value is determined in the following words, “it becomes plain that it is not the exchange of commodities which regulates the magnitude of their values but rather the reverse, the magnitude of the value of commodities which regulates the proportion in which they exchange” (Marx 1979, p. 156). This magnitude of value of commodities is determined by what Marx would consider the amount of congealed labor-power in a given commodity. But the assumption Marx is making here is that labor-power as a commodity circulates freely in the market. Marx is not interrogating the State and the influence big capital can have on the State to

¹³ (Chacon and Davis 2006, p. 86).

¹⁴ Massey (2006).

¹⁵ (Balderrama and Rodriguez 2006, p. 9).

proctor, control, criminalize, import, and deport workers and what this capacity may do to the wages of vulnerable workers affected by it.

Undocumented workers must negotiate the conditions of what Stuart Hall calls, “societies structured by dominance”. To a certain extent, the State has the capacity to legitimate the conditions in which the hyper-exploitation of these laborers occurs or the conditions in which commodities are produced. Undocumented workers can not simply walk away from this type of exploitation, if they do not have access to the basic rights of citizenship. This vulnerable situation on the part of labor explains the motives behind politicians’ eager to craft legislation that favored their constituency and political careers:

Illegalization is profitable, and business interests have successfully shifted the burden of enforcement to taxpayers and to the migrants themselves. Sanctions against employers of the undocumented-while on the books-are largely ignored. From 1993 to 2003 the number of arrests at worksites nationwide went from 7,630 to 445. The number of fines dropped from 944 in 1993 to 124 in 2003. By 2004, immigration authorities issued only three citations to companies. Agents routinely arrest workers, not employers.¹⁶

Through the State’s legislative apparatus, it has the legal authority, given by the nation through consent, to legitimate the growth of capital. The State maintains the social relations fundamental to the cycle of capital accumulation. In the United States, part of the process of constructing illegality is the sociopolitical vulnerability on the part of undocumented labor. As Gordon Hanson observes, “employers feel very strongly about maintaining access to immigrant workers, and exert political pressure to prevent enforcement from being effective.”¹⁷ Immigrant laborers are crucial to this process, regardless of what neo-conservative politicians may have otherwise proclaimed. The State secures the availability of cheap labor, something which can further be examined through the relationship between immigrant labor and immigration policy.

Does IRCA Work? : Contract Labor and the Consequences of IRCA

The flexibility of capital is fundamental in understanding how employers involved in low wage industries were able to accumulate capital during the 1980s. The Political Right’s emphasis of global competition and consequential low wages influenced lawmakers to create flexible ways of accessing immigrant workers during the 1980s. The guiding principle was that immigration policy and enforcement was designed to direct immigrants to low wage industries when their labor was needed, and to remove them when it was not. Displaced migrant workers were at the backbone of this system. An abundance of workers was needed to insure the existence of labor intensive industries in the United States, which otherwise would not be competitive and would be required to relocate their factories abroad. As global production lines became more attentive to changes in the market, employers relied on the flexibility of the contract labor system.

This model of employment has been popular in agricultural, garment, and janitorial industries throughout the United States. Howard Berman, Los Angeles Congressman and long time defender of farm workers, states that in agriculture, “growers always scream ‘shortage’. In reality, what they want is an oversupply of labor to keep wages down and discourage

¹⁶ Chacon and Davis (2006, p. 211).

¹⁷ Porter (2006).

unionization” (Bacon 2007, p. 105). Calavita (1992) and Chang (2000) argue that tougher enforcement measures result from policies and labor market recruitment strategies geared towards sustaining (and even increasing) current immigration levels.

According to politicians such as Simpson and Mazzoli, IRCA was constructed to stop the flow of undocumented immigration into the United States and to insure a sufficient work force for agriculture. A study conducted by Karen Woodrow and Jeffrey Passel utilized census reports and INS files to estimate the effect, if any, of IRCA on the flow of undocumented immigration. The result was that it did not affect the flow of undocumented immigration. In the report *Immigration and Immigrants: Setting the Record Straight*, the Urban Institute asserts that IRCA failed to reduce the undocumented population of the United States. IRCA appears to have been designed to address the process of nation-building, strengthening geo-political borders, and creating a pool of cheap labor for U.S. industries. “IRCA’s employer sanctions, along with measures like proposition 187 and HR 4437, ensured that undocumented workers, with fewer rights and less access to benefits, remained cheaper for employers, and more profitable” (Bacon 2008: 81). These researchers decisively concluded that, “IRCA has not cut the outflow of new undocumented immigrants into the United States” (Bean, Edmonston, Passel 1990, p. 66).

In another study on the effects of the Immigration and Reform and Control Act of 1986, the authors conclude that it did little to stop or curb undocumented immigration. The authors state that “the 1986 IRCA had not only failed to stem the flow of illegal immigrants and generated some unintended consequences, but that it totally ignored some areas of immigration law that major interests badly wanted to address” (Gimpel and Edwards 1999, p. 180). Others point out that the data has shown that “statements such as ‘for every three undocumented migrants that are apprehended, one gets in’ are meaningless. According to our information, all migrants who attempt undocumented entry in to the United States eventually get in, and IRCA has not changed this basic fact” (Bean, Edmonston, Passel 1990, p. 198). If IRCA was not able to deter undocumented immigration, as these studies suggest, what were the reasons behind the push for immigration reform during the 1980s? What was the actual political economic function of this legislation? IRCA set the necessary conditions for capital to move where it could earn the greatest return -- and an effective immigration policy would only hinder this.

Based on the existing data, it is evident that IRCA actually intended to create a pool of laborers who did not have secure employment opportunities, and whose labor was not sanctioned by the State. In addition, by burdening employers with possible sanctions, IRCA indirectly accelerated the wide use of subcontractors in industries characterized by high turnover, including agriculture and construction. Subcontractors, in exchange for a fee, insulate employers from liability under IRCA. In theory, subcontractors assist workers in obtaining employment by contractually linking them to employers for a set period of time at a predetermined wage. However, since workers are technically employees of the subcontractor and not the firm, employers are immune from sanctions by IRCA. This has allowed agribusiness and other low wage industries to continue to operate in the United States.

The State, through IRCA, has attempted to resolve the problem of the labor shortage and re-enforce the social relations necessary for the reproduction of capital. An example of this can be seen in U.S. case law, where these incentives are codified and reinforced. In *Hoffman v. National Labor Relations Board* (NLRB), the Supreme Court condoned the right for employers to retaliate against the unionizing efforts of their undocumented workers by means of layoffs and then notifying the ICE of their undocumented status. In the case of IRCA, these employer protections led to an increase of the wide scale use of contract labor. IRCA is responsible for the

national implementation of a flexible employment model. This has set new exploitative precedents, an attempt to naturalize the appropriation of immigrant labor, and impose a system of consent, control, and order. Therefore, migrants working under the contract labor system did not have the same rights as other workers. When employers could not find workers, they looked to the State for measures to ensure the movement of labor across the borders -- regardless of citizenship status.

Ideological and Policing Underpinnings of IRCA: Guaranteed Labor Supply

“All talk about ‘situatedness,’ ‘location’ and ‘positionality’ is meaningless without a mapping of the space in which those situations, locations, and positions occur. [S]ocial relations are always spatial and exist within a certain produced framework of spatialities. [R]evolutionary activity entails a remapping of social relations and agents who no longer acknowledge that space to which they were formerly assigned. From this it follows that the production of spatial relations is a production of social relations and to alter one is to alter the other.” (Harvey, 1996)

The production and reproduction of capital require the creation of specific geographies. (Chomsky (1992), Massey (1994), Harvey (1996), Mitchell (1996), Collins (2000), and Smith (2004) IRCA had the capacity to bind immigrants to particular geographies. This institutionalized a policy of spatial containment and control of immigrants. The agricultural clause of IRCA was a method of coercing undocumented workers to toil in the geographies of corporate agribusiness. It also helped produce spaces of exemption where peoples’ rights were violated. IRCA was an attempt to stop the constant mobility of migrant workers. It created a permanent pool of State--sanctioned agricultural workers. It was a project of making visible a potential army of agricultural laborers through the incentives of naturalization.

The history of labor in the United States has demonstrated that when crises strike (e.g., labor shortages, strikes, etc.) the State is willing to grant concessions to make labor more accountable to the needs of Capital. As Don Mitchell suggests, in his discussion on the Wheatland riots of 1913, the State attempted to make migrant workers more accountable to structures of domination by making these workers more visible to the policing apparatus of the State (Mitchell, 1996). This was done in part by fixing these immigrant workers to a particular place and space, which is what IRCA was attempting to accomplish.

IRCA has a special provision targeted at migrant populations working in the agricultural centers of the U.S. It makes it more “convenient” for them to obtain legal status if they can demonstrate proof of a history of agricultural work. LeMay states that, “both the republicans and the democrats split their vote for the last large scale amnesty program, a provision of IRCA that legalized more than 3 million previously illegal aliens. Democrats voted 196 (55 percent) in favor of IRCA, to 88 (45 percent) opposed. Republicans voted 105 (49 percent) in favor to 109 (51 percent) opposed” (LeMay 1994, p. 53). Wayne Cornelius comments on the Special Agricultural Workers (SAW) program of IRCA in the following words: “The SAW program was also attractive because it provided (unintentionally) a fast track to permanent legal immigrant status, without the costs, difficulties, English Language, and US civic responsibilities of the general amnesty program” (Bean, Edmonston and Passel 1990, p. 236). This fast track of obtaining permanent legal status may not have been “unintentional” considering the raw numbers of applicants that responded to obtain amnesty through the SAW program.

The SAW program attracted over 1.3 million applicants, far more than the 250,000 applicants that the framers of IRCA had anticipated (Bean, Edmonston and Passel 1990, p. 230).

The SAW program, demonstrated the State's effort to stratify a significant number of laborers within the low-wage agricultural sector. It created attractive amnesty incentives for immigrant workers, an institutional loop hole, that conveniently worked to define the domain and geography upon which good immigrants could legitimately labor. While hundreds of thousands of immigrant laborers who had the proper paperwork were getting amnesty through IRCA, there were still those undocumented workers who could not participate. The State therefore defined the conditions upon which immigrants were welcome in the United States mainly those who could successfully toil in the low-paying agricultural sector. Nonetheless, undocumented workers are an economic boon to those businesses that employ them directly or subcontract with other firms that do and to those who consume the arguably otherwise more expensive goods and services they help produce (Baker, 1998), (Cornelius, 1998), (Smith and Edmonston, 1997).

The State is not neutral. As Harvey explains, the different parts of the Capitalist State are not only territorializations--spaces of control, surveillance, and domains of organization and administration, they are also "spatial orchestration of semiotic systems" that solidify institutional processes, foster allegiances, to authority, and strengthen spatial relations conducive to the capitalist mode of production (Harvey, 1996). IRCA has done all this: it set territory, organized labor, and spatially bounded people, which all speak to the act's role of enabling economic growth and insuring political control in the interests of capital.

To have done this successfully and to appear without bias, the State presented itself as having a relative autonomy from capital and social classes. IRCA demonstrates how the State's relationships with different classes is complex. The contradictory interests of different groups may find expression in different parts of the legislative act. Neil Smith clarifies the contradictory and complex position of the State in relation to the ruling class in the following way, "within the geographic boundaries of the nation-state, the national ruling class cooperates broadly over such questions as the conditions of reproducing labour-power, legal constitution of the economy, provision of infrastructures of production and circulation, and certain ideological institutions, even as separate capitals compete for markets" (Smith 1993).

These concessions offered by the ruling class can be seen in the final version of the Immigrant Reform and Control Act of 1986. Christine Marie Sierrain her study of Chicana/o mobilization around immigration reform between 1976 and 1986 states how IRCA was an example of how the State may have negotiated with the needs of the ruling class and certain Chicana/o lobby groups¹⁸. The congressional hearings on immigration reform during the 1980s demonstrated a dynamic process between different interest groups. They illustrated the terms in which labor will be made accessible to growers. However "the model for the final passage of the legislation indicated that the decision on Simpson-Mazzoli in 1984 was not a partisan one, as both parties were equally split on the vote. Instead the floor cleavage divided the floor by race, with only 10 percent of the nonwhite members voting in favor of final passage, while 51 percent of white members voted for it." (Gimpel and Edwards 1999, p. 168)

If IRCA guaranteed a labor supply that could be employed within the agricultural sector, what was not guaranteed were the working conditions and living wages for agricultural workers. IRCA then did not protect immigrant workers who gained amnesty, once they were in the private sphere of employment. Immigrant workers were vulnerable to the conditions set off by agriculture and other low wage industries where the politics of citizenship, race, and gender informed the work. This reality complicated the ways in which workers maneuvered and bargained. IRCA appeared to create a dichotomy between the illegal worker and the worker with

¹⁸ See Montejano (1998, pp. 131-153).

citizenship. The ideological implications of this social fragmentation through the exclusivity of citizenship is well captured by the editors of *Race, Identity, and Citizenship*: “This means that in order to be citizens there must be non-citizens and, therefore, that the citizenship project works through inclusion and exclusion, often creating substantial barriers for those who wish to be included” (Torres, Miron, and Inda 1999, p. 13).

The illegal/legal dichotomy as represented by IRCA had particular implications for immigrant communities that have also been racialized and thought of as foreigners. The ideological underpinnings of IRCA worked with the history to demarcate groups of people as other or in this case alien to a set of norms. The process of othering through the language of illegality produced real life consequences for people. It determined who would be able to benefit from social services and economic opportunities of U.S. capitalism.

As Agamben has written on the subject of State and human rights in *Means Without End: Notes on Politics*, States can reconceptualize the geopolitics of human rights. Under the guise of the State, to have rights you must be in custody (Agamben, 2000). Ideas about freedom and citizenship are directly connected to the Nation-State and States of injury (Brown, 1995). Therefore, the pursuit of enfranchisement coincides with the legitimation of the State as the enforcer of rights; this was what Agamben means by being in custody. IRCA can be interpreted as a State discourse in terms of its capacity to define who can make what Wendy Brown calls claims of injury. In order to build State power, the State has to constantly renovate ideas of race, gender, and citizenship.

During the 1980s the idea of an interior threat from the periphery was invented to create a state of exemption. The increased border patrol budget that resulted from the debates over immigration during the mid 1980s created a larger militarized zone along the US/Mexico border. Most importantly, the State subsidized on a larger geographic scale the spaces of exemption:

The implementation of neoliberal policies in Mexico and Central America and border militarization in the U.S. have combined in the last two decades to force displaced migrants to cross the U.S.-Mexico border in more remote areas, where they are subject to extreme exposure and a host of other geographical dangers.¹⁹

The state of exemption along the U.S.-Mexico border was a situation in which humans had their rights violated. This condition demonstrated how these spaces of exemption were integral to the reproduction of the State as a legitimate carrier of power and force. Similarly, Brown’s work demonstrates the State’s technologies and capacity for violence. Through this way of looking at the State, it can be argued that the State developed, expanded, and deepened coercion during the 1980s in which IRCA played a significant role.

¹⁹(Chacon and Davis 2006, p. 205).

A Parallel Between the Reconstruction of the South and the Racial Politics of Citizenship

The exploitation of immigrant workers within the agricultural sector as it pertains to the accumulation of capital can be further investigated by examining the writings of DuBois. Here we can see the racial politics of citizenship and how whiteness becomes codified in State law. This will help us understand how the construction of the illegal alien was situated as a threat to the nation. It will also help us understand how the denial of rights produces the perfect worker.

DuBois comments on black labor during the reconstruction period in the South. DuBois writes on a potentially revolutionary moment in US history, the Reconstruction era, where the State and the Nation²⁰ were embarking on a new historical moment where relations between land owning whites, property--less whites, and Blacks in the South were faced with unique conditions for the potential reproduction of a new society through reconfigured land relations. DuBois states that, "property control especially of land and labor had always dominated politics in the South, and after the war, it set itself to put labor to work at a wage approximating slavery conditions, in order to restore capital lost in the war" (DuBois 1962, p. 586).

DuBois complements Marx when looking at how capital can be restored during moments of crisis. In the South, capital valorized itself by aligning with northern industrial capital and creating a social hierarchy in the South that allowed for the unconditional exploitation of black labor. DuBois goes on to say how, "abolitionist failed to see that after the momentary exaltation of the war, the Nation did not want Negroes to have civil rights and that national industry could get its way easier by alliance with Southern landholders than by sustaining Southern workers" (DuBois 1962, p. 592).

During this period, the nation was not ready to recognize the full humanity and value of black labor. The racial politics of citizenship during this time combined with the interests of capital to exclude blacks from any entitlement to the State or to be able to derive much protection from it. Michael Eric Dyson argues for the powerful effect of whiteness, "the genius of unarticulated, invisible whiteness is that it was able to impose its particularistic perspective as normative" (Dyson 1993, p. 220). The politics of whiteness can be codified in law and operate at the scale of State institutions. When the politics of whiteness reaches the scale of the State, it not only normalizes itself but it interpellates groups of people, in specific racial terms, which are denied the full range of citizenship rights.

What is intriguing about the reconstruction of the South was how southern and northern capital dealt with millions of workers who had been emancipated by the Civil War. Specifically, the southern governments refused to recognize the human and civil rights of blacks or to include them in the rights of U.S. citizenship. The refusal of the Southern States to recognize and protect the civil rights of blacks during Reconstruction worked to undermine the value of free black labor. In effect racial ideology in the postbellum South, the lack of sufficient State protection, and the inability of blacks to participate in the political decision--making of government greatly restricted the economic mobility of black workers. Much like black laborers in the South, immigrant populations today have been reified by legislative measures such as IRCA which have severely restricted their civil rights.

²⁰ In the United States, the nation is an imagined community with certain ideological components such as notions of meritocracy, freedom, and democracy webbed together to provide a common sense idea of "belonging" to a group. It is a system of beliefs that separates one community from another. Part of being in this imagined "nation" has to do with the subscription to capitalism and racial notions. The point to consider when thinking of a Nation is how whiteness gets inscribed in this ideological project that serves to dictate who is included and excluded from this idea of national belonging. For further reading consider Anderson (1993).

The State secures the necessary conditions for the maintenance and development of capitalism, which can be seen, in how the Southern States neglected black suffrage and instead created the conditions necessary for the expansion of industrial capital in the south. DuBois states that, “Thus the guidance and dictatorship of capital for the object of private profit were not to be questioned or overthrown; but capital must maintain that ascendancy by controlling the opinion of the laboring class” (DuBois 1962, p. 605). In obtaining the consent of laborers, the State played an important role in developing the mechanisms of social control after the U.S. Civil War.

Accordingly, in 1866, the Georgia legislature redrafted many of its laws, including the slave revolt provisions. Specific references to slaves were deleted from the text of these laws but the concept of insurrection remained central; insurrection was defined as combined resistance to the lawful authority of the State (DuBois 1962, p. 474). The Southern States may have erased slavery from the books but they developed coercive and ideological mechanisms upon which to re-situate blacks as a threat to civility. Most importantly, the Southern States helped restructure the necessary social relations for the new mode of production that was emerging in the South. This mode of production relied heavily on working white antagonisms towards black labor to legitimize a hierarchy of labor grounded on racial ideology. It inscribed these ideas into notions of citizenship and national belonging. Similarly, following David Roediger’s work, we see how the class interests of white laborers were based on developing a sense of whiteness to help alleviate their inferior status: they derived symbolic benefits from not being black (Roediger, 1991).

As DuBois demonstrated, white labor was disproportionately employed for State projects that involved the reconstruction of destroyed infrastructure during the war. What was important here as it related to State formation and notions of citizenship was how the State contributed to the racialization and segmentation of the work force. The State was rebuilding its infrastructure under an already pre-existing racial configuration. After all, according to the first immigration policy, the Naturalization Act of 1790, any free white person that has resided in the United States for a minimum of two years may become a citizen. This set the precedent for future entitlements of citizenship structured along racial and class lines.

The way in which black laborers in the South were reified as the “other” accompanied with minimal protection under the law contributed to a political and economic order upon which the extreme exploitation of black labor in the South was, to a certain extent, not only tolerated but sanctioned by the Southern States. Michel Foucault notes that in modern western democracies control of subjects is manifested in rituals and rules that produce consent; “governmentality” refers to those relations that regulate the conduct of subjects as a population and as individuals in the interests of ensuring the security and prosperity of the Nation-State (Foucault, 1991).

After the Civil War, capital would not have been able to make profits without the intervention of the State. The State proved to be a powerful ally in this regard. The State played an important role in implementing projects such as railroad construction, and subsidizing these endeavors. The way in which Southern and Northern States allied themselves with industrial capital and rallied the nation has been re-packaged over time. The State set up the ideological terrain upon which legislative measures and investment projects coded under the “interests of the Nation” gathered consent from the masses for these enterprises.

Conclusion

Much like a corrosive medical disease, immigrants from “the margins of civilization” were seen during the 1980s as not just as a threat to the social and cultural fabric of the U.S. but also as a direct threat to State resources and public health. In this sense, they were constructed as undermining the reproduction of labour-power. Immigrant and racially inscribed bodies were being counted, categorized, disciplined, and culturally dissected, in the 1980s.

The racialization and the social alienation of immigrants testifies to the diverse array of ideological and political mechanisms in which an emerging system of social knowledge and power, the modern capitalist state, extended itself into and over immigrant society. The social, political, and cultural landscape of the US created contradictory meanings associated with immigrants yet these laborers serve a vital economic and social function. The reality was that the super exploitation of their labour-power under the many sites and scales of the capitalist mode of production makes their presence valuable to low wage industries. Appropriation, subordination, and denigration were the processes by which State authority waged a modern war of control over immigrant society.

This chapter sought to investigate the ways in which the State was involved in creating and maintaining notions of illegality. Specifically, this chapter examined how State sanctioned notions of citizenship served particular economic and political interests of capital. The agricultural section of the US economy benefited tremendously from IRCA, because the SAW program insured that there was an available cheap labor pool of resident immigrants. They were obligated to work in agriculture in order to preserve their legal status.

In this sense the State operated through political pundits and certain segments of the media to disseminate the ideology of the other and connect this cultural construction with larger economic processes of inequality. The State, through political representatives, set the ideological terrain upon which legislative measures can effectively get the consent of the masses. IRCA helped low wage sectors of employment, such as the garment industry, to not relocate because the conditions necessary for these industries to stay operational were found in U.S. Metropolitan areas. Because of efforts enacted by the State to keep labor cheap and available, certain low wage economies did not have to relocate to the Third World to find abundant inexpensive labor.

Further research into the workings of the State and capital must also look at anti-immigrant and criminalization legislation such as Proposition 187 and the recent 1996 immigration reform legislation. This is important to draw further connections between the interests of corporate capital and the reification of immigrant bodies. These investigations will shed light on how legislation and criminalization help State and local policing agencies expand their budgets and tactics of surveillance and apprehension. The State constructed notions of deviancy and criminality at particular historical moments and projected these images on to populations that were considered a threat. This reification and ultimate signification had real life political, economic, and social consequences to people, in particular working class people of color²¹.

Currently immigrant populations have been heavily reified as “sub-human”. These ideological formations speak of what it meant to be from particular places and how these

²¹ Working class people of color and immigrant populations who have been reified at certain historical moments as criminals by the state but these communities are also involved in re-signifying dominant ideology and creating alternative economies and sites of empowerment where they develop their own arrangements under capitalism.

distinctions created a different access to a way of life. For these reasons, this dissertation understands how there are people's lives at stake when thinking of imprisonment, citizenship, and State sanctioned violence. The State is a site to challenge through creative activism and research because the State through ideological means makes violence and murder an acceptable norm. These violently imposed distinctions have historically been coded in public policy and legislation and are a form of coercion and segmentation that must be further researched and challenged.

Chapter Two: Framing Illegality in the United States

“The task of our committee is to prepare statutes that will develop the American people along the racial and institutional lines laid down by the founders of this country, so far as the control of immigration can do it.”

-Albert Johnson, Chairman of the House Immigration and Naturalization Committee

The immigration debate during the 1980s represents much more than simply an attempt on the part of the United States to curtail the flow of politically and economically displaced people, or about reforming U.S. immigration law (Simcox, 1988; Rivera-Batiz, 1991; Chiswick, 1991; Gang and Sechzer, 1991; Borjas, 1998; Brimelow, 1998; Legomsky, 1998; Laham, 2000). Rather, it is also about negotiating the contradictions, social displacement, and cultural fears integral to the success of the *cultures of American imperialism* in the 21st century.

In this chapter, I will employ three sections to map the multiple actors, issues, and themes involved in the immigration debate. This is done to demonstrate the crisis the State faced in negotiating, on the one hand, the needs of capital (e.g., the availability of cheap labor) and on the other, the social dilemmas with enforcing equitable immigration reform. I do this to analyze the social anxiety in the United States over a growing number of linguistically and culturally diverse people. This will help examine the transition from the politics of immigration reform to that of mass scale immigrant criminalization (e.g., Illegal Immigration Reform and Immigrant Responsibility Act of 1996). In this immigration debate was a process of defining the State. While part of this section’s responsibility is to figure out the labor puzzle since the elimination of the Bracero Program in 1964, the identification of undocumented people is a key opportunity for the State to expand its juridical and policing capacity.

Furthermore, a conjunctural analysis will expand the conversation on race, culture, and the national identity in the United States. This will offer us a possible scenario of what this critical conjuncture means to the limits of American jurisprudence and rights in the 21st century. Additionally, it will help us examine the ways in which immigration policy was advocated for and the ideological work done by this type of immigration policy. This form of intersectionality produces new narratives (e.g., *norteño* culture and music) over the meaning of nationhood, citizenship, collectivity, and democracy.

This first section will investigate the relationship between the nation, nationalism, and statehood in terms of the social construction of borders. Of particular importance will be the examination of how and why the modern nation-state involved itself in the racial meanings of citizenship. The following chapter’s sections will document the evolving debates around one piece of legislation, the Immigrant Reform and Control Act of 1986, to establish a body of knowledge around a temporally specific discourse on immigration. It will be done by examining a combination of actors and organizations actively involved in the Congressional Hearings around IRCA. The second section will draw attention to the debates about the southern US/Mexico border and IRCA, and it will examine the social construction of immigrants. It will illustrate the key figures in the nation-building process and will analyze the limits of U.S. immigration policy. Last, this third section will examine the social, cultural, and racial implications of IRCA. The socio-cultural and political structure during this period will be

examined as well as the factors at work in shaping the perception of how illegality was culturally and racially informed, articulated, and ultimately connected to Latinity²².

Through the process of immigration reform a debate was unleashed about how to manage labor without undermining the civil liberties of US Latina/o citizens. Insuring the civil liberties of Latina/o citizens is yet another dilemma the State seems puzzled with or perhaps unwilling to figure out. Undocumented people who successfully had lived meaningful lives by avoiding the radar of the State represent a contradiction inherent in all modern nation-states. As we shall see, this is a contradiction political pundits and reactionary organizations have seized upon to advance their own ideological and political projects. This form of lobbying was performed during the Congressional hearings to pressure the State to be more active in drafting anti-immigrant legislation and employing minimal discretion in the apprehension of people.

The debate over the most effective method to police undocumented immigration and contain linguistic and cultural difference offers us a window into the vital pieces involved in a socio-cultural process. In the age of an expanding American Empire,²³ nationalist themes, morals, and values were continually evoked to consolidate an increasing heterogeneous nation. The age of American Empire²⁴ has accelerated a cultural, ethnic, and racial change in domestic demography. This shift means an introduction of new customs. Ethnically altered landscapes represent the physical, cultural, and spatial transformation the United States has undergone (Davis, 2000), (Villa, 2000). In an interesting way the immigration debate in the US addresses the re-occurring question of what the face of United States' cities, towns and citizens should look like (*Time*, 8 July 1985).

What immigration scholars in the United States have missed on an alarming scale is the socio-cultural debate in the United States. By the 1980s, the debate was about ideas on criminality, race, rights, citizenship, and national identity. These issues were complicated by the

²² I use this term to apply Walter D. Mignolo's idea of Latinity in relation to Anglo American identity to expose the assumptions, epistemologies, and geopolitics of power at play in influencing the formation of Latina/o subjectivity in the United States. While my level of analysis in this chapter is the politics of immigration reform, I use the term to examine what is after the Anglo American idea of Latin America. In other words how US Latina/os were envisioned in these decades leads to the more important question of how Latino/as challenged these political projects, and where are Latina/os moving towards in the future. After all Latinity is a product of the coloniality of power and what Gloria Anzaldúa calls the colonial wound. What interests me is documenting the cultures and subcultures that have the capacity to delink and imagine an alternative reality.

²³ The 1980s witnessed a reconfiguration of political, juridical, and economic policies aimed at making the United States' industries more competitive in a world where other nation states had already off-shored a significant amount of their production capacities (Barry, 1982; Bluestone, 1982; Harrison, 1982; Rose, 1994; Harvey, 1996). However, these historically specific policies produced unequal spatial consequences and cultural rifts worldwide. Just as important, these policies created domestic and international political alliances. These alliances adopted neo-liberal policies that were rooted in racial and class differences. For example, transnational alliances between the United States and the United Kingdom aimed to create a political project which incited a social crisis, bringing about the manifestation of unwarranted xenophobia.

²⁴ I use the term American Empire to describe the political, economic, and cultural influence of the United States in a global context. The military hegemony of the United States is also present in this term and describes both US imperialism and US policy in the 20th Century. For example, in indicating the interventionist strategy of the United States, Indian journalist, Arundhati Roy, in a British newspaper, *Manchester Guardian* spelled out the number of countries the US had fought with: "Here is a list of the countries that America has been at war with - and bombed - since the second world war: China (1945-46, 1950-53), Korea (1950-53), Guatemala (1954, 1967-69), Indonesia (1958), Cuba (1959-60), Vietnam (1961-73), the Belgian Congo (1964), Laos (1964-73), Peru (1965), Cambodia (1969-70), Nicaragua (the 1980s), El Salvador (the 1980s), Grenada (1983), Libya (1986), Panama (1989), Iraq (1991-99, 2003-08), Bosnia (1995), Sudan (1998), Yugoslavia (1999), and Afghanistan (2001-08)."

historical dependence on, and the need to manage, cheap labor on the part of growers and service industries in the U.S. This complex web informed the intersecting ways in which culture and racial ideology shaped the debates around immigration reform. An uncontrollable wave of Latin American immigration was represented by political elites and the mass media (Otto Santa, 2002). Yet not enough research has been done on, nor has any substantial attention been given to, the genealogy of immigration control and ethnicity in the last two decades. Insufficient research has also been performed in examining the convergence of race and illegality as flexible and continually evolving patterns of what Michael Omi and Howard Winant call racial formation (Omi and Winant, 1986).

The social, economic, and political forces involved in the construction of immigration policy in the United States demonstrate what Omi and Winant call one of the many racial projects operating throughout society (Omi and Winant, 1986). Constructing people of a specific ethnic heritage as illegal aliens is a process of ascribing racial meanings (codified by social codes of meaning) to a people. These representations have specific social, political, and economic conditions of existence. Representations of illegal aliens in the United States requires an examination of their signifying capacity. Examining this particular form of discourse is important to my work in part because it is made up of elements--a specific ethnic group, ideas of race, immigration, and so on--that have meanings and values that are encoded within the existing social system of significance. In a society structured along class and racial lines, ideas of being undocumented had the capacity to reify human beings into objects. Not only immigrant populations in the United States have been cast as alien²⁵ but also law abiding citizens whose ethnic backgrounds were made to signify cultural and racial otherness.

As Justin Akers Chacon and Mike Davis observe, “while as many as one-third of the undocumented are “overstays”--those who come on visas primarily from wealthier countries and remain after their expiration--virtually all negative attention has been focused on migrant Mexican workers, who comprise about 56 percent of the undocumented immigration” (Chacon and Davis 2006, p.156). Chacon and Davis go on to state that the Border Patrol uses race to identify potential undocumented people at border check points. “Border checkpoints,” they argue, “stop the vehicles of those who fit the profile of an undocumented worker. If you are white you are waved through but if you are brown you are suspect” (Chacon and Davis 2006, p. 156). Not only are these procedures a form of *institutional racism* and *low intensity terrorism* (Chacon and Davis, 2006), but they are also a form of racial ideology. Racial ideology has been integral in linking *Latinidad* with illegality.

At the discursive level, this body of knowledge around IRCA is critical to examine as it demonstrates my overarching thesis of *flexible modes of co-operation* (that is the critical contestation, interaction and agreement among and within social and political entities involved in the struggle for national belonging, a process which activates cultural and symbolic rewards for people) operating between different fractions of society. This dynamic process is exemplified through a continual struggle around ideology, language, and policy making centered on border and immigrant control issues. It is an attempt by the authorities to police a perceived threat to the Nation-State. Ultimately, IRCA was about allocating funds for state departments specializing in the intersecting spheres of detention, deportation, and social control. In this sense, IRCA was about rescaling the State as a legitimate insurer of rights, and order. As we will see, this

²⁵ This chapter argues that during the 1980s, the meaning of *Latinidad* by those who are attempting to fix terms of the immigration debate is a socially produced category connected to the politics of the border and social boundaries to come to represent forms of illegality.

component of the State has an ever-increasing budget in the areas of incarceration and deportation in the 21st century. The perception of a crisis at the U.S.-Mexico border necessitated that the State reassert itself--not necessarily as an entity capable of controlling the undocumented flow but more importantly as an apparatus that can control the social perceptions of the border. Peter Andreas (2000, p. 9) argues:

Public Perception is powerfully shaped by the images of the border which politicians, law enforcement agencies and the media project. Alarming images of a border out of control can fuel public anxiety...;[therefore], successful border management depends on successful image management and this does not necessarily correspond to levels of actual deterrence.²⁶

Similarly, the debates around immigration control during the 1980s constructed and gave meaning to undocumented immigrants as illegal aliens. This dramatization of immigrants representation could only have meaning within a pre-existing discourse of power. A threatening idea of immigrant bodies was overly dramatized to sustain an anti-immigrant sociopolitical climate. This was a necessary condition for the reproduction and expansion of the State in areas of apprehension²⁷, immigration--for example, the increased funding and growth of the border patrol²⁸ and INS are a result of IRCA--and deportation. The intricacies of the State-building process were best captured by State representative Alan Nelson, who heavily advocated for "increased border resources" during the congressional hearings.

Nelson argued that the INS and the border patrol had to be more "effective along our land and sea borders, at ports of entry and in the interior" (*Immigration Control and Legalization*, 1985, p. 33). An idea of lawlessness along the U.S.-Mexico border, in our cities, and other parts of the country were portrayed as anarchic sites, posing potential threats to the legitimacy of the US government. They were disproportionately associated with undocumented immigrants during the congressional debates leading up to the passage of the Immigration Reform and Control Act of 1986.

Leo Chavez has researched and found an important link between popular images on magazine covers and the racial and cultural politics of the Nation during the 1980s. He has found the decade of the 1980s to be an important site for examining discourse on immigration. The 1980s offers different modes in which immigrants are constructed as political subjects in the United States (Chavez, 2001). This negative portrayal played a large role in the constitution of illegality for Latina/os. If we apply Saussure's system of semiology, these systems of othering through language are bi-polar (that is, they can be polarized into two parts), generating pairs of antithetical signifiers with apparently opposing meanings (Saussure, 1960).

From the Congressional hearings, a discursive process was put into play generating opposite meanings with regards to immigration control. These included but were not limited to the dichotomy of chaos vs. sovereignty, illegality vs. order, anarchy vs. statehood, and, of-course, heterogeneity vs. homogeneity. The Congressional debates around IRCA represented the contradictory and contested intersections of immigration control, State sovereignty, and a large scale racialization of immigrants (*Anti-Discrimination Provision*, 1985), (*Immigration Reform*, 1985), (*Immigration Control and Legalization*, 1986), (*Implementation of the Immigration*

²⁶ Andreas, P., 2000. *Border games: policing the u.s.-mexico divide*. Ithaca: Cornell University Press.

²⁷ For example, INS aggression against immigrants occurs routinely in states such as California, Illinois, and Texas.

²⁸ See Nevins (2002).

Reform, 1986), (*Impact of Legalization*, 1987). In the decade of the 1980s, we witnessed the call for major border and immigration controls in the United States, and it was clear that immigration control was far more than an equitable conversation on State sovereignty, labor policy, and INS funding. The social and class background of immigrants have always informed the immigration controllers so the debate about immigration also involved race.

The Historical Origins of the US/Mexico Border and Immigration Policy

It is important to understand the historical role of states in relation to the needs of capital to comprehend the role of immigration policy within the modern nation-state. By examining the political economic context of immigration policy we can begin to see the intertwining politics of the U.S.-Mexico border with the nation building process at the turn of the twentieth-century. Saskia Sassen, argues, for instance that, “the role of the [European] state changed in a fundamental way when the state assumed control over borders and over a growing range of events over its territory”(Sassen 1997, p. 79). Further, Sassen suggests that after World War I, Nation States for the first time participated in the identification and regulation of immigrant refugees. While scholars such as Harris (1996), Sassen (1997), and Dale (1999) all cite World War I as a critical moment in which the great powers began to develop immigration policy to control movement into and across their borders, their reference point exclusively to the modern European State. Modern Nation States arose in Europe not only as an integral part of the developing capitalist system (Tilly, 1990; Arrighi, 1994) but also was a site for managing and policing any sign of heterogeneity within their territory (Goldberg, 2002) as is the case with the United States. In Marxist terms, States are superstructures built on an economic base. They are heavily involved in developing their coercive capacities to frame the meaning and execute the legal definition of citizenship.

Scholars have pointed out that by the 1880s, the major capitalist nation states had already been formed—a revolution in 17th century England, and 18th century France, unification in Germany and Italy, and the Civil War for the United States. This state formation process ushered in an era of inter-state rivalry over jurisdiction and imperial territory (Tilly, 1990), (Arrighi, 1994). The legal apparatus of States backed by their growing global coercive capacity meant an ever-increasing role of States in the 20th century.

Imperialism in the Americas was particularly important to the United States. In the Americas, the U.S. has historically played the role of the enforcer placing significance in having access to Latin American markets while restricting incoming immigration. More importantly, imperial politics influenced immigration policy (e.g., the 1952 Immigration and Naturalization Act) and explain the critical role of jurisprudence for shaping the juridical distinctions between citizens, subjects, and aliens within a national territory. The United States is an empire that projects itself as being capable of solving multiple forms of social crisis across spatial scales.²⁹

²⁹In the United Kingdom Margaret Thatcher paved the way in adopting neo-liberal policies aimed at a revival of British global competitiveness where its domestic industries, transnational investments and its economy may once again if not structurally at least metaphorically could revive a nostalgia for a social structure rooted in racial and class difference connected to coloniality; her over all political project is indicative of a perceived social crisis attributed to a demographic shift but more so is the manifestation of an anxiety scaled through race that should be connected with England’s military and economic global decline since the turn into the twentieth century (Hall, 1988; Arrighi, 1994; Mignolo, 2000).

For Nevins, the State played an active role in the production of the illegal alien (Nevins, 2002). It decreased the rights of a segment of the population perceived to be cultural, political, and social threats to the American national fabric. Likewise, David Goldberg (2002) associates the anxiety of the State with the struggle to maintain social control. An example of this control was the federal effort to document, manage, and police heterogeneity through immigration reform. Indeed, the elusiveness of the illegal subject has produced a particular crisis for the bureaucracies of the State because of their inability to control labor migration and to fix this category of people to a particular geography. Such frustration on the part of the authorities can be witnessed in the Congressional debates on immigrant reform during the mid 1980s.

Contemporary Images of Nationalism

The ways in which contemporary immigration control was framed in the United States exposed the capacity of the State to negotiate contradictory notions of immigration. The State-sanctioned discursive process relied on the racial other and the idea of sovereignty to inform the debate about immigration reform. Nevins argues that the term “illegal” did not even exist prior to the 1950s, but official discourse since then now regularly uses this term to describe undocumented immigration (Nevins, 2002). This process of producing meaning also informs the different political fronts and possible limits of productive resistance, even as social forces contest, negotiate, or solidify this form of racial meaning embedded in immigration law.

Nation building within a territory functions to construct and reproduce social categories of people. In the case of the United States, the State created different juridical categories of people, particularly the illegal alien. The process demarcated and attempted to fix the meaning of illegality onto a vulnerable group of people. This process created symbolic rewards for the rest of American society. More importantly, it provided the context in which to engage in a politics of exclusion. Joseph Nevins, in theorizing the role of the State with respect to the production of social boundaries, argues that “state practices relating to immigration and boundary policing subject people to the law, distinguishing between those who belong (and under what conditions) and those who do not, thus constructing subjects and identities” (Nevins 2002, p. 53).

At a discursive level, immigration reform exemplified what Ernesto Laclau describes as condensed connotations (Laclau, 1986). By this phrase, he means that a discourse can be read unproblematically if it is enunciated from the position of knowledge. These imaginary positions set off and connote one another in a web of linked interpretations. This constitutes the field of the imaginary. It is an active process in the production and projection of representations associated with Latina/os in the United States (Laclau, 1986). According to Laclau, this is precisely the condition for the unity of discourse. It connects one site of articulation with others such as the concerned citizen who is also the angry worker forced to compete with immigrants. The dominant discourse on immigration control³⁰ has in this way formulated new subjectivities that ‘hailed,’ positioned, and constructed Latina/os through a process of what Louis Althusser calls interpellation (Althusser, 1983). Interpellation, Chacon and Davis note, was at play at border checkpoints in San Diego County where White-Americans freely passed these inspections while Latina/os were disproportionately interrogated and policed.

³⁰ This includes but is not limited to representing immigrants as criminals, vagrants, unlawful, and representing U.S. Immigration Policy and the U.S.-Mexico border in a crisis.

Speaking about Immigrants: Neoliberal Change and the Reorganization of Power

The notion of uncontrolled undocumented immigration, as it was constructed in the United States, was a process of representing Latina/os as an essentialized social category of people, and was intricately linked to a polemic about the U.S.-Mexico border. It was a neoliberal project of constructing a nation through the politics of difference, which translated into decreased social and civic rights for US Latina/os. The process became a powerful way to unify a nation by enlisting consent from all fractions of society.

The process rescaled the State as a key player in the reproduction of social and juridical boundaries. In this regard, the State presented itself as a force on the part of society, acting in favor of the people, while defining new vested interests in political language around immigration reform. This mode of drawing consent from diverse social fractions in the United States depended on a discourse that had the capacity to alarm the citizenry by depicting a crisis connected to immigration, immigration reform, and border mismanagement.

The discourse on immigration reform ran parallel to the ideological project of neoliberalism. This was seen through the rhetoric of going back to old values of law, family, and police order. For example, neo-liberals prioritized the family, nation, Americanness, individualism, and independence by a political project of rolling back social guarantees. Any form of immigration reform also had to meet the needs of corporate capital. As Chacon and Davis suggest, “neoliberal immigration policy involved the planned influx and absorption of immigrants, though they have been stigmatized, denaturalized, and disempowered by the legislative process of ‘illegalization.’”

The reconstruction of the Keynesian State and its social, economic, and political policies is what Black British Sociologist Stuart Hall calls an alternative ideological bloc or what geographer David Harvey calls the neo-liberal revolution that began with Margaret Thatcher in the UK and Ronald Reagan in the US implemented in their political visions (Hall, 1988), (Harvey, 2005). This reorganization of power implicated immigration reform in that class, race, and cultural values became invoked to legitimate the overall schema of neo-liberal change.³¹ Immigration control was not outside the politics of neoliberalism.

In this way, the dominant discourse on immigration control has been able to appropriate old interpellations of immigrants--immigrants as social, racial, and/or health threats). It now constructs them in a new, more relevant or persuasive position as lawless subjects responsible for economic downturns. Immigrants are also seen as perpetual threats to State Sovereignty. This was a historically specific interpellation particular to the decades in which the immigration debates took place. It further demonstrates an anti-immigrant movement aimed at rescaling the State in matters relating to effective immigration policy, apprehension, and deportation.

Particular to neo-liberal reform in the United States was the process of projecting illegality to vulnerable groups. The immigration debates on undocumented immigration have been about rethinking the world. They redrew an “us” versus “them” way of structuring the social divisions in U.S. society. There was an attempt to unite conflicting social groups and classes into a larger symbolic unity of a nation. This was done through an allegiance on immigration reform, employer sanctions, and opposition to those who violate immigration law.

Applying Gramsci’s notion of hegemony, these moments of managing heterogeneity were set in motion by historical blocs. They were indicative of imperative cycles for nation and

³¹ This mode of representation and social perception has dangerous implications for not only immigrants but citizens who are reified by the discourse against undocumented immigration.

State-building in the Americas. In the United States, the new historical bloc was represented by President Ronald Reagan and the rise of neoliberalism. Discourses of border and immigration control became powerful when they were linked to neo-liberal political, economic, and social projects.

The New Strangers in Our Midst

The debate around immigration reform during the early 1980s was about much more than concern for laid off and disgruntled blue-collar laborers³². As one popular magazine put it, there was a resonating discourse over “The Changing Face of America” (*Time Magazine*). During the 1980s, the United States had experienced significant demographic shifts in cities and labor intensive industries where US Latinos were in a discursive terrain, the signifiers of a borderless world. A growing cultural, ethnic, and linguistic diversity in the United States articulated through *Latinidad* was perceived as a rupture in the racial meaning of American identity. This temporary crisis over the changing face of the United States was very much a debate about how a nation should re-define itself in the mist of increasing heterogeneity. It was about debating the policies that needed to be re-worked in order for America to culturally reclaim itself—employer sanctions, strict immigration laws and legalization programs pledging United States loyalty were argued to be the answer.

On September 3, 1985, CBS, for instance, ran a news special titled, “Whose America Is It?” where Bill Moyers attempted to capture the mood of the United States public by concluding the television show in the following way, “Our current policy is immigration anarchy, full of holes, and hypocrisy. The desperation and frustration are reaching a flashpoint. The voices are becoming angrier, as this nation of immigrants debates what to do about the new strangers in our midst” (Committee on Immigration Control 1985, p. 164). A similar stand was exemplified in the American Legion’s prepared statement in front of Congress on September 9, 1985, urging Congress that reform of the immigration laws was a pressing national issue.

The American Legion further advanced the idea that “Besides the moral repercussions of rewarding those who begin their lives in the United States by breaking its laws, who can predict with any degree of accuracy the staggering costs to United States tax payers of legalizing an estimated six to twelve million illegal aliens who already reside in this country.[W]e firmly believe that the granting of amnesty will only further erode respect for United States laws and heighten expectations for yet additional amnesties in the future” (*Immigration Control and Legalization*, 1985). CBS, *Newsweek*, and the American Legion all viewed the social and cultural diversity of the United States as a condition that threatens the cultural fabric, juridical, and economic spheres of a nation. These actors viewed immigrants as strangers. Immigrants were seen as heightening the expectations of civil rights and protection under the authority of the law.

The statements over undocumented immigrants during the 1980s and the way in which the *changing face* of the United States was framed demonstrate what the social theorist, Michel Foucault would have called a discursive formation. The statements about undocumented immigration, nationhood, culture, and race all fit together because one statement implies a relation to all the others. Language such as that employed by visible actors such as the mass

³² See Vincent Chinn case.

media pundit Bill Moyers, the American Legion, and INS officials were all producing, whether consciously or not, a body of knowledge and power around undocumented immigration.

What was strategically left out in advancing ideas of a US/Mexico border and undocumented immigration crisis was the subjectivity of data that organizations such as the American Legion employed to sway the public. The irresponsible use of problematic statistical information about undocumented people in the United States points to the crisis in the methodology of measuring the scale of immigration. Judith Jacobsen of Zero Population Growth warned the 99th Congress on the dangers of developing policy with inaccurate data. Her prepared statement highlighted the discrepancies in the estimates of undocumented people in the United States. For example, when providing a figure, “the Census Bureau estimated 2-4 million, the Congressional Budget Office estimated 5.6 million, even worse Senator Alan Simpson estimated 3-12 million and Alan Nelson (Commissioner of Immigration and Naturalization Service) estimated 6.5 million” (Committee on Immigration Control 1985, p. 167).

Similarly, the *Global 2000* report noted, “the United States must improve its ability to identify emerging problems and assess alternative responses. It must be acknowledged that at present the Federal agencies are not always capable of providing projections of quality needed long term policy decisions” (Committee on Immigration Control 1985, p. 167). Finally, in the area of immigration, the Select Committee on Population concluded in 1978 that, “immigration issues are clouded by faulty data and inflamed passions not a good combination for rationale policy making” (Committee on Immigration Control 1985, p. 95).

The anti-immigrant political elite treated the year round presence of undocumented immigrants as obstacles and threats to a carefully laid out social and political structure necessary for agribusiness, low wage industries, and corporate capital. The climate of the 1980s made it easier to accentuate the contradictions of the State and corporations which champion free movement of capital and access to cheap labor. The US dependence on undocumented and immigrant labor has been no accident, as one immigration historian concludes:

It is entirely implausible to regard the United States’ role in undocumented entry as unintentional, naïve, or innocent. Policymakers in the United States must have been aware that recruitment activities designed to promote the Bracero Program would encourage poor Mexicans to believe the United States was a land of opportunity, encouraging those who would not be admitted legally to enter without inspection.³³

The Politics of Culture, Ethnicity, and Race

The dialogue around immigration control during the mid 1980s became more dangerous when public and State officials, in collaboration with the media, connected it to lawlessness. This section utilizes an interdisciplinary approach in examining discourse and the political economic context in which discourse was produced to examine the intersections of culture, ethnicity, and race.

During the Congressional hearings on immigration control and legalization amendments of 1985, for example, Alan Nelson, Commissioner of the Immigration and Naturalization Service, utilized public opinion polls. Nelson relied on the legitimacy of print media to testify in support for immigration reform in the following way:

³³ (Hing 2004, p.122).

Well respected public opinion polls covering all parts of the country have established that a very strong percentage of Americans of all races, ethnic groups and economic levels strongly favor the need for immigration basic reform. Of equal public impact is the editorial and media support for immigration reform. This media support in the last four years has been overwhelming. Over 140 newspapers have supported immigration reform and only 13 are opposed to it. [M]any people have confused the illegal with the legal immigrant who has come to contribute to this country as well as benefit from it (Committee on Immigration Control 1985, p. 31).

In examining polls from the 1970s to the 1980s, Joe Fetzer notes that while in 1977 only 42% of Americans wanted less immigration, this percentage had actually increased to 65% by 1981 (Fetzer, 2000). In another study conducted by Gimberls and Edwards, in this same year, 1981, in an ABC News/*Washington Post* poll, the public demonstrated favoritism for immigration of groups of European descent over all other ethnic groups (Gimberls and Edwards, 2000). Both studies indicated that whites disproportionately favored the immigration of Northern Europeans more than that of any other ethnic group (Gimbels and Edwards, 2000). Problematic as these polls may be,³⁴ they do provide a glimpse at how society perceived immigrants and immigration in the early 1980s. During the early 1980s, the cultural and racial composition of immigrants, such as national and ethnic origins, was an underlying theme for immigration reform (Huntington, 1993).

There was an important set of critical questions that were left unanswered by Nelson and others. For example, why did the public of the United States become so concerned in supporting legislation aimed at addressing undocumented immigrants, the United States/Mexico border, and immigration in the 1980s as compared to the 1970s?³⁵ What framework for understanding immigrants was informing popular perception about immigration during the 1980s?

Pierre Bourdieu has written extensively on this interchange of culture, politics, and the dilemma of liberal democracy. Bourdieu has contributed important insights on the polemics of generating objective knowledge from the masses through surveys and polls. The methods of representing public opinion generated niches of misrepresentation by non-participation. This is what Bourdieu calls abstentions (Bourdieu, 1984). Bourdieu explains how this process works to reproduce the whole cultural, political, and social structure in the following way:

As soon as one sees that the inert 'don't know' category is largely recruited from what others call 'the masses' or the 'the people', one begins to suspect the function it performs in the operation of 'liberal democracy' and the contribution it makes to maintaining the established order. Abstentionism is perhaps not so much a hiccup in the system as one of the conditions of its functioning as a misrecognized-and therefore recognized-restriction on political participation.

³⁴ Pierre Bourdieu has written extensively on the subjectivity and politics of collecting objective data from the public. See Bourdieu (1987).

³⁵ Although Joseph Nevins author of *Operation Gatekeeper* cites the 1970s as an important decade for immigration reform, it was not until the 1980s with the passage of the Immigration and Control Act of 1986 that congress took a decisive measure.

What needs to be questioned is the very notion of 'personal opinion'. The opinion poll by urging all its respondents, without distinction, to produce a personal opinion—an intention underlined by all the according-to-yous', 'in-your-views' and 'what-do-you-personally-thinks' in the questionnaires—or to choose, by their own means, unaided, between several pre-formulated opinions, implicitly accepts a political philosophy which makes political choice a specifically political judgment, applying political principles to answer a problem that is presented as political, and which credits everyone with not only the right but also the power to produce such a judgment...On one side is the field of ideological production, a relatively autonomous universe in which amidst competition and conflict, the instruments for thinking of the social world are created and where, through this process, the field of the politically thinkable, or, to put it another way, the legitimate problematic, is defined (Bourdieu 1984, pp. 398-399).

As Bourdieu indicates, this way of constructing the idea of absolute truth about US Latina/os and categories about the subject of undocumented immigration contributed to the reproduction of an established order.

If polls and newspapers were reporting a portion of the American public as being disenchanted with immigration (Brimelow, 1998), the public was also misinformed with the contributions of both legal and illegal immigration into the United States. During the recession of the early 1980s, the ripple effect over the rising employment rates was articulated in terms of national, cultural, and racial unity, putting the burden on undocumented immigration but of course not corporate capital. This was a strategic shift, where the abandonment uncertainty, and full weight of social costs associated with economic restructuring in the United States was, on a national scale, to be blamed on an abstract discursive category, the illegal alien (Rose, 1994) (Lipsitz, 1998).

The political effect of immigration control was and continues to be an attempt to encourage the majority of people to identify themselves in nationalistic and racial terms rather than in terms of class or pan-ethnic solidarity (Espiritu, 1992). This was done in order to mobilize claims that were continually at risk of being co-opted by the needs of corporate capital forming under the different cycles of historical blocs.³⁶

To understand how race and *Latinidad* became the signifiers of lawlessness in the 1980s, it will be useful to apply Saussure. For example, *Latinidad* generated meanings through an already existing myriad of signifiers. A particular historical bloc--the rise of neoliberalism--attempted to fix the meaning of *Latinidad* with certain forms of illegality. Such unequal set of relations where groups and cultures were represented in compromising ways was a critical stage of social analysis. This helps uncover why the United States is a society where even the former Immigration and Naturalization commissioner, Alan C. Nelson, argued that, "people confuse the illegal with the legal immigrant" giving an added meaning to race, citizenship rights, and the polemics of border enforcement in the 21st century (Committee on Immigration Control 1985, p. 33).

³⁶ For a discussion on the formation of hegemony under different historical blocks see Gramsci (1971) and Laclau (1986).

Protecting the Linguistic Frontier

Undocumented immigrants' culture, presence, and language were seen by members of the U.S. English group to represent a threat to the purity and unity of the United States. The term undocumented immigration was not used by then as a descriptive and identifying term for a specific kind of violation. Not only did the debates on undocumented immigration dominate public discussion on crime and unemployment, but also undocumented immigration became a central symbol for the various tensions and problems facing United States society in general.

For example, the Spanish language was seen to be what Mignolo calls a subaltern imperial language (Mignolo, 2005). In thinking of the historical development of western civilization and a hierarchy of languages, "Spanish and Portuguese were degraded from imperial hegemonic languages to subaltern imperial languages and superseded by French, German, and English. No one knew that the racialization of languages and knowledges was at stake (racialization, as we know, operates at many levels and not just in the color of your skin)" (Mignolo 2005, pp. 70-71). In U.S. English lobbying efforts, racialization was not only applied to immigrants but to the people's languages. Spanish was considered inferior to English and to other imperial languages such as German and French. The Spanish language was indeed described in racial terms compelled to advocate for the exclusion of other languages by advocating for an amendment to the *Immigration and Nationality Act* that would recognize English as the official language in the United States.

Through their efforts in the Congressional hearings, organizations like US English and American Legion were attempting to show that immigration control was also about the linguistic, cultural, and moral threats undocumented people represent. Through a conversation on language, these organizations were engaging cultural difference. They attempted to infringe upon the rights of citizens and immigrants alike. "The desire to exclude immigrants is often packaged with a thinly veiled racial contempt and a mean-spirited cruelty that dehumanizes immigrants and thus deprives them of human rights. It also leads to the cultural oppression of Latinos" (Chacon and Davis 2006, p. 246).

Furthermore, these organization concerns indicated a struggle over ideology, identity, and what the U.S. as a Nation means. These groups were contesting the symbols that an influx of subaltern languages represented to a perceived monolithic U.S. For them, a diversity of languages in the U.S. created a general crisis in society--process of drifting away from the emotional loyalties and moral sentiments English represents.

Within the context of national belonging, sociologist Paul Gilroy (1987), in conversation with the historian Benedict Anderson (1983), suggested that a constellation of racial meanings are associated with imagined communities in western societies. It appears that there was a relevant struggle over the social value integral to the language of immigration law. Bikales and her organization, (U.S. English) understood the power of legalization. They advocated for one language as a means to culturally and linguistically unify a nation in crisis. Just as important, her testimony illustrates how subaltern cultures and languages were perceived as cultural threats to the United States. The Congressional hearings indicated a triangulation involved in the construction of immigrants, including the act of producing illegality (through law), the circulation of this idea, and the public consumption of it. The violent events of the INS and the discursive events testified to by members of civil society confirmed a socio-cultural process at play. This contributed to a new construction of the social reality of undocumented immigration.

The discourse on undocumented immigration provoked an organized response by civil society--civic and social organizations--and the State, especially the INS. Their power as a meaningful discourse was seen in its ability to operate as a flexible framework of knowledge on immigration control. The power then lay in its capacity to condense contradictory and complex processes of global migration into a simple idiom (e.g., border and immigration control). It linked the various problems the United States was facing during the early and mid 1980s to the economic, social, and political ills attributed to undocumented immigration. In addition the political discourse of the time geographically misplaces Mexico in order to further distance it from the image of North America. For example, an alarmist President Ronald Reagan stated:

Pressures on our borders from the Caribbean and Central America--particularly Mexico [sic]--make it certain that in the foreseeable future, as never in the past, the United States is going to have maintained a foreign policy, including preemptive and prophylactic measures, which has one of its objectives the protection of our frontiers against excessive illegal immigration.³⁷

The Reagan and neoconservative politics had entered into its meaning of understanding undocumented immigration. In much the same way, Paul Gilroy's analysis of immigrant Blacks in the United Kingdom, structural unemployment, de-scaling of benefits and anti-immigrant legislation, all necessitate a re-scaling of race. Race has social significance in understanding national moral panics. "Images on a broader framework or map of social development reveal not only the changing patterns in racist ideology and practice but also the manner in which these fit into the transformation of British state institutions and political culture at a time of extensive social and economic change" (Gilroy 1987, p. 76). In the United States, the anti-immigrant sentiment in the early and mid 1980s was indicative of such social and structural changes. Such antagonism disproportionately projected onto immigrants of Latin American descent.

During the 1980s, the passage of IRCA translated into additional federal revenue for the INS. This was used to implement employer sanctions and to police undocumented people on the United States/Mexico border and the interior of the United States.³⁸ During the 1980s, funding for the Border Patrol increased 130 percent, most of the funds going toward enforcement. Detention centers were expanded, checkpoints set up, and the number of agents increased by 82 percent (Chacon and Davis 2006, p. 203). Drawing on Gilroy's work, the changing pattern in racist ideology was one in which people of Latin American descent were disproportionately reified by both the discourse on undocumented immigration and the operations of the INS. The representations of Latina/os in terms of their potential undocumented status were part of the experience of a national, border, and immigration crisis in the U.S.

The discourse around undocumented immigration achieved this meaning because of its ability to connote a whole complex of economic, political, and social themes in which the crisis of United States society was reflected. These themes included: the involvement of illegal aliens in the moral and legal downfall of the United States; illegal aliens threatening the linguistic homogeneity of the United States; illegal aliens taking jobs from citizens of the United States; the expansion of Latin American ghettos; the loss of control over the United States/Mexico border; and illegal aliens threatening the sovereignty of the United States (*Anti-Discrimination*

³⁷ (Dunn 1996, p. 2).

³⁸ See Nevins (2001).

Provision, 1985; *Immigration Reform*, 1985; *Immigration Control and Legalization*, 1985; *Implementation of the Immigration Reform*, 1986; *Impact of Legalization*, 1987). In public discussion, these topics tended to come together in a general scenario of conflict and crisis. Unfortunately, they were not clearly separated and all were associated with undocumented immigration.

The Neoliberal Politics of the US/Mexico Border

In the United States during the 1980s, the superstructure of the State--and more specifically the Immigration and Naturalization Service now merged under the United States Department of Homeland Security--played an important role in illustrating how discourse, neoliberal politics, and society were actively involved in fixing a particular meaning to citizens of Latin American descent. This decade exemplified how US Latina/o bodies became the signifiers connoting illegality, borderless, and stateless possibilities.

The 1982 United State Presidential race and Ronald Reagan's ascendancy to the presidency³⁹ brought about the rise of neo-conservative and neo-liberalist chauvinism. This new historical bloc accelerated immigration legislative reform. It also created incentives for the growth of corporate capital by putting the necessary policies in motion, via the power of the State. During Reagan's presidency his administration orchestrated a productive political-economic and cultural landscape for a transition into neo-liberal⁴⁰ politics. This is where, for example, immigration control was then and continues to be, an important socio-political process involving all aspects of society of the United States. This ultimately informed the policy of the United States on immigration reform.

Therefore, in this context, State prevention meant increased budgets for federal and State agencies involved in policing cultural, political, and social difference. It also allowed for the growth of institutions designed for social control. These departments were seen by certain politicians, media outlets, and fragments of society as the most appropriate measure for controlling cultural and illegal deviancy -- all of which can be witnessed through immigration reform in the United States.⁴¹

For example, former Attorney General Edwin Meese III prepared a statement for the 99th Congress and used the idea of state sovereignty in relation to managing an uncontrolled flow of undocumented bodies. In theorizing the immigration dilemma, Meese reiterated the fundamental duties of nation-states to help persuade an audience through a rhetorical appeal for law and order:

³⁹Ronald Reagan, a prolific rhetorician, perhaps due to his training as a Hollywood actor, first publicly demonstrated his iron fist against student movements and activists during the 1970s in California by his conflation of communism to civil rights. Yet what links both, a declined British Empire and a growing US empire, is their ability to benefit from strict State sponsored policies and severe protectionism against foreign competition while sub-coming other economies to their needs. See (Rogin 1988, pp. 309-310).

⁴⁰ Neo-liberal politics refers to a form of politics that prioritizes the rule of the market, cutting public expenditure for social services, deregulation, privatization, and rampant individualism.

⁴¹ It is only because refugees and immigrants' loyalty is routinely questioned in the United States that their physical and cultural presence comes to represent an exteriority to the Nation State and as such complicate the meaning of citizenship.

As my predecessor, William French Smith, put it succinctly, we must regain control of our borders. Indeed, regaining control of our borders is an essential goal of any true immigration reform. We cannot fairly speak of ourselves as a sovereign nation if we cannot responsibly decide who may cross our borders (Committee on Immigration Control 1985, p. 7).

While some ethnic immigrants were disproportionately shunned by the public (e.g., Haitians) and experienced a lack of state aid (economic refugees), others were forced to resort to illegal practices and modes of entry, thereby integrating into informal markets to survive. For example, the *New York Times* reported that since IRCA 1986, many undocumented immigrants were forced to use fake Social Security cards in order to find work (Chacon and Davis 2006, p. 165).

During the Congressional debates of the 1980s, key members of congress reified all undocumented immigrants as law-breaking groups. As a whole, they were socially constructed as being capable of undermining the sovereignty of the most militarily advanced nation in the world the United States. The underlying theme in Meese's speech illustrated the rhetorical tactics employed in government to gain public and congressional support in expanding internal social controls. This was done through the growth of institutions that categorize people as alien and as potential threats to the republic. In fact, the INS budget grew to an unprecedented scale under the Ronald Reagan administration.⁴²

According to Joseph Navins, Ronald Reagan and his administration heavily participated in a campaign to "regain control of our border". In 1984, Reagan suggested that "the simple truth is that we lost control of our borders and no nation can do that and survive" (Navins 2002, pp. 67-68). Connecting the crisis at the U.S.-Mexico border to the death of a nation was a particularly effective rhetorical practice used to sway audiences in support of immigration control. It also supported draconian mechanisms that reclaim state sovereignty through vague but emotionally charged controlling our borders themes.

The theoretical discourse of sovereignty was an attempt to move people into action. This philosophical concept connected to the deeper terrain of emotional loyalties and moral sentiments. The act of alluding to a collective appeal to sovereignty and framing it as a national interest assumed in a problematic way that different classes and ethnicities within an increasingly heterogeneous United States' territory shared the same exclusionary interests despite their disparities of wealth and power. Statements such as the one advanced by Attorney General Meese and President Reagan demonstrated the immediate contradictions, ill intentions, and obstacles for equitable immigration control in the United States. They also illustrated the discrimination and narrowness such policy entails and often perpetuates.

Yet this neoliberal rhetoric also demonstrated the struggle over the meaning of undocumented immigration waged by political elites. Which meaning of undocumented immigration was in play? The struggle was over the different meanings of undocumented immigration and illustrated Meese's attempt in fixing undocumented immigrants as a singular threat to State Sovereignty. For example, under a different political and economic order, undocumented immigration might also have meant: the consequences of U.S. Imperialism, underdevelopment in the Americas, or U.S. capital's displacing capacity in the Americas all of

⁴² According to Joseph Nevins the INS budget grew by "forty one percent under the Reagan administration." (Nevins 2002, p. 68), More specifically, Michael D. Hoefer states that, "the appropriations for the Border Patrol for the fiscal years 1986 were \$163,593,000 in 1986, \$188,486,000 in 1987, \$209,968,00 in 1988, and \$244,124,00 in 1989." (Hoeffer 1991, p. 43).

which the U.S. should have shared some responsibility. Yet these were not the dominant meanings of undocumented immigration.

The position where Meese speaks as Attorney General and the semiotic system of meaning that he relied on was connected to his social and class position. This helped Meese advance his political project. Here we see what was at stake in defining the dominant meaning of undocumented immigration. Every time undocumented immigration was used it triggered a very specific meaning accompanied with an equally specific representation. This rhetoric showed how Ronald Reagan, Edwin Meese III, and William French Smith articulated and condensed different, often contradictory, discourses around undocumented immigration within the same ideological formation. Therefore, these State representatives expertly created definitions of undocumented immigration by which a multiplicity of dispersed goals, with possibly heterogeneous aims, were all solidified together under the dominant discourse of state sovereignty.⁴³

The Border Patrol and Dejure Discrimination

Expanding on the concerns of the Hispanic Congressional Caucus and the Coordinating Committee on Immigration Law, these organizations were responding to more than a simple set of facts on what form of discrimination could happen or on the form of discrimination already in practice.⁴⁴ They called for a new understanding of the situation. The new construction of the social reality associated undocumented status with US Latina/os which therefore led to racial profiling. Undocumented immigration provoked an organized response in the form of INS operations, in part because the discourse on immigration was signified and widely decoded by the public as a national crisis. This belief was supported by Congress' through the use of increased apprehension statistics⁴⁵ coupled with a dominant perception that undocumented immigration was increasingly out of control.

In the case of representing Latina/os, judgments about who was considered an American entered into the political meanings of undocumented immigration. Chacon and Davis illustrated how Ronald Reagan's rhetoric had contributed in framing undocumented immigration: "Reagan radically altered public perceptions of the border by portraying it as a door way for the three greatest 'threats' to the United States: hordes of poor migrants, Central American subversives, and narco-traffickers" (Chacon and Davis 2006, p. 202).

Interestingly, there was some relative autonomy on the part of some of the mass media journalists to break away from the dominant mode of signifying undocumented immigration. For example, an article entitled, "Dragnet for Illegal workers: Miscues and Poor Planning in Search for Scapegoats," published by *Time Magazine* suggested that, "In fact some employers involved in the raids admitted reluctance even to take back workers who managed to prove their legal status to arresting police officers" (*Time*, May 10, 1982). The representation of undocumented immigration in Congress and the INS' problematic policy of capturing

⁴³ According to Saussure, all discourses have conditions of existence which although they cannot fix or guarantee particular outcomes, do set the limits or constraints on the process of articulation itself (Saussure, 1960).

⁴⁴ Within the process of decoding the dominant social and media representation of illegal aliens there needs to be a relative autonomy in deciphering the image and ideas connected to this discursive category. An alternative perspective must be ensured where individuals do not necessarily understand undocumented immigration as a problem resulting from a perceived illegal growth of the Latina/o community in the United States.

⁴⁵ Congress representatives used INS apprehension and detention statistics in the Congressional hearing to advocate for strict immigration control.

undocumented people helped to shape the nature of unofficial de-jure discrimination against Latina/os in the area of employment. It continues to be an example of racial profiling and exemplifies the ways in which “immigration laws have historically honed the sharpest edges of racial prejudice favored by the ruling class as a means to divide their workers” (Chacon and Davis 2006, p. 174).

Thus via the defend our borders crusade, the INS defined illegality as closely associated with Latina/os. They formulated their own objects and subjects with regards to policing. The State, society, and the media all contributed to producing a regime of truth about Latina/os. Immigration control as a discursive and ideological formation had its own internal logic.

The meanings embedded in the discourse on immigration reform centered on linking the integrity of the physical US-Mexico border with Latina/os in the interior of the United States where Latina/os were the objects of this ongoing narrative. In 1982, *Time* reported:

Equally disturbing were charges by Hispanic groups that INS agents had unfairly singled out Spanish speaking workers. Some of the weeks biggest raids were conducted in Southern California, and 83% of those arrested last week were Mexicans, who make up only half of the illegal immigrants in the United States. ‘They were not looking for Poles or Italians or Greeks,’ charged Juan Soliz, 32, attorney for Chicago’s Mexican American Legal Defense and Education Fund. ‘They were looking for people who looked Mexican.’ Some employers reported that INS teams simply arrested all their Hispanic employees. In several cases, U.S. citizens were detained for up to twelve hours. Among them was a twelve year old boy who was apprehended as he left a grocery store in Colorado. One unidentified Hispanic was run over by a truck and killed when he fled INS agents at an egg-packing plant in Boulder, Colorado. Fear among Hispanics was running so high that church groups in some communities were offering food and sanctuary to people who were afraid to leave their homes. (*Time*, May 10, 1982)

According to the United States Census of 1980, it was estimated that the Mexican-American community represented less than 10% of the total United States population (U.S. Census, 1980). Of the Mexican Americans counted in the 1980 Census 74% of them were native born. In fact, they were more likely to be born in the United States than any other ethnicity falling under the “Hispanic” umbrella (Bean and Tienda, 1987). If Mexican-Americans represented less than 10% of the total population of the United States with the majority of them being native born then why in a single week did they constitute 83% of the total amount of people arrested by the INS?

Had the IN standardized a policy of apprehending and often conflating undocumented people. “In fact, the right wing onslaught against immigrants t[ook] no pains to distinguish between undocumented workers and children born in the United States who are citizens” (Chacon and Davis 2006, p. 246). In the age of the Simpson-Mazzolli bill, the INS became more accustomed to, and more skilled at, targeting ethnic Mexicans and Mexican-Americans. “In border towns, a hyper-empowered Border Patrol runs roughshod over local populations. For instance, in Douglas, Arizona, where 93 percent of the population is Latino, border agents have begun to operate like a force of occupation, making frequent raids on local stores and markets, trespassing in residential areas, and engaging in frequent, reckless car chases and other instances of endangerment” (Chacon and Davis 2006, pp. 221-222).

Judging from the examples cited in the May 10, 1982 edition of *Time*, what should concern us is not the individual abuses of INS power by this or that border patrol person, but the consequences which stemmed from an organizational structure employing racial profiling. The social role of the Border Patrol needs to be considered in its broad relationship in controlling undocumented immigration. This editorial piece touched on the problematic relationship between Border Patrol and Latina/o relations during this time period. There were racial patterns underlying the targeting methods of the Border Patrol.

In considering the Border Patrol as a policing regime, I will reference the work of Jock Young because he illuminates the ethical commonality in police forces. He argues that the policing force understands itself as acting on the interests and concerns of a normal citizen. Similarly, Gramsci might have argued that it is the consent of society to such coercive tactics that allows those in positions of authority to assert their interests, as representative of society in general, over one's livelihood. Young makes an important claim because the manner in which Reagan's law and order society was enforced depended on social attitudes. In the early and mid 1980s the political theme centered on undocumented employment. This helped shape a perceived border crisis connected to Latina/o criminality.

IRCA and Employer Sanctions

Among this perceived metaphorical tide of undocumented immigration, it was further argued by state representatives that immigration reform during the early 1980s needed to include legislation implementing employer sanctions. The logic was that it would prevent the hiring of undocumented people. The evolving Congressional immigration debates around the Simpson-Mazzoli bill exemplified the problems with United States' immigration policy. The bill also exposed the limits of United States' liberal law, and the stubbornness of the political right in addressing complex international flows of capital and people.

It was assumed by political elites that by punishing employers, through fines, the problem of undocumented immigration would be solved, or, at the very least, controlled to a significant degree (Chiswick, 1991; Legomsky, 1998). This belief was best captured by the testimony of Edwin Meese III during the 1985 hearings: "So long as one American job market remains open to them, and particularly so long as employers particularly go after illegal immigrants for their employees, and exploit them, illegal aliens will continue to risk the illegal supply, the smuggling, the fraudulent visas, and the possibility of apprehension and deportation" (Committee on Immigration Control 1985, p. 4).

The way in which undocumented immigration into the United States was accessed, neglected to engage the Concerns of the League of United Latin American Citizens (e.g., LULAC). They envisioned a far more global and structural dilemma with the issue of transnational migration (e.g., labor). The workings of corporate capital and the legacy of imperialism created the conditions which lead to a forced migration of millions of people (Sassen, 1999; Fetzer, 2000; Stalker, 2000). Thus, organizations such as LULAC insisted that the response to undocumented immigration had to be internationalist in scope.

Capitalist development shapes the patterns and motivations of different migrations. This should have been taken into consideration and have been at the center of any productive discussion on developing equitable immigration policy in the United States. Echoing this concern, the Select Committee on Immigration and Refugee Policy made this point in 1981, when it recognized "that the world situation throws into serious question whether any nation can

respond through domestic policy alone to what is already a problem that transcends national boundaries” (Committee on Immigration Control 1985, p. 168). This led to a situation where the presence of undocumented people in the United States was more indicative of capitalist uneven development and imperial policies in the Americas, the Caribbean, Pacific Islands, and other parts of the world.

Instead of considering the implications of these uneven global and volatile forces, the overall debate around immigration policy and remedy in the United States was to bring into existence a procedure of legalization and border enforcement. It heavily relied on amending employer sanctions as the central solution for undocumented immigration. In the end, immigration control in the United States continued to be a puzzle for the State and society. The push towards immigration reform, in the form of IRCA, set dangerous precedents. This legislation further empowered State immigration agents who had routinely questioned the lineage and loyalty of people of US Latina/o descent.⁴⁶

The solution was to adopt a systemic privileging—an increase funding and increased jurisdiction for the INS and Border Patrol—for some locations, places, territories and scales associated with undocumented immigrants. The manifestation of a sociopolitical process in the United States helped to consolidate contradictory discourses on immigration into a dominant framework. It aimed at mystifying the ways in which class and racial inequality were produced under American capitalism during the 1980s. This point is best illustrated by Chacon and Davis who noted that “The anti-immigrant choir is a reflection of conflicts taking place within the U.S. economy. On the other hand, immigrants provide an easy target for politicians seeking to deflect attention from the systematic deficiencies of capitalism; on the other hand, their legal integration into the working class creates the conditions for participation in unions and the political process, and is thus a threat to the mega profits of corporate America” (Chacon and Davis 2006, p. 170).

The Social Implications of IRCA

In 1986, IRCA put in motion a de-facto situation where people were discriminated against based on national status and not necessarily on race as originally outlawed in the Civil Rights Act of 1964. The context for this form of discrimination was created when the State amended employer penalties to IRCA. This significantly increased the INS budget in an effort to deter employers from hiring undocumented people.

For example, an article published by the *Los Angeles Times* cites the testimony of Johnny Mata, Texas Director of the advocacy group, League of United Latin American Citizens (LULAC). His insight as director provides information over the shifting social and cultural meaning of citizenship with regard to how employers understand the ethnic and racial meanings of citizenship. Mata states that, “We have already experienced employers requesting citizenship papers or green cards of all Mexican-American people applying for jobs-mainly in the service industry. We think this is because of the threat of the Simpson Mazzoli bill.” (June 19, 1984 *Los Angeles Times*) Mata was illustrating how intersections of culture, ideology and representation, are connected to citizenship. This framework of perceiving people was influenced by a dominant discourse on anti-immigration. Mexican-Americans have been racialized as a group, and linked to illegality. Considering Mata’s analysis, Mexican-Americans in particular were the physical form (the signifier) that works with the signified (the concept of illegality) a condition that has long been contested by Chicana/os in the United States.

⁴⁶ See *Delgado v INS* (1986).

Further investigation of this *Los Angeles Times* article illustrates the power of representation through the discourse on undocumented immigration. The article quotes one individual associated with the service industry, Donald Sutherland, who is the regional vice president and manager of the new Intercontinental Hotel in the Houston Galleria. His discussion of the necessity, and ultimate rise, of employee documentation screenings were, as he states, “an awareness...about the tremendous influx of illegal aliens coming and applying for jobs” (June 19, 1984 *Los Angeles Times*). Southerland’s response through his choice of words in describing undocumented people brings into critical question the degree of over-representation in mass media texts. By employing the term “awareness” within his phrase, he implied a social conception of undocumented people as being a group of people that are understood in relation to illegality. In this case, Southerland contributed to the process of representing undocumented people as potential human subjects who needed to be screened and identified as suspects.

Two years before IRCA’s approval, there was incredible ambiguity about the way in which the bill would be implemented. This was attributed to the sensationalism of undocumented immigration by certain members in State and federal office, and society and the media. This was exemplified in the following: “The bill is also having some unpredictable effects. A Dallas apartment manager, apparently believing that the bill would require him to evict illegal aliens, sent out a notice in English last month to his mostly Spanish speaking tenants warning them that anyone who failed to provide proof of legal residency would be turned over to the US Immigration and Naturalization Service so the apartment owner would ‘stay in compliance’ with the law” (June 19, 1984 *Los Angeles Times*).

The debates over immigration during the early and mid 1980s illustrated the ways in which citizens decoded the debate on immigration control. This was how ideas of controlling undocumented immigration crisscrossed over to public enforcement. In this example, the apartment manager believed he had a civic duty to inform the INS of undocumented individuals. His comments reinforced this particular discourse on immigration control by the way in which he took initiative in placing threatening physical signs of possible evictions for those who cannot demonstrate proof of legal residency.

It can be seen that social and economic relations shape one’s access to housing, demonstrating the real life implications of how immigration control was executed. Moreover, the Dallas apartment manager decoded the dominant discourse on immigration control as a process of racializing Spanish speakers. This was a signifying act that metamorphosized into a discriminatory practice.

What was clear about IRCA was that it led to the increase of the INS budget. Therefore the INS’s most violent operations (e.g., Project Jobs) authorized its coercive branch--the Border Patrol--to employ different apprehension, detention, and deportation tactics during the 1980s. It was done to capture, deport, and exclude a politically vulnerable group of people from accessing possible legalization procedures in the future. “During the Reagan years, funding for the Border Patrol increased 130 percent, the majority of the funds going toward enforcement. Detention centers were expanded, checkpoints set up, and the number of agents increased by 82 percent. Immigration hysteria culminated with the passage of the Immigrant Reform and Control Act of 1986, which cross-designated Border Patrol Agents as drug enforcement agents” (Chacon and Davis 2006, p. 202).

By engaging in these nation-wide sweeps of people, a regime of social control, through the Border Patrol, became the acting policing mechanism of the State. These deportation raids were not only aimed to identify undocumented workers and rescue jobs but also to frighten the

US Latina/o community. A social climate was created where a person's loved ones were unfairly targeted, interrogated, detained or deported. These raids were legitimated through the argument of protecting the legal authority vested in immigration law and State sovereignty. According to reports presented to the 99th Congress, the INS engaged in tactics ranging from invading the privacy of homes, raiding agricultural and industrial worksites, as well as patrolling roads and conducting invasive practices against private business proprietors (*Immigration Control and Legalization*, 1985). These strategies of social control showcase the coercive tactics the State engaged in and demonstrated the ways in which people's civil rights were infringed upon. It was done as a means to police a situation that is best illustrated, by the Commission on Human Population, as "beyond the nation state" (Committee on Immigration Control 1985, p. 187).

Similar forms of social control emerged when half of Mexico's territory was coercively annexed, via the Treaty of Guadalupe Hidalgo, to the United States.⁴⁷ Not surprisingly, considering the ideological work at play, when these coercive tactics are made public they often trigger disbelief in the general public. This was compounded by the apathetic attitude of some State officials. For example, during the 1980s the INS launched *Operation Jobs* and *Operation Cooperation* to detain and deport undocumented people living in the United States.⁴⁸ The State, of course, was not absent here yet it was not the only actor involved in enforcing such social boundaries. Specifically, the INS was not the only culprit involved in engaging in this method of social control.

The private and public sector also fell victim to the anti-immigrant euphoria of the time, which would have been prevented had employers followed employment law by requiring all applicants to complete and submit their I-9 employment eligibility form⁴⁹ and their W-4 tax form. When employers do not ask for the I-9 eligibility form and their W-4 tax form, mandated by law, and assume that only US Latina/os are required or are obligated to prove their citizenship status, then a particular form of discrimination, one associated with race and lineage, is taking place. For example, on May 6, 1983, the chairman of the Congressional Hispanic Caucus, Robert Garcia, warned Congress of this form of discrimination in the following excerpt,

Sanctions are not designed to discriminate, but their application will lead to this practice. First of all, it is highly unlikely that this nation's majority group when seeking employment will be scrutinized for proper documentation to the extent that a person of color with an accent or a "foreign" sounding last name will be.

⁴⁷ Even though Mexico was forced to sign the Treaty of Guadalupe Hidalgo, in it were two remarkable provisions that were designed to protect Mexicans living in what is now known as the southwestern United States. One of them was the acquisition of US citizenship and other was the protection of their property rights. Furthermore, Mexican-Americans and other Latinos in the United States with few exceptions (such as the case of some early *Californios* (see Tomas Almaguer, 1994) have been implicated in racial projects culminating in the construction and legitimating of unequal social relations structured through the denial of citizenship and property rights. Because class relations stem out of property relations, groups are structurally positioned via their ability to accumulate, maintain, and inherit assets. In the case of *Californios*, the courts played a detrimental role in undermining the accumulation and transference of assets to future Mexican-American generations. For further discussion see (Acuña, 2004; Gutierrez, 1995; Sanchez 1995).

⁴⁸ See Hearings before the Subcommittee on Immigration, Refugees, and International Law, Sept. 9th and 11th (1986).

⁴⁹ The I-9 Employment Eligibility Verification form is used by all employers to verify prospective employee's identity and eligibility to work lawfully in the United States. If employers were merely and selectively requesting citizenship status for Latinos, then they were engaging in unlawful and discriminatory hiring practices.

Sanctions will also be seen as one more stumbling blocks in the way of getting a job by the chronically unemployed, many of whom are minorities.

Further, sanctions allow an employer to act as judge and jury over prospective employees. Employers can decide who they are willing to “risk” hiring. Lastly, even with a national ID system there is no guarantee that discriminatory practices will not exist. In addition, an ID system will take time to implement and during that time there will be no effective safeguard against sanctions, and the concept of such a system potentially threatens the civil liberties of all Americans (Committee on Immigration Control 1985, p. 145).

Echoing Garcia’s concerns, Richard H. Keatinge, Chairman, Coordinating Committee on Immigration Law of the American Bar Association, opposed the imposition of penalties on employers who hire undocumented immigrants in the United States. Keatinge warned, “The legal profession has a special responsibility to improve immigration laws and processes. Thus, while I am here today to reiterate in the strongest possible terms the commitment of the American Bar Association to promptly enact reforms we think are needed, it is perhaps more important to assure that our deliberations result in laws that are in fact enforceable, which will be enforced and which are fair and generally are perceived to be fair” (Committee on Immigration Control 1985, p. 157). However, what US Latina/o organizations and certain members of Congress were attempting to address was the fundamental need for anti-discriminatory language. It was also important for such an anti-discriminatory clause to be actively enforced through equitable immigration policy which IRCA needed to have ensured.

Public Testimonies from the Latina/o American Community

There was a significant collection of testimonies in the Congressional Hearings that testified to the incidents of rampant INS abuse practices. These examples illustrate the ramifications of being perceived as illegal and the frightening measures the INS has been willing to employ to apprehend the undocumented (Committee on Immigration Control, 1985). The testimonies illustrate the treatment of those who have experienced the politics of racial profiling firsthand. These examples illustrate how the United States has extended internal controls, particularly with reference to immigration legislation provisions in the search for undocumented people.

According to Washington, D.C. attorney Denise Sabagh, in describing the mood of the time and her unsuccessful lawsuit on behalf of her client, she testified that not even an M.A. from M.I.T helped a resident alien when the doors of employment closed (*Immigration Control and Legalization*, 1985). In such an anti-immigrant climate corporations began to discriminate by disproportionately questioning US Latina/os and demanding proof of their legal residency or citizenship status. Not surprisingly, Vicente Lozano’s (from Mission Hills, California) written testimony presented to Congress stated that a California construction firm required Latina/os to prove their citizenship status.

Furthermore, on June 19, 1984 the *Los Angeles Times* reported that a California industry group told its members to check Latina/os for green cards. A California firm hired others instead, perhaps understanding what US Latina/os in the United States are continually framed to

represent—undocumented status. The result of having access to employment being dependent on immigration status results in undermining of rights again not just for immigrants but those who are commonly assumed to be because they are Latina/o. Perhaps no other ethnic group in the history of the United States has so consistently been questioned and discriminated against based strictly on alienage.

In a Congressional Hearing of the 98th Congress, the Mexican American Legal Defense Fund (MALDEF) warned Congress of the potential civil abuses immigrants of Latin American origin would endure due to employer sanctions. They also warned of the disproportionate association of Latina/o immigrants with undocumented immigration. To support MALDEF's claim, evidence was presented in the form of nationwide testimonies of citizens and residents routinely targeted by the INS, which is clearly engaged racial profiling.

MALDEF's Chicago office testified that the INS in Chicago only questioned the African and Latino applicants about their citizenship status before issuing them cab driver's licenses. In repeated California offenses, the INS appears to have had a systematic pattern in place of conducting searches on private property, not asking for permission from Latina/o property owners nor using search warrants. Sharing this concern, Manuel Chatto, resident of San Francisco, California, wrote to Senator Metzenbaum testifying that his home was invaded by INS officials who did not have a warrant. Additionally, on August 18, 1983, a signed statement by Juan Cruz, a resident of Madera, California, testified that the backyard of his home was invaded by INS officials and that the homes of friends were also searched without a search warrant.

In the process of looking for the allusive illegal, INS officials were repeatedly violating the rights of the Latina/o citizens by treating them as suspects and accomplices of undocumented people. For example, a signed statement by Raquel Zurazua-Medrano of San Mateo, California, on May 2, 1983 testified that she was abducted by the INS from Bell Industries Plant and taken to an outlying area where she was interrogated and asked to sign a voluntary departure. According to her testimony, she was not allowed to speak to a lawyer nor was she advised of her rights. If she is a citizen, this would be a violation of her fourth amendment rights. In Redwood County, California Eugene Corsina (a United States citizen) signed an affidavit testifying that he was driving on the San Mateo Bridge when he was pulled over by INS officials. He and his friend, Elvira, were questioned. When his friend, Elvira, responded that she had left her identification at home, she was then arrested. It is the racial, ethnic, and social background of people that determines the extent in which INS officers will interrogate. Furthermore, race has fundamentally informed the construction and interpretation of immigration control in the United States.

When the INS was able to secure a warrant for arrest, they have still violated the rights of human beings. They have also violated the legal right that business proprietors have to protect their property and assets. For example, John Collins of Alameda County signed an affidavit in November 1983 testifying that his company suffered twenty-five thousand dollars in damages when 25 INS agents raided the premises without permission of the owner. Even though the INS had only a warrant for three people, the INS arrested 28 workers, including one U.S. citizen (Committee on Immigration Control 1985, pp. 187-299). The twenty-five thousand dollars in property damages illustrates the chaotic violence the INS authorities can manifest. However, all of these occurrences stem from an INS organizational protocol in relation to policing undocumented people. From these examples, it was evident that the border patrol agents were acting within an organizational framework. Undocumented immigration in the United States had

already been defined for these search and arrest specialists in such a way as to lead them to expect to encounter illegal aliens in the Latina/o community.

There seems to be an ambiguous line drawn by the INS in their policing of undocumented people and citizens of US Latina/o descent. Border Patrol squads routinely overstep this line between theoretical and empirical guilt. These INS officers are working in a situation in which such distinctions between the undocumented and Latina/o citizens have already been blurred. The specific targeting against undocumented immigration had a direct link with a more powerfully charged context: the deteriorating relations between the INS and the Latina/o community in the United States. This was a feature of community relations throughout the 1980s leading one to ask, "Who is being picked up in these INS operations?" Undocumented immigration control for Latina/os has increasingly come to involve the restriction of their civil liberties. These testimonies highlight the immediate contradictions and dilemmas associated with immigration control in the United States. There was a clear connection between immigration control and social control. The policing of undocumented people in the United States forged a link between race and immigration.

The INS engaged in strategies in which searches, apprehensions, and detentions violated human and property rights. These practices were as routine as the over employment of brute force coupled with an un-imaginable lack of concern for human life. This was part of INS policy to socially control and instill fear in the undocumented and Latino/a working class community. For example, on April 1, 1982, Pedro Vargas Escobar's signed witness statement testified that he was present when an Immigration service raid turned deadly. The INS officials chased a man who eventually drove into a creek and drowned. According to Pedro, the INS officials made no effort to save this man (*Immigration Control and Legalization*, 1985).

Similarly, a year earlier, Jorge Sanchez Perez of Colonia Santa Ursulua, Copacabana, Mexico, signed a witness declaration testifying that he witnessed the drowning of two of his friends (*Immigration Control and Legalization*, 1985). None of the agents called for help and all five Border Patrol officers simply stood watching the death of both men. In this anti-immigrant climate, it has become easier to highlight the hypocrisy of the State and those who champion more aggressive immigration control tactics. These tactics have been argued to be a vital necessity for the protection of rights and sovereignty of the State. Agents of the State (e.g., Border Patrol Officers) seem to be granted the freedom of being careless and irresponsible over human life.

Demonization and immigrant death were real consequences for those seeking to live peaceful lives in the United States. They were constructed as undesirable and destructive hordes of people. Chacon and Davis cite Ronald Reagan's contributions to the portrayal of immigrants in the following way: "terrorists and subversives [who] are just two days' driving time from Harlingen, Texas" (Chacon and Davis, p. 202). The stability of an imagined community was brought into play to reinforce the idea of ill intentioned foreigners. These discursive practices were not innocent; instead, they served to target Latina/os.

These social practices of entangling undocumented status with Latina/os were not just performed by State branches. The private sector in the United States also engaged in these practices as well. In Frontier, Wyoming, the Project Construction Corporation requested that all Latinos bring in their green cards or not show up for work. Some Latinos contested this practice because they were United States citizens and did not have green cards. According to this source, twenty four people were fired. This practice in which Latina/o's legal status was disproportionately questioned was furthered captured by witness Vincent Lozano of Lake Wood,

California. In June of 1984 Harris Wood Creations asked all Latinos to provide a copy of birth certificates or a green card. However, according to the witness, a Canadian green card holder was not asked for the documentation. After Vincent refused to provide a copy of the demanded documentation, he was demoted to custodial work and was later not allowed to return to work (Committee on Immigration Control 1985, pp. 187-299).

What seems to be clear from these testimonies was that illegality was being connected with *latinidad* and was being policed nationwide by a combination of private individuals, corporations, and state bureaucracies. This resulted in an inequitable social and political experience of American jurisprudence, democracy, and freedom. This socio-cultural, socioeconomic, and sociopolitical terrain in which undocumented immigration was perceived is completely connected to race and ethnicity. These social categories were weaved into a perceived immigration crisis. Thus, the association of undocumented status with Latina/o's is closely connected to the conversation on race.

These testimonies illustrate some of the aspects of the post Civil Rights dilemma and further illuminate the extreme measures being made to trace and apprehend those who are perceived to be in breach of immigration laws. In the testimony of Alan C. Nelson, commissioner of the INS and Ambassador John Clark, Assistant Secretary for Consular Affairs, they stated, "We are convinced voluntary compliance by American employers and the American public is what is critical to this bill. We have had a lot of discussions and will [continue discussions] on the issue of discrimination. So, often, however we lose sight of the fact that what we have now is discrimination because illegal aliens are taking jobs from American citizens. [T]hat is an existing discrimination that we must all be very concerned about dealing with" (Committee on Immigration Control 1985, p. 27).

The 1980s witnessed the return of periodic recessions and the decline of well paying blue collar jobs. This taken together can be seen to represent part of the impetus behind immigration control. It was accompanied by a rise in racism against people who are seen as immigrants. The overall effect of policing this crisis was the rampant interrogation, restricting, and controlling of rights, not just for those who are immigrants but those who are commonly assumed and perceived to be because they are Latina/o.

The opposition to undocumented immigration as it developed in the early 1980s in the United States was different from those oppositions in other moments in United States' history. This is partly because of the combination of a strong United States' recession, United States' military prowess abroad, an increase of United States' involvement in Latin American, Caribbean and Philippine affairs that perpetuated third-world diaspora.

The racial, ethnic, and cultural signification of US Latina/os was reproduced at all scales of society. The mass media, of course, played a role as evidenced in the Congressional hearings. Media conglomerates, ordinary people, civil rights advocacy organizations, and State representatives were all actively involved in representing the new wave of Latino-ness. This was then carried over to the Congressional hearings, influencing the way in which immigration control would be legislated. On a larger scale these forces were directly engaged in a battle over how civil society and the State should critically engage immigration laws, State sovereignty, and human rights. This point was best captured in 1984 by *Newsweek's* June 25th edition titled, "Closing the Door?" depicting a Latino couple crossing the Rio Grande (Chavez, 2001). In the mist of nativism, racism, and the politics of whiteness over a perceived national crisis on immigration, immigrants had to make meaning of their lives.

The Increase of Non-Unionized Immigrant Labor

During the 1980s, the arrival of immigrants and their subsequent search for employment was perceived by those who played a part in framing the debate on immigration control as a threat to an established relationship between labor intensive industries and resident foreign workers, particularly in the Southwest. Immigration scholar Michael Hoefer (1991) has conducted significant research on Latin American, Caribbean, and Pacific Islander diasporas and on the criteria of the legalization process. Hoefer's quantitative analysis included the data of applicants under the Legalization Application Processing System (LAPS), containing country of origin information on each applicant for both Form I-687 (application for status as a Temporary Resident) and Form I-700 (application for Temporary Resident Status as a Special Agricultural Worker -- SAW) which represent the applications filed under section 245A as of November 2, 1989. His analysis reveals that workers from Mexico submitted 1,230,299 applications, followed by El Salvador (143,179), Guatemala(52,574), Colombia(26,380), the Philippines (19,088), the Dominican Republic (18,279), Nicaragua (16,013), and Haiti (15,955) (Hoefer, 1991).

This wave of immigrants coming from Latin America, the Caribbean and the Philippines, had already become the new proletariats toiling in the rapidly increasing service sector area as well as in other labor intensive industries such as the agricultural, machinery, and garment industries in the United States. For example, because the I-687 application requires applicants to enter their occupation, hourly wage, and yearly wage, Hoefer was able to report that "one in three applicants who reported an occupation was a machine operator, fabricator, or laborer, and 30 percent were in service occupations; [l]ess than one percent of the applicants reporting an occupation were technicians" (Hoefer 1991, pp. 29-33). These immigrants who qualified for the legalization programs indicate the multi-ethnic diversity of the blue-collar work force in the United States during the 1980s where the rapid transformation of the United States' economy meant, for United States' labor intensive industries, a critical dependence on immigrant labor regardless of how the debate on immigration was to be pursued. Chacon and Davis make an excellent point in that:

'Illegalized' Mexican labor migration became the preference of U.S. capital, which ultimately dismantled the last vestiges of 'legal' migration. Undocumented workers were now responsible for providing their own transportation, housing, and food while still working for subsistence wages, relieving the U.S. government of the last of its responsibilities. [T]he absolutism of agricultural capital, the degradation of farm work, and the formalization of the caste system is the legal legacy of the Bracero program, structures now maintained by 'illegality' and the social powerless workforce it provides.⁵⁰

Political elites argued that the influx of undocumented immigrants would disrupt the social structures in place and would reduce the average wage of foreign workers by two to nine percent if there was a ten percent increased supply of new immigrants (Borjas and Tienda 1987, p. 33).

This was part of the uncertainty in the United States' labor market over the effects of undocumented immigration in which a comprehensive immigration bill would solve these concerns (Chiswick, 1991). A major force shaping public and legislative debate on immigration

⁵⁰ Chacon and Davis (2006, p. 147).

policy reform in the 1980s was the increase of unemployment rates, this idea of losing control of the borders, an increase of apprehension rates along the United States/Mexico border, and the recession in the early 1980s. These factors all worked to create a momentary surplus of blue-collar workers in the United States (Taylor and Espenshade, 1991). Of particular concern were immigrant laborers, as they were argued to create unnecessary competitive conditions for foreign workers already in the United States (Borjas and Tienda, 1987).

Yet the 1986 report of the *Chairman of the Council of Economic Advisors* (CEA) actually found that the increased labor supply actually increases the aggregate income of the native-born population by claiming that, “Studies that take the broad view of the labor market have found no significant evidence of unemployment among native-born workers attributable to immigration. Any direct effects of immigration on domestic employment have either been too small to measure or have been quickly dissipated with job mobility” (Simcox 1988, p. 33).

Another concern over the type of immigrant worker in the United States was exemplified in the *Hudson Institute’s* report, “A gap is emerging between the relatively low education and skills of new workers (many of whom are disadvantaged) and the advancing skill requirements of the new economy. Although this gap could be bridged by education, training, automation and other strategies, it represented a great challenge to American employers and workers” (Johnston 1988, p. 75). The *Hudson Institute’s* report illustrates the competitive transformation of the United States economy; yet an inevitable decline of well paying blue-collar wages was put in motion not by an increase of undocumented immigration itself but by a fundamental need to maximize surplus value through a restructuring, and the relocation of the production process abroad.

Conclusion

Decades after the *Civil Rights Movement*, racial and class inequality continues to be part of society of the United States. The language and culture around social difference was being articulated through a language and a body of knowledge surrounding immigration reform. The 1980s ushered in an innovative mode of articulating ethnic, racial and class difference, and it was done through popularizing internal immigration controls that cast suspicion on all US Latinos regardless of their immigration status. Immigrants were perceived to be outside the protective sphere of law.

Immigrants were also perceived as culturally unable to maneuver through the nuances of American values. This stand was best echoed in the writing of author Chilton Williamson Jr., where he explained that, “the new immigration of the 1980s and 90s” threatened the country’s “culture and solidarity.” He contended that “[T]he old WASP culture remains the only national culture worthy of the name,” as he goes on to argue that such a, “genuine American culture” is “incomparably superior to the ...unsophisticated...proletarian and peasant cultures imported by the immigrant waves from the Civil War to the present” (Williamson 1997, pp. 43-45). While some of these images of immigrants, were, of course, contested and *oppositional* (an important matter that will be explored in the subsequent chapter) the sentiment behind this way of theorizing immigration indicates the contestation, points of articulation, and subjectification integral to the struggle over the political and economic project of producing illegality. Even Attorney General Meese III disagreed with Williamson in that, “the immigrant has always been an American resource greater and more fruitful than any other of our vast Nation has bestowed.

We must not deprive ourselves of the real bounty of legal immigration” (Committee on Immigration Control 1985, p. 4).

Scholars need to revisit the waves of anti-immigrant sentiment, xenophobia, acts of violence, and anti-immigrant discursive practices performed against immigrants and people of color in the United States. National polls themselves may not explain the violent character of racial ideology articulated through the criminalization of immigrants. Besides the concerns of unemployment in the United States and a surplus of immigrant laborers, the 1980s were very much a decade about figuring out how to manage labor and immigration. Immigration was framed through the play of fear in relation to the perceived threat of foreign bodies, languages, and customs marked with cultural and racial difference. Illegality was ultimately linked with *latinidad*. It was a specific historical moment where race and immigration control converged and can be understood as a pattern of racial formation.

There was fear attributed to an uncertain economy, rising immigration into the United States, and changing demographics. The murder of Vincent Chin in Detroit in 1982, the rise of English only campaigns during this period, the series of anti-immigrant articles published by major newspapers in the United States, and blue-collar whites rioting against Latinos in Massachusetts in 1984 were all indicative of this rising tide of distrust, anxiety, and misunderstanding towards bodies marked with racial meaning. What is interesting to the study of race and ethnicity in the United States are the intersections of economic restructuring, racial ideology, and immigration policy.

The displaced anger experienced by blue collar workers in both the Vincent Chin and the Massachusetts cases was indicative of the anti-immigrant social climate where bodies become signifiers connoting difference. The representations--images, narratives, and beliefs--of immigrants determined how people experience life in the United States. These experiences were closely bound up with the systems of social acceptance or differentiation along race and class lines. The hostility against people who signified foreign labor could also be examined as a protest against a competitive transformation of the United States economy experienced through race. The White Blue Collar worker enters into a crisis when their *wages of whiteness* and privilege in the workforce all get re-conceptualized. This occurs as part of an overall transformation enacted by the needs of corporate capital. These cases represent a response to an inevitable out-shoring, and a rapid relocation of the production process. The social understanding was that the immigrant presence was constructed as a problem or threat against a homogeneous white America's assumed rights and privileges.

The effects of a changing world were witnessed through changing demographics in cities, altered cultural landscape of the city, the growth of ethnic alternative economies, the rise of Latina/o artists, musicians, and cultural workers all of which negotiated the inherent tensions generated from what historical sociologist Giovanni Arrighi would describe as the cycles of accumulation. This places state authorities, representatives, vigilantes, and activists in direct opposition with one another, as cities and towns across the United States were experiencing these volatile economic forces. Ethnicity and race in the city may not necessarily be as welcomed as what the Statute of Liberty slogans may have suggested, “Give me your tired, your poor, your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my light behind the golden door!”

The national stand on control of immigration is not surprising as perspectives on immigrants was echoed in numerous articles, news reports, and dateline television episodes during the 1980s. All of these forms of media played an active role in constructing and

ultimately mass producing an image of immigrants as lawless and opportunistic entities capable of contaminating the purity of American customs, culture, and values. Even worse, Ted Robert Gurr, editor of *Violence in America: the History of Crime* argued that “the United States is in the grip of the third of three great crime waves. [A]merica’s three great crime waves can be linked to immigration, economic deprivation and war” (Gurr 1989, p. 182). As the author of *Alien Nation*, a national bestseller, Peter Brimelow connected immigration to the national question in the following way, “Is America still the interlacing of ethnicity and culture that we call a nation? Can the United States still survive as a nation-state, the political expression of the nation” (Brimelow 1996, p. 264)?

To address these concerns, we must engage the complex and contradictory role of the State, examine the main political culprits, immigration debates, immigration theories, racial attitudes, images, and civic organizations responsible for an evolving nativist trend. In the mid 1980s this anti-immigrant movement culminated in the passage of IRCA. A pattern that did not stop there but developed into mass criminalization of immigrants in the 1990s (e.g., IRRIRA).

In 1981, the debates around immigration reform were in full force both within and outside the halls of Congress. Different fractions of society, interests groups, and political pundits all seemed to point to an emergence of the idea of undocumented people as being outside the bounds of American law, values, and culture. The responses of the general public along racial and ethnic lines demonstrated by the 1981 ABC news/*Washington Post* Poll tells us very little about how race coupled with class may have informed the terms and conditions of the debate on undocumented people. The undocumented theme seemed to signify the loss of United States control over the southern US/Mexico border region designed to uphold the geopolitical division between first and third world people.

The 1981 Congressional hearings on immigration reform championed two politicians, who represented two states with extremely low US Latina/o populations who were insistent on the need to control the flow of undocumented immigration into the United States. Senator Alan Simpson and Congressman Romano Mazzoli led the way for immigration reform. In Congress, proposals for immigrant reform began in the 1970s with Congressman Peter Rodino but resulted in disagreement on the provisions to be included, which stalled this bill (Laham, 2000). Senator Simpson and Congressman Mazzoli re-introduced their bill in February of 1983. After a series of revisions and disagreements the final bill passed the Senate in September of 1985 and in October of 1986 it eventually cleared the House of Representatives.

The two provisions in the bill that provided the most controversy among the Senate and the House of Representatives dealt with: 1) the total cap for reimbursing state costs for legalization and, 2) negotiating the specifics over a Guest Agriculture Worker amendment that would meet the speculative labor shortage concerns of United States’ agribusiness. Both concerns dealt with the allocation of federal money into state municipalities. The other concern assumed that the bill would actually work to curtail the influx of immigrants and then addressed how best to prevent the crippling of the agricultural sector. This is where the contradiction arises.

It is the latter concern that is intriguing as it undermined the overall xenophobic argument of keeping ethnic immigrants out. By adding amendments to this piece of legislation that would insure the competitiveness of labor intensive industries in a post-IRCA epoch, we can see that the theme of the 1980s were about determining a way to really manage race and labor. The latter Congressional postponement dealt with the States responsibility for the reproduction of surplus capital through the unrestricted availability of cheap labor. It conceptualized a legislation

package that would support agribusiness in their quest to produce perishable commodities at profit rates. This stall accurately demonstrated the idea that the State was never absent in mediating the concerns and tensions between different members of society. It protected the future of its industries and secured funding to increase its own coercive capacity. The 1980s was about defining the role of the State in the age of post-Bracero and de jure discrimination.

Chapter Three: The Law and Prison Industrial Complex: Immigration, Gender, and the Political Economy of Incarceration and Detention

“La Migra, its reporter says, has begun casting nets in downtown Los Angeles and everywhere wetbacks are presumed to circulate...On the television screen are filmed images of detentions. [B]ut the broadcast also reports that the streets are deserted, and that businessmen are complaining about falling sales.”⁵¹

Ramon “Tianguis” Perez (1991)

In this chapter, we will explore the position of immigrant women within what has been written about the prison industrial complex and call for a more holistic and accurate documentation to the expanding processes of incarceration and detention. This chapter also investigates how the 1996 Immigration Reform Legislation criminalizes an increasing number of law abiding immigrants. Specifically, we will examine the juridical history of two court cases, *INS v Delgado*, and *Lopez v Mendoza* that set the US legal framework in which the criminalization of the undocumented immigrant could occur in the future. Of particular importance to this chapter is how immigrant women have become implicated within the 1996 Immigration Reform Legislation and what juridically legitimated the INS to conduct factory raids and violate the US Constitution.

There is, of course, a pattern of racial profiling employed by the INS when classifying people as suspects for detention. There is an emerging body of legislation aimed at criminalizing and deporting immigrants in the twenty-first century. In this chapter we make a connection between the language of criminalization and immigration reform. For example, the political economy of incarcerating immigrants and two fundamental court cases, *INS v Delgado* and *Lopez v Mendoza*, worked together to empower the INS. The courts gave the INS absolute freedom in targeting and policing immigrant people.

This chapter will review the literature on the Prison Industrial Complex and examine how immigrant women’s experience problematizes this scholarship. The alternative media and sectors of the internet have demonstrated to be important instruments for organizing resistance against the unfair detention of immigrant people. Throughout the chapter we will use some of these sites as resources for understanding how the system of recent crime legislation and mandatory sentencing are disproportionately targeting women and communities of color. Even within the contemporary writings of the Prison Industrial Complex, there seems to be a limited amount of information concerning immigrant women. While scholars such as Angela Y. Davis (1983) and Eve Goldberg (1997) have contributed greatly to the knowledge of race, class, and gender as it is connected to the Prison Industrial Complex, there are few studies that critically examine the discourse of immigration policy and political and economic dynamics contributing to a rapid increase of female immigrant detainees.

To begin, let us examine the following questions: What is the nature of the dominant literature surrounding the Prison Industrial Complex and in what ways does this perspective neglect the study of gender and immigration? How does the literature on the Prison Industrial Complex treat and/or deal with gender, race, and immigration? How have particular forms of legislation, for example, anti-drug legislation, affected sentencing patterns for women and people of color? How have they transformed the Prison Industrial Complex and contributed to a

⁵¹ (Perez 1991, p.218).

disproportionately high detention and incarceration rate for communities of color and immigrant populations in the U.S.? Last, is there a relationship between private correction facilities and the INS?

The Prison Industrial Complex—An Overview

Since the 1980s, activists, scholars, civil rights lawyers, and journalists have been interested in the relationship between economic restructuring and waves of neo-liberal legislation. These movements to institutionalize neo-conservatism affected not only the criminal justice system but also other social aspects in terms of how people, in particular people of color, experience mobility and democracy in the United States. This section will show how immigration gets caught up in the Prison Industrial Complex and how the politics of criminalization are reinscribed into the legislative apparatus of the State. According to George Lipsitz “by generating an ever repeating cycle of ‘moral panics’ about the family, crime, welfare, race, and terrorism, neoconservatives produce a perpetual state of anxiety that obscures the actual failures of conservatism as economic and social policy, while promoting demands for even more draconian measures of a similar nature for the future”⁵² Lipsitz (1997, p. 16). The relationship between the history of disproportionate disenfranchising and the rise of social surveillance sheds light on the economic and political intricacies of the prison industrial complex. Thus, the rise of detention and incarceration rates for communities of color is best understood by examining the literature that exists concerning the political and economic motives and incentives for imprisoning vulnerable sectors of society.

Angela Y. Davis argues that, “Taking into account the structural similarities and profitability of business-government linkages in the realms of military production and public punishment, the expanding penal system can now be characterized as a Prison Industrial Complex” Davis (1993, p. 2). The prison industrial complex is similar to what President Eisenhower called the “military industrial complex” in that it is experiencing an increase of privatization in the form of State prison building contracts administered to private detention companies. In the last decade, there has been an increase of prison privatization due to a rising rate of State detainees, over-crowding in State, and federal penitentiaries which are directly influenced by State and Federal legislation in the form of new crime bills. According to the U.S. Department of Justice, the United States now incarcerates over two million people and has more than four million on probation or parole. In the 1980s and 1990s, the size of the correctional population increased from 1.8 million to 6.3 million.⁵³

An interesting aspect of the Prison Industrial Complex is its relation to capital--specially how the margins of profit accrued by the exploitation of convict labor contribute to the development, expansion, and globalization of the Prison Industrial Complex. Much like corporate beneficiaries of the military complex, leading incarceration companies, such as Corrections Corporations of America, have been collaborating with political circles in office to obtain government contracts for prison building and expansion. According to Amanda George, “this exponentially expanding conglomerate of private corporations designs prisons, prison fittings, weaponry, tools of punishment, lethal injection chambers, ducted tear gas systems,

⁵² For further reading please see Lipsitz (1998).

⁵³ U.S. Department of Justice, Bureau of Justice Statistics. (Corrections Statistics 2000).

masks to stop prisoners' spitting, smart cards, and prison management systems”⁵⁴ George (1996, p. 206).

In their quest for profits, these companies have figured out that private government prison contracts were virtually guaranteed in a climate of prison overcrowding fueled by a continual racialization of crime and punishment. According to the Fall issue of the magazine, *Colorlines*, Patrisia Macias Rojas notes that between 1971 and 1992, public spending on prisons alone jumped from \$2.3 billion to \$31.2 billion. This increase of 1356% represents the enormous amounts of capital needed to finance and maintain a prison system that is continually growing to meet the rates of incarceration experienced by the aftermath of the war on drugs crusades administered during the 1980s by neo liberals such as President Ronald Reagan. Politicians were also influenced by corporate capital in designing and passing legislation that favored private incarceration companies. In 1995, Wackenhut Chairman Tim Cole testified before the Senate Judiciary Committee to urge support for amendments to the Violent Crime Control Act—which subsequently passed—that authorized the expenditure of \$10 billion to construct and repair State prisons.⁵⁵

The language employed by the war on drugs crusades were devised by corporate interest, the mass media, and the political elite to divert attention away from broader and more global processes of economic and political disenfranchisement and repression administered by an international constituency seeking to protect U.S. interest abroad. As a consequence, it has become much easier for the U.S. government to administer economic aid packages to repressive international regimes as part of the anti-drug policy. In Mexico, for example, U.S. military aid earmarked for the war on drugs is being used to arm Mexican troops in the southern part of Mexico to combat indigenous uprisings.⁵⁶

Drug war money was primarily being used to fight against the Zapatistas, a revolutionary group, in the Southern State of Chiapas, Mexico, who are demanding land reform and economic, policy changes, which are diametrically opposed to the transnational corporate agenda.⁵⁷ By strategically capitalizing off the fears of an already misinformed and manipulated electoral body of voters, the political and economic elite are able to pass stricter legislation aimed at criminalizing working class and immigrant communities of color in the U.S. However, these legislative initiatives were being passed in a context in which racial ideology informed how crime and poverty were depicted specifically as a moral and social disorder that had to be contained much like a biological outbreak of disease. In essence, the prison industrial complex in the U.S. benefited from pre-existing notions of race and crime and when institutionalized, the inequities of race, class, and gender became codified in State law.

Shifting the study back to the U.S., notions of deviancy and crime have been associated with the consumption and proliferation of drugs. They have developed a racial undertone in the way in which sentencing is practiced and legislation is crafted. To fuel public support for harsh sentencing and an increase in funding for State and Federal incarceration and detention centers, an enemy or social disease at home has been fabricated. The eagerness of elected officials to pass tough-on-crime legislation—combined with unwillingness to disclose the true costs of these laws—encouraged all sorts of financial improprieties.⁵⁸

⁵⁴ George (1999).

⁵⁵ Silverstein (1997).

⁵⁶ Goldberg (1997).

⁵⁷ Ibid.,

⁵⁸ Schlosser (1998).

In New York, Mario Cuomo was elected governor in 1982 and going along with the language of the war on drugs he decided to collaborate with the Urban Development Corporation to obtain State bonds and build more prisons. State money destined to aid poor urban residents in the form of new housing was strategically rerouted by the Urban Development Corporation into prison building. Here we see how the representatives of State agencies worked in concert to subsidize the incarceration of people who had been criminalized by the war on drugs crusades. What is interesting about the New York example was the way in which State money that was destined to aid urban families was actually utilized to further solidify a structure of imprisonment and secure the future of these communities in dilapidated housing with little opportunities for advancement. In his 1987 State of the State address, having just been re-elected by a landslide, Cuomo boasted of having put nearly 10,000 “dangerous felons” behind bars.⁵⁹

In line with this ideology of criminalization came a hierarchical structuring of illegal substances during the 1980s in which drugs used by poor and working-class communities of color received mandatory and harsher sentencing. Drugs such as crack-cocaine, a substance that is significantly less expensive than powder cocaine, experienced an increase of criminalization and surveillance because this substance, according to political pundits and police, was deemed to be highly potent, addictive, and thus more dangerous to society than cocaine (a popular drug among the upper middle class). Erik Schlosser, in his article entitled, “The Prison Industrial Complex,” demonstrates the discrepancy of sentencing, “under federal law, it takes only five grams of crack cocaine to trigger a five-year mandatory minimum sentence. But it takes 500 grams of powder cocaine 100 times as much to trigger this same sentence” Schlosser (1998, p. 7).

Considering how crack-cocaine is a more economically feasible and an accessible substance for working class communities, the new measures behind mandatory sentencing for possessing crack cocaine disproportionately affected this population. The discrepancy of enforcement and sentencing between crack and cocaine is a clear example of institutionalized racism and classism, and provides an example of how the State codifies in law the imprisonment for people from a low socio-economic background. This mandatory imprisonment aids the Prison Industrial Complex because it delivers huge political and economic profits for correction corporations and serves a political agenda for State officials.

Christian Parenti (1999) points to the class and racial methods of regulation in the following words: “The answer in the 1990s is clear: racialize poverty via criminal codes, such as drug laws and mandatory minimum sentences that disproportionately affect poor people of color” (Parenti 1999, p. 4). Parenti makes a strong claim concerning the interests of the ruling class and how the State is an instrument of racial and class repression but there are also interests of labor exploitation and capital accumulation at the center of the Prison Industrial Complex. Racism develops over time and becomes more sophisticated and embedded within the powerful arena of State legislation in which the Prison Industrial Complex is heavily dependent. The project of criminalization not only implicates those who are reified and stigmatized by State legislation as being criminals but affects all sectors of society if not materially then ideologically.

What is striking about the Prison Industrial Complex is its ability to incorporate not just urban areas but also rural areas within its sphere of punishment and profits. Some rural counties are actually heavily invested and dependent on prison building within their areas because it provides a source of revenue for local residents. Regardless of how prison building and State surveillance disproportionately polices historically disenfranchised communities, and how the

⁵⁹ Ibid.,

prison system is actually a disservice for its people, a rising number of rural politicians actually lobby for State contracts to build prisons in their districts.

As I previously noted, the role of ideology was vital in understanding how a significant section of the public and politicians internalize, normalize, and ultimately legitimated prison expansion as a means of controlling and rectifying the problem of deviant activities. In revisiting upstate New York, political representative Ron Stafford worked in conjunction with Governor Mario Cuomo to insure his district would obtain a significant number of prison sites. The prison boom provided a huge infusion of State money to an economically depressed region—one of the largest direct investments the State has ever made there.⁶⁰ While the State has been able to stimulate the rural economy in New York, it is doing this at a great social cost and at the expense of urban residents. In addition to the more than \$1.5 billion spent to build correctional facilities, the prisons now bring the North County about \$425 million in annual payroll and operating expenditures.⁶¹ The State clearly demonstrates how the patterns of loyalty operate in that it is willing to incorporate particular localities and bodies in its scheme of economic and urban development when it serves the interest of its wider project of State surveillance, detention, and control. This scheme was integral to the reproduction of the State as a legitimate carrier of power and force.

Angela Y. Davis suggests how “to deliver up bodies destined for profitable punishment, the political economy of prisons relies on racialized assumptions of criminality—such as images of black welfare mothers reproducing criminal children—and on racist practices in arrest, conviction, and sentencing patterns”⁶² (Davis 1998, p. 3). The construction and ideology of the racial other has historically been used to rationalize genocide, enslavement, land acquisition, and power relations that structure an in-equitable system that is constantly redefining, reifying, and inscribing racial meanings in its various Federal, State, and local apparatuses. The history of past racialization of rewards, in the form of economic and political mobility, has had an adverse affect on communities of color who have been strategically locked out of important spheres of power. Communities of color are now re-inscribed in the political economy of criminalization and the Prison Industrial Complex. The implications of being disenfranchised from the politics of race through the activities of the State are well documented by historians such as George Lipsitz.

Lipsitz (1997) paints a powerful illustration of how whiteness was subsidized by the State in the form of past asset accumulation through New Deal programs and the Federal Housing Agency. Lipsitz’s documentation of the systematic way in which white flight was subsidized and how communities of color’s ability to acquire assets was suppressed defines who is able to safe guard themselves from the war on drugs in the present moment. This is a crucial point because Eric Schlosser argues that the origins of the Prison Industrial Complex are to be dated back to January 1973, when Nelson Rockefeller (then Governor of New York) advocated for mandatory prison sentencing for drug related offences.

According to Schlosser, the subsequent Rockefeller drug laws later incorporated into the 1986 Anti-Drug Abuse Act are the roots of the Prison Industrial Complex. What Schlosser is forgetting and Lipsitz is able to elaborate is how the history of uneven urban economic development has had an adverse affect on how working class and communities of color are disproportionately placed in compromising positions and are situated in particular geographical

⁶⁰ Schlosser (1998).

⁶¹ Ibid.

⁶² Davis (1998).

locations where the discourse on crime, detention, and deportation manifest themselves in unjust ways.

The project of criminalization and police surveillance of perceived deviant spaces have been set in motion prior to the 1970s. The racialization of space through government agencies is significant to the study of the Prison Industrial Complex because it explains how material and spatial relations developed over time. It helps us understand in what ways communities of color have been and continue to be implicated within these processes; and how communities of color were and continue to experience continual political and economic ramifications for past injustices. The Prison Industrial Complex can only operate in a context in which people, disproportionately people of color, have historically been objectified as expendable sectors of society who can be utilized as low wage labor and are now being incorporated within profitability of the Prison Industrial Complex. Further research of the Prison Industrial Complex must also consider how gender and immigration may fit the system of detention and corrections.

California, Immigration, and the Prison Industrial Complex

The war on drugs crusades have not only affected working class people of color but have disproportionately affected women and significantly increased their incarceration rate as compared to men. According to Patricia Macias Rojas, a *ColorLines* writer, in 1970 there were 5,600 women in Federal and State prisons. By 1996, there were 75,000. Sixty percent of these women are women of color. Women who have been incarcerated in the last ten years for drug related offenses have increased in numbers. The Prison Industrial Complex has been able to benefit from the incarceration of women. The following graph, taken from the U.S. Department of Justice, Bureau of Justice Statistics exemplifies how the War on Drugs has not affect but also contributed to a total growth of female inmates by 35% compared to 19% among male inmates:

Percent of total growth of sentenced prisoners under State jurisdiction, by offense and gender, 1990-99			
	Male	Female	
Total	100%	100%	
Violent	53	28	
Property	13	21	
Drug	19%	35%	
Public-order	15	16	

Source: BJS, **Prisoners in**

2000, NCJ 1888207, August 2001.

Source: US Department of Justice 2000⁶³

These statistics exemplify the impact of U.S. sponsored war on drugs. By looking at the reasons of female incarceration we see how the implication of the war on drugs has been disproportionately affecting women. There was a gender and racial dynamic when anti-drug legislation was applied. There were an increasing number of people who were being prosecuted and incarcerated for drug related violations who were women, and in particular women of color.

⁶³ U.S. Department of Justice, Bureau of Justice Statistics, (Corrections Statistics, 2000).

According to the US Department of Justice (Bureau of Justice Statistics) on September 30, 1999, Federal prisons held 68,360 sentenced drug offenders, compared to 30,470 at yearend 1990. Similarly, prisoners sentenced for drug offenses constitute the largest group of Federal inmates (61%) in 1999, up from 53% in 1990.⁶⁴ As previously stated, the language and ideology behind the war on drugs has institutionalized a racialization of crime that disproportionately targets people of color but women were significantly more affected by these measures.

The Prison Industrial Complex was being subsidized by Federal money and prisoners were now seen as commodities for the accumulation of capital through their imprisonment and exploitation of their prison status. Women were increasingly being implicated in this particular sphere of accumulation and statistically represent the largest group of inmates who were being incarcerated for drug related activities. Therefore, the war on drugs was another *racial project* manifested through the legal authority and coercive capacity of the State.

US Latina/os in the Prison Industrial Complex

While the literature on the Prison Industrial Complex tends to focus on African American men and women, it is also important to note how US Latinos and other groups of color have also experienced a disproportionately high representation in State and Federal prisons. In California, for example, US Latinos are the largest incarcerated group representing 33.6% of the total prison population. Native Americans and Pacific Islanders combined account for 4.9% of the California federal inmate population. According to the California Prison Moratorium Project the top four reasons for incarceration in the State of California are: 1) possession of a controlled substance; 2) possession of a controlled substance for sale; 3) robbery; and 4) sale of controlled substance.

It is clear that the war on drugs comes at a great social and economic cost that politicians were not necessarily willing to share with the public. The implications of the war on drugs have transformed California into a state of the art policing system that leads the world in incarcerating its people, in particular people of color. For every one hundred thousand people, there are six hundred and twenty six inmates in prison in the State of California.⁶⁵ The only other incarceration rate in the world that compares to this enormously high ratio is when all other U.S. States are combined yielding a ratio of five hundred and seventeen for every one hundred thousand people. It should be of no surprise that California leads all Nation-States in incarcerating people. This was the State where former Governor Pete Wilson helped pass a series of legislative measures aimed at further criminalizing and creating conditions of exploitation for undocumented immigrants, the youth, and people with prior convictions. Three strikes law have all been passed in the State of California and all these measures have minimized economic and political avenues for immigrants and people of color forcing them in the informal economy of sweatshops and illicit activity.

IRRIRA and the Prison Industrial Complex

The alarming rate of incarceration in California was sustained by recent immigration legislation that criminalized immigrants with prior convictions. The Immigrant Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IRRIRA) changed immigration laws in the United States. IIRIRA made residents (including those who have

⁶⁴ Ibid.,

⁶⁵ Ibid.,

married U.S. citizens and have U.S. born children) eligible for deportation for minor offences such as shoplifting. It empowered State and local enforcement personnel to enforce immigration matters. It legitimated the detention of residents or immigrants for up to two years, before being brought to an immigration board. Prior to 2001 (*Zadvydas v. Davis*) deportees could be held indefinitely. The documentary film entitled, "Abandoned," comments on how the detention of immigrants was the fastest growing and more profitable prison program in the U.S.

The law played a critical role in understanding the rising rate of detention and incarceration among immigrant communities. The 1996 immigration legislation reform (e.g., IIRIRA) made mandatory detention rules for immigrants with prior criminal offenses; regardless of how minor the offense or how long ago it may have been committed. According to this Immigration legislation, immigrants who have a prior conviction must be detained without bail while waiting for the determination of the final order of deportation. This recent legislation carries an ideology and a language of exclusivity with respect to who can be considered a citizen. It further defined the domains upon which citizenship was ascribed. It placed State authorities in a position of interpellating one's citizenship and association to crime.

Yet Similar to the Prison Industrial Complex, private detention companies were capitalizing from the significant number of people who were mandatorily detained. In fact, some private correction facilities prefer immigrant detainees to regular inmates because the State had assigned a higher monetary rate for immigrant detainees. One of the interesting figures presented by the film, "Abandoned", was how the State paid private correction facilities a rate of twenty three dollars a day for regular inmates; but the State paid fifty one dollars a day for immigrant detainees. This discrepancy created a monetary incentive for private correction facilities to develop a relationship with the INS. Of the 16,000 INS detainees currently being held around the U.S. over 60% are in non-agency jails or privately owned prisons, even though they are not actually serving criminal sentences.⁶⁶ What is of interest here is the way in which the 1996 immigration reforms criminalized a significant section of immigrants in the United States making immigrant lives considerably more difficult through the threat of deportation.

While the film presented solid points concerning the implications of the immigration legislation of 1996, it focused on how these institutionalized acts affected immigrant men. The only discussion of immigrant women within this film was in relation to their husbands. The ideological assumption was that men were the ones who were most affected by these measures because they were assumed to be the principle breadwinners. This is not necessarily the case with immigrant women because they have always had to work outside the home and were also implicated by these legislative initiatives. For example, in a press release given on April 10, 1997, Senator Edward M. Kennedy of Massachusetts acknowledged how, "each year, the immigration and Naturalization Service detains hundreds of women in INS detention centers, and in county and local jails. For many years, there has been a growing concern over the conditions of INS detention" (Llorente 1999, p. 1). Immigrant women are also vulnerable to being mistreated once in custody.

According to Jonathan Treat, there were multiple concerns with how detention centers operated: "Examples of problems at both INS detention facilities and subcontracted jails were documented in a 1998 report issued by the New York based nonprofit group Human Rights Watch. The report offers striking indictment of INS detention policies, criticizing both the treatment of detainees at agency run facilities as well as the practice of holding detainees in local jails and prisons" Treat (2001, p. 2). The alarming method in which immigrant women detainees

⁶⁶ Treat (2001).

were mixed with the general prison population testifies to the States capacity to violate their rights.

The State created a situation in which detention was subcontracted to private correction corporations embarking on a dangerous relationship between corporate capital and the INS. Juanita Diaz, a researcher of Latinas in prisons, in an e-mail response, commented on how Dublin Federal Women's prison in California has around 40% US Latinas. Significant portions of these US Latinas are immigrant women who once their sentence had been completed were deported. Even though some of these immigrant women who were detained in prisons may have sons and daughters who were born in the United States and have been living productive lives prior to their incarceration, the new legislative procedures mandate for the mandatory deportation of these detainees. The mandatory deportation results in the fragmentation of immigrant communities in the U.S.

In fact, under the 1996 legislative measures immigrant women were vulnerable to State abuses. What made this situation worse for immigrant women was that detention may last for an undisclosed amount of time translating into life threatening psychological trauma for those who become State detainees. In her article entitled, "Lacking Liberty, Some Detainees Attempt Death", Elizabeth Llorente notes that "in February (1999) a young Somali woman swallowed 47 Motrin pills after an immigration judge denied her request for political asylum. Indeed, the mental stress over being locked up seems to be greater among immigrant detainees—who are not charged with a crime—than convicted criminals, detention experts say" (Llorente 1999, p. 2). The physical and mental violence administered by the State in the form of mandatory detention and deportation for immigrant women is a severe punishment. This affects both the person detained and their immediate family.

More studies are needed to examine the ways in which mandatory INS detention is a form of imprisonment and the connections between the Prison Industrial Complex' and immigration reform. In her study of Burmese women in immigration detention centers in Thailand, Carol Ransley reminds us that, "despite the fact that no crime has been committed by the immigration detainee, more often than not that detainee's experience of incarceration is no different from that of other prison inmates being held on criminal charges" (Ransley 1999, p. 173). With respect to immigration reform in the United States and the way in which legislation was written and passed, the language of these legislative bills were framed as a terrorism issue.

By activating such legislation, the State set in motion a *racial project* in which immigrant communities of color would be fragmented and punished. The State reinforced the parameters of citizenship. Immigrant women who did not correspond to the dominant class, ethnic, or racial background were targeted by police and State officials. Once in custody they were treated as criminals. The analysis of immigrant women sheds some light into the patterns of the Prison Industrial Complex.

The Meanings of Undocumented Immigration

As I have argued in the dissertation chapters above, undocumented immigration came to be signified by members in Congress and the mass media as a pressing political, social, and economic problem and as such was appropriated to the public domain. The American Legion, an active organization during the Congressional hearings on immigration reform, captured the anti-immigrant sentiment of the time through an appeal to morality in the following way: "We firmly believe that the granting of amnesty will only further erode respect for U.S. laws and heighten

expectations for yet additional amnesties in the future. While America is the most generous nation on the earth there are limits to how far that generosity may be stretched” (Committee on Immigration Control 1985, p. 145). This was a common feeling among some social groups like the American Legion in which the granting of amnesty for undocumented people signified a weakening in the authority of law itself. The growth of undocumented people and granting them possible rights in the United States was depicted as a deterioration of moral authority and their mere existence, even if not directly challenging the law, would also lead to a weakening of law itself.

The production, circulation, and interpretation of illegal aliens as a sign of the weakening of the State was a critical component. The capacity to associate the State and a moral crisis with undocumented people was one powerful aspect of the operation of power (e.g. the structuring of meaning) to maintain a particular ordering of parts integral to the immigration debate. Similarly, as Chacon and Davis argue “The border does more to determine the status of immigrants within the United States than it does to ‘keep out the invader’” (Chacon and Davis 2006, p. 201). In this case, members of society were calling for more aggressive immigration controls and were seemingly willing to consent for more aggressive Border Patrol projects (e.g., Project Jobs) to apprehend undocumented people but also increase INS funding. The meaning associated with undocumented people as witnessed by the dominant discourse on immigration control testifies to the over-representation of illegal aliens as a national, State, and moral problem. Thus, the debate around immigration control was not only a political project but also a cultural, ideological, and social process involving members of society, who were persuaded to accept the dominant meaning associated with United States’ citizenship and inclusion into this society. According to Peter Andreas, “Public perception is powerfully shaped by the images of the border which politicians, law enforcement agencies and the media project. Alarming images of a border out of control can fuel public anxiety” Chacon and Davis (2006, p. 216).

Part of the conversation on undocumented immigration involved a perceived cultural, ideological, and social struggle over the national and global significance of the United States as a nation of rules, order, and freedom. The discursive and juridical production of criminal subjects (e.g. illegal aliens) represent not a crisis in State Sovereignty itself as some civil groups have argued but the inherit national and international inability on the part of the United States or any Nation-State to police labor flows into and among territories. Undocumented immigration is a product of such contradictory flow of commodities (including labor-power) among nation-states and illustrates the instability among Latin American countries, in particular Mexico, in dealing with un-equitable US international investments and political agreements (Basch, Schiller and Blanc, 1994), (Klak, 1998), (Segal, 1998).

This may be but one aspect of the political economy of undocumented immigration in the United States but there was a dominant discourse on illegal aliens working to mis-represent this complex international process. The dominant discourse on illegal aliens advanced by organizations, the media, and members of Congress, condensed complex emotional and ideological implications produced by the immigration debate in the early and mid-1980s. It was through the discourse of othering and criminalization of the undocumented worker that shaped the perception of Latina/os in U.S. society. This particular discourse connected to undocumented immigration implied an understanding of hierarchical relations of domination and subordination in the United States, where illegal aliens were understood and instructed, by persuasive circles in society, to mean the demise of social and economic relations coupled with a crisis in the

legitimacy of law. Today, critics of immigrants are using behavioral models to police who can stand on our countries streets.

The Congressional hearings were a valuable site in which the unity of these discourses on illegal aliens and race can be revealed. In a testimony submitted by Gerda Bikales to Congress, Executive Director of U.S. English, she argued that the “[U.S. English]’s goal is to prevent the fragmentation of the United States into various entrenched language communities, such as those that have plagued many of the immigrant sending countries. [W]e respectfully urge the Members of the Subcommittee to add an Amendment to H.R. 3080 to the same effect. Specifically, that Section 312 of the Immigration and Nationality Act be amended by 1) ‘English is the only language of the United States; and 2) ‘No other language than the English language is recognized as the official language of the United States’” (*Immigration Control and Legalization*, 1985, p. 345). These types of testimonies during the Congressional hearings on immigration reform demonstrated the themes and images central to contemporary racism against undocumented immigrants.

The Legal Origins of Immigrant Surveillance: INS v Delgado and the Implications of Factory Raids

The judicial system in the United States, through the language of criminalization, plays a critical role in defining the rights undocumented people are entitled. It also established the forms of policing tactics that can be legally employed against racial and ethnic communities. Within the sphere of immigration law, we can examine the ways in which legal discourse informs the meanings of crime and race in relation to undocumented immigration. This is a space where law, race and the politics of the nation-state critically intersect and inform each other over the meaning of rights and national belonging in the United States.

INS v Delgado, was a monumental court decision in the area of policing undocumented immigration. Even after presenting evidence of the dangers of factory raids, the courts sanctioned them as constitutional. Nonetheless, by the Supreme Court’s arrival at such decision, the resolution excluded undocumented people of certain protections from the Constitution of the United States. Because they are not residents or citizens of the United States, they are judicially defined as being outside the protective civil rights of the Constitution of United States. Furthermore, *INS vs. Delgado* was critical to the study of social borders because it enhanced the coercive capacity of the State.

It enabled the INS to take an active role in interrogating people who may be assumed to be undocumented because they are US Latina/o. The logic behind the Delgado court’s decision to not examine the constitutionality of this form of questioning is captured in the following way:

“Detentive questioning,” in contrast, is far more coercive. It occurs when an INS agent approaches a worker, asks the worker a question, and the worker either remains silent and attempts to walk away but is detained or, due to intimidating circumstances, reasonably fears that he is “not free to leave” or “not free to continue to working or to move about the factory.” Because the Delgado Court found that the mere questioning to which the litigants had been subjected does not, without more, amount to a fourth amendment seizure, it had no occasion to consider the constitutionality of the more harsh treatment that results from “detentive questioning.”⁶⁷

⁶⁷ (Harvard Law Review, 1987).

The Delgado Court refused to examine the constitutionality of detentive questioning because the Court did not categorize this as a seizure. By not considering the harsh treatment in these forms of interrogation, the Delgado Court's decision legitimated a nation-wide apprehension and policing strategy manifested in the form of a raid. This permitted the INS to engage in violent projects in order to seize undocumented people. These practices are what Chacon and Davis refer to as *low intensity terrorism*.

What is interesting are the exceptions granted by the State to one of its coercive branches (e.g., the INS). The INS could create *states of exemptions* to inexplicably suspend the civil rights of people based on the perceived importance given to immigration related apprehension projects - affecting the undocumented and legal residents and citizens alike. David K. Chang, expands on the implications of targeted interrogations against the Latina/o community:

Citizen questioning, even without detention, far exceeds the kind of intrusions caused by ordinary police questioning; by conveying doubt about an individual's right to belong in this country, it strikes at the heart of one's claim to actual equal membership in society. Like others who have faced wide spread discrimination, Hispanics—specifically targeted by the INS—cannot take for granted the right to full participation in American society. Thus, questioning by INS agents that challenges one's right to be in the country at all—much less one's claim to equal membership—is likely to be acutely disturbing and, therefore, enormously intrusive. This note will argue that the explicit use of racial characteristics by the INS in choosing whom to question violates equal protection. However even if it is decided that this use of race is not in strict violation of the equal protection clause, the norms embodied in equal protection—repugnance to disadvantaging racial classification—should inform the analysis of the fourth amendment issues”⁶⁸

INS v Delgado enforced the INS raid as a legitimate form of apprehension of undocumented people. Factory raids are a dangerous form of capture and have already resulted in a pattern of continual unwarranted interrogation, harassment, and in certain cases mortalities on both undocumented and US citizens. In this sense, INS missions (e.g., Operation Cooperation and Project Jobs) are subjective projects informed by a set of cultural and ideological factors that make certain groups in the United States more vulnerable to these round ups than others. That is, ordinary culture is at play within the large, complex, and shifting field of ideology that constructs particular immigrants and even citizens as undesirable.

As David Chan demonstrates, race does play a critical role in the classification of people. In the Delgado case for example, the officers summoned to court to testify on their procedures for questioning people, admitted that they relied on “Hispanic” appearance alone and did not have individualized suspicion.⁶⁹ Nonetheless the national, local, and juridical climate on undocumented immigration indicated the relevance of ethnicity and race in structuring relations of surveillance and control. Both State officials and civil society consented to the criminalization of immigrants which severely trivializes equal membership and protection in the United States.

In fact, the State was heavily involved in criminalizing the undocumented. It created the legal justification to sanction social boundaries along alienage lines which is a form of exclusionary politics. By writing aliens out of the protective measures of the Constitution of the United States, the State set a dangerous precedent to the extent in which abuses against

⁶⁸ (Chan 1986, p.767).

⁶⁹ See *INS V. DELGADO*, 466 U. S. 210 (1984).

undocumented people could be legally committed. The specificities of the Delgado case can be seen in the following way:

In the end, Delgado's sharp distinction between detentive and non-detentive questioning authorizes the INS to engage in dragnet questioning substantially motivated by race. [I]n its essence, racial discrimination has nothing to do with degrees of physical intrusion. Rather, the evil of racial discrimination is stigmatization separate and distinct from intrusiveness. If Hispanics are signaled out at a traffic check point, in a factory raid, or on the streets, discrimination has occurred whether or not detention has taken place. By linking protection with level of intrusion, the fourth amendment inadequately restrains discrimination at the hands of immigration police officers.⁷⁰

The Delgado case is significant because it allowed the INS to interrogate people along racial lines. The courts refused to investigate discrimination in non-detentive forms of questioning. As evidenced from this quote, discrimination occurs anytime Latina/os are systematically singled out for questioning by INS agents regardless if it resulted in detention. In this way, race is being used by the INS as a legitimate form of identifying undocumented status.

In the process of differentiating between citizens and law breakers, the INS played a critical role in constructing social boundaries on the basis of ethnicity, nationality, and race as these were important characteristics informing the way in which INS officers police illegality. Interestingly, the objective factors informing INS' policy concerning their over involvement in the Mexican American community was the data compiled by the Census Bureau which estimated that 55% of all undocumented people were from Mexico. This data was used to develop a racially problematic and inefficient policy of surveillance, apprehension, and detention of undocumented people.

In effect, large scale raids performed by the INS, according to the Delgado Court, are protected by the Constitution of the United States. Through the Delgado Court, the Federal government upheld the constitutionality of factory raids. However, as evidenced by the extensive cases submitted to the 98th Congress testifying to INS negligence, the INS had stretched the limits of this decision by being involved in unwarranted apprehensions and even dangerous pursuits which resulted in civil rights offenses and even death. Thus the courts were willing to be more lenient and not restrict INS projects that may be in violation of fourth amendment rights. This leniency is dangerous because it creates the legal conditions for INS violations to grow unchecked. This is further elaborated by Chan in the following way:

Like a police force, the INS in enforcing immigration laws, fulfills a law enforcement function and should be governed by the same fourth amendment principles that limit police activity. Courts, however, have been uniquely deferential to enforcement activities of the INS; they have not, in any rigorous, systematic function, used fourth Amendment restrictions on police practices to govern INS activities. The nonsensical result is that a citizen or documented immigrant's Fourth Amendment rights are less jealously guarded when she is confronted and the INS seeking undocumented immigrants than when she is confronted and questioned by the police or the Federal Bureau of Investigation seeking armed robbers and murderers.⁷¹

It is important to examine how legal actors--courts and others--construct this vulnerability, how rights are exempted and how citizens and non-citizens are targeted based on race. This form of

⁷⁰ (Chan 1986, pp.767-787).

⁷¹ Ibid.,

criminalization engages in racial profiling, is sanctioned by law, and undermines societies' civil liberties.

Before the passage of IRCA, there were two critical court cases, *INS v Delgado* and *INS v Lopez-Mendoza*, which legitimated the constitutionality of INS operations in the interior of the United States. In *INS vs. Delgado*, the Supreme Court ruled factory raids to be constitutional. This court decision was central to the continual operations of the INS. INS' factory raids occupied a significant component to an overall strategy of identifying and removing undocumented people from the interior of the United States. MALDEF in the Congressional hearings on H.R. 3080 argued:

INS factory raids have been the primary manner in which the INS seeks to identify and remove undocumented aliens. In many instances, not all workers are asked for identification. Hispanic workers have been separated from other workers during some factory raids and asked to produce documentation of their legal resident status. The raids have resulted in the unwarranted apprehensions and detentions of legal U.S. residents and citizens⁷²

The INS method of apprehending undocumented people through raids, while protected by the Supreme Court, revealed a pattern on the part of the INS in conflating undocumented people, residents, and citizens. Whenever a project of apprehension of undocumented immigrants is to be deployed by the INS, the same limited frameworks, interpretations, and a problematic use of racial profiling is employed. In the United States, the numerous cases and testimonies reveal a social image in play with special importance given to public ideologies of crime, illegal aliens and undocumented immigration interpreting US Latina/os with illegality (regardless of their citizenship status).

What is also intriguing to this study is the increasing exercise of authority of INS agents in public spaces where notions of race and immigration are reinforced by singling out Latina/os. By doing so, those who were executing this search for undocumented people are publicly perpetuating a myth of associating US Latina/os with crime. They are attributing to them the role of causing the immigration dilemma in the United States. This was further evidenced in the following way,

While frequently non-detentive for Fourth Amendment purposes, INS operations in the interior can have a strong impact on Hispanics as a group by affecting the operations of factories, interrupting transportation, impeding local government operations, and even disrupting entire communities. The scope of such operations ensures that reliance on race in the absence of any reasonable suspicion is patently obvious. Even without detaining individuals, the INS often systematically challenges the right of Hispanics to be in the country, thereby creating a group of second class citizens⁷³

These practices directly placed fear and panic within the US Latina/o community and contributed to an overall state of social anxiety about immigrants. In the United States, this community was being targeted for the destabilization of the border. Under the gaze of the State, the undocumented represents the dislocation, decline, and a trivialization of the State's capacity to punish those who cheat at the rules of immigration.

⁷² Ibid.,

⁷³ (Culp 1986, pp.805-806).

The undocumented and those who were perceived to be undocumented because they are Latina/os were singled out. They were treated like second class citizens because their rights, and equal participation in society were routinely compromised by INS agents. For example, MALDEF elaborates,

In addition, the INS has expanded the 'raid' operations to other activities in the Hispanic community. In recent months, police officers and sheriffs, in cooperation with the Border Patrol in San Diego area, have stepped up efforts to identify and arrest undocumented aliens. On the basis of Hispanic appearance, they have moved people from public trolleys in order to check their documents. Similarly, officers in the South Bay area between San Diego and the Mexican border have made a practice of stopping cabs, usually on the pretext of a minor traffic violation. They often proceed to check the documents of the passengers. These operations are disturbing beyond the fact that many citizens and documented aliens must suffer the indignity of record verification based solely on their appearance.⁷⁴

As part of INS policy to identify undocumented people, INS agents were singling out people of Latina/o descent. They interrogated them to such an extent as to force these individuals to demonstrate proof of residency or risk being immediately detained. The problem with this method of apprehension was the discriminatory nature of interrogations.

People who appear to be Latino/a are presumed to be in the United States illegally and as noted in MALDEF's report are more prone to being questioned by the authorities. This approach of modifying and applying the factory raid to public transportation sites, as expressed by MALDEF, dehumanizes the subject who is interrogated. That is to say, those who exercise the project of interrogating Latina/os on public trolleys and those who give obedience to, demonstrate the ways in which discrimination is produced by specific conditions and specific agencies. Furthermore, these forms of policing socialize the public over the meaning of Latina/os and what type of ethnicity is to be associated with this illegal form of entry into the United States.

INS officials who in public space represent the State, are drawing a link between what type of culture, ethnicity, and race may be associated with undocumented status. Thus an idea of foreignness is often associated with US Latina/os by these INS officials. MALDEF elaborated on the social significance of these INS procedures in the following way: "these efforts fundamentally disrupt a basic right, freedom of movement, while being discriminatory at the same time". Informing these practical everyday ideologies of INS officials lie the more articulated, elaborated and theorized ideologies of rights in terms of who is entitled to such protection in which Latina/os are routinely excluded.

Moreover, Latina/os experience mobility restriction within public space on the grounds that they are assumed to be undocumented. By targeting Latina/os in the Trolley, the INS's method of controlling undocumented immigration consists of criminalizing the national and ethnic origins of people. Thus, the social backgrounds of people are linked to citizenship status. This form of internal control structured along racial and ethnic lines is a form of racism articulated through the devices of immigration control of the State.

This laborious, time consuming, and problematic method of searching for the undocumented inevitably (due to the racial and ethnic assumptions on the part of INS officers) restricts the freedom of movement of human beings. Racism has fundamentally informed the

⁷⁴ Committee on Immigration Control (1985, p. 124).

criminalization of immigrants and the construction of immigration controls. As Mike Davis states, “In the NAFTA [North Atlantic Free Trade Area] era, capital, like pollution, may flow freely across the border, but labor migration faces unprecedented criminalization and repression” (Davis 2000, p.34). Not only did the political climate of the 1980s criminalize the undocumented but also criminalized law abiding citizens of Latin American lineage were reified by this discourse.

INS v Delgado sanctioned the State to freely question, restrict, and control the movement of “illegal aliens” and those who were assumed to be criminals because they are Latina/o. Part of the national project to control “illegal aliens” consisted on using ideology, such as constructing the racial framework in which to understand immigration, to justify immigration legislation. In the 1980s, INS projects were powerful institutional forces mobilized to maintain the conditions of the American way of life. However, MALDEF suggests, this implied the deployment of force and greater measures of control engineered by the State where these measures have disproportionately been directed at racialized groups, specifically Latina/os. MALDEF argued:

From mid December of 1984 through early January 1985, INS officials questioned people who were waiting in line for their licenses. When asked to leave by attorneys for the city these same officials continued checking documents on the sidewalk outside the department. The officials singled out people appearing to be African, Hispanic or Pakistani for documentation checks. Again the operation was blatantly discriminatory. Again it served to disrupt the basic right, the pursuit of employment, so cherished in this country.⁷⁵

This example illustrates the implications of what Miles (1993) means by the overlap of nationalism and racism. Building on the work of Anderson (1993), we can see that the boundary of an imagined community or a nation is a boundary of race.

Communities reified by race are predetermined INS targets because they have been constructed to be the cause of the various elements of undocumented immigration. This reification does not “just happen”. Rather, it is produced by specific conditions, such as an anti-immigrant climate, and by specific agencies, such as the INS. These critical correlations have to be understood as a process of producing racial meaning through the dominant discourse on crime and immigration. Nonetheless, a saturated notion of an illegal alien described by the INS had to be continually enforced to come to identify certain racial and ethnic groups with this form of deviancy. In the face of opposition, this type of ideological work was necessary to constantly make and remake the parameters of illegality.

Shaping Our Consciousness: Lopez v Mendoza and the Politics of Detention and Deportation

The ideas and social images of undocumented immigrants which have been embodied in legal and political practices shape our consciousness. Undocumented immigration became a central symbol for the tensions and problems facing the United States. Undocumented immigration began to signify crime, lawlessness, and race as the debates intensified in the Congressional hearings, the media, and in society. Furthermore, INS operations were augmented by another Supreme Court Decision, *Lopez-Mendoza v INS*, where the court ruled that any evidence, even if attained in violation of the US Constitution, could be used in deportation

⁷⁵ Committee on Immigration Control (1985, p. 124).

proceedings. This is a significant ruling empowering the State's coercive branches. It describes what Nevins (2001) would argue would be the "Modern Territorial State" by creating the legal language and discriminatory exemptions where citizens and aliens are routinely conflated. This enabled the State to abuse the Constitutional and civil rights of citizens or legal residents in immigration related cases.

As Nevins argues, "State practices relating to immigration and boundary policing subject people to the law, distinguishing between those who belong (and under what conditions) and those who do not, this constructing subjects and identities". Similarly, George Sanchez (1995) writing on the creation of the U.S. Border Patrol and the situation in El Paso Texas, in the late 1920s suggests that the Border Patrol was

Crucial in defining the Mexican as 'the other,' the 'alien,' in the region...[U.S. immigration officials] would consistently denigrate those who crossed at the bridge, even if their papers were perfectly legal. Eventually crossing the border was painful and abrupt event permeated by an atmosphere of racism and control-an event that clearly demarcated one society from the other.⁷⁶

In Lopez-Mendoza, we have a similar social distinction that is juridically produced and socially enforced by the INS. The INS, backed by the legal authority of Lopez-Mendoza, constructed social boundaries depicting which people could be protected by the Constitution of the United States. In the euphoria to deport undocumented immigrants, the State was willing to exempt INS activities that violated the spirit of the Constitution of the United States. Nonetheless, any evidence yielded from an operation that violates the Constitution of the United States could be used for deportation proceedings.

In the United States, Lopez-Mendoza set a dangerous precedent for the abuse of people's civil rights. By enlarging the scope of potential operations the INS can engage in, undocumented immigrants were at a systematic disadvantage in receiving any form of a fair trial. In this way, Lopez-Mendoza disenfranchised a productive yet undocumented, immigrant community and through the power of legal discourse constructed the boundary of rights. This was indicative of the politics of jurisprudence in immigration related affairs. As MALDEF writes:

Thus, evidence obtained through questioning, searches, arrest, even if in violation of the Fourth and Fifth Amendments can be used in deportation proceedings. Such a ruling gives the INS more authority and power to identify, pursue and remove undocumented aliens than local law enforcement officers day-to-day law enforcement operations. The result has been a dangerous abuse of the Constitutional and civil rights of Citizens and legal residents, who come into contact with the INS.⁷⁷

Both Delgado and Lopez-Mendoza created the juridical language to legitimate INS activities. INS procedures against undocumented immigrants were often forceful and violent. This was best captured by Anthony Spinale in 1982, owner of G & T Terminal Packing, Inc., in New York City, who experienced an INS raid and describes the force of the event in the following way: "They came in like Jesse James, covering this door, covering that door. I thought it was a holdup". In the search for the illusive "illegal alien" INS agents expose their weapons in their searches. This approach creates an atmosphere of chaos and hysteria reminiscent of a

⁷⁶ (Sanchez 1995, p.29).

Hollywood film re-enactment which Ronald Reagan is very familiar with. In such a stressful environment, the rights bestowed by the Constitution of the United States not only could but have been repeatedly violated.

The judicial apparatus that legitimates such INS operations is itself representative of the judicial mood in the period leading up to IRCA. Whether it was *INS v Delgado* sanctioning factory raids or *Lopez-Mendoza v INS* protecting the abuses of the INS, it was clear the law plays a genuine role in empowering the coercive activities of the INS. In this period of intensified INS reaction against undocumented immigrants, there was an institutional definition of “illegal aliens” already in operation—one that was closely associated with lawlessness. INS mobilization was representative of INS and Latina/o relations. These operations against the undocumented were strategically geared towards Latina/o communities.

Thus, the boundaries between sanctioned and illegitimate activity became accentuated along racial lines. Undocumented immigration, during the 1980s, became a crisis because its treatment evoked threats to the consensual morality of society. This morality was symbolically and physically casted out from society by the State—the INS and the judiciary. The social and moral meaning of immigrants arose out of a need to explain undocumented immigration.

There was no nationally distributed counter definition of what was or caused undocumented immigration. The dominant definitions of undocumented immigration associated with the border had already commanded a Saussurian-like “field of signification”—a field where the representations of US Latina/os and Mexicans especially by those in positions of authority, already been fixed to undocumented status. This translated into an impossible citizenship for U.S. citizens and residents of Latin American descent.

The debate on undocumented immigration during the 1980s took place within the terms of reference of the State where the *Delgado* and *Lopez-Mendoza* cases constructed the legal parameters informing INS policing and the legitimacy of the suspension of rights. The juridical realm created the language upon which social distinctions were to be structured by distinguishing between the rights granted to citizens, denied to illegals or suspended to those in a state of perpetual interrogation (e.g. Latina/os). This construction attempted to undermine any resistance against the dominant perception of immigrants. It “render[ed] all potential alternatives invisible” (Saussure, 1960).

The subordination of an alternative definition of Latinity and what it may mean to have an inclusive society, impacts the scope of possibilities for the re-interpretation of undocumented immigration by the public. For this reason, the dominant discourse on crime and immigration provided saturated images of US Latina/os linked to a border crisis. The signification of Third World people and specially those of Latin American descent as lawbreakers produced a racial imagery of crime. In the end, undocumented people as demonstrated by the *Delgado* and *Lopez Mendoza* were denied their full range of rights. Ideas of immigrants which have been framed through legal and political practices provide a dangerous reference point for society. This is a critical phase in the development of a social formation on Latinity.

How undocumented status is defined and with whom it is associated with is prevalent in multiple texts—legal acts, court cases, linguistic texts, media, and music. I have examined undocumented status as the intertextuality of these texts that is a critical dynamic shaping the ways in which illegality became meaningful as a signifying act in the United States. For example, at the level of discourse, society, and State authorities consent and subconsciously participate in these politics of exclusion by hailing terms such as “American” to signify a set of

people and a particular history that is disassociated from other inhabitants of the Americas including “Mexicans” and other Latin Americans.

Through this rhetorical strategy on national belonging there is a problematic representation of Mexicans as alien to the Nation-State. This is a relevant aspect of racial othering. This process of producing racial meaning through a performative language of exclusion must be considered in order to understand the intertextuality of the dominant discourse on crime and immigration. As the data collected in the Congressional Hearings on immigration control during the mid 1980s suggests, compared to all other ethnic and racial groups in the United States, Latina/o communities were disproportionately being interrogated and coerced into validating their legal status in the United States.

Conclusion

As I have argued, immigration reform led to the criminalization of immigrants in the 1990s. The pursuit of a group that is elusive and in constant motion led to exaggerated interrogations, chases, and, most importantly a rupture in the Chicana/o and Latina/o community. This was the INS’s response; one in which race and ethnicity structured the way undocumented immigration were perceived and what groups are associated with this form of deviancy. This way of understanding rights and enforcing social boundaries highlights the ways in which the juridical and policing realm of the State were mobilized to undermine what is perceived to be the conditions (e.g. access to public transportation and employment) of undocumented immigration. This was the US common sense operating within the social discourses about undocumented immigration. A discourse that legitimates the exclusion of the undocumented from civil liberties was not a rational method to maintain order and control of undocumented immigration in the United States.

Ramon “Tianguis” Perez in his *Diary of an undocumented immigrant* painted a portrait of what it means for undocumented immigrants to survive in the United States. His struggle sheds light on the everyday hardships undocumented workers endure and the acts of resistance they exhibit. He discussed the constant surveillance of his body, humiliation, fear, and continual migration he had to endure. His experience was indicative of how undocumented status determined what avenues and opportunities undocumented workers have available to them.

Perez’s diary is still valuable to us today because it was written and mediated through a *situated knowledge* that undocumented immigrant worker possesses. Perez was able to understand power relations from his *subject position*. In his book, Perez was able to help people understand the US Latino immigrant experiences. My interests in exploring and analyzing undocumented immigrant experience in this chapter stemmed largely from investigating the criminalization and detention of undocumented people. While Perez was able to narrate and make sense of his life struggles, his story written from a male perspective inevitably produced a male lens in which the informal economy of undocumented labor and migration was viewed. Thus, INS surveillance, apprehension, and detention as experienced by immigrant US Latinas was lacking in his autobiography. It is an area of research in academia that needs more work.

There continues to be political and economic incentives to criminalize, detain, and incarcerate vulnerable sectors of the US society. The privatization and now globalization of prison building is generating significant amounts of capital for private correction corporations. For those politicians who successfully engaged in the ideology on the war on drugs and crime

saw their careers benefit in the form of political clout, leverage in office and guaranteed re-election. There was a relationship between State agencies and private corrections companies in amending new crime and immigrant legislation creating an economy behind detention and imprisonment. The existing literature behind the Prison Industrial Complex does not substantially or in sufficient amounts make the necessary connections between private corrections facilities, recent immigrant legislation, and immigrant women's experience in detention. This chapter documented some of the historical processes that contributed to the development of the Prison Industrial Complex and the relationship with immigration reform. It examined the linking of US immigration reforms and the criminalization of US/Latino/as.

Chapter Four: From the Borderlands: Chicana/o Music, Culture, and the Politics of Representation along the Southern Border

“Each country has its own stories, but they coincide with the ones we live here. Our stories are very real. We sing about social issues. We sing [about] politics, drama, religion, *cumbia*, *merequetengues*, *boleros*, ballads. We are a bit of everything, so we have a direct link with the audience.”

-Jorge Hernández (member of *Los Tigres Del Norte*)

With their socially and politically charged lyrics, *Los Tigres Del Norte* have been entrancing audiences around the world for over thirty years. Part of their success as musicians is the way in which working people can relate to their captivating and socio-politically rich ballads. These ballads are informed by strong social themes such as border and immigration issues. Songs such as “*El mojado a caudalo*,” “*Jaula de Oro*,” “*Somos Más Americanos*,” “*Cesar Chávez*,” “*Tres Veces Mojados*,” and “*De Paisano a Paisano*” are a few of their numerous compositions. These songs capture the atrocities of the border and unequal social relations in the United States. Through the *norteno* genre, these songs encourage solidarity among the undocumented and create a space for an alternative understanding of the US-Mexico border, through the poetics of song.

Their work is political because they draw on people’s musical memories and practices relying on both recognition and resonances to make a particular sort of unity out of their listening public. These articulations function as a form of knowledge. Theorists such as Walter D. Mignolo would argue these songs represent a subaltern positionality and *border gnosis*⁷⁸. This form of sonic culture critically interrogates western society’s need for cultural, social, territorial, and intellectual divisions.⁷⁹ In this sense, these songs represent a counter cultural ideology driven by disaffected Chicana/os, and Latina/os. This form of sonic culture is a rejection of cultural imperialism. They stand in opposition to the contradictions of western capitalism, and a U.S. immigration policy that is incapable of dealing with an undocumented flow of people⁸⁰.

Border ballads are representative of cosmologies from the subaltern side of the colonality of power. They draw attention to nationalistic rhetoric and spaces where the constructions of otherness (e.g. alterity) represent Latina/os as homogenous and alien to the nation-state (Mignolo, 2000). Much the way Reaganism and neoliberal politics discursively constructed the people and linked it to the Nation, *Nortenos* are engaged in the project of constructing a people as an audience. *Nortenos* represent what cultural studies scholars Richard Hoggart (1969), Raymond Williams (1977), Stuart Hall (1989), and E.P. Thompson (1994) argued about ordinary culture as a the site of domination and resistance.

This chapter argues that *Los Tigres Del Norte* and their music can be analyzed as empirical texts. Their cultural and use-value to their audience exemplify a social struggle within

⁷⁸ Border gnosis refers to border thinking where the intellectual perspective of the subaltern side of the colonality of power is prioritized. Border gnosis is active in the sonic culture of Latina/os. For example, the work of *Los Tigres Del Norte* represents an example of an imperial/colonial local history. Their songs articulate a specific local history of struggle and resistance between the US and Mexico borderlands.

⁷⁹ Mignolo (2000).

⁸⁰ These migrations are brought on by political and economic pressures fundamental to the processes of an American empire in the 20th and 21st century.

the process of signification (e.g. the brown body as a signifier of cultural, national, and linguistic difference). An interpretation of these texts, through a process of close reading deconstruction, moreover will give added insight into the shifts of American Nationalism in the Twenty-First Century, and illustrate the significance of *Norteños* in *corrido* form as an important dynamic to the process of social change.

Although the music industry can control the exchange-value of *Norteños* and the music as a commodity is part of a sphere of capital (Adorno, 1941), this chapter argues that the political-economy of music cannot control the use-value or cultural value of political *corridos*. Furthermore, this genre of music and in particular the language of political *corridos* exemplifies an internal dialogue within the text that mirrors the social contradictions experienced by Latina/os in the United States. In this sense the music, as a cultural text, does function as cultural transmitters from the position of the subaltern, actively critiquing the American version of capitalist relations of production⁸¹.

These border musicians, much like cultural anthropologists, have a refined talent for detecting the complex interplay and hybridity of language, cosmology, and folklore in the working class Latina/o community. Their cultural work exemplify what George Lipsitz has coined as an ability to detect “significant communication” and exemplify what José David Saldívar has argued to be musics’ part of the “Dialectics of Our America” (1991). Within the field and production of culture it seems that there is an alternative socio-political discourse enunciated by *los corridos de Los Tigres del Norte*. Their location is uttered from a counter cultural positionality where we may need to reconceptualize Marx’s notion of class struggle and revolution to capture alternative forms of significant communication (Gilroy, 1991; Spivak, 2007). Contrary to Adorno’s pessimist view of musical culture, *Norteños* come from a locality where the capitalist culture and system of commodification have not been able to close off or completely co-opt resistance. Commodification has not effectively minimized the possibility of conflicts within the overall schema of the productive forces.

By producing ballads with the themes of frustration on the part of immigrants, *Los Tigres del Norte* capture the contradictions of the State and the fragmentation Chicana/os, and Latina/os experience in their community. They capture immigrant’s experiences when they are hailed as subjects of State surveillance. For example, Gloria Anzaldúa begins her critically acclaimed book, *Borderlands/La Frontera*, with a verse from *Los Tigres Del Norte*, where she draws on *Los Tigres Del Norte*’s ballads. She does this to accurately comment on a cultural and linguistic remapping of the United States by Mexicans and Mexican-Americans. Similarly, Mike Davis in his book, *Magical urbanism*, examines the tensions arising between an inevitable reshaping of U.S. metropolises by Latina/os⁸². In the course of California history, both Latina/o linguistic and spatial remapping have unfortunately resulted in anti-immigrant social movements helping shape unconstitutional legislation (e.g. Proposition 187).

These social and spatial divisions, whether in the city or in rural areas, are continually linked by *Los Tigres Del Norte* to the geopolitics of the US/Mexican border and the politics of neoliberal immigration policy. While the cultural work of *Los Tigres Del Norte* can be examined within the field of their economic determinations, it is important not to collapse their efforts exclusively into the economic sphere. *Norteños* are complex discourses-- (not simply

⁸¹ Social relations where the undocumented experience a particular condition of exploitation marked through the interplay of race and immigration status.

⁸² Davis elaborates on the social significance of space for Latina/os and the antagonisms resulting from the struggle over space.

commodities for corporate capital-- because they are made up of elements (characters, actions, settings, etc.) that already have meaning and value within the existing social system of significance.⁸³ In the overall circulation of these *corridos*, there is something more significant at play. The audience is not passively consuming (Rosselson, 1979; Adorno, 1991), the music as a simple commodity. Rather audiences appropriate, use, and decode the text (Hibdige, 1981; Gilroy, 1987; Hall, 1993) in an oppositional way which speaks to the ways in which music technology and devices carry significant form of racial meaning (Radano and Bohlman, 2001).

These *corridos* cease to be their (*Los Tigres Del Norte*) music or function as a form of property. Rather the *corridos* are transformed, into what Américo Paredes sees as the music, cosmology, and memory of *El Pueblo* (Paredes, 1958). The sociopolitical context, mainly the social and cultural forces on both sides of the border, as well as a historical tension between the U.S. and Mexico, are weaved into these songs. *La Frontera* or the “borderline,” as internationally renowned accordion player, composer, and *Tejano* musician Flaco Jimenez has coined it, is used in *Norteños* and is made up of threading together a number of different social discourses (ethnic, racial, illegality, immigration, etc.) that fit into a larger web of anti-immigrant discourses making up U.S. society. The music of *Los Tigres Del Norte* cannot only be seen as autonomous entities. Rather, their songs function as cultural artifacts and texts operating from within a particular locality, reflecting complex subject positionalities, and, ultimately, transmitting history.

These songs are part of a history of a people or a community. They are encoded with particular meanings about border culture and life where the audience actively decodes these messages. The songs, the performances, and the receptions of these songs are indicative of a larger national and transnational cultural struggle over the sociopolitical implications of boundaries, global restructuring, and immigration. Martin Stokes demonstrates how music from particular locations, “evokes and organizes collective memories and present experiences of place with an intensity, power and simplicity unmatched by any other social activity” Stokes (1994, p. 13).

The growth of these political *corridos* and their transformation into *Norteños* took are of enormous importance. Not only because they are associated with immigrant groups but also because of the intriguing ways in which *Los Tigres Del Norte* use the power of mass-media products to create a listening audience. In the world of borders, the transnational mobility of immigrant’s music functions as an effective tool in empowering people. Immigrants identify and respond to their structural and cultural location via the realm of sonic culture. On an equally important front, *Norteños* as a form of discourse exemplify what Hall (1989), Gramsci (1971) and Williams (1977) cite as the struggle over a conceived system of meanings or a “contest of representation” between groups for social power. *Norteños* position their largely immigrant audience to see the world in a certain way. The meaning of *Norteños*, its political and ideological significance, rests on their capacity to problematize the dominant meaning of immigrants’ struggle. The *corrido* is for this reason political and trans-border because it is involved in a struggle to enlist subjective identification for or against certain ideas integral to the maintenance of social power across borders.

⁸³ The social system of significance refers to the idea that each social element takes on meaning by occupying a certain position in the social system or of being in differential relation to other elements in the system (e.g., male/female, citizen/noncitizen, and rich/poor).

History of Norteño Music: Nortenos as Chicana/o Music

The U.S.-Mexican border es una herida abierta where the Third World grates against the first and bleeds. And before a scab forms it hemorrhages again, the lifeblood of the two worlds merging to form a third country-a border culture.
-Gloria Anzaldúa, (1999, p.25).

It was from the historical emerging of the US/Mexico border conflict that the *Norteño* music was born. As early as the early 1800s, *Norteño* music has functioned as a way to narrate the political, social, and economic situations of the Chicano community (Peña 1985, p. 192). Furthermore, as Manuel Peña argues, the value of Chicano music has changed over time. Its historical origins lie in its strong use-value; symbolically and literally Norteños represented the culture from which it came and captured the tension along the Mexican/United State's border. Since the 1940s, the music "oscillated... between the extremes of use- and exchange-value...though it has never lost its power to speak to issues of identity, difference, and social change" (Peña, 1999a, p. 11). This chapter's section examines *corrido*, *conjunto*, and *orquesta* music to demonstrate how the Chicano community's changing position in American society, and their formation as a distinct bicultural community, is narrated via cultural politics in the form of music. In addition, this section highlights the changing value given to music over time and the shift within Chicano music.

In the 1800s, *corridos* or ballads of border conflict narrated the rising tension between Chicana/o and Anglo communities (Paredes, 1958). The Mexican-American War from 1846 to 1848 was particularly important in forming this musical tradition, because the war was the first marker of Chicana/o struggle over subordination and resistance to Anglo-American hegemony. In this way, the historical origin of Chicana/o music has always been political, one that negotiates the tension between two different cultural worlds (e.g. White Protestant and Spanish Catholic) brought together through the *Treaty of Guadalupe Hidalgo*. In the 1890s, a racial-cultural stratification emerged as a growing population of Anglo-American farmers and entrepreneurs forced the Chicano community into subordination (Barrera ,1979; Almaguer, 1994; Gutierrez, 1996). With few exceptions, the Chicano community became fractured by class and racial social structures.

The Anglo community's historical control over Chicana/os has been described by Mario Barrera as a colonial-labor class system, a system in which Chicana/os were consigned to the exploited proletariat class (Barrera, 1979). However, this model does not best describe the particular relations of exploitation experienced by Chicanos in the Southwest because they were integrated into the Southwest economy not as a colony but were brought in to a more complex set of relations. For example, in some areas, Chicana/os constituted a diverse set of producers (e.g. meat and cattle producers) and/or wage laborers working within the social and political conception of race. The dual wage system, the loss of property, and the Judicial Court's disregard of the protective measures of the *Treaty of Guadalupe Hidalgo* all had a totalizing effect on the type of rights Chicana/os could claim in the United States. These new relations in the Southwest were not indicative of colonialism. Rather another modality of difference and subordination specific to this region was experienced. Thus, due to the "brutal, demoralizing effects of conquest, economic exploitation, and racial-cultural prejudice, ethnic Mexicans turned increasingly to symbolic expression --especially folklore and music-- to give voice to their

oppression” (Peña 1999a, p. 196). *Corridos* were one of the cultural forms through which Chicanos expressed their resistance to Anglo American dominant rule.

Corridos were an easy way of disseminating news of social and political events without alerting Anglos (Flores 1992, p. 169). They wrote history to conduct, what Antonio Gramsci would call a war of position; a form of important cultural resistance used to fight against the rulers and beneficiaries of white hegemonic control in the newly acquired Southwest (Gramsci 2000, p. 227). *Corridos* are historically significant because they discuss events from the position of the Mexican-American community rather than that of Anglos. They rewrote history from a “Chicana/o positive” outlook, re-signifying what it meant to be Chicana/o and an alternative identity as a Chicana/o. Rosa Linda Fregoso (1993) explains the Chicana/o community’s struggle to fight against dominant relations of representation when she writes,

Since the nineteenth century, negative representations have burdened the population of Mexican origin. For this very reason, Chicanos and Chicanas have relentlessly contested the reigning tendency to represent them as “the Other” within the hegemonic discourse of U.S. popular culture. They have indeed refashioned alternative national/cultural identities that deconstructed the explicitly racist discourse of U.S. culture (Fregoso 1993, p. 659).

The Chicana/os attempt to refashion their cultural identity is easily seen in early US-Mexico border *corridos*; they served as cultural myth makers that helped re-classify their community as culturally legitimate and socially respectable (Anzaldúa 1999, p. 83). From the beginning, *corridos* have also attempted to resignify the dominant notions associated with the Chicana/o community.

The ballads of conflict usually tell the story of a valiant Chicano hero who rebelled against Anglo oppressors. The most cited heroic *corrido* is *El Corrido de Gregorio Cortez*, performed in 1901 soon after the actual conflict occurred. This ballad tells the story of Gregorio Cortez, an honest man who, along with his brother Rumaldo, was wrongly accused of stealing a horse. After several miscommunications due to linguistic barriers, the Anglo Sheriff shot Cortez’s brother Rumaldo. Gregorio was shot at, but the Sheriff missed and before he could shoot again Gregorio drew his gun and shot the Sheriff. Convinced that if caught he would be lynched, no matter what the circumstances, Cortez fled the crime scene and took for the US/Mexico border. He evaded his captors for ten days but was eventually caught, with the help of a Mexican informant, just before he crossed the border into Mexico (Paredes 1959, p. 63).

Almost immediately after Cortez’s arrest a *corrido* appeared and quickly gained popularity within the Chicana/o community which speaks to the power of culture as a legitimate terrain to wage a struggle. The *Corrido of Gregorio Cortez* portrayed the worker as a fearless mythical hero who scared the cowardly Anglo American lawmen. This *corrido* was composed during a period in which Chicanos held little political power within the U.S. and its appeal rested in its ability to relate to a community of people at odds with an inequitable social political structure.

Thus, the popularity of the *corrido* can be credited to its cultural use-value; as Peña explains, “lacking the means to raise their material or political status, the Texas-Mexicans turned to symbolic expression as a compensatory outlet to their sense of oppression” (Peña 1999, p. 74). The ballad was used in their war of position as a way to regain cultural power. By viewing Cortez as a hero, rather than as a murderous bandit, the *corrido* challenged dominant society’s

interpretation of Cortez, and more significantly, the interpretation of the entire Chicana/o community. These heroic *corridos* along the borderlands gave voice to a community that otherwise would not have been heard (Acuña 1998, p. 39). The *corridos* critiqued dominant ideology and dominant culture by creating an oppositional view of the world, one which valued the Chicano experience and their unique bicultural identity.

A Shift in Musical Expression: From Corridos to Orquesta and Back

With the onset of the Great Depression and the impending World War, the Chicano community, and their traditional musical expressions both changed dramatically. In the 1930s a large percentage of the Chicano population began migrating to urban areas (Gutierrez, 1996). This increased job competition between the Anglo American and Chicano workers and threatened Anglo-American's monopoly on certain types of jobs. According to Schmal, during and after World War II the Chicano community's position in society improved. Many young Chicano servicemen returned home and took full advantage of the G.I. Bill Act of June 22, 1944, also known as the Servicemen's Readjustment Act, which made it possible for thousands of Chicano veterans to receive higher education (Schmal, 2005). As a result, many Chicanos became skilled and educated workers, helping them move into higher economic brackets. According to Peña, their freedom from the colonial-labor underclass helped them (moderately) integrate into the Anglo American class structure and transformed Anglo-Chicano relations permanently (Peña 1999a, p. 77).

The Chicano community's changing political and economic demographics influenced the ways of interpreting the Chicano experience, and helped create an environment in which a collective Chicano identity could be formed (Limón 1983: 231). The community was blatantly aware of their newfound power and began insisting on both political and economic equality. Nonetheless, the Anglo American community was not ready to give up their privileges which were partly based on a cultural and systematic suppression of people of color's rights and exclusion from the mainstream and State programs (Lipsitz, 1998). The interethnic friction customary along the US-Mexico border continued.

According to Peña, in this environment a new *corrido* genre was formed, one which differed in theme and structure, and echoed the sociopolitical changes occurring within the Chicano community and between the Chicano and Anglo communities. The symbolic hero protagonist who had dominated *corridos* up until this point was replaced with a victim figure. The hero, who had once served as a symbol of empowerment, was no longer needed. Manuel Peña explains:

As [Mexican]-American society was transformed the victim corrido emerged to articulate the aspirations of a people with an increasing sense of empowerment [due to their limited economic and social advancements]. By portraying helpless victims rather than potent cultural heroes, the newer corridos aroused sympathy of the victim and spurred [Chicano] communities to take collective action for the benefit of all. The real hero turned out to be the collectivity (Peña 1999a, p. 77).

The portrayal of powerless victims helped generate sympathy and create a desire to mobilize and initiate positive changes for the community. These new *corridos* helped more people within the Chicano community see themselves as a more influential and unified group (Flores 1992, p.166). Music embodied the sentiment of the community and the victim narrative within the *corrido* was

a strategic device which reflected the need for a collective movement towards an oppositional front.

Like the old *corridos*, these new victim *corridos* quickly entered the commercial market. However, due to changes in the musical industry, the new musicians and composers now received royalties for their music. This increased the *corridos*' exchange-value and made *corridos* an economic commodity rather than simply a cultural commodity. In his book *Musica Tejana: The Cultural Economy of Artistic Transformation*, Peña argues that the newly recognized victim *corrido* plays an important role in unifying and mobilizing the Chicano community (Peña 1999a, p. 78).

Nonetheless, Peña's analysis falls short by not seeing that many musicians may have sung victim *corridos* because they were popular and thus assured them of additional income. If victim *corridos* were the popular music played on the radio and at cultural events, can Peña demonstrate that the musical themes were not affected and transformed by the increase in the exchange-value of music? Commodification, too, plays important of a role in the United States' modern capitalist system. Therefore, further analysis must be conducted to assess the true cultural value of victim *corridos*.

Although Peña's study does not show that the use-value of Chicano music is not compromised by the increasing exchange-value, it does clearly demonstrate how victim *corridos* played an important part in initiating the Chicano community's unified mobilization. However, along with their united desire to organize and obtain equal rights, came a less-unified desire to assimilate. Many protesting Chicanos believed equal rights could only be obtained if they integrated into dominant society. Thus began the social (and musical) divide between the working class Chicanos and the emerging middle class (Peña 1999b, p. 15). According to Peña, between 1935 and 1965 two new forms of border music gained popularity: *conjunto* and *orquesta*. These new genres were symbolic of the growing fissure between working- and middle-class Chicanos. The two types of music began to "embody...ethnic resistance vs. cultural assimilation, continuity vs. change, and folk vs. 'sophisticated'" (Peña 1985, p. 29).

Conjunto music, like *corrido* music before it, played a vital role in the Chicano community's cultural development. *Conjunto* started in the late 1800s as German immigrants moved to northern Mexico and Texas and introduced their neighbors to the button accordion (Paredes, 1958). The accordion quickly became popular due to its low cost, high availability, and the fact that it required little or no accompaniment (Peña 1985b, pp. 36-37). It became the favored instrument for *bailes* (dances) of all types. Despite the accordion's heavy presence in northern Mexico and the US-Mexico border region, it did not become a strong cultural symbol until the 1930s. It was during this time that the popular accordion and the *bajo sexto* (a twelve-string Spanish guitar) were played together and created the sounds now associated with *conjunto* music.

As *conjunto* began to take shape, major record labels realized the economic possibilities of this flourishing music along the border. Recording labels such as *Victor*, *Decca* and *Bluebird* started recording rare records by Chicano musicians. The *conjunto* records under these labels inevitably increased the economic-value of *conjunto*, but more importantly, increased its use-value because with the creation of *conjunto* records, the music was able to reach and affect more people than ever before (Fournier 2001, p. 18). *Conjunto* was an organic music that sprang from the heart of working-class Chicanos. Therefore, from its inception, conjunto music and dances "were associated in the minds of the upwardly mobile [Chicanos] with a class of people and a culture so profane that it constituted a barrier to the integration of the Mexican into mainstream

society” (Peña 1985, p. 197). The working-class was aware of the middle-class’s dislike of *conjunto*, and in response developed an ever stronger bond to their music. Thus, the cultural power obtained from *conjunto* came from it being a symbol of the working-class community. The musical sounds of *conjunto* symbolized the working-class Chicano’s resistance to the middle-class’s desire to assimilate. In this way, *conjunto* music carried on the tradition of narrating the conflicted Chicanos’ experience; even though it now narrated interethnic (class) friction, more than interethnic friction (Peña 1985a, pp. 31-32).

Parallel to the development of *conjunto*, *orquesta* music developed as a cultural expression of the middle class. *Orquesta* music was a synthesis of traditional Mexican *orchestras* and the Anglo’s big band swing music popular in the 1930s and 1940s. No other music better represents the middle-class’s ambivalence toward class and ethnic loyalties than *orquesta*. As Peña explains,

It is within the orquesta tradition that antithetical class ideologies clash and are ultimately synthesized; it is also within this tradition that Mexican and American cultures collide and penetrate, with neither being able to dislodge the other from its position. It is as if this tradition were a battleground-or a playing field perhaps--on which two cultures jockey for possession of the Mexican American’s musical consciousness. In the end, however, neither claims outright victory; the two become hopelessly entangled. (Peña 1985, p. 200)

Just as *corrido* and *conjunto* music symbolized the Chicano community’s changing identity, so, too, did *orquesta*. However, the identity associated with *orquesta* music was specific to the middle-class Chicano community. Their music was closely linked to popular music of the time. It clearly symbolized their desire to integrate into dominant European-society. Yet, its retention of traditional Mexican sounds showed they did not want to completely lose their unique ethnic heritage (Peña 1985b, pp.144-145). Nevertheless, because *orquesta* music drew from both musical genres to create a new bimusical sound, it became the first acknowledgement of a clear bicultural identity along the Mexican-American border (Fournier 2001, p. 17).

Even though the differences between *conjunto* and *orquesrta* music are obvious, the two genres still had a common bond: they were both outsiders in a world dominated by European-Americans (Gutierrez 1991, p. 292). Therefore, the two styles should be viewed as “dual expressions of a unitary musico-symbolic whole” that was a product of the antagonistic relationship between the Chicano community and the Anglo-American community. The differing worldviews of the working and middle-class Chicanos were expressed through their music, and in this way each depends on the other for its social definition. The lower class *conjunto* music represents the complete exclusion from, and resistance to, dominant culture, while *orquesta* music symbolizes the desire to integrate into Anglo society (Peña 1985a, p. 30).

Although *conjunto* is still popular today, it is *orquesta* that paved the way for modern Tejano music. The 1960s and 1970s brought a changing political climate, and with it, a change in Chicano music. The black civil rights movement gained momentum and inspired Chicanos to head their own movement, which they called *La Onda Chicana* (The Chicano Wave). Mexican heritage was being rediscovered and revalued during the civil rights movement, renewing both the working-class and middle-class community’s interest in their Mexican roots, which included their musical roots.

It was this nationalist revival that the famous *orquesta* musician Little Joe Hernandez began experimenting with new social and musical combinations. In his earlier years he and his group Little Joe and the Latinaires, always wore formal attire and played in the middle- and

upper-class dance halls that were the usual venues of *orquestra* music. However, as the political movement continued Little Joe Hernandez rejected his traditional suits for the regular work clothes that more closely resembled the dress of the *conjunto* artists. Moreover, he changed the name of his band to Little Joe y *La Familia* (the family), a change that clearly illustrated a shift towards collectivity, and matched La Onda Chicana Movement's desire to return to their Mexican roots. Little Joe y *La Familia* integrated Mexican ranchero style with American jazz to create a bimusical sound which sprang from earlier forms of *orquestra* music. This new sound was soon appropriately named *La Onda Chicana* to represent the influence the political movement of the time was having on their cultural expression (Fournier 2001, p. 21).

La Onda Chicana genre spread rapidly and became a significant sound throughout the US/Mexico borderlands in the 1970s. Therefore, *orquestra* music, in its earlier forms and later as *La Onda Chicana*, played a strong but evolving role in Chicano culture for the better part of the twentieth century. Like earlier forms of Chicano music, *orquestra* played a role in the Chicano's war of position, as musicians used this form of music to fight for the recognition of a Chicano perspective as a distinct bicultural community. Implicit in their bicultural identity was an ambiguity clearly recognized in the history of the music and still heard in the music today. Similar to their social position in society, Chicano's *orquestra* music wavered between Mexican and American, between folk-traditional and modern, and between working-class and middle-class.

This section began with a Gloria Anzaldúa quotation which calls the US-Mexico borderlands *una herida abierta*. This metaphor of the border as an open colonized wound epitomizes the intra and interethnic conflict from which *corrido*, *conjunto*, and *orquestra* music all emerged. These are the historical origins of Tejano and *Norteño* music and much like their predecessors these modern offsprings play a significant role in developing a sympathetic and collective opposition to the ways in which Chicana/os and Latina/os are criminalized and reified as the modern day other. Chicana/o sonic culture has continuously narrated their fight against inequality and misrepresentation, the history of their changing position within American society, and the class conflicts within their community.

All three of the musical genres discussed above help elucidate the changing identity of the Chicano community since the Mexican-American War. Moreover, these three musical genres demonstrate that although the exchange-value of Chicano music emerged during the early part of the twentieth century, its use-value of Chicano music rose during the early part of the twentieth century. Moreover its use-value as a cultural symbol never disappeared because it continued beyond its entrance into the capitalist system to narrate the Chicano community's blossoming culture. It is the political nature of this form of music and its ties to narrating the conflict around the border that has shaped the growth of Tejano and *Norteño* music.

Tres Veces Mojado and the Cultural Struggle for Representation

Songs such as *Tres veces mojado* testify to nation-state projects to socially and culturally divide society. In an intriguing way undocumented Salvadoreans, function truly as a trans-border people where, as the song illustrates, subjects can experience illegality threefold. The ability of *Los Tigres Del Norte* to have conveyed such a story through a ballad indicates their insight in the working class immigrant community. It is a candid ability to transform the Salvadorenean experience into a sonic cultural artifact that can and does circulate around the world. This is the power of *Los Tigres Del Norte* have: the ability to detect the social struggles

taking place coupled with copyright and access to corporate capital makes them a formable force in the politics of representation. They capture the knowledge that is situated from those who are socially, economically, and politically marginalized in the United States.

Los Tigres Del Norte's popularity as evidenced by their global audience places multinational corporations in compromising situations. They are forced to grant concessions if they wanted to have a working relationship with these artists. In this sense, these musicians had creative control in the production of musical language. This determines the range of possible meanings working as a code within the musical text. The final product is part of a global musical flow (Harris, 2006) financed by the resources of multinational corporations. Nonetheless, a particular modern version of the *corrido* is being circulated. While *Los Tigres Del Norte* do not have the power to transcend the global flows of capital, they strategically work within this sphere to enable immigrants to share their cosmology and subjectivity.

Thus envisaged, *Tres veces mojado* is an interpretation on the way in which Salvadoreans figure within the American experience. Specifically the song exemplifies the way in which they are positioned within three distinct Nation-States (Mexico, United States, and Guatemala). As the *corrido Tres veces mojado* illustrates, such an understanding immanent in the song is shared by undocumented people from El Salvador. These people are trying to navigate through three worlds. This song is a sonic testimony to the ways in which Nation-States police their boundaries. At a discursive level, this is done through a complex way of othering unique to the Salvadorean journey into the United States.

Los Tigres Del Norte are producing meaning by forging links between three significant conceptual orders. These musicians connect a people (e.g., Salvadoreans), events (e.g., crossing borders) and a shared experience (becoming three times undocumented) to the Salvadorean condition in the United States. This process speaks more to what Spivak would argue to evoke and organize collective memories and not Adorno's passive consumption thesis (Stokes, 1994; Adorno, 1975). *Los Tigres Del Norte* musical form in *Tres Veces Mojado* suggests the possibility of collective meanings where Theodor Adorno applying the Marxist framework of production and consumption could not have captured these possibilities. Adorno states that the listener makes the whole process work but fails to recognize himself in it and therefore is alienated much the way a laborer is in relation to the product (Adorno, 1941).

Dick Bradley (1990) clarifies Adorno's application of Marx to the consumption of music in the following way: "In arguing this he not only collapses the specificity of consumption but also misrepresents the relationship between the 'individual' and the 'social' in Marx's argument, for it is not for the individual consumer to recognize himself in another individual's product anyway, but to recognize the socially-imprinted character and meaning of the product" (Middleton 1990, p. 30). Bradley's argument is quite applicable in understanding how *Los Tigres Del Norte's* audiences are able to decode the message inherent in the text and find meaning in the song. Their audience has the competence to understand what these artists mean by employing emotionally charged language such as *mojado* as it related to nation building.

Nevertheless people risk their lives to cross these territories. As the *Tres Veces Mojado* ballad goes, it is because of necessity that forces people to migrate to the United States. In the process of migration, for Salvadoreans, they experience an unprecedented scale of policing. Their experience in the *corrido* illustrates the complex historical, legal, and social construction of the illegal alien.

In this particular song, *Los Tigres Del Norte* are not necessarily engaging in, what Gayatri Spivak has coined strategic essentialism. Rather they use the discursive term *mojado* as

a way of making sense of the Salvadoran experience in the United States. Like W.E.B. DuBois's double consciousness theory, *Los Tigres del Norte* understand the western gaze and use language such as the term *mojado*, as a signifying term. But in a doubling sense they are keenly aware of the dominant's gaze and their own social condition attributed to crossing the three Frontiers/Fronteras.

Somos Más Americanos: Subaltern Music and the Dialectics of a National Identity

The social construction of immigrants is racially and culturally meaningful in the United States, and speaks to a socio-cultural process that involves different forms of opposition. In this sense, *Los Tigres Del Norte's* music is a form of sonic culture. It functions as a medium in which a social struggle is taking place over the racial and cultural meanings of becoming American. Their capacity to capture the subaltern positionality and to circulate it through the politics of mass cultural practice is precisely what has made their careers so remarkable. *Los Tigres Del Norte* commitment to draw characters, events, and themes directly from the Latina/o community speaks to their ability to document pressing social issues and explore social contradictions.

It is the *Tigres Del Norte's* ability to document, valorize, and position the public in direct opposition with the dominant images of the border and undocumented immigration that has won them popularity in the Americas and around the world. It is their significant cultural work as musicians that reflect a counter-current. They have circulated an already existing subaltern cosmology and encoded it within their lyrical text as the preferred meaning. While the analysis of the encoding/decoding process originates from the work of Stuart Hall in communication and media studies, I believe that his theoretical foundations on the multiplicity of the text are also applicable to the field of border music.

Hall argues that the decoding process is quite fluid and complex that there is no guarantee that a particular desired decoding can be consistently achieved (Hall, 1996). Within the field of music, the decoding process is similarly complex. But in order for a meaningful unpacking of a message to have occurred the audience needs to be receptive to the ideas or knowledge articulated by *Los Tigres Del Norte*. *Los Tigres Del Norte's* audience reception is always informed by their own subject positions within, to apply Marx, the relations of production. In the case of *Los Tigres Del Norte's* songs, the structure of ideas informing *Somos Más Americano's* is representative of the subaltern positionality.

If they have been part of the set of relations of production that constitute the base of our America—a situation in which Stuart Hall has argued always influences the encoding of dominant meanings (Hall, 1996)--. *Somos Más Americanos* speaks to the ways in which the term America has been riddled with ideas of cultural superiority and contradiction. Conflict and war is the continuum in which the project of nation-building and empire had been manifested. *Los Tigres Del Norte* accentuate these series of points in their song *Somos Más Americanos*:

Ya me gritaron mil veces que me regrese a mi tierra,
Porque aqui no quepo yo
Quiero recordarle al gringo: Yo no cruce la frontera, la frontera me
cruzo.
America nacio libre, el hombre la dividio. Ellos pintaron la raya, para
que yo la brincara y me llaman imbasor es un error bien marcado
nos quitaron ocho estados quien es aqui el imbasor. Soy extranjero en
mi tierra, y no vengo a darles guerra, soy hombre trabajador.

Y si no miente la historia, aqui se asento en la gloria la poderosa nacion
entre guerreros valientes, indios de dos continentes, mezclados
con espanol. Y si a los siglos nos vamos: somos mas americanos,
somos mas americanos que el hijo del anglo-saxon.

Nos compraron sin dinero las aguas del rio bravo. Y nos quitaron a
Texas, Nuevo Mexico, Arizona y Colorado. Tambien volo California y
Nevada con Utah no se llenaron, el estado de Wyoming, tambien
nos lo arrebataron Yo soy la sangre del indio Soy latino soy mestizo
Somos de todos colores Y de todos los oficios Y si contamos los siglos
Aunque le duela al vecino Somos mas americanos Que todititos los
gringos.

Los Tigres Del Norte eloquently capture the sentiments of Chicana/o's and Mexicans living conditions along the southern border. Society, mass media, and the State (e.g., the INS) have under different historical periods criminalized this community and made them feel to what Ronald Takaki (1993) calls foreigners in their own land⁸⁴.

The brilliance of this song is the ways in which the historical and social context informs the lyrical text. Specifically, the musicians respond to a set of socially assumed conceptions about people of Mexican descent. *Los Tigres Del Norte's* song engages the redrawing of boundaries where previously Mexican territories (e.g., Arizona, California, Texas, Wyoming, Nevada, New Mexico, and Colorado) have been violently seized by the United States. This historically places people of Mexican origin who reside in the Southwest in abject situations. This is captured in the song's phrase, "*Yo no crucé la frontera, la frontera me cruzó*". The artists are responding to the white gaze that objectifies people of Mexican descent as undocumented.

From the songs lyrics *Los Tigres Del Norte* are engaging in a dialogue against a dominant discourse that alienates, differentiates, and represents people of Mexican descent as perpetual foreigners and even invaders. This can be seen in the lyrical structure throughout the ballad. The *corrido* is responding to a set of socially assumed questions about Mexican-Americans. Here is a representation of DuBois' double consciousness theory-- where the musicians thematize the social and historical circumstances that have produced a particular racial script for Mexican-Americans within the sphere of border and immigration control, American nationalism and the politics of race (DuBois, 1976). *Los Tigres Del Norte* know how Latina/os, Mexicans, and Chicana/os are represented in this racial context and they have constructed a series of ballads that interrogate this process of othering.

In the second ballad, the musicians rethink the "beginning of time" associated with the formation of America through a specific date (e.g., the American revolution and the drafting of the Articles of Confederation) that represents the birth of the United States as a Nation-State. Nonetheless, the musicians capture the discursive, temporal, territorial, and racial consequences of the term America in the following way, "*América nació libre, el hombre la dividió*". What is significant about this lyrical phrase is their critique of freedom and the social construction of America. The implicit message within the phrase is that the construction of America should not be linked to an exclusionary and coercive nation-state (e.g., the United States). As Mignolo (2005) argues America is a semantic construction reflecting who has the power to appropriate it.

The notion of America and the exclusionary politics widely used in the United States to differentiate who is part of our America, according to the musicians, one that is man made. It is

⁸⁴ Rodolfo Acuña (1972) has written extensively on this subject. See Acuña (2004) as well as Barrera (1980).

a social construction (e.g., *el hombre la dividió*). In this sense, the musicians imply that the term America has been co-opted by the politics of whiteness⁸⁵. The musicians show how the dominant conception of this term operates by excluding its original inhabitants; a diverse indigenous, criollo population of people. Ideas of social and territorial boundaries are active in the discursive use of the term America.

If *Los Tigres Del Norte* are re-signifying the national and racial meanings operating in the term America, they do so by structuring the theme of their ballad in the following way: “*Y si a los siglos nos vamos: somos más americanos, somos más americanos que el hijo del anglosaxón.*” This verse captures the ideological intent of the song. The musicians are responding to an assumed Mexican American subject positionality; a group constructed as impossible Americans. In order to re-signify the dominant associations working within the term America, the musicians interrogate time. One that is associated with the birth of a nation and coincidentally the making of racial divisions, and in so doing are going beyond it. They indicate that the historical origins of the Americas span more centuries than merely the point of contact with European colonialism. They argue for a more inclusive understanding of the term America, one that includes trans-border people of the Americas. Finally, they are questioning the term’s racial and exclusionary signifying consequences when solely fixed to a North American continent and Anglo-Americans. The time, place, and dominant historical meanings commonly signified in this term, America, is problematic to Latina/os; a conception grasped by the meaning employed through the repetition of *somos más americanos*. The song, *Somos más americanos*, becomes the conduit of historical knowledge and consciousness about the heterogeneity and the inclusive ideals of what the term America signifies.

It is because Mexican-Americans are contradictorily positioned in the United States that this song gathers its identificatory appeal. The song is a critique of a racial ideology that hails groups of people within the discursive practice of the term America. The ideological dimensions of illegality and the discursive practices of institutions and organizations are such that the struggle against it is waged through sonic culture. *Los Tigres Del Norte* demonstrate the legitimacy of culture as a powerful organizing medium. They position themselves in the song as immigrants Mexicans to critique the national project of linking people of Mexican descent to immigration problems, crime, and un-American values. For *Los Tigres Del Norte*, part of the hegemonic struggle involves the need to use sonic culture to effectively denaturalize existing conventions of Americanness and replace them with other more hemispheric interpretations.

Additionally, the musicians question the unequal relations involved in the signification process (e.g., *ellos pintaron la raya*) as a whole in the United States. Within the context of culture and race, they are interrogating the historical origins of term America and the type of ideological work it performs within the system of signification. In the song, *Somos más americanos*, the artists are relying on their audiences lived experiences, socialization in the United States, and their understanding of what this country is--a society where race, culture, and immigration status are made to mean and implicate a people.

Somos más americanos is a form of the mass media that directly questions the content and the overall legitimacy of dominant representations of Latina/os. This social group is continually constructed as being external to the legal, social, and cultural realm of the meanings of Americanness. In the United States, the dominant meanings signified are closely connected to Lipsitz’s possessive investment in whiteness argument where the politics of whiteness and the

⁸⁵ In the Americas, this discursive term has historically worked in union with the military and economic exceptionalism of the United States.

process of othering are part of a racial ideology. It structures the possible range of meanings operating within the use of this discursive term (Lipsitz, 1997). In *Somos Más Americanos*, Los Tigres Del Norte are questioning the politics of whiteness that have historically functioned as a framework of knowledge⁸⁶ (Hall, 1996), (Lipsitz, 1997). These relations influence a particular formation and legitimation of knowledge. The song is active as a set of preferred racial and cultural meanings presented as a meaningful form of knowledge in a US context.

A discursive cycle produces the meaning of a national identity signified in term American (Hall, 1989; Lipsitz, 1997). The term has been particularly powerful when it is used to define a territory, an identity, an essence or a crisis (e.g., the border, crime, and immigration control). It permits the meanings signified in the discourse of Americanness to take on racial and cultural meanings. By restricting a narrow range of meanings signified in the discursive term American, our society's reception of the term is shaped by a form of racial ideology influencing, instructing, and persuading a particular type of ideological consequence. Mignolo (2005) traces the history of the discursive construction of the term America in the following way:, America "was a semantic construction with enormous political, economic, epistemic, and ethical consequences arising from the occlusion of Indigenous conceptionalizations of Anahuac, Tawantinsuyu, Abya-Yala, and other ideas of space. Thus, it is important to underline that is a name imposed by European Christians. [T]he 'idea' of America [was] not only a reference to a place; above all, it operate[d] on the assumed power and privilege of enunciation that made it possible to transform an invented idea into 'reality'". (Mignolo 2005, p. 151)

Somos Más Americanos, therefore, is oppositional to the dominant racial and cultural connotations associated with this identification. To build on the work of Michel Foucault and examine the work these artist perform at the level of discourse, *Los Tigres Del Norte* employ historically and culturally specific experiences and subjects, as a form of knowledge. They do this to complicate the multiplicity of discourses shaping the meanings on Latinity by exposing the signifiers of cultural, national, and racial difference. In this way, the audience sees, recognizes, and understands their own feelings and social positions in the *Norteños*. For example, the song, *Somos Más Americanos* resignifies the dominant cultural and social meaning of the term American-- a semantic construction that is traditionally associated only with Anglo-Americans. Through repetition, association, and the accentuating of differences, the song creates a new meaning in place of the dominant interpretation of the racial and cultural essence of being American. In this way, through cultural and musical politics, *Los Tigres Del Norte* bring their audience into a critical examination of U.S. history. Their songs critique the racial politics of territorial expansion and immigration policy waged by the United States. These imperial and neo-conservative processes structurally and discursively signify Mexican-Americans as the permanent signifiers of foreignness and undocumented status.

Joseph Navins sees the historical origins of the U.S. Border Patrol with the rise of the social and political construction of undocumented status to forms of lawlessness. Navins states, "The creation of the U.S. Border Patrol, however, raised the costs for unauthorized Mexican migrants, effectively making the 'wetback' a lawbreaker and altering his patterns of behavior, most significantly because of the subsequent change in the relationship between worker and the employer. U.S. immigration officials could now apprehend the "illegal" and send him back to Mexico" (Navins 2002, p. 54). These historical events have shaped the social and economic relations affecting Mexican-Americans.

⁸⁶ The politics of whiteness are active within the sphere of social relations. They are part of Stuart Hall's meaning structures.

Across the Borderlines: Flaco Jimenez and the Border as a Signifier

The uncertainty, pain, and loss of the self, associated with the last frontier (e.g., Mexico/US) has been best captured by Texas Legend and, arguably, the best accordion player ever to blur the Country and *Norteño* genre, the internationally acclaimed Flaco Jimenez, in his song titled “Across the Borderline”. Through his rhythmic, enchanting, and mastery of the accordion, Flaco Jimenez conveys the overwhelming emptiness people experience in crossing the last borderline. Both Flaco Jimenez and *Los Tigres Del Norte* are able to rely on the *corrido* form and an instrument (e.g., the Polka) brought over by German immigrants during the 19th century (see Paredes, 1958) to convey the modern day conflict of being trapped in between different cultural worlds. Flaco Jimenez “Across the Borderline,” reads:

There's a land so I've been told
Every street is paved in gold
And it's just across the borderline
And when its time to take your turn
Here's a lesson you must learn
You could lose more than you ever hope to find

And when you reach the broken promised land
Every dream slips through your hand
Then you'll know it's too late to change your mind
'Cause you pay the price to come this far
Just to wind up where you are
And you still just across the borderline

Up and down the Rio Grande
A thousand footprints in the sand
Reveal the secret no one can define
The river flows on like a breath
In between our life and death
Tell me who the next to cross the borderline

And when you reach the broken promised land
Every dream slips through your hand
Then you'll know it's too late to change your mind
'Cause you pay the price to come this far
Just to wind up where you are
And you'll still just across the borderline

In his border song, Flaco Jimenez captures the story of broken dreams associated with a journey of going north for Latin Americans. It is a narrative of disappointment, loss, and fear connected to the experiences of the borderline told in a ballad in alternating six stress-lines with repeating rhymes. For example, to maximize the signification effect, musicians that tell the hardships of the border strategically code their songs with an effective balance of language, dialect, and tone to create a mood where people feel the emotion, pain, and loss associated with the politics of the border. In this melancholic border song, Jimenez uses gold as an effective signifier.

He is relying on his audience's shared social knowledge about an object—gold-- to connote the American Dream's themes of wealth, progress, and utopian opportunities. Jimenez

is using the audience's cultural repertoire about what crossing to the other side is said to represent (as "he's been told") to signify the symbols of difference. In the ballad, the divisions are associated with a border line and signify a people's disillusionment with transcending geopolitical margins. Jimenez knows no one can transcend race and class in the United States and there lies the effectiveness of his transmission. He interacts with his audience through a collective revelation. The dream signifies a people's realization of a mistaken American utopia captured in the song's words "every dream slips through your hand". Ideological, spatial, and social configurations inherit in the meaning of the discursive term America does not exist on the other side of the borderline. American signifiers of progress and freedom are thus interrogated in the song.

Flaco Jimenez' attempt to create a popular understanding of the borderline illustrates the political aspect of *Norteños*. It is the *Norteños*' capacity to make sense of the experiences of capitalism, race, and the politics of immigration that exemplifies how culture is indeed a site of resistance. Jimenez employs repetition and language to invert an idea of successfully "making it"--a utopian connection closely associated with what the United States is made to represent. Nonetheless a dominant idea about the meaning of crossing borders is being interrogated in the transmission of the song. In this sense, Jimenez is re-articulating the dominant elements associated with the United States. In the process he is challenging the ideological fixity of these meanings. As Jimenez's song says, "when you reach the broken promised land . . . "you still just cross the borderline" implying the relative boundedness of boundaries and how crossing over into a different country does not always translate into a beneficial transformation.

Jimenez captures what the imaginative writers Sandra Cisneros and Ana Castillo have argued to be the Mexican immigrant's threshold experience in their novels by describing the trans-border process as a constant cycle of mental, physical, and monetary exhaustion (Cisneros, 1994; Castillo, 1995). This is a compelling border experience captured by Jimenez's delivery and his use of lyrics such as "you pay the price to come this far". In this last line, Jimenez uses music as a mass media text to signify a state of being associated with the crossing of boundaries, a crossing in which the immigrant cannot return from. Finally, the borderline in his song functions as what M.M. Bakhtin has defined as a chronotope where space and time are fused together through the theme of crossing (Bakhtin, 1994).

The term "borderline" here in Jimenez's song is employed as a social-historical and cultural conception that structures the song allowing for the operation of the signification process. This is critical to the re-signification of the United States from a land of utopian progress to state of abject regression. If codes are based in social structures then *Norteños* (as a border discourse from the subaltern positionality) are helping to recode the existing social discourses by offering a new valorization of the *Frontera*. For example, the other side of the borderline (e.g., the U.S.) for the border singer represents not the "land of opportunity," but simply the nation's "broken promised land". Jimenez thus employs these terms to identify with his audience through a powerful yet significant semiotic experience shared by trans-border people. Jimenez is able to use the linguistic text in his US/Mexico ballads to amplify (Barthes, 1977) the connotative potential of the images associated with the border to an audience already forming part of this context. Their organic experience and social knowledge on this subject (e.g., the dialectics of the border) function as a shared code.

Los Tigres Del Norte and Jimenez's audience have a shared history of struggle originating from the social-historical conditions of the US/Mexico border. They share cultural codes or cues which make meaning production possible. Their audiences interpret with full

competence the musician's signification effect. This act testifies to audience reception and appropriation. These culturally, historically, and spatially oriented songs such as "Across the Borderlines" and *Tres Veces Mojado* are effective as counter-hegemonic sonic texts. They employ traditional aesthetics as an example of cultural practices and tacit knowledge active in the everyday lives of trans-border people.

These songs serve a cultural and social function. They are critical practices that are meaningful to a heavily policed group of people (e.g., immigrants in the United States) because identification is the most available option to align and position oneself within what Pierre Bourdieu (1989) calls fields⁸⁷. In this sense, these *Norteño* songs cannot be reduced to simply copyrighted commodities (e.g., the transformation of culture into commodities) because within the context of unequal power relations, they are socially subversive. They have the capacity to recode prevailing representations of immigrants.

The *Norteño* genre, as well as the particular political songs within this category, is a specific example of sonic cultural production. Their significance lie in what they do within Gramsci's theory of hegemony. For Gramsci, hegemony illustrates how power relations constrain the conditions of discourse practice (Gramsci, 1971) where one dominant order of discourse (Foucault, 1971) constitutes one field of hegemony. This form of sonic cultural production is part of the struggle in terms of how and what type of discourse, text, and meanings is produced. These forms of *corridos* are representative of an alternative or oppositional discursive practice. They highlight the interconnection between cultural capital and economic capital. This relationship must be taken into account in examining a social movement waged through the signifying capacity of culture.

As I have suggested above, *corridos* have always traditionally played a central role in this process, largely owing to the merits of the popular critique of social structures and power relations within which immigrants maneuver. *Norteños* matter because they offer researchers a lens on Spanish speaking communities and ways of accommodating themselves to capitalism and the politics of the border. It is a way in which people make sense of the world they inhabit. Of particular significance is how artists such as *Los Tigres del Norte* and Flaco Jimenez are able to incorporate the dilemmas of working-class immigrants, validate their experiences, and critique the discursive elements in play. These songs are not discourses that romanticize, idealize, and most importantly mystify the relations of domination in the United States within which these communities, the media, and the State all operate.

In the United States, because of the political nature of these ballads, musical technologies have the capacity to question dominant societal codes that place people of Mexican origin in a particular triangulation (e.g., the impossible subject, society, and the State) within the field of power. The dominant discourse of undocumented immigration, the rhetoric of a border crisis, the social as well as the legal construction of illegal aliens are part of an interconnecting web of social discourses. These discourses are only meaningful in the United States. In this sense, these discourses rely on a social system of signification representative of unequal relations of power and knowledge (Foucault, 1970). Due to the nature of these discursive events and applying what Cousins and Hussain have argued all discourses, "refer to the same object, share the same style and...support a strategy...a common institutional, administrative or political drift and pattern," (Cousins and Hussain 1984, pp. 84-5).

⁸⁷ Fields are power and spatial relations where people are guided by their "habitus" (Bourdieu, 1993). Bourdieu has researched (1968, 1980, 1989, 1993) how culture and social structures operate within force-fields where power relations of a society are expressed through cultural practices.

Los Tigres Del Norte are not beyond this discursive formation. They perform their cultural work with in it. They mount a struggle over the meaning that is attempted to be constructed and ultimately fixed about the essence of Latina/os in the United States. It is through the sphere of culture, specifically sonic cultural production, in the form of political *corridos*, that these artists and the collective immigrant community (e.g., the audience) understand music to be a legitimate principal site of resistance. Within this field of social divisions that seem solidified can be strategically contested⁸⁸. The musical realm, intersects with the ideological field within which takes place a continual struggle over meaning. This is where possibilities of opposition actively exist.

The Work of Corridos: Hegemony, Ideology and Immigrant Ethnographies

Michel Foucault investigates discursive formations for their capacity to produce the couplet of knowledge and power. Discursive formations are knowledges that function to permit the operation of power (Foucault, 1971). Foucault examines the reproduction of power throughout society. In the *corridos* I analyzed above, a dominant image of undocumented immigrants is being socially constructed. It is a process that gives existence to the schema of the production of Latinity. This form of representation informs the ways in which certain members of Congress and political/civic organizations speak about immigration. The *corridos* present the problems associated with the immigrant's crossing experiences such as crime and unemployment.

In the process a discourse is being employed that links together all aspects of undocumented immigration through an ideological constitution of the alien subject. The idea of an alien subject works as a signifier essentializing highly diverse groups of people and other explicit related elements into a coherent interpretation, one in which society can make sense of class difference, nationalism, and race in the twenty first century. "In this regard, the establishment of a boundary and immigration enforcement apparatus not only helped to define Mexico and its citizens, but also helped to define the United States, the boundary, and the citizenry within" (Navins 2002, p. 53).

The end discursive product is articulated in various features of U.S. society. It functions in discourses thus can persuade others to adopt the same interpretation and justify the legal and social connotations of undocumented immigration. If, for Gramsci, ideology is tied to actions or the social effects rather than the validity of them, then ideology is, "a conception of the world that is implicitly manifested in art, in law, in economic activity and in the manifestations of individual and collective life" (Gramsci 1971, p. 328).

The process of representing Latina/o immigrants is based on dominant conceptions of what the illegal other is said to represent. It informs the ways in which immigration control in the United States is not only spoken about but policed. The exchange ultimately informs the style of writing inherent in immigration acts. The way in which these acts are written and the style they use is informed by the image the State and society have constructed about undocumented people. Within Gramsci's field of ideologies what he names ideological complex (Gramsci

⁸⁸ This dissertation understands social and spatial divisions are a result of the different phases of contraction, crisis and growth in the continuum of capitalist economic expansion. Our attention and interest lie simply in understanding the significance of the relations of representation and the struggles over meaning that manifest themselves within the realm of culture and what they may mean within the context of cultural, racial and class politics that shape the shifting meanings of American belonging.

1971, p. 195) political *corridos* serve an important oppositional function within this terrain of power and representation.

At the discursive level, political *corridos* interconnect narratives, immigrant ethnographies, and a cosmology from the subaltern position. They have the capacity to resignify signs inherit in the dominant political discourse on undocumented immigration. The crisis at the border (where and however it is being used by those in power and consenting society) works as an extended metaphor. It is a turning point in speaking about race now enunciated along immigration lines. This is part of the convergence of race and immigration as flexible and continually evolving patterns of racial formation.

The Politics of Cultural Work: Talking about and Questioning Race

During the 1980s, the United States witnessed a transformation in terms of how society addressed racial, class, and cultural difference through the implicit connotations inherit in a language about aliens, illegal immigration, and immigration control. In this way, a new political base and agenda aimed at greater social controls was put into play. It centered upon new economic and political conditions brought by the globalization of U.S. corporate capital and the displacing capacity of corporate U.S. capital in Latin America (David M. Reimers, 1992). In many ways the discourse surrounding immigration control is about redirecting the blame that these political economic projects imply. In the end this is an ideological movement with neoliberal elements aimed at solidifying an American empire.

Such a global project necessitates a discourse filled with American signifiers of freedom, liberty, and democracy to restructure what Gramsci would call the hegemony of the historical bloc. New political conditions mandate a flexible mode of talking about race. Its fluidity lies in its capacity to link crime, terrorism or undocumented immigration on to different communities of people, places or Nation-States. This process of producing difference involves the legal, social, and discursive realm. In such a context, political *corridos* play an active role. They are part of a discursive and social process. *Corridos* operate within the realm of culture to complicate dominant meanings of Latina/os, social, and border relations.

The artists who compose political *corridos* and the audience who keep this tradition active⁸⁹ have identified a feasible opposition within Gramsci's project of hegemony--an act that denaturalizes, complicates, and replaces the dominant interpretations of the discursive term America. The opposition is scaled within a process of re-articulation and re-signification. As Radano and Bolman point out, "It is silence that has historically posed the greatest danger to confronting the insidious destruction of racism, silence as the hopeful belief that racism will just come to an end. Music, of course, resists silence, and music has the power to undo the historical emporia of silence...More specifically, music gives voice to those silenced by racism" (Radano and Bohlman 2000, pp. 37-38). The ways in which images of aliens are discursively linked to people of Latin-American origin is a manifestation of the new mode of identifying and speaking about racial difference. As I argue political *corridos* as forms of music with transnational reach question the legitimacy of this form of typification, misrepresentation, and essentialism. This form of cultural work (e.g., political *corridos*) questions the different aspects involved in the ideological transmission on and about aspects of illegality associated with Latina/os.

⁸⁹ Political *corridos* originated in northern Mexico around the U.S.-Mexican War; see Paredes (1958).

Los Tigres Del Norte: the Politics of Opposition in the Age of Americanity

Los Tigres Del Norte have a transnational audience. Their audience is part of a collective of people who can relate to and show solidarity to the racial and class contradictions and the different forms of alienation caused by nationalist rhetoric's. These songs testify to the lived experiences of immigrants and the ways in which they negotiate the politics of becoming American in the United States. *Los Tigres Del Norte* are not just musicians; they are also heroes who transcend the western mode of composing and performing where, "in Western European culture...the leading singer commands and dominates his listeners during his performance. His association with his audience, in sociological terms, is one of exclusive authority" (Lomax 1962, p. 440).

In this sense, *Los Tigres Del Norte* in the act of transmission complicate the dominant/subordinate listening experience described by Alan Lomax in his article entitled, "Song Structure and Social Structure". By giving a performance where the audience shares the rich history and structure of past *corridos* and their own similarity and difference from other songs in this musical field, these musicians are activating codes. *Los Tigres Del Norte* are actively relying on the subject positions and competences of their transnational audience. This permits the audience to identify with those codes.

Los Tigres Del Norte are a responsible and conjunto committed group. They have always had a keen understanding of the cultural, social, political, and economic hardships experienced by people left at the margins of America's cultural project. These musicians have contributed to the application of alternative ways of documenting, studying, and interpreting the immigrant experience. They have researched legends, heroes, and tragedies as remembered by communities on both sides of the U.S./Mexican border. The people, themes, and tragedies form part of the composition of their musical texts.

Through text production, transmission, and audience interpretation, *Los Tigres Del Norte* have gathered social sympathy for the immigrant's experience. They are involved in a socio-cultural project aimed at re-shifting the gaze upon which the West makes sense of Latina/o immigrants. Reid demonstrates the multiple roles musicians have in the following way: "the rock musician role...is likely to cross a variety of social situations and be present within and outside of the context in which the role is directly enacted" (Reid 1994, p. 320). *Los Tigres Del Norte* use of *corridos* are more culturally and socially significant than simply what Adorno argued to be a group's representing a musical genre for a "music audience" and where the music would then be simply indexed by a music marketing category to be incorporated in the circuit of commodities. If the genealogy of the *corrido* can be identified and traced before Fordism and the Industrial Revolution as Paredes has demonstrated, then certainly *corridos* date back before Theodore W. Adorno's theoritization of popular music and the culture of consumerism. However, he sees no meaningful opposition to Marx's economic base and understands the ideological superstructure as merely reflecting economic interests (Adorno, 1941).

Therefore, according to Adorno, in the dynamics of music Marx's notion of contradiction and critique has all but disappeared. Musical form has regressed to reflect the powerful cycles of capital accumulation and reification. Adorno understands musical form and meaning as constrained by the social relations of production, and for him popular music merely aids in the reproduction of unequal social structures in advanced capitalist societies (Adorno, 1941). For Adorno, popular music valorizes dominant social structures and therefore cannot critically recode existing social discourses. Thinking of the importance of historical specificity, Adorno's

writing like Gramsci's, is derived from analyzing a particular mode of production under a specific period of Fascism and Stalinism (Frith, 1978),(Middleton, 1990).

Adorno's strict theoritization of the political economy of culture can be seen in the following way, "Any sense of expressive immediacy is an illusion: use-value is replaced totally by the value in exchange; autonomy disappears as music turns into more than 'social cement'" (Adorno 1941, p. 39). What is missed in Adorno's application of Marx to the field of culture is exactly the dynamic process of contradiction, tension, struggle, and crisis inherent in capitalist relations of production. These processes generate their own overthrow or opposition. In this case the State creates the conditions for the expansion of capital (as discussed in Chapter 1). It is heavily involved in the production of legal categories identifying the juridical and social meaning of aliens which is a way of creating social boundaries amongst people (Nevins, 2002). The latter process generates its own opposition. It is through the realm of music that we can decipher the tensions, shifts, and interpretations of Neoliberal State projects of homogenization and the production of difference.

Adorno is thinking of the political economy of musics' --the music industry, monopolies, and global conglomerates-- ability to co-opt the signifying capacity of music articulated from the subaltern side of Mignolo's coloniality of power thesis (Adorno, 1941; Mignolo, 2000). However, a particular definition of power is being employed in his writings, mainly one where music has the capacity to cement social structures conducive to the circuits of capital. But this does not necessarily mean that the music industries have the power to roughly influence and gain the complete consent of a segment of the population. They already have a conflict of interest against what Gramsci's calls the historical bloc. Consumption and the decoding of codes inherit in particular corridos is an extremely active process. The audience is also involved in the production of meaning and dissent.

Corridos attempt to resignify--the racial and ethnic connotations of illegality. As Gerard Kubik notes, "One can only control what has been defined clearly, and what cannot be nailed down cannot be controlled" (Kubik 1994, p. 33). Therefore, the political *corrido* is oppositional in the sense that it discursively undermines the dominant social, linguistic, legal, and cultural meanings of America and America's exceptionalism. America is a discursive category that only has meaning in relation to the boundaries imposed by more developed capitalist territorial States (e.g., the United States) and it is continually being interrogated amongst a growing audience of people.

From *Los Tigres Del Norte* first performance in a Soledad prison to their most recent worldwide tours, the history of the band illustrates their growing popularity and significance. It also highlights the growing demand for a type of critical performers who rely on an audience that is global with a competence and ability to interpret the various characters, themes, feelings, and experiences working within the musical text. *Los Tigres Del Norte's* musical texts, their delivery, and audience interpretation are all part of a framework where meaning is produced. By representing immigrant's and transborder people's threshold experience in a form of a musical text, these type of *corridos* illustrate the inevitable tensions produced by the contradictory dynamics between what capital needs and what the Nation-State polices.

The Politics of Corridos: A Musical and Social Movement

The political and immigration oriented *corrido* has acquired an alternative meaning from what Adorno argued to be indicative of pop music's apolitical meanings: doing no other work than simply aiding music industry's segmentation of social life into marketing categories for public tastes that ultimately work to re-produce the *Culture of Consumerism* (Adorno, 1941). Against Adorno's view of music, I argue that the *corridos* origins are in pre-capitalist societies and with anti-commercial practices coupled with a political stand against Anglo aggression in the southwest thus rendering this musical genre as historically, politically, and socially oppositional. *Corridos* convey valuable information about the implications of the world of borders.

If Adorno had investigated the historical origins of *corridos*, their oppositional nature, and their re-signifying capacities, his research might have taken him into a rich network of conflicting currents running in opposition to the US musical mainstream. He might have sensed that *corridos* are the voices of the *pueblo* or people and are part of the social struggle for alternative forms of remembering, transmission of history, and social protest. *Corridos* testify to a shift in alternative social and cultural interpretations of America. They are defiant against what immigrants are painted to represent by those in positions of authority.

A dominant order of making sense of these subjectivities are critically challenged and re-signified. This demonstrates that social transformations can be set in motion through the power of music. At stake with this sonic form of immigrant cultural production is the growing significance of culture to create an unstable equilibrium. Where the dominance of one group and one way of understanding undocumented immigration is being questioned--thus opening the terrain for alternative cosmologies and different ways of viewing social life along the U.S./Mexican border. The production of border music is not an autonomous process. The cultural context is a critical component (Kerman, 1985; Kramer, 1991; McClary, 1991).

Los Tigres Del Norte's political *corridos* function as an oppositional practice to the social and political implications of *fronteras*. They also represents a shared struggle and is a critical component in the construction of a collective subject. Such a collectivity is characterized by an involvement in the recognition of the racial and cultural politics of becoming American. The dialectics of becoming American is a constant reoccurring theme in the music of *Los Tigres Del Norte*. Their music is an invitation to identify and feel the displacement of othering characteristic American immigration and border politics. The brilliance of their magic rests in its ability to work collectively and apply the traditional *corrido* form⁹⁰ to critical social issues. These *corridos* negotiate what Adorno calls the culture industry.⁹¹ Considering the marketing success of these artists, having over 32 million albums sold, testifies to their longevity and insight in negotiating the politics of the music industry. They have overcome a power dynamic where the corporate machine often attempts to exert control over artist's creativity.

H.S. Bennett's study on the production of music, "On Becoming a Rock Musician," illustrates the important factors that contribute to becoming a successful band or in this case a *conjunto*. Bennett argues that the band or group is a social unit and their commitment to the

90 Scholars have agreed on the historical origins of the Corrido to date back to the mid 1800s where corridos were used to articulate the political and cultural anxieties associated with the US/Mexican war and Anglo American law.

91 This corporate control argument refers to equating popular music to any other manufactured good where products are rationalized and organized for the needs of the market in order to maximize profit. Adorno along with Max Horkheimer in examining the culture industry compared it to the Ford Mode of Production where it is argued to exist an organized and structured "assembly line" referring to the "synthetic, planned method, of turning out its products" Adorno and Horkheimer (1979, p. 163).

group has an additional meaning other than simply coming together to produce music. There is a specific code of conduct, common level of commitment and shared beliefs (Bennett, 1980). *Los Tigres Del Norte* would not have been able to function so effectively had they not had their own political codes and commitments. As Jorge Hernandez suggests part of their values were to collectively document the tragedies, heroism, and social issues informing, shaping, and affecting a community of people often forced to live in the shadows of U.S. society. When this community of people was brought into the forefront, by *Los Tigres Del Norte* it was done in such a way as to open a fair public discussion on the crimes associated with uncontrolled immigration. Uncontrolled and undocumented immigration became a descriptive and identifying term for a specific type of crime linked to the Latina/o community in the United States.

The discourse on undocumented immigration in the United States relied on the signifier of the illegal alien to connote complex and contradictory social themes (as discussed in previous chapters) linked to the sovereignty of the State and the crisis of U.S. society in the twenty first century. This particular type of discursive practice involved new combinations of discourses, and a multiplicity of texts aimed at producing and attempting to fix the meaning of Latina/o crime in the United States. For example, during the 1980s, television (as an influential semiotic form) combined the language and images of undocumented immigration illustrating a multi-semiotic text at play in an attempt to shape the meaning of undocumented immigration in the United States (Chavez, 2001).

Similarly, metaphors, and images of undocumented immigration in popular culture can be found in the articles of magazines as well as the front cover of magazines which had employed diagrams, drawings, and photographs to reflect the national mood on immigration (Chavez, 2001),(Santa Anna, 2002). Much like the public polls on immigration discussed in Chapter one and two, surveys themselves reflect a particular argument. These polls are employed with powerful anti-immigrant language (e.g., senators using these polls in congressional hearings) and problematic television programs. This is how these written texts became multi-semiotic texts and demonstrate the complex social and cultural construction of Latinity in the United States.

Conclusion

Latina/o Consciousness: Americanness and Latinity in the 21st Century

The effectiveness of Border songs such as *Somos Más Americanos* lie in their capacity to interrogate and re-signify a powerful signifying set of terms such as American and illegal, and to broaden the exclusive definitions and social applications of who is considered American. In the process the songs help explain why certain groups are routinely perceived as un-American and alien to the Nation-State. The production and dissemination of music engaging this social process of demarcating difference captures a social and cultural rift within a segment of the population who have an alternative way of defining Latinity. The power and effect of songs is captured by the work of Frith as he notes, “in songs, words are the signs of voice. A song is always a performance and a song’s words are always spoken out-vehicles for the voice” (Frith 1983, pp. 35) Language is carefully and eloquently employed by *Los Tigres Del Norte* in order for their audience to decipher the range of possible meanings of the term America.

Somos Más Americano (as well as the other songs discussed) as a cultural text is reconstructed by the audience (which can also be further evidenced with the clothing, body movements, and their own established behavior) to register a sense of distance from or opposition to the forms of alienation, state surveillance (e.g., INS raids, driver license checkpoints), political, and social repression Latina/os experience. In terms of theorizing subculture and its formation, this particular form of music is not what Laing would suggest to provide the significant preconditions for a subculture to form (Laing, 1985). This type of music does not provide the impetus for groupings.

More applicable, it is what Bakhtin documents in the analysis of language and in this case thinking how words embedded with powerful meaning such as the terms alien and illegal are constructed and interact to create difference that function as the context which shapes the text. Bakhtin argues that difference is needed because meaning can only be constructed through a dialogue with the other (Bakhtin, 1994). Of course, that dialogue can and has taken place in the court of law resulting in critical legislative measures marking racial difference by defining the boundary of whiteness (e.g., Naturalization Act of 1790).

Yet there is another important element operating here that has the power⁹² to mark, assign, and classify. This is the cultural terrain of Americanness. Americanness is that geopolitical process that has the power to essentialize, represent, and signify a group in a subordinate way. *Somos Más Americanos* at the level of culture and ideology is engaged in a struggle over meaning of Latinity. It questions the stereotyping practice of representing all Mexican-Americans as foreigners and therefore un-American. This form of representational practice, stereotyping Mexican Americans as delinquent, is a powerful signifying practice central to the representation of racial difference. This practice was investigated in Ch.1 and Ch.2 where businessmen, congressional officials, community organizations, and INS officials--all engaged in these signifying practices. The struggle over representation highlights the importance of cultural politics because, as Finnegan has noted, the limits of mass cultural theory are that it treats individual consumers as passive and incompetent people unable to generate any creativity (Finnegan, 1989). Latina/os have always been creative and politically active. Engaging US/Mexico's Borderlands music forces us to rethink what a strategic political front may look like. We must examine the realm of culture to understand what Latina/o consciousness may be and what this means to the evolving process of Latinity in the 21st century.

⁹² Power cannot completely be understood in terms of economic exploitation or physical coercion. It is more complex and involves other forces.

Dissertation's Conclusion

The debates over US Latina/o immigrants, Latino/a immigration, and notions of illegality during the span of the 1980s and 1990s were interwoven with cultural ideas of nationhood. The dissertation examined an evolving form of hegemonic racial meanings embedded in US Court decisions, the mass media, and the State's application of immigration policy. It documented the historical and the body of evolving discourses on US Latina/o immigration since the demise of the Welfare State. Throughout my study, I explained how different modalities of power (Stuart Hall 1988) within the United States such as culture, language and legislation, culminated in an increase of coercive state capacities that intersected and often contradicted each other in distinctive patterns. Through this examination, the dissertation aimed to understand how the State attempted to control labor. During the decade of the 1980s, Reaganism (a new political right movement in the US) unleashed its coercive ideological processes in its attempt to bind an emerging multicultural society through a network of words, images, and meanings around Latina/o illegality and to structure an internal coherence on the cultural and racial differences of the nation through a re-articulation of American exceptionalism and nationalism.

The dissertation also focused on how new expanded conceptions of transnational American identity were produced within the realm of sonic culture and Chicana/o subjectivity. The genealogy of *corridos* and *norteños* demonstrated an opposition towards U.S. nationalism and the politics of exclusion. Border ballads from musicians such as *Los Tigres Del Norte* and Flaco Jimenez, represented a form of local history from the subaltern side of coloniality. This form of sonic culture offered a trans-border awareness about the politics of the U.S./Mexico borderlands and the themes surrounding immigration reform.

Last, the dissertation argued that *norteños* were significant cultural forms to study because they provided an alternative way of thinking about US immigration, immigration policy, and immigrants. Musicians such as *Los Tigres Del Norte* and Flaco Jimenez used border ballads to challenge the dominant image of the U.S. nation and the North American version of American identity. The musicians themselves formed a part of Chicana/o subjectivity and they exemplified in their border songs the rich history of the US Latina/o community in the borderlands and their unique culture and sonic forms of collectivity, often challenging the State's signifying process that linked illegality with *Latinidad*.

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