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Articulations of National Membership on Debates about the DREAM Act and the AgJOBS Act

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**ARTICULATIONS OF NATIONAL MEMBERSHIP IN DEBATES ABOUT THE  
DREAM ACT AND THE AGJOBS ACT**

A THESIS SUBMITTED TO THE DEPARTMENT OF SOCIOLOGY IN CANDIDACY FOR  
THE DEGREE OF BACHELOR OF ARTS

BY  
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## **ARTICULATIONS OF NATIONAL MEMBERSHIP IN DEBATES ABOUT THE DREAM ACT AND THE AGJOBS ACT**

### **ABSTRACT**

How is legal membership framed by American political elites? I address this question through a comparative analysis on debates surrounding the Development, Relief, and Education for Alien Minors (DREAM) Act and the Agricultural Job Opportunities, Benefits and Security (AgJOBS) Act. I define framing legal membership as the conception and articulation of national membership through the law. Literature has stressed three types of ideologies framing citizenship in the United States: republican membership, liberal membership and ‘ascriptive Americanism’. However, there are other ideologies that come into play when it comes to framing who deserves to be a legal member of the United States. I examine the importance cultural, economic, and national security arguments in making the case for undocumented migrants’ access to legal status based on data sets of Congressional hearings on the DREAM Act and the AgJOBS Act. I argue that Dreamers are constructed as deserving of citizenship because they are already part of American society and they need to unleash their full potential while AgJOBS’ beneficiaries are constructed as deserving of citizenship because American society needs their labor. I show this by demonstrating how Dreamers are framed as culturally American, patriotic and contributing to cultural diversity. Secondly, I discuss how market citizenship is racialized in discussions about the AgJOBS Act. Lastly, I show how under the DREAM Act, presence is not seen as a crime because Dreamers did not chose to come to the US, and how food production becomes a matter of national security in the AgJOBS Act. By analyzing two different types of immigrant populations – undocumented youth who will gain permanent residence through the military or education and undocumented farmworkers – I contribute to an understanding of current trends on boundary-making based on national membership through immigration law.

These determined and dedicated young people need the chance to become productive members of our society. They never had a choice in their situation. Yet, our law blames them for it and makes them pay a heavy price.

– Zoe Lofgren (D-CA), US Congressional Hearing, 2007, 2

But we also need a solution that provides farmers with the ability to transform their current workforce into a tax-paying, English-speaking, legal workforce... Failing to act is both a food security threat and an economic security hazard.

– Chuck Schumer (D-NY), US Congressional Hearing, 2011, 3

These two opening remarks, the first one from a hearing on undocumented students and the second one from a hearing on agricultural labor shortages, illustrate the way in which politicians articulate legal membership through the law. The first one frames immigrants as deserving of legal membership because they did not decide to come to this nation and if they are granted citizenship, immigrants will be able to further contribute to American society. The second statement frames citizenship as necessary for the security of the nation and, most importantly, for the economic prosperity of American society. While the former statement is on debates surrounding the Development, Relief, and Education for Alien Minors (DREAM) Act, the latter statement is on debates about the Agricultural Job Opportunities, Benefits and Security (AgJOBS) Act.

These two pieces of legislation have very specific guidelines under which immigrants can gain legal status. The AgJOBS Act was introduced to Congress in 2001 and, if passed, will allow undocumented farmworkers and their immediate families to obtain permanent residence based on work time (Kerwin 2010). About 500,000 undocumented workers – representing less than four percent of the undocumented population – would be eligible to apply for permanent residence under the AgJOBS Act (Levine 2009). The DREAM Act was introduced to Congress in 2001 and, if passed, will allow undocumented youth to obtain permanent residence if they attend college or the military for at least 2 years (Olivas 2012). Approximately 2.1 million

undocumented youth, representing 17.5 percent of the undocumented population, would be eligible to apply for permanent residence under the DREAM Act (Batalova and McHugh 2010: 1).<sup>1</sup> Debates in Congress surrounding these two pieces of legislation offer a political space where conceptions of national membership are articulated.

I focus my analysis on the framing of legal membership in debates surrounding the AgJOBS Act and the DREAM Act in Congressional hearings. I define framing legal membership as the conception and articulation of national membership through the law. Framing of immigrant populations are used to base arguments put forth for or against a piece of immigration legislation, since it explains the passage of a piece of legislation because politicians use it to generate support for certain immigration policies. Through a comparative analysis of Congressional debates surrounding these two pieces of legislation, I found that Dreamers are constructed as deserving of citizenship because they are already part of American society and they need to unleash their full potential while AgJOBS' beneficiaries are constructed as deserving of citizenship because American society needs their labor. I show this by demonstrating how Dreamers are framed as culturally American, patriotic and contributing to cultural diversity. Secondly, I discuss how market citizenship is racialized in discussions about the AgJOBS Act.<sup>2</sup> Lastly, I show how under the DREAM Act, presence is not seen as a crime because Dreamers did not chose to come to the US and how food production promotes public safety and national security.

My analysis is based on Newton's (2008) argument that there is a positive and negative construction of immigration and on literature that focuses on framing citizenship as cultural, market-based and national security. I found that each of these three different kinds of ideologies has a positive and a negative construction that varies based on the target population that is

discussed. In this research, I will focus on the positive construction.

I will first discuss the history of immigration legislation and situate these two pieces of legislation in the broader context of immigration policy. I will then explore the literature on framing and citizenship. I detail the framing of the DREAM Act and the AgJOBS Act by first discussing the DREAM Act's frame, focusing on cultural citizenship and the economic aspects of this frame. I will then discuss the AgJOBS Act's frame, based on the labor supply that only immigrants are willing to supply, followed by a discussion of the racial aspects of this frame. Lastly, I will discuss the national security frame used in both of these legislations. By analyzing two different types of immigrant populations – undocumented youth who will gain permanent residence through the military or education and undocumented farmworkers – I contribute to an understanding of current trends on boundary-making based on national membership through immigration law.

## **II. LITERATURE REVIEW**

### **Frames and Social Constructions**

Political discourse on immigration uses different frames to argue why each population deserves permanent residence. A frame is a systematic articulation of a particular problem, created by the selection of certain aspects of a problem to make them more noticeable than others (Vliegthart and Van Zoonen's 2011; Lakoff 2002). According to Lakoff and Ferguson (2006), "framing is at the center of the recent immigration debate" (1). Elites use framing to construct immigration as a problem and consequently, framing forms the basis upon which politicians debate immigration legislation. Hence, framing legal membership is based on *social constructions* of immigrant populations. Social constructions of a target population are socially mandated representations and cultural images of groups implicated in policy. Schneider and



Ingram (1993) state that social constructions of a target population are characterized first, by a shared understanding of characteristics attributed to that the population, and secondly, by ascribing “valence-oriented values, symbols, and images to the characteristics” (335). As such, politicians and mass media socially construct immigrants as both as deserving and undeserving.

Some literature has focused on valence-oriented social construction of immigration frames, in both positive and negative terms (Newton 2008). Newton’s (2008) research, based on Schneider and Ingram’s theory of the social construction of target populations, uses narrative policy analysis to analyze the Immigration Reform and Control Act (IRCA) in 1986 and the Illegal Immigration Reform and Immigrant Responsibility Act (IRRIRA) in 1996. The former legislation implemented employer sanctions and offered a path to legalization to almost 3 million people; the latter increased border enforcement and limited non-citizens’ access to public benefits. Newton argues that the social construction of immigrants in these pieces of legislation is both positive – as hard-working, law abiding, and family-centered – and negative – as lawbreakers, welfare-recipients, job-takers, and inassimilable to the United States. Furthermore, politicians use these social constructions to generate support for certain immigration policies. Newton asserts that the discursive formation of immigrant populations is part of what explains the passing of a piece of legislation. In Congress, social constructions of immigrant populations are used to base arguments put forth for or against a piece of immigration legislation. While Newton (2008) focuses on how the positive and negative social constructions of immigrants are used in Congress, I focus on how these constructions intersect with broader citizenship frames.

### **Traditional Frames: Republican, Liberal and Ascriptive Americanism**

How is citizenship framed? Literature has focused on the way national belonging is articulated based on domestic dynamics. Research suggests that three types of ideologies have

historically framed the meaning of American identity (Smith 1993; Schildkraut 2007). Republican membership is based on citizens' responsibilities and obligations, rather than the rights of citizens. This ideology defines ideal citizenship as one where everyone should "be involved in social and political life and pursue ends that serve the public good" (Schildkraut 2007: 599). As such, the most important aspect of membership is the relationship between the individual and the political community. Secondly, liberal membership is based on the fundamental equality among all citizens irrespective of race, class or gender (Smith 1993, Schildkraut 2007). The US has been portrayed as the epitome of a liberal democracy, characterized by "government by popular consent with respect for the equal rights of all" (Smith 1993: 549).

Lastly, 'ascriptive Americanism' is based on ethnocultural and racial characteristics such as speaking English and having light skin color (Smith 1993; Gerstle 2001). Many of America's history of immigration has been characterized by the belief that America "ought to maximize the opportunities for its 'racial superiors' and limit those of its 'racial inferiors'" (Gerstle 2001: 9). In this way, national origins or ethnicity has been used as a proxy for racial hierarchies. For example, in 1882, the Chinese Exclusion Act was passed, which barred Chinese from entering into the country and gaining citizenship. As Smith (1993) asserts, "for over 80% of US history, its laws declared most of the world's population to be ineligible for full American citizenship solely because of their race, original nationality, or gender" (549). According to this literature, arguments in Congress about legal membership should be very similar and related to ideologies based on liberalism, republicanism, and/or ascriptivism. Yet, scholars have identified more recent constructions of American identity: cultural citizenship, market citizenship, and national security frame.

### **Loyalty and Patriotism: Cultural Citizenship**

One frame focuses on cultural citizenship, focusing on assessing patriotic attachment to American culture and preferring the US to one's country of origin (Schildkraut 2002; Coutin 2003). This literature looks at the resurgence of cultural characteristics after 9/11 on the framing of legal membership. Schildkraut (2002) argues that 9/11 increased the importance of ascriptive Americanism among ordinary Americans but that political elites have promoted cultural diversity and incorporationism while retaining the culture of the country of origin (512). This way of understanding the meaning of American identity conceptualizes American society as consisting of individuals from many different nationalities where neither each of the different cultures are separated from each other, nor culture is eliminated. After 9/11, immigration became a matter of serious concerns and this multicultural tradition was called into question by the threat of a potential enemy within the US territory (517). This event revived ethnocultural conceptions of American identity and it was confronted with the growing acceptance of cultural diversity. Consequently, political elites have to focus on eliminating potential threats to security within the nation by assessing cultural loyalty to American society.

In a similar vein, Coutin (2003) argues that individuals are granted relief from deportation by measuring their incorporation into American culture, based on an analysis of deportation hearings. Judges promote an Anglosaxon model of citizenship as the ideal, indicated by celebrating mainstream US holidays, being socialized in US schools, speaking English, participating in 'typical' American leisure activities, and preferring the US over their countries of origin. The focus on these characteristics tried to blur multiculturalism in American society while any deviation from mainstream American culture was seen as a "lack of commitment to this nation" (84). In this case, American identity is based on assessing the full incorporation and

loyalty to mainstream American culture at the same time that individuals alienate themselves from their own culture and they had to downplay cultural diversity. Cultural citizenship focuses on individuals' assimilation to American culture, legal membership is based on wanting to be American, and evidencing this by being speaking English and being loyal to American society. According to this literature, arguments in Congress about legal membership should focus on the cultural practices of potential citizens without mentioning specific racial or ethnic groups (Schildkraut 2002; Coutin 2003).

### **Neoliberalism's Relationship with Membership: Market Citizenship**

Yet, there are other ideological references that come into play when it comes to framing who deserves to be a legal member of the United States. Some scholars suggest that with the rising importance of neoliberal ideologies, deservingness is based on market citizenship (Brodie 1997; Somers 2008). Market citizenship is characterized by the individual's potential to economically contribute to the nation because the focus is in the relationship between the market and citizens' responsibilities. Based on an analysis of Canadian politics, Brodie (1997) argues that in neoliberal states, the government's main role is to guarantee an unregulated market instead of supplying public goods to its citizens or ensuring democracy. In this way, market relations are the bases for citizenship rights and obligations, and citizenship is defined as an individual's actual and potential economic contribution to society. As Brodie (1997) states, "the neoliberal state rests on a radical redrawing of the boundaries among the public, the market and the domestic spheres. The new citizenship is based on an disembodied individualism, unattached to social structures, and is contingent upon participation in the waged economy" (239). In other words, in neoliberal states, citizenship is not based on the relationship between the individual and political community; it depends on the individual's participation in the economy.

In a similar vein, Somers (2008) argues that in liberal democratic societies the state's responsibility towards the well being of its citizens has been eroded by neoliberal ideologies. Based on a theoretical assessment of the state's response to Hurricane Katrina, Somers states that in a "market fundamentalist regime in which contractualization rules, it is precisely gainful employment that makes possible recognition by others –and with that, inclusion in a political, civil, and social community" (117). As such, the relationship that the individual has with the economy is the one that granted him or her membership into the other non-economic realms of a neoliberal society. With the rise of neoliberalism and its penetration into the relationship between the state and its citizens, "citizens are converted into quantities and qualities of human capital" in which their membership rests on their potential to contribute to the market (41). Market citizenship focuses on how neoliberalism affected the ideological foundations of citizenship by increasing the importance of the individuals' relationship with the economy. According to this scholarship, framing legal membership in Congress should focus on the economic potential of citizens (Brodie 1997; Somers 2008).

### **Post 9/11 National Security Frame**

Other literature focuses on how immigration is socially constructed as a national security issue and how immigration is correlated with criminality (Akram & Johnson 2003; Inda 2006). The connection between national security and immigration was heightened after 9/11 because this event increased the fear of foreign threats. Akram & Johnson (2003) examine the racial profiling of Arabs and Muslims after 9/11 and argue that the "federal government's response to the events of September 11 reveals much about the relationship between immigration and civil rights" (355). The authors argue that after 9/11, nation-states' right to national security became more important than citizenship rights. Consequently, undocumented immigration was linked to

the potential of terrorist attacks, and it gained prominence as potential threat to the integrity of the nation.

According to this literature, immigration is framed as threatening the security of the nation and immigrants are framed as criminals. In this vein, Inda (2006) argues that immigrants have been socially constructed as threats to the stability of the nation by regarding them as immoral, irresponsible and unethical subjects. Drawing from Foucault's concept of government power, the author argues that in the post-social state, characterized by the retrenchment of state support, illegal immigrants – usually racialized as Mexicans – have been constructed by social scientists, government officials, policy analysts and immigration reform organizations, as “imprudent, unethical subjects incapable of exercising responsible self-government and thus as threats to the overall well-being of the social body” (177). Undocumented migrants are socially constructed as criminals, job takers, and welfare dependents. After 9/11, legal membership was correlated with making the country safe by focusing on surveying individuals casted as potential threats. According to this scholarship, arguments in Congress should frame legal membership as not posing a threat to national security and immigrants should be framed law-abiding citizens (Akram & Johnson 2003; Inda 2006).

Newton (2008) focuses on the positive and negative social construction of immigrant populations over a ten-year span, but the author does not discuss the social, economic, and political contexts under which these social constructions are more prevalent. I will focus on the *intersection* of the positive social construction of each of the frames (cultural, market and national security) on immigrant populations, and I analyze how they vary depending on the type of immigrant population being addressed. I do this by examining the framing of legal membership by politicians, civil society organizations, and experts in debates about the DREAM

Act and the AgJOBS Act in Congressional hearings. I will briefly review the history of American immigration policies from early twentieth century to the present to provide background on the legal precedents to the DREAM Act and AgJOBS Act.

### **III. BRIEF HISTORICAL OVERVIEW OF US IMMIGRATION POLICIES**

Immigration policy has historically determined which groups could join the legal fabric of the US and which ones could not. As such, immigration policy has filtered who is considered a desirable member and who should be excluded. Over the last fifty decades the US has expanded its immigration policies by including more people in the nation, but there still are legal barriers that determine who belongs and who does not belong to the nation (Zolberg 2006). The first exclusionary immigration law based on nationality was the Chinese Exclusion Act. This legislation was enacted in 1882, and it excluded Chinese present in the US from becoming citizens and prevented future Chinese individuals from migrating to the US (Ngai 1999). The trend of limiting immigration to the US continued throughout the first half of the twentieth century.

The first legislation that severely limited immigrant populations was the 1924 National Origins Act. This act set annual quotas for each nationality at two percent of the number of persons of that nationality in the US as determined by the 1890 census (Zolberg 2006: 3). Explicitly, this law used nationality to allocate immigration quotas, but it implicitly favored European immigration and created a more racially homogeneous national population (Ngai 1999: 70). The National Origins Act continued until 1965 when the Hart-Celler Act was implemented (Zolberg 2006: 3). The Hart-Celler Act is based in a seven-category preference system that favors family reunification and disfavors national origin as a justification for legal membership, and it is the immigration system that is currently in use (Zolberg 2006: 4). After the passing of

this act, the immigration population grew in part because more families migrated to the United States, especially ones from Latin American and Asian countries. At the same time that immigration policy became liberalized in the sense that it did not have any explicit numerical restrictions based on nationality, it also became a matter of contentious political discussion in Congress.

In the last three decades, there have been several legalization programs in the US.<sup>3</sup> The most important one is the Immigration, Reform and Control Act (IRCA), passed in 1986. This legislation attempted to decrease undocumented migration by providing a path to permanent residence for a portion of the population, implementing an employment verification and sanctions program, and increasing border enforcement.<sup>4</sup> IRCA granted permanent residence to approximately 3 million undocumented migrants that have done agricultural work for at least 90 days as well as to Cubans and Haitians (Kerwin 2010:7). After this legalization program, the focus of the immigration debate continued center on undocumented migration.

Apart from national migration, immigration debates have also centered on national security. After 9/11, national security concerns in public discourse were heightened and, as a result, the government vowed to increase border security (Nevins 2010). After the attacks, prospects for immigration reform heavily decreased since there was a growing criminalization of immigration. After this event, the major way of approaching immigration was through restriction, border security, and internally and externally controlling the nation's territory.

In 2010, prospects for immigration reform were strong and two pieces of legislation were re-introduced as part of a broader reform: The DREAM Act and the AgJOBS Act. These two pieces of immigration legislation aim to grant permanent residence to a portion of the undocumented population.



### **The AgJOBS Act**

Originally proposed in 2001, this bill would provide certain undocumented farmworkers – as well as their immediate families – temporary legal status, also known as a “blue card” if they have performed agricultural work for 150 days or 863 hours for the previous two years or if they have earned at least \$7,500 from doing agricultural work (Rosenblum et al. 2011: 3). Potential beneficiaries would have to apply within a certain period of time and could not have been convicted for certain crimes (Rosenblum et al. 2011: 6). After obtaining a blue card, farmworkers would be able to obtain lawful permanent resident (LPR) status if they met the following criteria: 1) they conducted agricultural work between 100 and 150 days in each of the three to five years beginning on the date of the bill’s enactment; 2) they have records or documentation of employment; 3) they applied within seven years of enactment; and 4) they paid an \$500 dollar fine. An English requirement is not one of the LPR criteria, and obtaining permanent LPR status can be denied if there is knowledge of documentation fraud (Rosenblum et al. 2011:7).

Senator Dianne Feinstein (D-CA) and Representative Howard Berman (D-CA) are the main sponsors, and it has been introduced to the Senate several times since 2001. This legislation was set forth by a consensus among different political actors representing different interests. Key actors included in the legislation’s drafting include Larry Craig (R- ID) and Howard Berman (D-CA). In addition, over 400 growers associations, labor unions, and immigrant advocates have demonstrated support for this act (Gilbert 2005: 419).

### **The DREAM Act**

Similar to the AgJOBS Act, the DREAM Act was proposed in 2001, and it would provide conditional legal status to currently undocumented youth. To qualify for conditional legal status

individuals must meet the following criteria: 1) they entered the United States before age 16; 2) they have been continuously in the US for at least five years 3) they are under 35 years old; 4) they have a high school diploma or General Education Development diploma or have been admitted to an institution of higher education (Batalova & McHugh 2010: 1). In order for applicants to obtain LPR status, they have to obtain a degree from an institution of higher education, have been in an institution of higher education for at least two years, or have served in the military minimum for two years. They also have to demonstrate good moral character while in conditional legal status in order to eventually obtain LPR status (Batalova & McHugh 2010).

Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL) first introduced the DREAM Act to Congress in 2001. In 2010, the last time it was introduced, it passed the House, but it was 5 votes short to pass in the Senate (Olivas 2012). This legislation has bipartisan support, as well as support from different sectors of the state such as the Department of Education, the Armed Forces and the Department of Homeland Security for different specific interests pertaining to these bureaucracies. There is currently a program implemented by Obama as an executive order on June 15 2012 called Deferred Action for Childhood Arrivals (DACA) (Olivas 2012). The guidelines for DACA are very similar to the ones for the DREAM Act, the program will grant them relief from deportation and work permits to undocumented youth that have earned a high school degree and have not convicted a felony. The DREAM Act is a legislation that will provide a pathway for permanent residence to about 2.1 million undocumented youth (Batalova & McHugh 2010).

#### **IV. METHODOLOGY**

I chose to analyze the AgJOBS Act and the DREAM Act because they share key traits: they offer a pathway to permanent residence for undocumented migrants – a necessary step to

attain citizenship through naturalization – and they present ideas about who should legally be permitted to participate as a member. The AgJOBS Act and the DREAM Act have very specific guidelines that aim at granting permanent residence to a section of the undocumented population.

I use narrative policy analysis to explore the similarities and differences in the framing of legal membership in congressional hearings about the DREAM Act and the AgJOBS Act.

Narrative policy analysis refers to the systematic identification of themes and patterns in the discursive representation of a given issue (Newton 2008: 37). Congressional hearings are instances where politicians, experts, civic organizations and members of the public express their values, goals, and testify about a given issue to deliberately defend their arguments in favor or against a given policy (Newton 2008: 36). By using narrative policy analysis of Congressional debates about the AgJOBS Act and the DREAM Act, my analysis aims to shed light on the articulation of national membership through the law made by politicians, business organizations, ethnic-based organizations, and civil society organizations.

I accessed Congressional hearings online through *ProQuest Congressional*. I coded each one of the hearings based on indicators of the previously described frameworks, which are reproduced in Table 1. In this way, I mapped out the similarities and differences on the framing of legal membership through the law in debates about the DREAM Act and the AgJOBS Act.

<b>Table 1. Codes used for hearings on the DREAM Act and the AgJOBS Act</b>					
Republicanism	Ascriptive Citizenship	Liberalism	Cultural Citizenship	Market Citizenship	National Security Frame
- Participating in community service - Knowing about American politics	- Specific ethnic/racial groups - Having European ancestors - Being Christian	- Hard workers - Freedom - Democracy	- American Dream - Speaking English - Not knowing anything about the country of origin - Bilingualism	- Jobtakers - Doing the jobs that Americans do not want - Workers Exploitation	- Decriminalization - Terrorism - Border security - Rule of law - Innocence

For each piece of legislation, I searched for hearings that contained the names of the previously mentioned immigration acts in their titles. The number of hearings for each piece of legislation widely varied: there are five hearings surrounding the DREAM Act, and seventeen surrounding the AgJOBS Act. I chose two hearings for the DREAM Act and two hearings for the AgJOBS Act. I selected every other hearing, starting with the most recent one. I analyzed which the actors involved in each hearing (civil society organizations, republicans, democrats, interest groups, professors), their political stance on the legislation, and the argument for each piece of legislation. I will discuss the civil society and politicians who participated in the hearings I analyzed.

### **Hearings on the AgJOBS Act**

I analyzed two hearings for the AgJOBS Act: America's Agricultural Labor Crisis and Regional Perspectives on Agricultural Guestworkers. The focus of the former was discussing solutions for the agricultural labor crisis in the US. The focus of the latter was on focusing on the states that have been more affected by the agricultural labor shortage, such as California, North Carolina and Georgia. The opening statements, witnesses and material submitted from politicians and civil society to the hearing America's Agricultural Labor Crisis are reproduced in table 2 (page 16-17), and the same information for the hearing Regional Perspectives on Agricultural Guestworkers is reproduced in table 3 (page 18).

The opening statements in the hearing Agricultural Labor Crisis were by a bipartisan group of politicians: Senator Leahy (D-VT), Feinstein (D-CA), Schumer (D-NY), Cornyn (R-TX), and Grassley (R-IA). Feinstein is one of the main proponents, and Schumer and Leahy are strong advocates for the AgJOBS Act. The Republican politicians – Cornyn and Grassley – are against the AgJOBS Act because, although they value increasing the agricultural labor pool, they

do not approve granting a pathway to citizenship for undocumented farmworkers. In the hearing on Regional Perspectives on Agricultural Guestworkers, the opening statements are by members of the Committee on Immigration Policy and Enforcement. Their main focus is on ensuring that the security of the nation is protected under any kind of policy. Gary Black, from the Georgia Department of Agriculture, testified in both of the hearings. Black has been a great advocate around issues of immigration and agricultural labor. Although he supports a guestworker program, he does not support the AgJOBS Act because it will eventually grant permanent residence to undocumented farmworkers.

Agricultural Growers' and Farm Associations were the main witnesses in both of the hearings. The North Carolina Growers Association, the Western Growers Association, and the Farm Credit East were among the witnesses in the hearings. Although the North Carolina Growers Association opposes the AgJOBS Act, it does support immigration program that

<b>Table 2. America's Agricultural Labor Crisis: Enacting A Practical Solution Hearing</b>		
Date: October 4, 2011		
Hearing before the Subcommittee on Immigration, Refugees and Border Security of the Committee on the Judiciary, United States Senate, 112 <sup>th</sup> Congress, 1 <sup>st</sup> Session		
<i>Opening Statements</i>	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- John Cornyn (R-TX)</li> <li>- Dianne Feinstein (D-CA)</li> <li>- Chuck Grassley (R-IA)</li> <li>- Patrick J. Leahy (D-VT)</li> <li>- Chuck Schumer (D-NY)</li> </ul>
<i>Witnesses</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- Connie Horner, President Horner Farms Inc., Homerville, Georgia</li> <li>- Ronald D. Knutson, Professor Emeritus Professor, Texas A&amp;M University, College Station, Texas</li> <li>- Tom Nassif, President and Chief Executive Officer, Western Growers Association, Irvine, CA</li> <li>- Arturo S. Rodriguez, President United Farm Workers of America, Keene, CA</li> <li>- Eric A. Ruark, Director of Research, FAIR, WA, DC</li> <li>- Robert A. Smith, Senior Vice President, Farm Credit East, Cobleskill, NY</li> </ul>
	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Gary W. Black, Commissioner Georgia Department of Agriculture</li> </ul>
<i>Material Submitted</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- Dairylea Cooperative Inc., Syracuse, NY, letter</li> <li>- Dothaneagle.com article</li> <li>- Economic Policy Institute briefing</li> <li>- Farmworker Justice letter and report</li> <li>- Foremost Farms USA statement, Coop, Baraboo, Wisconsin</li> <li>- Bruce Goldstein statement, President Farmworker Justice, Washington, DC</li> </ul>

		<ul style="list-style-type: none"> <li>- Dairymen’s Association Idaho, Inc., Bob Naerebout, Executive Director, Twin Falls, Idaho</li> <li>- Carol House statement and Elizabeth Whitley, National Council of Agricultural Employers, WA, DC</li> <li>- Jerry Kozak, President and Chief Executive Officer and Randy Mooner Chairman, letter National Milk Producers Federation</li> <li>- Northeast Dairy Producers Association, Inc. fact sheet and letter, Fabius, NY</li> <li>- Tom Tracy Legislative Affairs Officer statement, Northwest Farm Credit Services</li> <li>- Reuters article, NY</li> <li>- Leon Berthiaume, General Manager St. Albans Cooperative Creamery letter, Vermont</li> <li>- Robert A. Smith statement, Senior Vice President, Farm Credit East, Cobleskill, NY</li> <li>- Timothy R. Harner letter, General Counsel, Upstate Niagara Cooperative Inc., NY</li> <li>- Daniel J. Wolf, Maple Lawn Farms Inc. letter, Lyons NY</li> </ul>
	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Department of Labor, Washington, DC, follow-up response and chart</li> <li>- United States District Court case, Southern District of Georgia, Waycross Division</li> </ul>

would bring more agricultural farmworkers to the US. In both of the hearings, the National Council of Agricultural Employers, submitted material supporting this legislation. The California Farm Bureau Federation – California’s largest farm organization – also participated in the hearings in favor of the AgJOBS Act. In addition, the Federation for American Immigration Reform, an anti-immigration organization opposing the AgJOBS Act, was a witness in the hearing America’s Agricultural Labor Crisis.

Furthermore, organizations that work around Latino and immigrant rights, representing farmworkers’ rights also participated in the hearings even though their participation was minimal. The Farmworker Justice, an organization that works around issues concerning the working conditions affecting farmworkers in the US, participated in the debates in favor of the AgJOBS Act.<sup>5</sup> In addition, the American Federation of Labor and Congress of Industrial Organizations – an influential trade union – and The United Farm Workers of America support the AgJOBS Act and participated in the hearings.

<b>Table 3. Regional Perspectives on Agricultural Guestworkers Hearing</b>		
Date: February 9, 2012		
Hearing before the Subcommittee on Immigration Policy and Enforcement of the Committee on the Judiciary, House of Representatives, 112 <sup>th</sup> Congress, 2 <sup>nd</sup> Session		
<i>Opening Statements</i>	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Chairman Subcommittee on Immigration Policy and Enforcement Elton Gallegly (R-CA)</li> <li>- Ranking member on Subcommittee on Immigration Policy and Enforcement Zoe Lofgren (D-CA)</li> <li>- Chairman Committee on the Judiciary Lamar Smith (R-TX)</li> </ul>
<i>Witnesses</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- Paul Wenger, President California Farm Bureau Federation</li> <li>- H. Lee Wicker, Deputy Director North Carolina Growers Association</li> <li>- Bruce Goldstein President Farmworker Justice, Washington DC</li> </ul>
	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Gary W. Black, Commissioner Georgia Department of Agriculture</li> </ul>
<i>Material Submitted</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- Technical report: "H-2A Temporary Agricultural Employee Program" submitted by Paul Wenger</li> <li>- Report: "No Way to Treat a Guest" submitted by Bruce Goldstein</li> <li>- Letter from Diego Santiago Reyes Margarita, Farm Labor Organizing Committee AFL-CIO</li> <li>- Statement of Robert L. Guenther, Senior Vice President, Public Policy United Fresh Produce Association</li> <li>- Brochure submitted by the National Council of Agricultural Employers</li> </ul>
	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Statement Doc Hastings (R- WA)</li> <li>- Report submitted by Gary W. Black, Commissioner Georgia Department of Agriculture</li> <li>- Statement Sam Farr (D- CA) submitted by Zoe Lofgren</li> <li>- Daniel Lungren (R-CA)</li> </ul>

### **Hearings on the DREAM Act**

I analyzed two hearings on the DREAM Act, the Development, Relief, and Education for Alien Minors and the Comprehensive Immigration Reform: the Future of Undocumented Students. The former is the first official hearing on the DREAM Act and it focused on the debates in favor and against the DREAM Act. The latter focused on the potential contributions of undocumented students to American society. The opening statements, witnesses and material submitted from politicians and civil society to the hearing the Development, Relief, and Education for Alien Minors are reproduced in table 4 (page 19) and the same information for the hearing Comprehensive Immigration Reform: the Future of Undocumented Students is reproduced in table 5 (page 20).

Both Republican and Democrat politicians make the opening statements in both of the hearings. The Democrats participating at the hearings in support of the DREAM Act were: Durbin (D-IL), Al Franken (D-MN), Schumer (D-NY), Lofgren (D-CA), Conyers (D-MI) and Leahy (D-VT). The Republicans participating in the hearings were John Cornyn and Steve King. While John Cornyn supports the DREAM Act as long as the center of immigration reform is immigration enforcement, Steve King opposes the DREAM Act. Furthermore, there is broad consensus in favor of the DREAM Act from different government branches since the Department of Homeland Security, the Department of Education, and the Department of Defense testified in favor of the DREAM Act.

<b>Table 4. The Development, Relief, and Education for Alien Minors Act Hearing</b>		
Date: June 28, 2011		
Hearing before the Subcommittee on Immigration, Refugees and Border Security of the Committee on the Judiciary, United States Senate, 112 <sup>th</sup> Congress		
<i>Opening Statements</i>	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Senator Richard Durbin (D-IL)</li> <li>- Senator John Cornyn (R-TX)</li> <li>- Senator Al Franken (D-MN)</li> <li>- Senator Charles Schumer (D-NY)</li> <li>- Senator Patrick Leahy (D-VT)</li> </ul>
<i>Witnesses</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- Steven A. Camarota, Director of Research, Center for Immigration Studies</li> <li>- Ola Kaso, DREAM Act student, Warren, Mich.</li> </ul>
	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Janet Napolitano, Secretary Department of Homeland Security</li> <li>- Arne Duncan, Secretary, Department of Education</li> <li>- Clifford L. Stanley, Undersecretary for Personnel and Readiness, Department of Defense</li> <li>- Margaret D. Stock, Lieut. Col., Military Police Corps, Army Reserve Command</li> </ul>
<i>Material Submitted</i>	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Statement by Senator Chuck Grassley (R-IA)</li> </ul>

Although civil society organizations working on immigration rights issues did not participate in the hearings, many undocumented students did testify in the hearings. The majority of the undocumented youth who testified have been major activists in the passing of the DREAM Act at the federal level. In the hearings, undocumented youth usually testify by sharing their immigration story and explaining how the lack of legal permanent residence hinders their



potential to contribute to American society. In addition, teachers and education policy analysts also testified in favor of the DREAM Act. Lastly, the Center for Immigration Studies, a conservative organization that has been predominantly been anti-immigration, also participated in the hearing.

<b>Table 5. Comprehensive Immigration Reform: The Future of Undocumented Students Hearing</b>		
Date: May 18, 2007		
Hearing before the Subcommittee on Immigration, Refugees and Border Security of the Committee on the Judiciary, United States Senate, 110 <sup>th</sup> Congress, 1 <sup>st</sup> Session		
<i>Opening Statements</i>	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Zoe Lofgren (D-CA)</li> <li>- Steve King (R-IA)</li> <li>- John Conyers Jr. (D-MI)</li> </ul>
<i>Witnesses</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- Ms. Marie Nazareth Gonzalez, Westminster College, Class of 2009</li> <li>- Martine Mwanj Kalaw, Hamilton College, Class of 2003</li> <li>- Tam Tran, UCLA, Class of 2006</li> <li>- Diana Furchgott-Roth, Senior Fellow and Director, Center for Employment Policy, Hudson Institute</li> <li>- Allan Cameron, Ph.D., retired High School Computer Science Teacher</li> <li>- Jamie P. Merisotis, President, Institute for Higher Education Policy</li> <li>- Kris W. Kobach, Ph.D., Professor of Law, University of Missouri-Kansas City School of Law</li> </ul>
<i>Material Submitted</i>	<i>Civil Society</i>	<ul style="list-style-type: none"> <li>- “AP Impact: Immigration raids split families,” by Monica Rhor, Associated Press Writer, March 11, 2007</li> <li>- Marie-Theresa Hernandez, Ph. D., Associate Professor, Department of Modern and Classical Languages, World Cultures and Literatures, University of Houston</li> <li>- “New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act”, by the Migration Policy Institute</li> </ul>
	<i>Politicians</i>	<ul style="list-style-type: none"> <li>- Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Member, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law</li> </ul>

By exploring the debates on legal membership around the DREAM Act and the AgJOBS Act, I analyzed articulations of national belonging and I outlined the frames used in framing citizenship.

## **V. DISCUSSION/ RESULTS**

### **The DREAM Act: Becoming Part of the Mosaic?**

In the DREAM Act, granting permanent residence is based on a set of mainstream American cultural characteristics. The debates also, paradoxically, focus on their contribution to

the nation's cultural diversity. Diversity is favored as a characteristic that will benefit the country and that the nation desires. However, the Dreamers have to prefer American culture from the culture from country of origin, and they have to learn English in order to become a legal part of the nation. Yet, cultural diversity is also included to assess national membership. In the DREAM Act diversity is highly valued as long as individuals pass the test of being American enough and as long as they are culturally assimilated to American society. This adds to the literature on cultural citizenship (Schildkraut 2002; Coutin 2003) by exploring the importance of patriotic attachment of potential beneficiaries and the diversity that they are bringing to the nation.

The Dreamers are socially constructed as a population that is desirable because it is culturally American. Cultural characteristics have always been a marker of differentiation within the US, and they serve as source of exclusion for certain groups that are perceived to diverge from mainstream American cultural norms. Light skin color is not the characteristic American political elites use to frame legal membership; instead, they use cultural characteristics to justify who should be a legal member. Cultural citizenship also dictates that showing patriotism and loyalty to the country is important in order to grant permanent residence. In the hearing titled the Future of Undocumented Students, three undocumented student activists testify in the hearing: Nazareth Gonzalez (Costa Rica), Martine Kalaw (DR of the Congo) and Tam Tran (born in Germany of Vietnamese parents).<sup>6</sup> Undocumented immigrants have to demonstrate allegiance to American culture and patriotism. The questions that Jackson Lee (Rep- TX), who supports the DREAM Act, asks Gonzalez clearly exemplify how cultural loyalty is the basis of granting permanent residence:

Ms. Jackson Lee (Rep-TX). *Do you feel a sense of loyalty and patriotism and pride about America?*

Ms. Gonzalez. *Oh, my goodness, yes, every 4<sup>th</sup> of July I stand up there, and cannot wait until the day that I am a citizen and can proudly say that I am.*

Ms. Jackson Lee. I have been to those ceremonies. They are emotional. The tears come to your eyes. Are you a teary person about patriotism and loyalty?

Ms. Gonzalez. I am very much.

Ms. Jackson Lee. You feel it in your heart?

Ms. Gonzalez. I do. Hard core. (US Congressional Hearing, 2007, 25, my italics)

In these bold statements, the focus is on the importance of showing firm and constant support for the United States. In this case, this is exemplified by eagerly waiting to become a legal citizen and in showing that one already practices mainstream American holidays. Furthermore, in this extreme case, Jackson Lee even makes an emotional connection with loyalty to the United States.

In addition, the DREAM Act is framed based on how this population, even though each one of them has different cultural heritages, has assimilated into mainstream American culture. Citizenship was framed based on the cultural characteristics of potential beneficiaries as indicated in their concerns about speaking English and having no cultural knowledge of their country of origin. The majority Dreamers have been in the US since childhood and have been socialized on American institutions. In another instance in the hearing previously mentioned, Jackson Lee continues to ask witnesses questions in ways that illustrate the acceptance of cultural diversity at the same time that they are culturally American:

Ms. JACKSON LEE (Rep-TX). I know the percentages of undocumented, many of them are children, *do you think in your generation anyone is against being Americanized and learning English?* Many of us have bills that have all these components. Is anyone against that? *Even if you are proud of your original heritage, are you against becoming an American and proud of being a part of that mosaic?*

Ms. GONZALEZ. I would say no, because most of the kids I mean have been born or have been raised, so I mean pretty much we kind of just automatically acquire it. I don't know.

Ms. JACKSON LEE. Happily so. And some of you are bilingual? Yes.

Ms. KALAW. When coming to America, or living here, there is a strong desire to be a part of the American culture and the American dream so, no, there is.

Ms. JACKSON LEE. *We don't have to be frightened of a divided America of immigrants wanting to be over in the corner over here, as opposed to being part of the wholeness of this country?* (US Congressional Hearing, 2007, 26, my italics).

This exchange between Jackson Lee, and DREAM Act eligible youth illustrates how legal membership is legitimized based on the morality and ethics of this population. The nation is symbolically constructed as a homogenous pool of individuals who, with all their differences, create a sense of belonging and identity formed by different pieces. This undocumented population will not tear the nation's social fabric; instead, they will become embedded into the nation's identity. The DREAM Act used a frame that was characterized by praising the cultural diversity of the population and by demonstrating that they could become part of the mosaic of American society. As such, the DREAM Act used a frame that was characterized by praising the cultural diversity of the population and by proving they could become part of the mosaic of American society.

The diversity that Dreamers provide to the nation is also talked about on the military. In the first official hearing on the DREAM Act, Ms. Stanley, representing the Department of Defense, testifies in favor of the DREAM Act. In the following example, a dialogue between Senator Leahy (D- VT) and Ms. Stanley, demonstrates how the DREAM Act is important for diversity in the armed forces:

SEN. LEAHY: You talk about the historical contribution that immigrants have made throughout history in our military, and without going into the area -- and you understand why -- I remember a person in our military who was an immigrant in an area of conflict in this country, and fortunately had language skills that were extremely helpful to others in the military and to our intelligence people. *And is that not another area -- I mean, you talked about diversity. Aren't we better off with diversity within our military, not just in race or place or origin, but languages and all the rest?*

MR. STANLEY: Yes, that's correct, Senator. *The issue of having language and cultural diversity within the military is very important.* And, in fact, just the other day we met with some combatant commanders who actually emphasized that need as we go into different geographical regions in the world. (US Congressional Hearing, 2011b, my italics)

Diversity within the military, both in country of origin and in different languages, will bring the US armed forces skills that are needed to accomplish its mission. In this way, by including the

population that would be eligible for the DREAM Act, since they are coming from different countries in the world, the armed forces would benefit because it would have a bigger pool of applicants that bring these characteristics. The Dreamers are humanized, legal membership is based on that they are culturally American, they speak English, and they are educated.

***The Need for Citizenship through Education and the Military***

The Dreamers' economic contribution remains an important frame for deserving legal status, but this contribution is based on their individual skills, educational achievements, and community services. Dreamers need citizenship because that will unleash their full economic potential through education and/or military service, and granting them citizenship will unleash their full economic potential, which will benefit the nation and undocumented youth. The Dreamers are judged based on the contributions that they will eventually give to the nation; their relationship with the market is mediated through their more important relationship with the state. Although literature on market citizenship determines that membership under a neoliberal economic system is articulated in relation to the market (Brodie 1997; Somers 2008), the way in which citizenship is framed in the DREAM Act differs in the form to the literature since Dreamers are constructed as economic beneficiaries through their human capital. Education and the armed forces are used as justification to grant undocumented youth residency in the country.

Membership is valued through the individual's potential to strengthen the economy. The contribution that this population can provide to the nation is based on their economic potential, with even an exact dollar estimate of their economic potential provided DREAM Act advocates.

Testifying in favor of the DREAM Act, Dianne Feinstein (D-CA) states:

*UCLA has just finished a study that says that undocumented youth who had obtained legal status under the DREAM Act could contribute an estimated \$1.4 trillion to the United States' economy over a 40-year period. That's pretty compelling evidence that these students work hard, that they care and that they want to be part of the American*

*Dream.* (US Congressional Hearing, 2011b, my italics)

Furthermore, their economic contribution is framed as the hard work that undocumented youth do and as a way to accomplish the American Dream. By passing this legislation, undocumented youth will be granted the opportunity to give everything they can to the nation; they will become the nation's next lawyers, doctors, or teachers.

Ms. Lofgren, a representative from California who supports the DREAM Act, states how it is in the best interests of the nation to pass the DREAM Act. Ms. Lofgren stated:

Furthermore, our Nation is faced with ever increasing economic competition from developed and developing nations. To effectively compete in an ever expanding global market, *we must ensure that we can continue to have the most educated workforce in the world. Whether in college or in the military, we must give all qualified young people the opportunity to contribute in ways that will keep America strong.* It is time for this Congress to recognize the compelling economic, moral, and humanitarian concerns by providing these undocumented young people a way to a bright future. (US Congressional Hearing, 2007, my italics)

In this case, DREAM Act beneficiaries will contribute to the strength of the nation through their education and eventual economic contribution to the nation. More importantly, the economic contributions of young people are discussed as the morally right thing to do. In this vein, not passing the DREAM Act is also framed as a loss of economic talent. Their high economic productivity makes them deserving of becoming a legal member.

### **The AgJOBS Act: Doing the Job that Americans Do Not Want to Do**

Although the DREAM Act and the AgJOBS Act are being discussed at the same time, the frameworks used to justify legal membership for both populations significantly diverge. While the DREAM Act uses more cultural frames for membership, the AgJOBS Act is focused on how individuals can attest their legal membership based on their labor. These findings support the literature on the centrality of market citizenship under neoliberal political systems (Brodie 1997; Somers 2008). Yet, potential beneficiaries of the AgJOBS Act are otherized; their existence is

important as long as it contributes economically to the nation, and it is important because American society needs them. Legal membership under the AgJOBS Act is framed in terms of their service to make the US economy grow. The economic potential that farmworkers can give to the nation with the passing of the AgJOBS Act is needed to make sure that Americans have the resources they need. If the act is not passed, agricultural workers will not give back to the nation. Market citizenship is racialized as farmworkers are constructed as deserving citizenship because they are doing the jobs no one else wants to do.

Politicians framed legal membership under the AgJOBS Act as market citizenship. Under market citizenship, the economic potential that an individual can bring to the nation is the justification to grant permanent residence. Sam Farr (D- CA) stated:

I believe that any immigration reform legislation must provide farmers, ranchers and agricultural producers with a stable and legal workforce... Yet California's farmers, who are responsible for billions of dollars of economic activity every year, continue to face significant barriers to find a legal and stable workforce. The ideal solution would be the rapid passage of legislation like AgJOBS. (US Congressional Hearing, 2012, 6)

The focus of the argument is on the potential economic benefits that immigrant labor can bring to farmers, ranchers, and agricultural producers. It is not that farm workers need citizenship but that agricultural producers need it in order to have a steady labor force.

Political actors that could be more prone to use humanitarian or moral claims about farmworkers rights because of their political stance also used this type of frame. Basing his argument about granting legal membership on the economic productivity of farmworkers, Bruce Goldstein, the Farmworker's Justice President, testified in a hearing about regional perspectives on agriculture in favor of the AgJOBS Act states:

*Farm workers are human beings, not imported commodities.* Our immigration system is not a set of trade rules; it reveals to the world our Nation's values. There are sensible policy solutions *to provide the Nation's agricultural sector with a stable, legal labor force, treat farm workers fairly, and ensure a safe food supply.* Congress should end

discrimination against farmworkers and labor laws, fund labor law enforcement to set a level playing field among employers, and *encourage employers to offer job terms that attract and retain productive farm workers*. Most importantly, Congress should provide current undocumented farm workers with an opportunity to earn permanent immigration status and the chance to pursue the American dream. (US Congressional Hearing, 2012, 138-139, my italics)

Although Goldstein tries to humanize farmworkers, the most viable frame for passing this legislation is market citizenship. Goldstein evidences this in the following statement: “More than one million undocumented farmworkers are making US agriculture productive... We need to *stabilize the workforce and keep agriculture productive* by allowing undocumented workers to obtain legal immigration status” (US Congressional Hearing, 2012, 146, my italics). Goldstein bases the justification for legal membership on the economic potential that farmworkers can give to the nation. Goldstein’s rationale is that by allowing undocumented workers legal membership, wages will go up and they will be able to give the agricultural workforce what is needed to produce the necessary food for Americans. There is discourse about how undocumented farmworkers are hard workers, but their work ethic is not the one that is used as justification to grant legal membership. Rather, their work ethic is used to point out that they will provide businesses with what they need to supply their labor demand. In other words, the AgJOBS Act will give the US a sufficient number of people to serve the interests of American businesses.

Furthermore, Americans do not do the labor that potential AgJOBS Act beneficiaries will provide to the nation. In this way, farmworkers are taking the job that no one else wants to do and because of that, their labor is important. As Chuck Schumer (D- NY), in favor of the AgJOBS ACT, stated:

American workers simply will not stay in these [agricultural] jobs for more than a few days. This is not an indictment of either the agricultural industry or the American worker. It is simply a statement of fact that *the average American will not engage in seasonal agricultural work* that requires them to move several times a year throughout the country and work 7 days per week in extreme heat and cold. *So who is stepping in to take these*



*jobs, these difficult seasonal agricultural jobs?* (US Congressional Hearing, 2011a, 2, my italics)

The answer that Schumer gives is, obviously, that labor immigrants, the majority of whom are undocumented, are the ones that do this type of work. His justification to grant permanent residence is based on establishing a stable and legal workforce for agricultural producers as well as using farmworkers' labor to strengthen the economic potential of the nation. Immigrant farmworkers are the ones that are doing the job that no other American wants to do. Therefore, since no one else wants to do the job, it is necessary to import this kind of labor. In the AgJOBS Act, market citizenship is the focus of the debate.

***Latinos as Farmworkers: the Racialization of Market Citizenship***

In Congressional hearings on the AgJOBS Act, market citizenship was often racialized. The cultural characteristics of agricultural workers were not at the center of framing legal membership rather, there was discussion about the national origin of the population that will be doing agricultural labor. Contrary to the DREAM Act, farmworkers' American-ness was not the focus of the debate but there was discussion about farmworkers' ethnicity. Contrary to the literature on cultural citizenship that emphasizes the lack of mention of specific racial or ethnic groups (Schildkraut 2002; Coutin 2003), in the AgJOBS Act, politicians construct Latinos as the prototypical farmworker and this ethnic group is seen as the one who will do the job. Latinos were conceived as the prototypical farmworker; there were references to Latinos, Mexicans and Hispanics as the potential beneficiaries of the AgJOBS Act; and Latinos were seen as hard workers and as the only group willing to do agricultural labor. The AgJOBS Act did not make references to the American cultural practices of potential beneficiaries.

The AgJOBS Act is framed as necessary to continue having a steady labor pool for farmers. As Connie Horner, the President of Horner Farms, stated in a hearing: "So where do we

go from here? American agriculture depends on skilled, dedicated foreign workers. Few Americans are interested in manual labor farm jobs. It is not about wages. It is about choices, and they choose not to pursue agricultural work” (US Congressional Hearing, 2011a, 28). Hence, the issue is that American workers have other job choices besides agricultural work and agricultural jobs are the least appealing to them. Americans do not want to do agricultural work and Latino immigrants are the ones that will do this job.

Labor demand is structured around growers’ demands and politicians support the growers’ interests. Dianne Feinstein (D-CA) explains why she supports the AgJOBS Act by describing the situation of farmers in the US as a labor crisis that forces growers to offshore their production. As evidenced in the ensuing statement (representative of similar claims that were made) Latinos are framed as the ideal farmworkers and as the only ones that can do that kind of job. Feinstein presents the views of the owner of Mel-Deling Dairy, a farm in Turlock, the following way: “[T]he family farm has been employing migrant labor for 20 years. Ray Sousa, owner of Mel-Deling Dairy, states, ‘I have not had a non-Hispanic want to do this work in 10 years. Once Americans get the job description, they lose interest real quick” (US Congressional Hearing, 2011a, 20). The focus of these debates is on the importance of doing the jobs that Americans do not want to do and Latinos are seen as the ones that will do this job because Latinos are seen as better workers than Americans. Another example of this racialization is illustrated in a survey submitted by Gary W. Black, who supports a temporary guest worker program but not a path to permanent residence for undocumented workers. In this survey, producers were asked to list the reasons why they had labor shortages, and their reasons were that Mexicans and/or Hispanics had to leave the state because of recently passed anti-immigration laws. Others mentioned that Americans and Blacks did not want the jobs or did not

do how to do them, but that there were not enough Hispanics to do fulfill the task (US Congressional Hearing, 2012, 243, 250). As part of the Congressional Record, Gary Black presented this data to clearly state the interests of the agricultural producers and, in doing so, he portrayed Latinos as the prototypical farmworker.

### **The DREAM Act and the AgJOBS Act: Ensuring the Country's Security**

#### ***Innocence and Lack of Threat in the DREAM Act***

Concerns about keeping the country safe from terrorist threats and from potential outside threats were expressed by actors in both the DREAM Act and the AgJOBS Act. Yet, for the AgJOBS Act, these concerns are based on the importance that food production has for national security. In the DREAM Act, national security concerns are based on the morality of Dreamers because they did not decide to come to the US and do not threaten national security. Their Americanness is also constructed as an absence of threat to national security. These research findings add to the literature on post 9/11 national security frames (Akram & Johnson 2003; Inda 2006) by exploring how certain immigration populations are de-constructed as criminals and not posing a threat to public safety.

Granting permanent residence under the DREAM Act is based on the premise that Dreamers innocently came to this country without documents; subsequently, they should not be punished. This population is decriminalized since committing a crime involves rationally deciding to do it because they did not choose to come to this country. For instance, Delahunt (D-MA), who is in favor of the DREAM Act, argues that children need a different judicial system from the one of their parents because they do not have the same responsibility in the decision process. As Delahunt states: “[C]hildren, particularly those who are incapable of forming an intent, deserve to be treated differently. They are children no matter where they come from” (US

Congressional Hearing 2007, 27). Since potential DREAM Act beneficiaries came to this country during their childhood, the decision to enter the US was out of their hands.

Innocence was framed as part of the decriminalizing efforts to grant citizenship to this population. In the hearing where three undocumented student activists testified in Congress, Linda Sanchez (D- CA), who is in favor of the DREAM Act, questions Gonzalez and Kalaw about their decision to come to the United States. The questions are the following:

Ms. SANCHEZ. Did any of you *decide one day that you were going to come here?*

Ms. GONZALEZ. I was five, so my parents told me we were taking a trip, and if we liked it we were going to try and stay. And that is what happened.

Ms. SANCHEZ. Anybody else have that?

Ms. KALAW. *No, I didn't have a say. I remember being a child, practically a toddler coming to the United States.*

...

Ms. SANCHEZ. Okay. *Clearly, you didn't wake up one day with a decision you were going to come to this country.* Do any of you feel like lawbreakers, that you personally are lawbreakers for having come to this country since you didn't really have say?

Ms. KALAW. I have never felt like a lawbreaker. (US Congressional Hearing, 2007, 27, my italics)

Undocumented students testifying in Congress had to confirm that they did not consciously decide to come to this country. Immigrants are socially constructed as potential lawbreakers; they are more prone to break the law and they have already “broken the law” by coming to the US without authorization. Yet, in the DREAM Act, eligible beneficiaries are not cast as lawbreakers because they did not decide to come to the US.

Not deciding to come to this country de-penalizes Dreamers from committing a crime and thus precludes them from being prosecuted for it. In this vein, the Secretary of the Department of Homeland Security (DHS), Janet Napolitano, argued that the DREAM Act would give DHS more resources to meet their national security interests. Napolitano testified in the first Congressional hearing about the DREAM Act and discussed with Senator Leahy the DREAM Act's benefits for DHS' mission:

Sen. LEAHY: If it [DREAM Act] was enacted, the steps that are being followed, would that free up some of your personnel in Homeland Security to go off and do what most of us would consider regular law-enforcement actions in identifying and removing criminal aliens?

Sec. NAPOLITANO: Yes, it would. And that is the whole point of having clear guidelines, clear priorities. But what we would urge the Congress to do is to take this group of *young people, who are no risk to public safety, no risk to security, who have no individual culpability*, and take them out of the universe of those against whom any enforcement action should be taken, *so that we can focus on others who are more serious risks to our nation.* (US Congressional Hearing, 2011b, my italics)

By freeing the DHS from its responsibility of apprehending these individuals, it would give the department more resources to remove undocumented migrants that do pose a risk to the US and that are deemed as criminals. To paraphrase Napolitano, granting permanent residence makes the nation's security more efficient by eliminating a large share of the immigrant population from the potential pool of national security threats. The DREAM Act was framed as the necessary step to liberate DHS' resources to go to the people that are considered real criminals. In this way, DREAM Act beneficiaries are not socially constructed as criminals or lawbreakers by political elites in favor of the DREAM Act in Congress. Their lack of culpability in coming to this country does not pose a threat to national security or to the nation in general.

### ***The Securitization of Food Production***

In a different way, the AgJOBS Act was framed as necessary to conserve the security that American citizens need. The potential beneficiaries under the AgJOBS Act were not framed as posing a threat to national security. The debate surrounding national security was not determined in figuring out whether or not they posed a direct threat to public safety. Instead, passing the AgJOBS Act was framed as being important for the security of the US, but not for the security of laborers who would benefit from this act. These findings contribute to literature on national security frames (Akram & Johnson 2003; Inda 2006) by examining how food production, not only immigration, was constructed as a matter of national security.

Arguments against the AgJOBS Act framed the act as not serving national security interests. The focus is on how food is an issue of national security. As Gary Black, from the Georgia Department of Agriculture, expressed:

I am seeing citizens of Georgia every day becoming more engaged in the fact that food production is an important component of national security as anything else we do. They also recognize that we have had some challenges with our energy production and where that is coming from, and they do not want that to happen with our food. (US Congressional Hearing, 2011a, 20)

Although specifically talking about the case of Georgia, granting legal membership to undocumented farmworkers is framed as an important aspect of US national security because their labor ensures Americans meet their basic needs. In this way, Mr. Black continues on to argue that Congress should not pass the AgJOBS Act, but that it should create a guest worker program to supply agricultural labor.

Another example of a legislation hearing points to grant farmworkers permanent residence because it would enhance the economy and security of food production:

Make no mistake, to lose the ability to feed our Nation and depend upon foreign-produced food is a national security issue... I urge you to craft a solution that provides farmers and ranchers with a solution that is economically practical, one that addresses the impact of our past inability to resolve this problem and recognizes the value of the people who work for us and feed our Nation. (US Congressional Hearing, 2012, 80)

In this case, the focus was on the importance that passing this legislation will have for the economic sustainability of the nation and on how this will help national security interests because it will prioritize the basic needs of the American population. Agricultural labor is crucial to maintain national security in the US. In this way, an individual's labor is most important for national security concerns, and this serves as an important basis to grant legal membership. Consequently, food production was constructed as an issue of national security on debates about the AgJOBS Act.

## **SOCIOLOGICAL IMPLICATIONS**

In an era where neoliberal policies permeate the jurisdiction of nation-states, countries cannot always decide their economic structures, and goods and resources can move relatively freely across borders. These economic changes and enhanced international mobility make immigration law a political space of contested territory. Globalization challenges the sovereignty of the nation-state because it questions its ability to control certain policy areas. As Dauvergne (2008) argues, immigration law is “the last bastion of sovereignty” because the state does not perceive to control other policy initiatives, such as economic exchange (141). Consequently, in liberal democratic societies, becoming a naturalized citizen is a fairly easy process compared to migrating legally to the country. Thus, deciding who has the right to become a permanent resident filters who is deemed a desirable member of the national polity by determining who will eventually become a citizen. By deciding what groups should be granted permanent residence and which ones should not, the state can survey the immigrant population in the name of national security. I speculate that neoliberalism’s effect in national discourse intersected with the 9/11 event to place importance on accepting subjects that are deemed secure and culturally American, and who will contribute to the national economy.

## **CONCLUSION**

Through a comparative analysis of Congressional debates surrounding these two pieces of legislation, I argued that Dreamers are constructed as deserving of citizenship because they are already part of American society who need to unleash their full potential through legal membership while AgJOBS’ beneficiaries are constructed as deserving of citizenship because American society needs their labor. I showed this by demonstrating how Dreamers are framed as culturally American, patriotic, and beneficial to cultural diversity. Secondly, I discussed how

market citizenship is racialized in discussions about the AgJOBS Act. Lastly, I showed how under the DREAM Act, presence is not seen as a crime because Dreamers did not choose to cross the US border without authorization. For the AgJOBS Act, food production promotes public safety and national security. In this way, I contribute to literature on the meaning of American identity by going beyond the usual conceptualizations – republican, liberal and ascriptive – and focusing on more recent developments: cultural diversity, market citizenship and national security. This expands the scholarly understanding of American identity vis-à-vis immigration law and the socio-historical understanding of American immigration politics by focusing on how neoliberal economic pressures and foreign policy have affected national discourses on membership.

These discourses continue to evolve and broaden their scope to cover a larger portion of the undocumented population. The most recent immigration reform plan was unveiled in April 2013 by a bipartisan group of senators. This plan aims to grant a pathway to permanent residence to more than 11 million undocumented immigrants living in the US.<sup>7</sup> The debates continue to be centered on the framing of citizenship, as this is a central part of the deliberative process in passing this piece of legislation. If none of these legislations pass, millions of people will continue to suffer from the consequences of not having legal membership and as pro-DREAM Act and AgJOBS Act actors argue, the nation will also suffer from failing to embed valuable members into its polity.



**ENDNOTES**

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<sup>1</sup> Of the population that could potentially benefit from the DREAM Act, about 1.7 million are of Latino origin (Batalova and McHugh 2010: 11).

<sup>2</sup> Market citizenship is a type of national belonging based on economic potential.

<sup>3</sup> Legalization is defined as a program that allows undocumented residents in the US to become lawful permanent residents.

<sup>4</sup> Yet, IRCA did not accomplish its goal, as undocumented immigration has been increasing.

<sup>5</sup> Farmworker Justice. Retrieved: May 11 2013. <<http://farmworkerjustice.org/>>

<sup>6</sup> Under the DREAM Act the majority of the people that would qualify are of Mexican and Central American origin. Yet, the majority of the witnesses are not representative of this population, since they are from African countries, South East Asia and South American countries. In this way, the main population that the legislation will be addressing is not the one that is presented mainly as the beneficiary one.

<sup>7</sup> <<http://blogs.wsj.com/washwire/2013/04/16/immigration-reform-summary-of-bipartisan-legislation/>>

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**REFERENCES**

- Akram, Susan & Johnson, Kevin R. 2003. "Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims". *NYU Annual Survey of American Law* 58: 295-356.
- Allen, Jonathan and Scott Wong. 2010. "Democrats explore pairing immigration bills." December 7. Retrieved April 3, 2013. [www.politico.com](http://www.politico.com)
- Batalova, Jeanne & McHugh Margie. 2010. "DREAM vs Reality: An Analysis of Potential DREAM Act Beneficiaries". Migration Policy Institute. Web. 6 Apr. 2012. <<http://www.migrationpolicy.org/pubs/DREAM-Insight-July2010.pdf>>.
- Brodie, Janine. 1997. "Meso-Discourses, State Forms and the Gendering of Liberal-Democratic Citizenship". *Citizenship Studies* 1(2):223-242.
- Coutin, Susan. 2003. "Suspension of Deportation Hearings and Measures of "Americanness." *Journal of Latin American Anthropology* 8(2):58-95.
- Dauvergne, Catherine. 2008. *Making People Illegal: What Globalization Means for Migration and Law*. Cambridge: Cambridge University Press.
- Gerstle, Gary. 2001. *American Crucible: Race and Nation in the Twentieth Century*. Princeton University Press.
- Gilbert, Lauren. 2005. "Fields of Hope, Fields of Despair: Legisprudential and Historic Perspectives on the AgJobs Bill of 2003". *Harvard Journal on Legislation* 42: 417-482.
- Kerwin, Donald M. 2010. "More than IRCA: US Legalization Programs and the Current Policy Debate." Migration Policy Institute Policy Brief.
- Inda, Xavier. 2006. *Targeting Immigrants: Government, Technology, and Ethics*. Malden, MA: Wiley- Blackwell Publishing.
- Lakoff, George. 2002. *Moral Politics: How Liberals and Conservatives Think*. Chicago: University of Chicago Press,
- Lakoff, George, and Sam Ferguson. 2006. "The framing of immigration." *The Rockridge Institute*.
- Levine, Linda. 2009. "Farm Labor Shortages and Immigration Policy". The Library of Congress: Congressional Research Service.
- Nevins, Joseph. 2010. *Operation Gatekeeper and Beyond: The War on "Illegals" and the*

- 
- Remaking of the US-Mexico Boundary*. New York and London: Routledge.
- Newton, Lina. 2008. *Illegal, Alien, or Immigrant: The Politics of Immigration Reform*. New York and London: New York University Press.
- Ngai, Mae. 1999. "The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924." *Journal of American History* 86: 67-92.
- Ngai, Mae. 2003. "The Strange Career of the Illegal Alien: Immigration Restriction and Deportation Policy in the United States, 1921-1965." *Law & History Review* 21(1): 1-32.
- Olivas, Michael. 2012. "Dreams Deferred: Deferred Action, Prosecutorial Discretion, and the Vexing Case(s) of DREAM Act Students". *William & Mary Bill of Rights Journal* 21.
- Rosenblum, Marc R., Randy Capps and Serena Yi-Ying Lin. 2011. "Earned Legalization: Effects of Proposed Requirements on Unauthorized Men, Women, and Children." Migration Policy Institute Policy Brief.
- Schildkraut, Deborah. 2002. "The More Things Change... American Identity and Mass and Elite Responses to 9/11." *Political Psychology* 23(3):511-35.
- Schildkraut, Deborah. 2007. "Defining American Identity in the Twenty-First Century: How Much "There" is There?" *Journal of Politics* 69(3):597-615.
- Schneider, Anne, and Helen Ingram. 1993. "Social construction of target populations: Implications for politics and policy." *American Political Science Review*: 334-347.
- Smith, Rogers. 1993. "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions In America." *The American Political Science Review* 87(3):549-566.
- Somers, Margaret R. *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*. Cambridge University Press, 2008.
- Thompson, Krissah. 2010. "Immigrant right groups adjust focus to passage of AgJobs, Dream Act." *Washington Post*, July 27. Retrieved April 3, 2013.
- US Congressional Hearing. 2007. "Comprehensive Immigration Reform: The Future of Undocumented Students", Hearing Before the subcommittee on Immigration, Citizenship, Refugees, Border Security, and Internal Law of the Committee on the Judiciary House of Representatives, 110th Congress, 18 May 2007.
- , 2011a. "America's Agricultural Labor Crisis: Enacting A Practical Solution", Hearing before the Subcommittee on Immigration, Refugees and Border Security of the Committee on the Judiciary, United States Senate, 112<sup>th</sup> Congress, October 4, 2011.

- 
- . 2011b. “The Development, Relief, and Education for Alien Minors Act”, Hearing of the Immigration, Refugees And Border Security Subcommittee of The Senate Judiciary Committee, 112th Congress, 28 June, 2011.
- . 2012. “Regional Perspectives on Agricultural Guestworkers”, Hearing before the Subcommittee on Immigration Policy and Enforcement of the Committee on the Judiciary, House of Representatives, 112<sup>th</sup> Congress, February 9, 2012.
- Vliegthart, R. and Van Zoonen, E. A. 2011. “Power to the Frame: Bringing Sociology Back to Frame Analysis.” *European Journal of Communication*, 26(2), 101-115.
- Zolberg, Aristide R. 1999. Matters of State: Theorizing Immigration Policy. 91-93 in *The Handbook of International Migration: The American Experience*, edited by C. Hirschman, P. Kasinitz and J. DeWind. New York: Russell Sage Foundation.
- Zolberg, Aristide R. 2006. *A Nation by Design: Immigration Policy in the Fashioning of American*. Cambridge, MA: Harvard University Press.