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ILLEGAL, ALIEN, OR IMMIGRANT

THE POLITICS OF IMMIGRATION REFORM

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A Note on Terminology

In this book I employ the term "illegal immigrant" to describe immigrants of any nation who have entered the United States or remained in the United States unofficially. Thus, I use "illegal" interchangeably with the descriptors "unofficial," "unauthorized," and "illicit" when discussing the immigration activities or status of those people who have entered or overstayed without official federal recognition. While I recognize that the term "undocumented" is often favored for political reasons (and grammatical reasons, since the word "illegal" is an adjective that technically describes actions or things, but not people), the term "undocumented" often proves problematic in a policy analytic context. Since the passage of the 1986 Immigration Reform and Control Act many immigrants who are in the country unofficially are, in fact, documented—although they may have false social security numbers, alien cards, and so on. The reality of false documentation provides its own set of policy problems that would not be captured by the term "undocumented." Likewise, readers will note from the titles of the numerous government and scholarly studies listed in the bibliography that my use of the term "illegal immigrant" often simply reflects its widespread use in official reports, journalistic accounts, and academic research.

Finally, and most importantly, this is a study of publicly oriented official rhetoric offered in support of government policy. Exploring how elected officials speak of immigration issues, the book presents and analyzes symbolic language, or specific iterations of immigration imagery and narrative structures; this endeavor requires that I pay attention to political language as it appears in official records. However, I have produced this book as an effort to show how official rhetoric ensures that policy nomenclature is often not politically neutral, and to provide critical analysis of immigration discourse where warranted.

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Introduction

The Power of a Good Story

> Let me state the following premise about which there is little disagreement. It is the obligation of the Federal Government to secure the borders of the Nation from illegal entry and unauthorized invasion. . . . It is not a question of being anti-immigration. This country was founded by immigrants. I am the son of one of them.
>
> —Rep. Steven Horn (R-CA), August 9, 1996

In these opening remarks to a hearing on federal border control efforts, immigrants appear simultaneously as villainous invaders of the nation and as its heroic founders. That Americans view and treat the immigrant population with both veneration and fear is an accepted peculiarity of the nation's history. However, Congressman Horn's remarks also reveal four themes that have become the hallmarks of contemporary discourse on immigration policy, which blends old and new sensibilities about the benefits and harms of immigration to the nation. For example, Mr. Horn reminds his audience that the only entity with the power to engage in national defense is the federal government. This first theme, the tendency in political discourse to describe immigration with the crisis language of "war" and "invasion," is as old as the immigration phenomenon.[1]

Similarly, the congressman's reminder that the federal government has a responsibility to control immigration alludes to another historical theme, the dispute over state versus federal fiscal responsibilities in immigration administration and settlement. State and local governments have periodically complained that they bear the costs of large-scale immigration policies that they do not design, but are mandated to implement. In 1882,

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for example, the city of New York threatened to close down immigrant processing centers at Castle Garden (where immigrants were processed prior to Ellis Island) until the federal government made funds available to cover administrative costs of immigration. Over one hundred years later, in 1994, the governors of Arizona, California, and Florida appealed to Congress to reimburse their states for the fiscal costs of immigration.[2] Concern about un-funded federal mandates and the fiscal burdens of immigration even led states to take matters into their own hands: in 1994 California voters passed Proposition 187, designed in part to limit illegal immigrant access to state-funded social services, and in part to send a clear message about California's unwillingness to follow in lock-step with policy devised in Washington, D.C.[3] Since the passage of Proposition 187, a growing number of states and cities has legislated responses to what they perceive as failure of control at the federal level.[4]

The third and fourth themes in the congressman's statement are modern. The desire to avoid appearing anti-immigrant and, perhaps inadvertently, appearing racist, reflects the constraints lawmakers feel when embarking on immigration reform in a post–Civil Rights era. Mr. Horn tries to assure his audience that asserting control over immigrant invasions and unauthorized entries is not "anti-immigration." He simply wishes to keep out the unauthorized, the invaders—the bad kinds of immigrants. To further the distinction, he alludes to his own immigrant past: clearly, there are good immigrants out there; in fact, he is the product of such good immigrants who "founded this nation"—the son of the right kind of immigrants. While it may not be his intent to do this, Congressman Horn's statement also reveals the fourth theme of contemporary immigration debates: the privileging of the European immigrant experience. The congressman appeals to his own European (white) heritage, credits European immigration with the founding of the nation, and in so doing, engages in modern American mythmaking at the expense of American history. Although immigration from Latin America and Asia is not new to the United States, this immigration (which is presently dominated by immigrants from Mexico) is sidelined in favor of stories that establish European immigration of the nineteenth and early twentieth centuries as the "immigration experience." With the so-called First and Second Wave immigrants (mainly Europeans arriving between 1840 to 1880, and 1900 to 1920, respectively) having supposedly become fully assimilated, the question of whether current immigrants have what it takes to assimilate and be as successful as those who came before has become common.

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Over the last two decades there has been a proliferation of research on immigration and its impact on population trends, economics, and labor markets, as well as on national security and territorial sovereignty. However, when policy choices are defended in the public sphere, science inevitably takes a back seat to stories and myths that play to the fears and prejudices, as well as the positive biases and interpretations, of the American immigrant experience. Hortatory language, a term that Murray Edelman employed to describe political posturing on behalf of policy, remains crucial to crafting immigration policy.[5] Political elites rely on emotion in justifying policy choices; they employ stories that are instinctually appealing to their audiences, packing them with language and symbols that tap into widely understood notions of who and what comprises the American immigrant experience. The symbols and myths of immigration are the political capital of policymakers who must build consensus regarding this highly contentious issue.

Congressman Horn's brief statement exemplifies how language and emotive imagery can tell a story of immigration that rationalizes restriction, but his speech is only one of many examples I might have chosen. In fact, the types of stories that politicians tell to build support for immigration reforms are so ritualized and basic in argument that my analysis of congressional debates and hearings on immigration reform in the 1980s and 1990s distilled thousands of pages of transcripts (often representing days, months, or even years of continuous discussion) into fewer than a dozen narrative types. These few policy narratives, in turn, reveal that immigration policymaking occurs within a narrow field of options largely dictated by images of the groups these laws target for reform. Elected officials identify policy goals as solving widely perceived problems in the control and administration of immigration, but an examination of the process of policy design unmasks its unstated purpose: these policies offer assurances that the right groups receive due rewards, while the socially unpopular are blamed for persistent problems and punished.[6]

The narratives that comprise contemporary immigration rhetoric offer dramatic tales with heroes and villains, but they also condense information, reduce uncertainty, and provide heuristics for decision-making in a field for which conflicting or incomplete evidence may provide no definitive course of action. Indeed, these narratives often supplant consistent findings. Most remarkably, policy narratives often rationalize the continuation of immigration policies that are, by scientific accounts, failures. As the following chapters will show, stories often replace studies,

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and emotion is the currency of Congress as it engages in policy debates. In essence, policy designs rest on a national mythology about what types of immigrants made America, and which ones lack the values, traits, or contributions that would earn them inclusion in that story.

Such story-telling is more than political theater—it is purposive activity in policymaking. These stories serve as foundations for building consensus for massive policies with multiple, often conflicting components; successful narratives can mollify critics' claims that legislation channels rewards in an unjust manner. And, while it might be tempting to treat discursive activities as political window dressing for the real behind-the-scenes business of devising legislation, I propose that policy narratives and the social constructions of the target populations embedded in these narratives are essential to understanding how lawmakers divide and subdivide the immigrant population to achieve policy goals. In turn, this activity of constructing divisions that indicate who is assimilable and who should be kept out allows policymakers to placate champions of immigration restriction while channeling labor to specific segments of the economy.

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