

US Labor Demand: a Discourse Analysis on the “Hidden Force” behind Illegal
Immigration

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ABSTRACT

The dominant ideology within the illegal immigration discourse in the US primarily faults illegal workers for the problem by highlighting the act of illegally entering the US as the origin of the problem. As the dominant ideology goes, illegal immigrants evade law enforcement at the border; they deceive employers to secure work. They disrupt labor markets by lowering wages which displaces lower class US workers. The illegal immigrants and their families abuse social services that they do not pay into at the US taxpayers expense. They form ethnic enclaves, and those who remain in the US resist assimilation into US culture. So the story goes. This thesis challenges this dominant ideology, a subset of the illegal immigration discourse, by documenting decades of immigration law in the US created to serve US employers' demand for labor, and alternately, closing the immigrant worker pipeline when it suited the government's political objectives or the special interests of employers. Loopholes in the immigration laws have tended to insulate employers from prosecution. Meanwhile, undocumented workers have faced lower wages and increased risk. This thesis examines what constitutes the dominant ideology of the illegal immigration discourse. It also includes a discourse analysis of illegal immigration by reviewing national, regional, and local media coverage of the simultaneous raids in December 2006 of six Midwest meat processing plants operated by Swift & Company. The discourse analysis explores media coverage of the raids conducted by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE). The raids led to the arrest of 1,282 suspected illegal immigrants, and the analysis will attempt to understand to what extent media coverage supports or challenges the dominant ideology of the illegal immigration discourse.

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Introduction

This thesis examines the illegal immigration discourse in the United States and argues that US employers are dependent on immigrant labor and have relied on continued access to it for decades in order to remain competitive in their industries. The demand for immigrant labor by US employers has largely been concealed within the illegal immigration discourse. This thesis will explore how the issue of demand for immigrant workers has been buried beneath a narrative. The narrative ignores the history of US demand for immigrant labor, and the immigrant networks that have developed over time and have continually facilitated the delivery of immigrant workers to American workplaces that sought them. The narrative instead points at the decision of the individual illegal immigrant to enter the US illegally as the genesis of the illegal immigration phenomenon. It sublimates the reason that immigrants illegally come to the US. What is at stake is the way that Americans view the illegal immigration problem. If Americans were more familiar with opposing viewpoints on the prominent role of labor demand in the illegal immigration phenomenon, then their perceptions about who or what is responsible for the phenomenon and the discourse itself might be altered. The discourse might be altered to diminish the intensity of opposition against illegal immigration into the US by demonstrating American-made economic forces encourage the practice.

The exploration of these questions is meaningful in considering the validity of the dominant ideology of illegal immigration, and in considering if other explanations, or oppositional ideologies of illegal immigration should receive increased attention within the illegal immigration discourse as contributing factors to the phenomenon that an estimated 12 million immigrants are in the US illegally as of January 2007, and 1 million more are estimated to enter the US each year¹. Immigration policy in the US has long facilitated the delivery of immigrant workers to US employers seeking laborers. This is as it should be. Immigration policy in the US, however, has frequently been incoherently applied. The policies have created conditions in which the immigrant labor supply into the US continues unabated to meet the demand of US employers. At the

¹ US Department of Homeland Security estimated 10 million undocumented immigrants in the US in 2005, and an estimated increase by 1 million more each year:
http://www.dhs.gov/xlibrary/assets/statistics/publications/ILL_PE_2005.pdf.

same time, immigrant workers are labeled as criminals who have caused the illegal immigration problem by their decision to illegally enter the US. The role that US jobs and wages play—the magnet that attracts immigrant workers—is sometimes powerfully absent from a great deal of the immigration discourse. Instead, the flow of illegal immigrants into the US is framed as an irresistible force against which the best efforts of immigration law enforcement agencies are hopelessly under-resourced. One wonders, however, if illegal immigrants would continue to risk danger, deportation, and incarceration if there were no employers in the US willing to hire them, nor wages to be made.

The dominant ideology of illegal immigration, which is positioned in this thesis as a subset of the illegal immigration discourse, centers on the illegal immigrants' individual decisions to enter the US illegally. The millions of suspected illegal immigrants in the US, according to the dominant ideology, made a conscious decision to break the law to enter the US in order to secure work. Once in the US, the undocumented immigrants commonly deceive employers with false identification documents. They work for lower wages than natives, and therefore take natives' jobs and displace native families. They use public services like welfare, education, and emergency health services that they do not pay into. And they send millions of dollars earned in the US economy back to their native lands.

Through repetition as well as isolation from alternative explanations for the illegal immigration problem, this problem definition is established as the basis for the illegal immigration phenomenon. The bait (US wages) that illegal immigrants pursue and the US employers who hook the bait are largely subjugated and concealed within the discourse. The connection of labor demand to illegal immigration is seemingly pushed aside.

The undocumented or illegal immigration² phenomenon in the United States is a paradox. It is a prohibited, yet continually existent labor market upon which decades of legislation have failed to halt or deter labor market forces. These labor forces drive a continuous attraction between the labor source (undocumented immigrant workers) and

² This thesis uses the terms undocumented immigration and illegal immigration interchangeably, as both expressions are widely used in the discourse.

labor demand side (US employers) who seek a renewable source of low wage workers. The undocumented immigration problem in the US is sustained by labor demand among US employers and the economic motivations of both employer and worker. Ineffectual government policy and legislation have failed to arrest the flow of illegal workers, and have rarely been successful in meeting the aims of lawmakers. Legislative efforts and reforms intended to curb or halt illegal immigration, particularly illegal immigration from Mexico, have instead geographically shifted the migrant flows, or driven adaptations in the hiring and verification processes in migrant labor sectors of the US economy. The attraction between labor seeker and immigrant worker has evaded the effects of reform.

Prominent political commentator Pat Buchanan is a vigorous opponent of illegal immigration. Yet even he, despite his strong opposition to the practice, has come to recognize the US economy and US employers who seek immigrant labor as “the hidden force”³ behind the illegal immigration problem. While the continuous attraction of employer and worker has adapted to all legal obstacles, the prevailing story-line⁴ in the illegal immigration discourse focuses on the illegal behavior of migrant workers. In helping to explain how the prevailing story-line operates by excluding opposing explanations, Davies and Harre’s story-line concept is employed, in which, “people do not draw on comprehensive discursive systems for their cognition, rather these are evoked through story-lines,” (Hajer 1995, 56). In other words, much specified explanations for social phenomena are packaged, validated, and delivered for public consumption by powerful actors.

The prevailing story-line, or dominant ideology, alleges that illegal immigrants are deceivers and schemers who knowingly break the law by crossing the border, and then trick unwitting employers into believing that they are legally in the US. They find jobs in the US by displacing lower-class native workers; they take advantage of public services that they do not pay into; and they drive down wages by accepting lower wages than native workers, who are driven out of their communities to find work.

³ The expression, “the hidden force” behind the illegal immigration problem was used by [ultra] conservative political commentator Pat Buchanan on MSNBC during the 6 AM hour EDT, Tuesday, Apr. 25. Buchanan is a strong opponent of illegal immigration, and wrote a book “State of Emergency” (2006) suggesting that illegal immigration is a deliberate, peaceful “invasion” of the US by Mexican immigrants in a concerted, strategic effort to take back land seized from Mexico by America.

⁴ Hajer, Maarten A. 1995. *The Politics of Environmental Discourse: Ecological Modernization and the Policy Process*. Oxford, U.K.: Oxford University Press.

To what extent are the employers of undocumented workers culpable in the hiring of illegal immigrants? Is it reasonable to believe that companies are neither aware nor suspicious of an applicant's residency status if an applicant for a job is unable to speak proficient English or any English at all? Is it reasonable to imagine that of the estimated 12 million undocumented immigrants in the US by January of 2007⁵, many of whom are working in American businesses, that many of these illegal migrant workers tricked or deceived careful and unwitting employers into thinking that they were either US citizens or resident aliens? Do US immigration laws facilitate verification of applicants' residency status, or are the laws and standards so convoluted that it is impossible to verify identity and respect individual rights to privacy? Or has the progression of misguided immigration laws instead created a situation in which employers, who do not have authority to enforce laws, are left to their own initiative when verifying the documentation of prospective employees? Do the immigration laws create loopholes that protect employers and exploit undocumented workers or treat them as expendable commodities?

I will consider these questions and how immigration laws and academic works frame the illegal immigration question. Further, I will explore the possibility of bias against illegal immigrants that results from what Frank Fischer⁶ calls a "dominant ideology", in which, "[b]ecause ideologies reflect basic material and social relations in a society, they also supply people with different social identities. The various groups in society thus orient themselves ideologically in different ways to particular discourses," (Fischer 2003, 77-8). Fischer defines an ideology as "an interpretive construction of reality," (Ibid, 77).

How then, do Americans come to regard the immigration problem as the cause of deceptive immigrants who take advantage of America's prosperity and good will? Hajer writes with regard to the mobilization of bias that, "[t]he political conflict is hidden in the question of what definition is given to the problem, which aspects of social reality are included, and which are left undiscussed," (Hajer 1995, 43). Here, Fischer's concept of

⁵ US Department of Homeland Security estimated 10 million undocumented immigrants in the US in 2005, and an estimated increase by 1 million more each year:
http://www.dhs.gov/xlibrary/assets/statistics/publications/ILL_PE_2005.pdf.

⁶ Fischer, Frank. 2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford, UK: Oxford University Press.

dominant ideology is used as a subset of the illegal immigration discourse. The dominant ideology is projected as the one valid definition and/or explanation of a problem by the agents of government organizations. Through the repetition of a constructed definition of a problem, bias is mobilized. Groups of people gradually subscribe to this definition of the problem, or dominant ideology, and accept it as their own. Over time, this constructed definition of a problem becomes the widely accepted explanation for the respective phenomenon.

This thesis will explore this dominant ideology and challenge it with an alternative story-line or oppositional ideology that may be under-represented in the illegal immigration discourse. While this argument will not claim to “re-order understandings” of the illegal immigration discourse, (Ibid 56), it does pursue the less ambitious goal of highlighting a very significant contributing factor in the illegal immigration discourse that is often marginalized or absent from the discourse. That factor is employer demand for immigrant labor—the factor that Patrick Buchanan calls “the hidden force” behind illegal immigration. Labor demand in the US is too important an element of the illegal immigration discourse to be buried under the dominant ideology that places the blame for the problem solely on the illegal immigrants and their decisions to illegally enter the US. Immigration scholar George Borjas⁷ offers one version of the dominant ideology of illegal immigration:

“There is a great deal of worry...that immigrants make extensive use of social services and do not “pay their way” in the welfare state. There is also anxiety that labor market competition with immigrants has a harmful impact on the economic well-being of some American workers. And there is the traditional concern over assimilation: Will today’s immigrants find it harder to assimilate than did earlier waves? Do the large ethnic enclaves that dominate major American cities impede assimilation?” (Borjas 1999, 4).

Immigration historian Otis L. Graham⁸ adds,

“The costs of this new mass immigration collect across the ledger. They include labor market competition with native workers, rising social service costs, nurturing of illegal trade in drugs and indentured labor, the immigration contribution (70 percent at the end of the [twentieth] century) to population growth with all the costs that come attached to it in this era of ecocrisis...”

⁷ Borjas, George. 1999. *Heaven’s Door: Immigration Policy and the American Economy*. Princeton: Princeton University Press.

⁸ Graham, Otis L., 2004. *Unguarded Gates: A History of America’s Immigration Crisis*. Rowman & Littlefield: Oxford, United Kingdom.

“Against this are weighed immigration’s benefits---cheap labor for harvest agriculture and urban menial tasks, relatively cheap skilled labor in certain industries, a more culturally diversified cuisine and society, and scattered stories of urban revitalization,” (Graham 2004, xiii).

Scholar Samuel P. Huntington⁹ imagines the consequences of an abrupt halt in immigration from Mexico:

“Illegal entries would diminish dramatically and the total number of illegal immigrants in the United States would gradually decline. Agricultural and other businesses in the southwest would be disrupted, but the wages of low-income Americans would improve. Debates over the use of Spanish and whether English should be made the official language of state and national governments would fade away. Bilingual education and the controversies it spawns would decline. So also would controversies over welfare and other benefits for immigrants. The debate over whether immigrants were an economic burden on state and federal governments would be decisively resolved in the negative,” (Huntington 2004, 243).

Amy Skonieczny¹⁰ explains the, “traditional US image of Mexico, and Latin America in general,” which is, “inferior, childlike, dependent, and suspicious,” (Skonieczny, 433).

The dominant ideology then, is that undocumented immigrants come to the US from Mexico and other countries in order to earn wages far higher than they could earn in their native countries. While in the US, they abuse social services, they take jobs from Americans while driving down wages, and they form lasting ethnic enclaves and resist assimilation. They deceive employers, evade the law, and take advantage of American prosperity and good will. But the dominant ideology may be too facile to work as an explanation for the problem. It is too self-deluding to think that illegal workers have, by the millions, duped US employers into believing that they were legally eligible to work in the US. It is too easy to let employers and immigration law enforcement agencies off the hook for hiring illegal immigrant workers by rationalizing that they cannot identify the legal among the illegal. The primary benefit that the dominant ideology has working for it is that, of all possible explanations for the illegal immigration problem in the US, it requires the least effort to buy into. Buying-in carries a price though; to buy-in one must view immigrants with suspicion and mistrust. Also, one must believe that US employers are trying *not* to hire illegal immigrant workers.

⁹ Huntington, Samuel P. 2004. *Who Are We? The Challenges to America’s National Identity*. New York: Simon & Schuster.

¹⁰ Skonieczny, Amy. 2001. “Constructing NAFTA: Myth, Representation, and the Discursive Construction of U.S. Policy.” *International Studies Quarterly*. Issue 45.

Why Study Illegal Immigration?

I have become interested in studying the issue of illegal immigration due to all of the different attitudes and behaviors that I have observed informally during my travels throughout Latin America and the Caribbean between 1998 and 2001, and in my 3 years living within 10 miles of the US – Mexico border in El Paso, Texas. It was a 14 month military tour in Honduras, Central America in 2001 and many other shorter trips throughout Latin America and the Caribbean that completely changed the way that I view the peoples of Latin America and the situations that they are born into. I saw poverty first-hand in Latin America that I will never forget.

For example, I saw barefoot children no more than 10 years old selling Chiclets outside of night clubs at 2:00 in the morning. I saw countless children on roadsides and at bus stops selling food or merchandise during school hours--sometimes with their parents, sometimes by themselves. I often saw school children carrying photo-copied sheets of paper that substituted as their school textbooks. I saw taxi drivers who took their wives, children, and even newborns in the cab with them at night because it was not safe to leave them at home alone. I saw many people who lived hand to mouth, who washed their clothes on a wash board, who boiled their tap water and poured it in coolers so they would have potable water on demand in the kitchen. They pooled their daily earnings so they could buy food at the “pulperia” so everyone would have something to eat that night.

I was depressed but not surprised when I learned from reading education symposium reports of the Organization of American States that in numerous Latin American countries, children from the wealthiest of families were the most likely to attend private schools, were the most likely to be successful on university entrance exams, and were therefore the most likely to receive university scholarships. In Latin America, I saw a complete lack of opportunity for the poor relative to opportunity that Americans take for granted in the United States.

For example, in neighborhoods throughout the city, you see vehicles with Mexican license plates throughout the city road systems and parked outside of homes. This is curious because one wonders how a person can own a home or live full time in El Paso but continue to register their vehicle in Mexico. Additionally, morning traffic

reports on English speaking news media provide estimated waiting times for vehicle traffic at the nearby international ports of entry, suggesting that a lot of people cross the border on a daily basis for work or other purposes. I have learned that El Paso County has the highest property tax rate in the state of Texas at around 6% of appraised value per year. The television and radio stations cater to audiences on both sides of the border, and carry a lot of bi-lingual programming, in both English and Spanish. The US Census Bureau reported that in the year 2006, 81% of the El Paso county population is of Hispanic or Latino origin.¹¹

A few of the surprises about life in El Paso were negative. For example, my wife, who had significant experience working as a supervisor in a grocery chain could not get a job at either a grocery or in a retail store in El Paso. Employers told her they could not hire her because she is not proficient in Spanish, and that employees had to be bi-lingual to be really useful here. Also, a co-worker expressed that her daughter's school is so overcrowded that the school cannot offer lockers to each child—the school recommended that parents provide students with pull-behind luggage-type school bags so the children can keep all of their belongings with them since there were not enough lockers.

While I would hear some specific complaints like these, many of the gripes that I heard from neighbors, acquaintances, or co-workers—many of whom are transients like me and not likely to spend more than three years in El Paso--centered on impressions of their own. Following are examples of the kind of comments I would hear about life in the Borderland from people I met:

“our property taxes are so high because of all the illegals”

“our tax dollars are paying for illegal kids to go to our schools”

“make sure you don't get in a collision with a car with Chihuahua plates (registered in Chihuahua, Mexico) —none of them have insurance”

“I see 20 cars with Chihuahua plates every time I drop my kid off at school”

“On Halloween, they bus kids in from Juarez (Ciudad de Juarez, Mexico) – when you open your door, the kids don't even say trick or treat—they just hold their bag out”

“In this town, if your kid's not Mexican, he's not gonna get a fair shot on any football team”

¹¹ United States Census Bureau. 2006. *State and County Quick Facts*.
<http://quickfacts.census.gov/qfd/states/48/48141.html>

As I heard these things, I wanted to know what made people feel that way and I wondered how someone might go about validating the complaints about how tax dollars were dispensed in a border community. With an eye toward re-engaging my Master of Arts thesis research, I began reading about illegal immigration issues in the newspaper and I began looking through scientific journals and books on the subject. I also searched for government information on immigration-related topics.

One of the first items that I found when I began searching for relevant literature on illegal immigration was a *Government Accountability Office (GAO)* report. The report concluded that the *GAO*, which is the investigative service of the US Congress, was unable to provide for the Congress an estimate of the cost to state and local taxpayers for educating school age undocumented immigrants. The *GAO* could not put a dollar amount on the cost because the schools and local governments did not have the information: schools were not requiring proof of residency status during the registration process. The *GAO* suggested that the schools and local governments were not requiring proof of residency because they were taking an “overly cautious” view of the US Supreme Court decision of *Plyler v. Doe* from 1982 (*Plyler v. Doe* will be discussed in greater detail in chapter one).

In other words, *Plyler v. Doe* restricted the denial of an education to school age undocumented immigrants, but it did not restrict the schools from requiring proof of residency. The *GAO* was therefore concluding that the schools were not specifically prohibited by *Plyler v. Doe* from identifying the number of school age undocumented immigrants as a means to seek federal reimbursement. As a result, the cost of educating school age undocumented immigrants is borne primarily through state and municipal tax revenues, and is not uniformly shared throughout the states.

Two things struck me about the *GAO* report. First, it seemed that if the Congress is constitutionally responsible for making immigration law and the Congress is also responsible for ensuring all taxes, excises, imposts, etc, shall be uniformly shared throughout the states, then is not the Congress compelled by the Constitution to address the gap between the federal government’s responsibility to uniformly tax the states since the federal government is responsible for protecting the border and is

exclusively responsible for making immigration laws? And second, have schools and local governments begun requiring proof of residency during the registration process since the GAO report? Has any action been taken as a result of the GAO report at either the federal, state, or local level? If the answer to both questions is “no”, then whom does this policy incoherence serve?

From this starting point, I began reading journal articles and books that attempted to explain the undocumented immigration phenomenon – of note here are George Borjas who studies the economic impacts of immigration, and Douglas S. Massey and his many collaborators who worked on the Mexican Migration Project and other studies.

Additionally, a study of the history of immigration law and policy in the US indicated to me that the US economy has craved for decades the low wage unskilled workforce that Mexico provided, and that employers and politicians have facilitated undocumented migration when it served their financial interests – for example during the government regulated Bracero program, and in the passage of the Texas proviso that protected employers of undocumented immigrants against prosecution.

George Borjas helped to shed light on what Americans thought about illegal immigrants. To paraphrase Borjas, Americans worry that illegal immigrants use social services that they do not pay into; they disrupt labor markets by driving wages down; and they don't assimilate culturally. Different works refute these positions. The Mexican Migration Project concludes using objective data that undocumented immigrants are usually paid by check, and therefore pay into social services, and that they rarely apply for welfare; it also concludes that the majority of migrant workers is not destitute, but cross the border to earn capital to put toward purchase of homes in Mexico. A separate work concludes empirically that by the third generation living in America, immigrant family members speak English predominantly in their homes. These works will be highlighted in subsequent chapters of this thesis.

What I expect to find is that the phenomenon of illegal immigration is not the result of spontaneous behavior by tens or hundreds of thousands of migrant workers, but that the phenomenon originated with demand for cheap labor in America. I further believe that this narrative of American demand for migrant labor as the original stimulus for the undocumented immigration problem does not seem to receive much coverage or

analysis from mass media outlets. Instead, coverage seems to focus on the behavior of the migrant worker who illegally crosses the border in search of work, and so I would like to study a sample of mass media news coverage in a qualitative way to explore this question.

For example, when the *Bureau of Immigration and Customs Enforcement (ICE)* raided six meat processing facilities operated by Swift in December 2006, they found hundreds of migrant workers who had gained employment by misappropriating work documents that included valid social security numbers. In response, Swift claimed that it had been using a government information technology (IT) program to validate social security numbers, but the IT program apparently cannot identify concurrent use of the same social security number in two different places. Therefore, two or more different people could be working and generating social security withholdings to the same social security account at the same time without the system detecting the discrepancy. In order to detect the multiple use of the same social security number, a person would have set to run a query in the system, and this would not occur until that person was notified of a discrepancy, for example, when an American citizen received a W-2 form for taxes withheld at a job that they did not hold.

What is interesting to me is the reaction to a news story like the Swift & Co. meat processing facility raid. I talk with people who see these news items reporting that the arrested undocumented workers likely face immediate deportation, and the reaction of some people that I talk to is simply “good”. They quickly decide that deportation of the “illegals” is the appropriate outcome, regardless of how that person came to be employed in the US, whether they had dependent family members with them, or whether they had come to the US on the promise of work. It was a mental reflex. But I wonder; was Swift complicit in hiring people that they had good reason to believe were not US citizens--people who applied for work and presented citizenship documents under Anglo names, yet spoke no English? If so, should that factor into how Americans view the illegal immigration phenomenon? Is there a place for this viewpoint in the illegal immigration discourse?

These questions lead me to ask, how are journalists covering the American contribution--labor demand--to the illegal immigration problem? I endeavor to show that

within the illegal immigration discourse in the US, a certain set of preoccupations/understandings/presuppositions is powerfully at work, lending it to certain discursive constructions. These constructions, which constitute the dominant ideology that is embedded in the large illegal immigration discourse, explain the habits of thinking and speaking that sustain the dominant ideology. These constructions are worth unpacking for insight into how they are brought about.

Ultimately, I hope to demonstrate how these supply and demand components of undocumented immigration are covered by journalists and transmitted to readers. How is a large, coordinated, federal immigration raid reported locally, regionally, and nationally? Do the reporters tend to support the constructions of the dominant ideology, or challenge them? How are the actions and statements of government representatives and law enforcement officials positioned with respect to these constructions? What perspectives of the illegal immigration discourse are reaching consumers of news?

Organization

This thesis will explore how the role of labor demand has been marginalized in the dominant ideology of the illegal immigration discourse. As stated above, the genesis of the illegal immigration phenomenon in the US is attributed to the decisions of immigrants to illegally enter the US, and the demand for labor that lures them is diminished in the constructed discourse. Immigrant labor on demand, particularly from Mexico, has met US labor demand for decades. The demand for migrant labor from Mexico was decisively tapped by the US economy in the 1940s in a joint Mexico-US labor program called the Bracero Accord (which will be discussed in further detail in chapters one and two). Demand continues to this day. Modern employers cautiously navigate porous immigration laws. They create a hiring environment that is hospitable to those undocumented workers that can produce worker eligibility documents that satisfy the loosest legal requirements, and therefore satisfy the minimum requirements for employer diligence when hiring workers. Employers, therefore, have their legal bases covered when illegal employees are discovered. Illegal immigrants, content to temporarily earn US wages, accept the risk that their illegal employment may end at any time.

Prosecuting employers suspected of employing illegal immigrants is difficult because immigration laws create a conflict for employers. The conflict is, work applicants' equal employment opportunity rights must be respected, yet immigration laws validate over 20 different forms of identification as acceptable for gaining employment. Employers are neither authorized nor qualified to reject an applicant's identification. The cycle repeats itself when new illegal workers are drawn through informal word-of-mouth labor networks to replace those workers that were deported or who fled.

The arrangement provides basic shelter from prosecution for employers, but the workers' lives and those of their dependent (and often undocumented) family members can be disrupted at any time. It is a symbiotic relationship between employer and worker that adapts to obstacles like the scrutiny of law enforcement agents, and has thrived in the legal crevices that have been created by eras of short-sighted and tone deaf immigration legislation experimentation. The evidence of millions of undocumented immigrants entering the US from Mexico in the last 30 years demonstrates that the benefits of crossing the border for work continue to be worth the risks. The arrangement continues to regenerate because it benefits employers, and there are more immigrant workers willing to accept the risks of entering the US illegally in order to have an opportunity to earn US wages either short-term or long-term.

The thesis is composed of four chapters. The first chapter is a literature review that goes into some detail on the history of immigration legislation and policy, particularly with respect to Mexico. It briefly considers how national priorities regarding immigration policy and law have changed since the thirteen colonies ratified the Constitution of the United States of America in 1787. As chapter one will explain, immigration was virtually unregulated and without limit for the first century of the republic as the United States permitted peoples from all over the world to settle in America, work America's jobs, and settle her frontiers. Immigration laws that restricted the number of immigrants who could legally enter the US were not passed until the early 20th Century, and even then, did not include any limitations on migration from independent nations in the Western Hemisphere. Limitations on Western Hemisphere nations were not passed until decades later. Since the second half of the 20th Century,

legislators have pursued immigration laws that ensure the right mix of immigrants, as chapter one will outline.

Chapter two engages US immigration law and policy that have created incoherence and countless loopholes that have driven immigrant workers underground in their pursuit of work in the US in order to gain insight into how the illegal immigration phenomenon is sustained. Further, chapter two will challenge the dominant ideology of illegal immigration that frames immigrants as devious actors who spurn US law by crossing the US-Mexico border, and then fool employers with false or stolen identification documents to gain work. While in the US, they abuse public services they do not pay into, take jobs from lower class Americans, and drive down wages. Instead, the second chapter will argue that undocumented immigration has been deliberately fostered by cooperation between government and business forces that desire a renewable source of cheap labor. In making this argument, I will review a few cases of cynically developed immigration laws and policies that facilitated the manipulation of immigrant workers and induced them to cross the border for work. When the workers were no longer needed, or when a demonstration of law enforcement was required to maintain appearances, they were abruptly dismissed, detained, or deported. Additionally, chapter two will review numerous social science studies about illegal immigration and explain how they either support or refute the dominant ideology.

The third chapter attempts to identify the main ideas that constitute the dominant ideology, and how they are, “produced, reproduced, and transformed to give meaning to physical and social relations,” (Fischer 2003, 73). Chapter three will explore the elements of the dominant ideology with regard to economics, culture, and Nativism in order to demonstrate the arguments upon which the dominant ideology is built. It will reference specific academic works that attempt to support the elements of the dominant ideology, for example, that immigrants reject American culture and instead import their native language and culture in the formation of enclaves within the US.

Also, chapter three will detail scholars’ arguments about some of the negative impacts that immigrants are alleged to have on the economic and cultural circumstances of native-born citizens of the US. Additionally, chapter three will review a number of government reports on illegal immigration that detail numerous weaknesses

in the government's approach to immigration laws and policy as identified by reports to questions asked by members of congress that were studied by the GAO. Further, it will refute some of the studies that support the dominant ideology, and offer oppositional ideologies for the illegal immigration phenomenon. It also argues that illegal immigration should not be defined merely by the decision of immigrants to illegally enter the US. Instead, the oppositional ideology argues that labor demand is an important part of the cycle that Americans should take into consideration when thinking about illegal immigration in the US.

Chapter four is a summary and discourse analysis of the raids conducted by *ICE* on six Swift & Co. meat processing plants in the Midwest. The discourse analysis will concentrate on media coverage of the Swift & Co. plant located in Greeley, Colorado. The intent of the discourse analysis is to thoroughly review newspaper coverage, both national and local, and consider how the coverage reinforces or challenges the dominant ideology of the illegal immigration discourse. The discourse analysis examines how the respective news sources report the operation and the aftermath of the raids to their audiences, and how they contextualize the role of law enforcement officials, the employers, and the detained or arrested workers.

The dominant ideology of the illegal immigration discourse projects a constructed explanation for the illegal immigration phenomenon. It points to the decision of immigrant workers to illegally enter the US as the reason for the problem, and seems to exclude the role of labor demand in luring the workers to the US. This thesis will examine what constitutes this discursive construction and how the omission of labor demand as a factor in the immigrant labor market represents a subtle operation of power that preserves a status quo in which employers get the labor that they seek. They are insulated from prosecution by jumbled immigration and labor laws that are at odds with each other. Illegal immigrant workers, when detected, are arrested or deported and justice is purportedly served.

Chapter One: Literature Review and History of Immigration Legislation

The intensification of undocumented immigration as a political and economic issue in the United States (US), especially immigration from Mexico, is a relatively recent phenomenon when considered in the context of immigration policy since the late 1700s, and the establishment of the United States as a republic. Samuel Huntington summarizes that, “[f]or almost a century after the Constitution was adopted, illegal immigration was virtually impossible: no national laws restricted or prohibited immigration, and only a few states imposed modest limits,” (Huntington 2004, 225). Relatively speaking, immigration control is a new idea in the US. For the majority of United States history, immigration was an encouraged practice that enabled economic growth, industrialization, and settlement of America’s frontiers.

This chapter will review relevant immigration policy and legislation while emphasizing how the US policy changed concerning Mexican immigrants since the 1960s, when migration from Mexico was limited (symbolically) for the first time. A brief summary of pertinent immigration policy from the founding of the United States is useful in understanding the origin of the undocumented immigration, and in establishing a foundation for thinking about the present immigration discourse.

The following section of the literature review will discuss the history of immigration policy in the US and how the political issue of undocumented immigration has been politically defined. The US Department of Homeland Security reported in 2006 that there were 11 million “unauthorized immigrants” in the United States¹². The same report suggests that the number of undocumented aliens increases by as many as 1 million annually, and is estimated to be 12 million by January of 2007, 13 million by January 2008, and so on. It was 1965, when for the first time in the almost 200-year history of The United States of America, migration by peoples from independent states in the western hemisphere (including Mexico) was limited when the US Congress passed and President Lyndon B. Johnson signed the Immigration Act of 1965.

¹² Hoefer, Michael, Nancy Rytina, and Christopher Campbell. 2006. “Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005.” http://www.dhs.gov/xlibrary/assets/statistics/publications/LL_PE_2005.pdf.

The Immigration Act of 1965

Prior to the passage of the Immigration Act in 1965, there was no limit on the number of persons who could immigrate to the US from independent states in the western hemisphere, including Mexico. While the Immigration Act of 1965 did limit the number of Mexican people that could immigrate to the US each year, the actual “limit” was symbolic. It was symbolic because the Act essentially expanded legal immigration by creating a preference for family reunifications, as immediate family were not subject to the immigration limit (Graham 2004, 91). The “limit” on immigrants from Mexico was only applicable to new heads of households that had no family already in the US with whom to reunite. Family reunification immigration cases were unlimited. A small family could immigrate, and petition for members of their immediate family and their families to join them in the US, who in turn could immigrate and petition to be reunited with their families, etc., a process that came to be known as “chain migration” (Ibid, 95).

While the Immigration Act of 1965 signaled a desire to appear to limit Mexican immigration, it also represented an ideological shift in immigration policy when compared to conditions prior to 1965. At various times from 1776-1965, the migration of Mexican citizens to the US was either encouraged or considered an incidental state of affairs between neighbors. Immigration historian Roger Daniels¹³ writes,

“Mexicans, of course, were in the Southwest long before the “Anglos” came, and the treaty that sealed the American conquest of the region made special provision for them. According to the terms of the Treaty of Guadalupe-Hidalgo (1848), the 80,000 Mexicans then living on what had become American soil could either move to what was left of Mexico or remain and automatically become US citizens. A mere 3,000 went to Mexico,” (Daniels 2004, 62-3).

The Immigration Act of 1965 was intended to address the long “Quota Law” era of immigration policy. The first efforts by the US Congress to form a national immigration policy were in the early 1900s. The US Congress proposed to engineer the American citizenry of the future using census data of American citizens and their declared national origin as a baseline. Immigration scholar Otis L. Graham summarizes how the law worked. “The Quota Law of 1921 limited the number of any nationality entering the United States to 3 percent of foreign-born persons of that nationality who

¹³ Daniels, Roger, 2004. *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882*. Hill and Wang: New York.

resided in the country in 1910,” (Graham 2004, 47). The intent of the Quota Laws (which changed a number of times from 1921-1965 to address legislators’ perceptions of disenfranchisement of some immigrant groups) was to limit the growth by immigration of any national origin to a level above that group’s proportion of the total population in the year 1910 -- 1910 being the year agreed upon by the US Congress to serve as the baseline. The Quota Laws were intended to regulate immigration to prevent a disproportional flow of migrants from Europe. Although throughout the Quota Law era, migration from western hemisphere states went unhindered. This fact demonstrates that intra-hemispheric immigration was not sufficiently critical as a political issue to drive the Congress to address it.

When the Congress did level the playing field by establishing limits on immigration from western hemisphere neighbors in 1965, it was not in response to an intra-hemispheric immigration crisis. Rather, it was a result of a change in the ideology of US immigration law toward equitability for immigrant sending countries. In other words, the intent of the Act was to resolve any basis for perceptions of favoritism for certain immigrant sending regions. The new law set limits on immigration from all sending countries. “To select those chosen for entry the law established a new set of preference categories that represented a major retreat from the historic emphasis in American immigration policy on labor-market and skills criteria...and toward kinship relations said to promote “family reunification,” (Graham 2004, 92). The preference for family reunification in the Immigration Act of 1965 brought about “chain migration” by which official immigrants could petition the *Immigration and Naturalization Service (INS)* and gradually bring additional family members into the US, who in turn would petition to bring additional family members into the US using the Act as the basis (Ibid, 92).

The sponsors of the Immigration Act of 1965 explained that the intent of the Act was not to expand immigration, but was meant only to correct the historical biases of some sending countries over others. After the Immigration Act of 1965 was passed, however, immigration flows changed dramatically. Migration from Europe and Canada, which had made up 46% of legal immigration in the 1960s, dropped by more than half in the 1970s. Latin American immigration held near 40% in the 1960s and 1970s, while immigration from Asia nearly tripled, going from 13% to 36% during the same 20-year

period. During the 1980s, Europe and Canada dropped again to compose only 11% of total legal immigration. Meanwhile, Latin American immigration grew to 47% of total legal immigration and Asian immigration rose slightly to 38% of total immigration during the 1980s (Ibid, 94).

Managing Immigrant Labor Demand: The Bracero Accord

While the Immigration Act of 1965 signaled the end of unrestricted immigration to the US from Mexico, a long-standing guest worker program between the neighbors came to an abrupt end. The guest worker program that was formed under the Bracero Accord¹⁴ of 1942 had been effectively providing migrant labor from Mexico since the 1940s. Douglas Massey, et al¹⁵ write, “The entry of the United States into World War II once again spurred the recruitment of Mexican labor for seasonal agricultural work in the southwestern states. In 1942 the governments of Mexico and the United States established a temporary-worker arrangement known as the *Bracero Accord*, which lasted until 1964,” (Massey et al 1987, 43). The Bracero program facilitated the arrival of 168,000 workers during the World War II years. When the war ended, the demand for “Braceros” increased. When the *US Department of Labor* extended the cap on Braceros to 100,000 in 1949, the increase was still insufficient to meet employer demand (Massey et al 2002, 36). “Despite these extensions, the number of braceros remained insufficient to meet the demand emanating from the fields, and during the late 1940s agricultural growers increasingly took matters into their own hands by recruiting undocumented workers,” (Ibid, 36).

The Bracero Program, “increasingly came to be seen as an exploitative labor relations system that undermined the well-being of Mexican Americans, discouraged the unionization of farm workers, and subordinated laborers on the basis of ethnicity. “US officials began to reduce the number of Bracero recruitments in the early 1960s, and in 1964, the year Congress passed its landmark Civil Rights Act, a coalition of labor unions, civil rights groups, and religious organizations finally succeeded in having the

¹⁴ The term “Bracero” is taken from the Spanish word “brazo” for arm. In the context of the guest worker program, it means, approximately, “farmhand”.

¹⁵ Massey, Douglas, Rafael Alarcon, Jorge Durand, & Humberto Gonzalez. 1987. *Return to Aztlan: The Social Process of International Migration from Western Mexico*. Los Angeles: University of California Press.

program killed,” (Durand and Massey 2004, 17)¹⁶. The expiration of the Bracero Program in 1964 ended “direct participation in the recruitment and regulation of Mexican migrant workers” by the governments of the US and Mexico,” (Massey et al 1987, 43), but ending the program did not reduce the demand of agricultural employers in the US for migrant workers. Nor did it diminish the desire of migrant workers to seasonally cross into the US for the opportunity to earn US wages. Massey et al, discuss some of the lasting effects of the Bracero program:

“Although originally enacted as a temporary wartime measure, this program lasted until 1964 and revived traditions of migration that had largely lapsed during the depression years. As time passed, migrant streams...developed an intricate series of supporting social networks, and wage labor in the United States became a common feature of households’ economic strategies. Migrants began to establish roots in the United States and formed daughter communities in US cities. By the time the Bracero program ended, US migration had become independent of the official mechanisms of recruitment and hiring,” (Massey et al 1987, 107).

Undocumented immigration into the US from Mexico “began to grow rapidly during the 1950s, as the demand for Bracero visas exceeded their supply,” (Ibid, 107). Apprehensions of undocumented immigrants by Border Patrol agents rose from 69,000 in 1945 to 883,000 in 1950, (Massey et al 2002, 36). The Bracero Program allowed approximately 4.5 million Mexican workers the opportunity to temporarily work in the US (Durand and Massey 2004, 114). If the Congress thought that the program was exploitative of Mexican workers, the employers and undocumented workers appeared to view the relationship as mutually beneficial. Massey et al¹⁷ (2002) write that the Bracero program was far more than a temporary guest worker program. It was the origin of a pipeline of migrant workers to the jobs in the US that sought them. “In practical terms...the bracero program functioned as a government-sponsored initiative that set in motion the self-perpetuating forces of cumulative causation,” (Massey et al 2002, 42).

“Between 1960 and 1980, a minimum of 1.1 million undocumented migrants and an equal number of documented migrants entered the United States from Mexico,” (Massey et al 1987, 43-4). The illegal immigration issue crept back into the public’s

¹⁶ Durand, Jorge and Douglas S. Massey, Editors. 2004. *Crossing the Border: Research from the Mexican Migration Project*. New York: Russell Sage Foundation.

¹⁷ Massey, Douglas S, Jorge Durand, & Nolan J. Malone. 2002. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York: Russell Sage Foundation.

consciousness, due in some respects to mass media outlets. “Visual and print media conveyed pictures of illegal aliens, overwhelmingly young males, climbing fences or sprinting through highway checkpoints at the US-Mexican border in California and Texas. Estimates of those entering the United States illegally [by the mid 1970s] ran from two hundred thousand to one million a year,” (Graham 2004, 105). Congress once again determined a need to address the illegal immigration issue. George Borjas¹⁸ summarizes the impetus for the establishment of legislation to address illegal immigration. “The realization that the United States had lost control of its southern border led to the enactment of the Immigration Reform and Control Act of 1986 (IRCA),” (Borjas 1990, 56). The primary goal of IRCA was to restore America’s sovereignty by demonstrating its ability to control its border (Coleman 2005, 107).¹⁹

Reforming Immigration Law

IRCA differed from previous immigration policy. In addition to increases in resources to prevent illegal border crossing, it was designed to deter employment of illegal immigrants by penalizing the employers of illegal immigrants, and it ordered more *ICE* agents to increase worksite enforcement capability. On its face, IRCA seemed to be a tough policy to address the root cause of illegal immigration – the demand by employers for migrant labor. Another aspect of IRCA was its provision of amnesty for migrant workers whose residency in the US met with certain “tiered” conditions of the legislation. As many as 2.7 million people qualified for the amnesty, and these people could in turn apply for visas for family members remaining in Mexico, (Graham 2004, 109).

Additionally, where IRCA had intended to be strict enough to reduce migrant flows across the US-Mexico border, it was instead permissive by reason of excessive bureaucracy. For example, IRCA provided that employers could accept any two of twenty-two possible forms of identification. In practice, this hodgepodge of acceptable forms of identification had unintended consequences that worked in favor of the employers and migrant workers who wished to continue their working arrangement

¹⁸ Borjas, George. 1990. *Friends or Strangers: The Impact of Immigrants on the US Economy*. New York: Basic Books.

¹⁹ Coleman, Mathew S. 2005. “Open for Business, Closed for Bodies: Rethinking the Territoriality of US Statecraft at the US-Mexico Border.” Ph. D. diss. UCLA. Accessed on microfilm via VT inter-library loan.

unimpeded; the wide variety of acceptable forms of identification made it difficult for employers to reject an applicants' identification. Also, the inability of employers to authoritatively review applicants' forms of identification made it difficult for the government to prosecute employers for "knowingly" employing the migrant workers. This liberal identification acceptance policy, coupled with the high legal standard for proving employers' wrongful hiring of illegal immigrants (the government had to prove an employer "knowingly" hired an illegal worker) made successful prosecution of employers difficult and even futile for the law enforcement agents who brought in the cases of suspected illegal hiring of alien workers. A 2006 report by the GAO summarizes the difficulties that agents and prosecutors faced in determining wrongdoing on the part of employers, in building good cases, and in successfully prosecuting the IRCA legislation:²⁰

The current employment verification (Form I-9) process is based on employers' review of documents presented by new employees to prove their identity and work eligibility. On the Form I-9, employers certify that they have reviewed documents presented by their employees and that the documents appear genuine and relate to the individual presenting the documents. However, document fraud (use of counterfeit documents) and identity fraud (fraudulent use of valid documents or information belonging to others) have undermined the employment verification process by making it difficult for employers who want to comply with the process to ensure they hire only authorized workers and easier for unscrupulous employers to knowingly hire unauthorized workers with little fear of sanction, (USGAO 2006, 1).

IRCA also doubled the budget of the *INS*, so more *Border Patrol* agents could be hired to deter and apprehend illegal crossing of the US-Mexico border, (Durand and Massey 2004, 20).

As a result of these unintended consequences of IRCA and an economic crisis that had begun in Mexico in 1982, undocumented immigration from Mexico continued to grow throughout the late 1980s and into the 1990s. Despite government attempts to control the flows of migrant workers, the labor market continued to lure Mexican migrant workers to the North, and employers had ample justification to hire workers who had documents that met IRCA guidelines. Graham quotes economist Phillip Martin: "[t]he

²⁰ United States Government Accountability Office. 2006. *Immigration Enforcement: Weaknesses Hinder Employment Verification and Worksite Enforcement Efforts*. <http://www.gao.gov/new.items/d06895t.pdf>

change in the farm labor market made by IRCA is the switch from undocumented workers to falsely documented workers,” (Graham 2004, 108). Graham continues:

“...American immigration policy had entered a long era of permissiveness toward massive legal and illegal entry [with] policymakers repeatedly in the 1980s and 1990s expanding the opportunities and inducements to migration. This occurred in spite of public opinion polls showing the American public in all parts of the country and across all racial and ethnic groups opposed to such high numbers and especially angry about illegal entry. The Border Patrol was underfunded no matter which party was in power. One in three (estimated) illegal border crossers who were apprehended were penalized by only a bus trip back across the border, free to try again, (Graham 2004, 109).

Reforming IRCA

Yet another Immigration Act was passed in 1990. This Act was intended to establish a, “flexible” cap of 675,000 immigrants per year, consisting of 480,000 family-sponsored migrant, 140,000 employment-based migrants, and 55,000 diversity migrants,” [a lottery for candidates from under-represented countries], (Durand and Massey 2004, 20). The Act was flexible enough that annual immigration continued to exceed the 650,000 cap, and the estimates are that legal immigration was close to 1 million people annually through the first half of the 1990s, (Ibid, 20). Durand outlines a number of other unintended consequences of IRCA:

“The pursuit of restrictive policies in the context of ongoing economic integration between Mexico and the United States under NAFTA have been counterproductive. The likelihood of undocumented migration has not been affected, and the probability of apprehension at the border declined as migrants shifted from fortified segments of the border to more remote and less-patrolled sectors. Meanwhile, the probability of return migration has fallen, yielding an increase in the number of long-term undocumented residents,” (Durand and Massey 2004, 22-23).

Migration into the US from Mexico had been rooted as a temporary strategy by which Mexican agricultural workers, “eagerly embraced the idea of US wage labor as a source of investment capital,” for farms and homes of their own in Mexico (Massey et al 1987, 55). Massey and Durand argue, therefore, that IRCA and increased law enforcement presence on the US-Mexico border did in fact disrupt illegal immigration, but not in the way that the laws had intended. Instead, IRCA and the increase in Border Patrol agents that resulted from the Immigration Act of 1990 was intended to reduce the likelihood of return migration and change the back-and-forth immigrant worker behavior that characterized the Braceros from the 1940s to the mid-1960s. Braceros largely worked in the US, but returned to their families and communities in Mexico to invest

their earned wages in homes or farms. Crossing the border to work was, as noted above, an economic strategy adopted by families in response to economic conditions in Mexico that made it difficult to purchase property or a home.

The increased law enforcement presence on the border, according to Durand & Massey, reduced the likelihood of seasonal migrant workers returning to Mexico, since the workers did not want to risk apprehension on their return trip. The result is that more undocumented immigrants embedded in the US for extended periods of time. “Paradoxically, driving up the [migrant workers’] costs and risks of border crossing tends not to keep migrants from coming—it simply discourages them from going home. Whereas agricultural laborers leaving between 1987 and 1992 stayed in the United States for an average of 8 months for example, those leaving in 1993 or later stayed an average of 42 months—a fivefold increase,” (Durand and Massey 2004, 247).

Durand connects increased law enforcement presence on the border with extended stays in the US by undocumented immigrants, the shortage of guest worker permits for migrant workers, and the difficulty in Mexico for average families to secure credit to buy homes, as inter-dependent factors that do not affect the pull of migrants into the US but do affect the return of migrants to Mexico.

“Remittances and savings repatriated by Mexicans working in the United States constitute a **major source of income for migrant-sending communities and households, often more than doubling locally earned incomes.** Temporary labor in the United States provides an important means of overcoming capital market constraints for low-income and middle-income households...[t]he extent to which remittances and savings are diverted to housing thus has direct implications for assessing the role of international migration on wealth accumulation and economic development in Mexico,” (Durand and Massey 2004, 63-4).

What Durand and the researchers of the Mexican Migration Project seem to endorse then, is a guest worker program that satisfies the US Government, employers, and migrant workers as the most mutually beneficial solution to the undocumented immigration problem. Chapter two will focus on the economic impacts and issues of undocumented immigration, and will revisit the issue of how economics in Mexico are linked to the undocumented immigration discourse.

California’s Breaking Point: Proposition 187

Continued US employer demand for migrant labor; a period of weakness of the Mexican economy serving as incentive for migrant workers from Mexico to cross the

border in search of US wages, and a militarization of the US-Mexico border causing undocumented migrant workers to remain for longer stays in the US, all conspired to generate anti-immigrant legislation in California in the 1990s. The State of California had the largest number of Mexican immigrants in the US, and in 1994, the state sought to address the issue of illegal immigration. “It was California, caught in a severe economic slump, where the new grassroots restrictionism became the most potent political force,” (Graham 2004, 154). Through the work of forty or so political organizations in collecting signatures and drafting the proposition, Proposition 187 was put on the statewide ballot in California in 1994. A vote for Proposition 187 was a vote for denying public services to illegal immigrants. It passed with 59% of voters for it, and 41% against, however the law was immediately tied up in court by order of a federal district judge. The judge ruled that it was unconstitutional for a state to make immigration law. Immigration law is the explicit province of the US Congress as written in the US Constitution²¹. Daniels sums up the rationale for the federal court’s injunction of Proposition 187:

“Within days of the election US District Attorney Mariana R. Pfaelzer issued a preliminary injunction barring enforcement of most of the new statute. In 1997, she made that injunction permanent, noting, for example, that **the education ban conflicted with a 1982 Supreme Court ruling** and that **the core of the initiative conflicted with the federal government’s exclusive authority to regulate immigration**. In September 1999, almost five years after it was approved by the electorate and after Wilson’s successor, Gray Davis, a Democrat, had dropped the state’s appeal to the US Supreme Court, Judge Pfaelzer issued a final order. All that remained of Prop 187 were two laws that criminalized the manufacture and use of false documents to conceal illegal immigration status, acts that had long been illegal under federal law.” (Daniels 2004, 243-4).

After Proposition 187 was held up in court as Daniels explains above, the momentum behind the initiative essentially died. Proposition 187 came to represent a cold-hearted and dehumanizing policy toward Mexicans that was based solely on ethnic differences. Among the fatal flaws in what Proposition 187 provided was the denial of

²¹ The Constitution of the United States establishes that, “the Congress shall have Power To...establish an uniform rule of naturalization.” (Art. 1, Sec. 8). Additionally, “The Congress shall have power To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties; imposts and excises, shall be uniform throughout the United States,” (Ibid). Congress, therefore, is responsible for making immigration law, and providing for its execution and enforcement, which shall be uniform throughout the United States.

The Constitution for the United States of America, 1787. Documents from the Continental Congress and Constitutional Convention, 1784-1789.

<http://memory.loc.gov/ammem/collections/continental/index.html>

public schooling to the children of undocumented immigrants. This practice had been tested a decade earlier when a Texas public school district attempted to deny public education services to the school age children of undocumented immigrants. The policy did not stand. It was reversed in federal district court, and the federal court's reversal was upheld by the US Supreme Court in 1982 in *Plyler v. Doe*²². The impact of the Supreme Court's decision in *Plyler v. Doe* was that it was unconstitutional to deny a public education to school age children of undocumented immigrants. Additionally, the federal injunction that stopped the execution of Proposition 187 made a larger statement that individual states' efforts to legislate immigration at state level may be similarly reversed by federal courts.

An estimated 5 million undocumented immigrants were residing in the United States in October 1996. Of these, 2.7 million (54%) were of Mexican origin.²³ Two of the five million undocumented immigrants resided in California, which was 40% of the estimated undocumented population.²⁴ As of January 1, 2005, there were an estimated 10.5 million "unauthorized residents" residing in the United States, according to the *US Department of Homeland Security (DHS) Office of Immigration Statistics*, (Hoefer, Rytina and Campbell 2006). Mexicans are thought to compose 6 million of the estimated 10.5 million undocumented immigrants and are estimated to account for 260,000 of the 408,000 annual growth figures for undocumented immigrants in the US. Therefore, by 2007, the estimated number of undocumented immigrants in the US would be approximately 12 million, with 3 million residing in California, 1.8 million in Texas, and 1 million in Florida.²⁵

Since the passage of IRCA and subsequent legislation that targeted undocumented immigration, employers and the migrant workers themselves have maintained a very tenuous and dynamic balance between labor demand and supply. The balance is occasionally disrupted by law enforcement operations in the form of deportation of undocumented workers, requiring employers to find new workers. The

²² See *Plyler v. Doe*. 1982. US 202.

<http://www.tourlaw.edu/patch/plyler/>

²³ Immigration and Naturalization Service. "1997 Statistical Yearbook of the [INS]." On the web at: <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/1997YB.pdf>

²⁴ INS 1998 Statistical Yearbook. On the web at: <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/1998/1998yb.pdf>

²⁵ Ibid.

disruption of the balance by law enforcement may be damaging to the individual who leaves behind dependent family members or possessions after deportation, though usually the deported workers were returned to Mexico and released without further legal restriction.

The (Brief) Era of Cooperation

A new perspective toward immigration policy began to take root in 2000. The perspective was bi-partisan in spirit, and had powerful proponents in Congress who felt that the status quo of immigration legislation was not sustainable. These proponents began a comprehensive study to find a new balance. Coleman summarizes the system-wide failures in the immigration apparatus that inspired Congress to take a fresh look at the problem:

First, the INS had apparently failed to locate and remove criminal aliens from the interior and at the border in any volume. Second, despite the vast sums of federal monies allocated to border enforcement in the US southwest, undocumented migration had continued apace via sophisticated and increasingly more violent smuggling networks. Third, undocumented migrants were dying in large numbers in remote mountains and deserts along the border due to Operation Gatekeeper-style enforcement practices. [...]And fourth, congressional correspondents argued that immigration and customs policing at official border ports of entry had snarled cross border NAFTA traffic. Overall, the reports suggested that US policy in the borderlands lacked coordination and coherence, and thus required significant rethinking," (Coleman 2005, 181-2).

The new bi-partisan spirit in the Congress to address immigration policy especially at the US-Mexico border was in part attributable to the new spirit of cooperation by the executives of the respective states, as the Fox and Bush administrations sought to find common ground on immigration issues which were very relevant to their people. After months of discussions, the two administrations had found some common ground, particularly on addressing the problem of border deaths of migrant workers attempting to cross, and on a "rehabilitated guest worker program" as well as a new legalization plan for undocumented Mexicans who had been residing in the US, (Coleman 2005, 183). "Remarkable about these talks was the exclusive focus on regulating Mexican migration to the US (rather than undocumented migration in general), as well as the shift in emphasis from criminalizing undocumented migration to regularizing it," (Ibid, 183).

The stakes however, changed dramatically after the events of 9/11, and national security interests were re-evaluated at many levels, including border security. The 9/11

attacks on the US enabled opponents of illegal immigration an opening to merge “external foreign policy problems” with “internal public policy problems” (Coleman 2005, 102). In other words, the extent of physical, political, and psychological damage that the events of 9/11 had on Americans manifested itself as distrust and as a justification to impose dramatic changes in state-to-state relationships—not even neighbor states were exempt. The friendship between the US and Mexico suffered after 9/11, as the US began to see the border as a potentially porous approach for transnational threats and terrorist actors to enter the US. As a result of this perceived threat, the US-Mexico border region has become a hotspot for law enforcement monitoring and increased surveillance and deterrence operations.

By 2006, the legislative and executive branches of the US Government had approved the construction of hundreds of miles of new walls to deter illegal immigration. The immigration discourse had regressed from that small window of time in 2000 before 9/11, when US-Mexico cooperation on the border seemed to be achievable.

Instead, the 9/11 attacks drove The Bush administration and the US Congress to adopt a defensive posture toward immigration, and the porous US-Mexico border became a vulnerability. Border security resources were increased, hearkening back to the border build-up that occurred during the Clinton administration.

At the time of the writing of this thesis in October of 2007, the US Congress has recently considered, but failed to pass, a new immigration reform bill that was intended to confront the estimated 12 million illegal immigrants in the US. The primary aims of the bill²⁶ were to secure the border first, end chain migration, and reform worksite enforcement to hold American businesses responsible for who they hire, while improving worker verification systems available to employers. Debate surrounding the bill²⁷ had included a number of approaches for normalizing the estimated 12 million undocumented immigrants by offering a path to citizenship. Also, the proposed bill created a guest worker program, and it changed the preferences for legal immigration applicants to base more visas on job skills and education, and fewer on family ties. By

²⁶ See www.whitehouse.gov fact sheets on immigration reform.

²⁷ PBS News Hour. “Immigration Debate Resonates Throughout US.” May 31, 2007. http://www.pbs.org/newshour/newshour_index.html

the time of the presidential primaries in early 2008, immigration seems to have lots its resonance as a key political issue with candidates, media, and voters alike.

This chapter has demonstrated that the US has long had a reliance on immigrant flows to provide the workforce for American jobs and to settle the American frontier. Regulating immigration was an afterthought by policymakers for the first 100-plus years of the republic. In 1965, immigration controls were aimed at Mexico and other western hemisphere countries for the first time. Increasingly in the second half of the 20th century, immigration reforms were passed intending to seal the US-Mexico border, stop illegal immigration, offer a path to citizenship for long-term illegal immigrants, and deter employers from hiring illegal immigrants in the future.

Immigration reforms did not achieve their intended results. Aside from the path to citizenship, IRCA failed to meet its primary goals. Shortly after IRCA, illegal immigration resumed and even increased over previous levels. The attacks on America on 9/11 provided further basis for immigration policy that made a priority of securing America's borders, though the majority of the resources were applied on the US-Mexico border. Despite significant additional resources provided to secure the border after 9/11, the results did not improve. In 2007, illegal immigration is still estimated to increase by 1 million persons each year. The increased emphasis on border security as a critical component of national security has not stopped the flow of immigrant workers into the US.

Chapter 2: “The Hidden Force” behind Illegal Immigration

This chapter attempts to define the dominant ideology of the illegal immigration discourse, and offers an oppositional ideology to it. Applying Fischer’s concept of dominant ideology²⁸ to the illegal immigration discourse, illegal immigrants are framed as invaders who enter the US in violation of its laws while conspiring to evade US law enforcement. Once in the US, they deceive US employers with false documentation to secure jobs, all at the expense of lower-class American workers and American taxpayers. The negative effect on lower-class Americans is manifested through lower wages since the immigrants will work for less money. As a result, lower-class native workers are pushed out of their jobs. Unable to find work at a living wage, they are displaced from their communities. Also, the dominant ideology alleges that undocumented immigrants abuse public services that they do not pay into at the taxpayer expense, and without taxpayer consent.

By framing the immigrants and their individual decisions to illegally enter the US as the genesis of the illegal immigration problem, the dominant ideology masterfully portrays government efforts to stop immigration as the best effort against an irresistible force. The dominant ideology subtly pushes away the role that labor demand plays in continued illegal immigrant flows. Open debate by government on the power of US jobs in attracting immigrant workers might expose the incoherence of immigration laws when considered against equal employment opportunity laws meant to protect citizens’ rights. Further, law enforcement strategies that emphasize worker eligibility and worksite enforcement (as the GAO has recommended as the most effective means of combating illegal immigration, which will be discussed in chapter 3) could disrupt American industry. The dominant ideology of illegal immigration reinforces the following appearance. The government is doing all that it can to stop illegal immigration, but they are up against an irresistible force. This frame provides a qualified satisfaction with government’s effort, and it validates the existing enforcement strategy.

However, there are differing perspectives under an oppositional ideology that suggest labor demand is a strong causal factor to the illegal immigration phenomenon, and it should not be ignored by government officials in the illegal immigration discourse.

²⁸ Fischer, Frank. 2003. *Reframing Public Policy*. Oxford, U.K.: Oxford University Press.

The oppositional ideology suggests that employers cannot distinguish between eligible resident alien work applicants and illegal immigrants due to fake IDs and the extensive list of acceptable forms of identification for documented workers. Employers risk lawsuits if they decline to hire an applicant if that applicant seems to have valid identification for work eligibility. Employers also rely on immigrant workers to remain competitive in their markets. Since immigration laws are difficult to enforce, policymakers and legislators seem satisfied to direct their efforts toward stopping illegal immigration at the borders. Framing illegal immigrants crossing the border as the problem is a more appealing political strategy than addressing the failures and incongruities of immigration laws and policy. The cost of buttressing this explanation for illegal immigration is the resentment for illegal immigrants that it stirs in Americans. However, this resentment is useful in sustaining the dominant ideology and the status quo. The status quo, incidentally, is not unfavorable to illegal immigrants either. It appears to be an acceptable trade-off to earn US wages while being disenfranchised or used, and dispatched when one's illegal presence in the US is discovered. Actually, it appears to be an acceptable trade-off on both sides of the border.

It seems reasonable to assume that if there were no payday for illegal immigrant workers in the US, then the flow of illegal immigrant workers would halt. This is not a new idea. However, the dominant discourse of illegal immigration in the US -- collectively offered by legislators and agencies responsible for immigration enforcement and border security -- spotlights the illegal act of crossing the border as the exclusive cause of the illegal immigration problem. Those who shape the illegal immigration discourse conceal or aggressively ignore a key causal factor. The economic lure of US wages offered by employers and industries that rely on and recruit illegal immigrant workers drives the practice of illegal immigration.

The demand for illegal immigrant workers by employers in the US is a critically important variable in the illegal immigration discourse. It is, however, a variable that is largely buried under the dominant ideology. It is excluded from the discourse -- ideologically inert. In the undocumented immigration discourse, US labor demand exercised through US employers is not commonly acknowledged as a major

contributing factor for the problem while an estimated 12 million immigrants are believed to be in the US illegally.

It is unreasonable to believe that 12 million illegal immigrants, many of whom cannot speak proficient English, secured work by fooling American employers with false documents and convincing job interviews. It is difficult to believe that 12 million people left their homes without a degree of certainty that shelter and work awaited them in the US. This dominant ideology masterfully creates the following conditions: many Americans exclusively blame the illegal immigrants for the problem, and believe that the problem is defined exclusively by the act of individual illegal immigrants breaking of the law by illegally crossing the border. Employers receive a stream of illegal immigrant labor that they need to remain competitive, and the employers ensure that they have legal cover from prosecution for hiring illegal workers (e.g. false documents presented by workers). Employers are largely shielded within the dominant ideology by the constructed scapegoat. That scapegoat is the undocumented immigrant who enters the US illegally.

US demand for cheap immigrant labor has been acknowledged as, “the hidden force”²⁹ behind illegal immigration by a longtime critic of illegal immigration and vigorous proponent of the dominant ideology. Conservative author and political columnist Pat Buchanan branded US labor demand “the hidden force.” Mister Buchanan has forcefully opposed illegal immigration in his political arguments and books, and has even described the practice as a calculated, peaceful, strategic invasion of the US to reclaim territory lost by Mexico to the US in the 1800s. One should not assume, however, that Buchanan’s acknowledgement indicates receptiveness by the proponents of the dominant ideology to oppositional ideologies. This chapter aims to explore how and why labor demand and the hiring of illegal immigrants in the US is excluded from the discourse and the dominant ideology of illegal immigration.

Immigration policies and laws since the 1940s have cynically created and sustained a pipeline by which cheap undocumented immigrant labor could enter the US

²⁹ The expression, “hidden force” behind the illegal immigration problem was used by conservative political commentator and author Pat Buchanan on MSNBC on Tuesday, Apr. 25. Buchanan is a strong opponent of illegal immigration, and wrote a book called “State of Emergency” (2006) suggesting that the illegal immigration phenomenon is a deliberate, peaceful “invasion” of the US by Mexican immigrants.

to fill rising labor demand for US businesses. Usually, the undocumented workers accepted the great majority of the risk in these labor arrangements; they risked detection, hardship and arrest while crossing the border. Once employed in the US, they risked immediate deportation or arrest if caught. Additionally, the undocumented workers risked sudden dismissal or termination from their jobs when economic circumstances drove employers to reduce payroll.

The Bracero Accord Introduces Cheap, Plentiful, (Illegal) Labor

The Bracero Accord and the immigrant work force that it created (detailed in chapter one) established a new competitive balance in which agricultural employers grew dependent on the lower wages they paid migrant workers. Simultaneously, the accord created a fledgling network that made crossing the border easier for hundreds of thousands of workers into the US where jobs awaited their arrival. Networks quickly formed on both sides of the border to aid in the successful crossing and transition of the workers from seekers of work to employees with jobs, shelter, and wages well beyond what they could earn in Mexico. These networks have adapted to increased enforcement activities (or militarization as it is sometimes called) on the US-Mexico border, and they have adapted to changes in identification and verification requirements for employment in the US. The efforts of Congress and law enforcement have been unable to slow labor market connections between undocumented workers and US employers.

The Bracero Accord, ultimately, was a transformative guest worker program. It was jointly managed by the governments of Mexico and the US to regulate and legitimize the immigrant status of the supply of guest workers from Mexico with the demand for season workers in the US. However, after a few years of operation, the program was not processing enough migrant workers to satisfy demand. As a result, “during the late 1940s agricultural growers increasingly took matters into their own hands by recruiting undocumented workers,” (Massey et al 2002, 36).

Of crucial importance to the employers, the source of labor was self-renewing. Social networks formed by which individuals who had successfully crossed the border and secured steady work communicated back to their villages in Mexico and informed them of the great benefits of working in the US. They passed on the stories of their

successful journeys, and recommended strategies for success. Remunerations invested or spent back in Mexico provided the hard proof that migrating to the US was a high-gain proposition that did admittedly have some risk attached.

The program introduced US employers to a source of cheap, renewable labor, and it introduced hundreds of thousands of migrant workers to US wages that were well beyond what they could earn in Mexico. It also contributed to an economic balance in Mexico. The majority of migrant workers who came to the US to work under the program viewed the program as a seasonal opportunity with which to make good money and return to Mexico with their earnings to invest in their lives and families in Mexico.

Legalized Exploitation – The Texas Proviso

The most significant and perhaps the most notorious example of immigration law that subordinated propriety and fairness for the expediency of employer demand was the Texas Proviso. The Texas Proviso was a manner of sanctioning illegal immigration by neutralizing any punishment to US employers for violating immigration laws. It was passed in 1951 during the Bracero era, and it was a semantic law that was deliberately worded to clearly exclude the “hiring” of illegal immigrants as an illegal act, thereby nullifying another immigration law that forbade the “harboring” of illegal immigrants, (Hanson and Spilimbergo 2001, 7) ³⁰. Essentially, the Texas Proviso (named for the congressional delegation that originally wrote it) stated that hiring was not the same as harboring, and therefore employers could not be prosecuted for merely hiring illegal immigrants, (Massey et al 2002, 36). The Texas Proviso was passed in response to tough sanctions from the Immigration and Nationality Act. According to Daniels,

“The [INA] bill also made deportation easier and incorporated provisions of the so-called “Wetback Bill” passed earlier that year, which extended the range of the Border Patrol on the Mexican border from a “reasonable distance” to “twenty-five miles” and empowered its agents to conduct warrantless searches of “any railway car, aircraft, conveyance, or vehicle” and “to have access to private lands, but not dwellings.” In another seemingly “tough” anti-illegal immigrant section, the act made “harboring” an illegal alien a felony punishable by as much as five years’ imprisonment and a \$2,000 fine. But this was followed by the infamous “Texas proviso,” which stipulated that employment of illegal aliens, “including the usual and normal practices incident to employment,” did not constitute “harboring”. Thus a rancher in the Rio Grande Valley who drove his pickup truck across the border, loaded it with Mexicans who wanted to work, and brought them

³⁰ Hanson, Gordon H. and Antonio Spilimbergo. 2001. “Political Economy, Sectoral Shocks, and Border Enforcement.” The Center for Comparative Immigration Studies. University of California, San Diego. <http://www.ccis.ucsd.org/publications/wrkg44.pdf>

back committed a sanctioned illegal act. If apprehended, the Mexicans were merely sent back across the border, usually without any formal procedure.” (Daniels 2004, 120-21).

The Texas Proviso demonstrated that immigration laws could be flexible in instances where commerce stood to benefit. Daniels highlights a very interesting aspect of the Texas Proviso. If an undocumented worker was apprehended, the individual was removed from the worksite and sent across the border, usually without any formal charges. The practice of removing the worker from the work arrangement without charges suggests both a tacit acceptance of the arrangement and exposed the law as a symbolic measure to create the appearance that undocumented immigrants were restricted from working in the US. Practically speaking, however, the migrant workers were needed by US employers, and the occasional deportation of undocumented workers was a symbolic gesture to create the appearance of law enforcement.

While the Bracero program ended in 1964 when the Congress chose not to renew it [on the grounds that it was exploitative of workers as mentioned in Chapter 1], the Texas Proviso remained in effect until the Immigration Reform and Control Act (IRCA) was passed in 1986. “In terms of assimilation, the most important thing that IRCA did was criminalize the hiring of undocumented migrants. “Before 1986, people working in the United States without authorization were at risk of arrest and prosecution, but their employers were not,” (Massey and Bartley 2005, 472)³¹.

The Unintended Consequences of IRCA (1986)

While IRCA was intended to halt future illegal immigration, it provided amnesty for three million migrant workers who had illegally entered the US in an unprecedented demonstration of generosity. IRCA also required those immigrants who accepted the amnesty to comply with conditions and standards for becoming US citizens, (Durand and Massey 2004, 90). Thus, IRCA’s most significant effect was in resetting the score (of illegal immigrants) to zero. The IRCA laws contained a legal standard that would once again make it difficult to charge employers for their role in the hiring of illegal immigrants. The legal standard that prosecutors would have to prove in order against employers is that the employers “knowingly” hired undocumented workers. Whether the

³¹ Massey, Douglas and Katherine Bartley. 2005. “The Changing Legal Status Distribution of Immigrants: A Caution.” *International Migration Review*. Vol. 39, No. 2.

legislators knew it or not, IRCA would merely extend the status quo that did not punish employers and did not slow the flow of illegal immigrants. IRCA did, however, wipe a few million illegal immigrants off of the estimated number of illegal immigrant workers in the US by offering long-term undocumented workers a path to citizenship.

Further complicated the enforcement of IRCA, the legislation validated 22 different forms of worker identification as acceptable proofs of identity for prospective employers. Employers could hire an individual if the applicant was able to produce any 2 of the 22 forms of identification, (Graham 2004, 108). Given these numerous acceptable forms of identification and a legal standard requiring proof that an employer “knowingly” hired an illegal alien, employers had little difficulty evading prosecution. After all, US employers are not authorities in authenticating forms of resident alien identification, and it was difficult to prosecute them when the list of acceptable documents was so lengthy.

Despite IRCA’s presentation as a policy intended to “get tough on illegal immigration,” it did not either stop or significantly slow the practice. In fact, undocumented immigration increased in the wake of IRCA throughout the late 1980s and into the 1990s. A number of economic factors in the sending countries contributed to the continuation of migrant flows into the US, where forged documents bought from the migrant networks that supported the employer-worker introduction could match a worker up with a job. These people who made up the migrant networks found or created jobs that supported the migrant workers “in transition” and provided needed services that helped the workers cross the border and embed in supportive and sympathetic communities. Graham writes:

“Driven by a Mexican economic crisis and civil wars in Central America and lured by a magnet of jobs in low-wage industries from agriculture to food service, lawn-home maintenance to child care—and, some said, also welfare benefits, free public schooling, and free hospital emergency room care—illegal immigration rose above former levels and continued as a heated topic of immigration debate.” (Graham 2004, 109).

In addition to explaining away their hiring practices by claiming not to have known that applicants were undocumented, employers shielded themselves from prosecution in other ways. For example, after IRCA passed sanctions against employers for hiring unauthorized workers, the migrant labor market responded as labor subcontractors emerged to incur the liability for the eligibility for and authorization of the

workers hired for an employer. Again, the market for migrant workers adapted to the policy, and supply continued to be match up with labor demand in the US Massey & Bartley summarize a key adaptation in the migrant labor market that was spawned by the clauses of IRCA intended to penalize the employers of illegal aliens.

“Employers shifted to a pattern of indirect hiring, using labor subcontractors rather than directly contracting the workers themselves. Under a subcontracting arrangement, the employer signs a contract with a U.S. citizen or resident alien who agrees to provide a specific number of workers for a certain period of time to undertake a defined task at a fixed rate of pay per worker. As the workers are not employees of the firm but of the subcontractor, the employer need not comply with IRCA’s paperwork requirements and escapes liability under the law. After 1986, labor subcontracting arrangements became common in industries characterized by high turnover and substantial foreign employment” (Massey, and Bartley 2005, 473).

The appearance of labor subcontractors not only insulated or “washed the hands” of employers, but it also had an important and tangible effect on the migrant workers. The subcontractors introduced an additional economic consequence for migrant workers—reduced wages. Wages naturally decreased because employers expected to hire roughly the same amount of workers as they would have independently hired prior to the emergence of the sub-contractors. The subcontractors then had to carve their profit out of the migrant workers’ end, and thus evolved a new balance between employers and migrant workers in which employers benefited by further insulation from prosecution, (Ibid, 473). In addition to decreased wages, IRCA and its tough penalties for employers of illegal immigrants may have driven more jobs to the informal labor markets in which workers were paid in cash and were not formally on employer payrolls, (Donato et al 2005, 10).

The massive infusion of resources toward law enforcement of the southwest border directed by IRCA also signaled the beginning of what some call the “militarization” of the US-Mexico border, (Coleman 2005, 198). It was IRCA that provided a \$400 million supplement to increase the number of *Border Patrol* officers in 1987 and 1988. The *US Department of Labor* was also provided additional resources to increase their worksite enforcement capability. The increased presence on the border had a short-term effect, with the *Border Patrol* reporting decreased apprehensions in 1987 and 1988, but the trend reversed in 1990, and illegal immigration was again on the rise, despite the increase of agents and *Border Patrol* presence (Durand and Massey

2004, 90-91). Congress responded to the increases in apprehensions by providing more money for more border agents in the Immigration Act of 1990.

Proposition 187 and the Militarization of the US-Mexico border

Congress passed fresh legislation again in 1996 to address illegal immigration. They had been inspired to act by the passage of Proposition 187 in California. Proposition 187 had been proposed to deny public services to illegal immigrants and their families, and state voters passed the proposition. The fact that residents of California, the state with the largest population, the largest Mexican population, and the largest illegal immigrant population in the union passed the statewide proposition that would deny the provision of public services to undocumented immigrants highlighted the intensity of the illegal immigrant political discourse. The immigration “problem” in California had a very significant economic component. The vote reflected the popular will of Californians that the state had to intervene to stop the provision of public services to undocumented immigrants and their families.

Despite the voters’ intent, a district federal court halted the implementation of the bill almost immediately after the passage of Proposition 187 by an injunction. The injunction of Proposition 187 referenced the standing Supreme Court decision in *Plyler v. Doe (1982)* as the basis for rejecting most of the provisions of Proposition 187. Subsequently, an anti-Proposition 187 publicity campaign neutralized the reform’s post-referendum momentum by labeling it as prejudiced against Hispanic and Latin Americans in California. Before 187’s proponents had the opportunity to take the case to the Supreme Court, the same judge who served the initial injunction effectively killed Proposition 187 by striking all but two of its directives:

“All that remained of Prop 187 were two laws that criminalized the manufacture and use of false documents to conceal illegal immigration status, acts that had long been illegal under federal law.” (Daniels 2004, 243-4).

Congress took notice of the Proposition 187 episode as an economic issue, and re-invested substantial resources intended to establish control of the borders to deter illegal immigrants. This time, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act to get tougher on smugglers, construct new fencing to

deter illegal immigration, and add 1,000 new *Border Patrol* agents per year through 2001, (Massey and Bartley 2005, 473-4).

Throughout the 1990s, studies suggest that despite the militarization of the border and concentrated efforts of the US Government and its law enforcement apparatus to halt them, immigrant flows continued to increase. The primary change in the behavior of the undocumented immigrants from Mexico as the result of the increased border deterrence was, according to Massey et al, that increasingly, migrant workers no longer risked the attempt to return to Mexico. The militarization of the border, then, deterred the return trips to Mexico that had long been a part of the work cycle of the immigrant worker. Instead, those who came illegally opted to stay in the US rather than risk a return to Mexico which could end in arrest, identification, and deportation. The militarization of the border did not deter the migrant workers from crossing the border to find work and US wages, but it may have deterred the cycle of return migrant flows.

“Having paid the higher costs of border crossing, illegal immigrants worked longer to amortize their investment. At the same time, migrants grew more reluctant to face the harrowing gauntlet at the border again. After 1993, undocumented migrants increasingly remained in the United States and arranged for the entry of family members, causing an unprecedented increase in the size of the undocumented population, especially among Mexicans,” (Ibid, 475).

Cooperative Intentions Interrupted by 9/11

When President George W. Bush was inaugurated to his first term in 2001, his early diplomatic efforts included making immigration reform a priority. He soon engaged President Vicente Fox of Mexico to discuss cooperation on a guest worker program and amnesty to address the illegal immigrant population from Mexico currently in the US. Early progress in the talks was interrupted by when later that year, the September 11, 2001 terrorist attacks on the US drove the government into a defensive posture with regard to immigration since multiple perpetrators of the attacks turned out to be in the US illegally, due either to false identification used for entry or to expired visas. Thus, the possible beginning of a new cooperation between the governments of Mexico and the US on illegal immigration was indefinitely tabled, and the US increased its deter, detect, and monitor mission on the borders with even greater levels of law enforcement operations on the southwest border, (Coleman 2005, 174). Had this era of cooperation

continued, it seems possible that the US and Mexico may have been able to compromise on illegal immigration through a guest worker program based on mutually agreed upon definitions of the issues and bi-national accountability.

“The Bush administration further started work on a draft Anti-Terrorism Act of 2001 which had at its center the reformulation of immigration law to allow for unrestricted powers of alien detention and deportation at the borders and in the interior. “Lawmakers followed suit by calling for tightened borders, stricter immigration procedures, and new cooperation between federal law and federal immigration agencies,” (Ibid, 187). Coleman goes on to argue that, “[i]n a sentence, immigration was promptly re-coded as a law and order issue, the US-Mexico border as a national security threat, and immigration law as a frontline defense against terrorism,” (Ibid, 187).

In the face of increased militarization of the US-Mexico border since 9/11, cooperation on immigration between the two neighbors steadily declined. In a visit to the US in 2006 while he was still President of Mexico, Vicente Fox restated a theme that he has expressed since he was elected in 2000. He speaks of illegal immigrants from Mexico as “heroes” who take personal risk to enter and work in the US, and send money home to their families. In a visit to Arkansas in 2007, President Fox reiterated this viewpoint.

“Documented, undocumented; they are real heroes,” he says. “They are here because they’re looking for the American Dream.”

Fox went on to say America would be in trouble without Mexican workers. “Otherwise this country does not have the capacity to compete with China and with Asia.”³²

The opposing story-line of undocumented immigrants as heroes was not widely understood by Americans in the context that President Fox intended. He views even those undocumented immigrants who have broken the law to enter the US for work as heroes because of the billions of dollars that immigrants collectively send to their families in Mexico each year. Also, Fox argued that the US economy both wanted and needed immigrant workers to compete in the global marketplace. To the Mexican families that benefited from remunerations that undocumented immigrants in the US sent back to them, they were heroes. To assist their families, these heroes accept

³² Clark, Jerod. 2007. “Vicente Fox Talks About Immigration in Texas.” <http://www.todaysthv.com/news/news.aspx?storyid=44943>)

significant personal risks. The “heroes” metaphor was widely criticized in the US as a perverse way of attempting to validate the actions of millions of Mexicans who broke the law in illegally entering the US in search of work.

Oppositional Ideologies

The widely held Mexican story-line of undocumented immigration is far different from the dominant ideology. De la Garza and Szekely³³ outline the Mexican perspective, in which illegal workers are filling the demand for labor in the US that sustains industries and benefits the US economy. They argue that, in fact, the US Government and key political actors consider undocumented immigration desirable and beneficial, though for political reasons, the government must officially oppose the practice.

“Mexican officials and most Mexican and American academics [rationalize the Mexican governments’ inaction on illegal immigration] by saying 1) the Mexican Constitution guarantees all Mexicans the right to leave their nation at will and therefore it would be illegal and wrong for the state to prevent emigration, 2) the Mexican government could not prevent undocumented emigration even if it tried, 3) Mexicans emigrate in response to U.S. demands for labor over which the Mexican government has no control, and 4) there is no reason for Mexico to try to control emigration because the U.S. government and the nation’s key political actors support undocumented immigration because it is beneficial to the U.S. economy, (Bean et al 1997, 220).

Sidney Weintraub argues that US policy complements this Mexican perspective and the two sides thereby create conditions which facilitate the continued migration of needed workers to US industries.

“Three patterns recur in U.S. immigration policy, and each of these affects migration from Mexico with particular force. They are:

1. A conscious decision not to completely close access to the United States by unauthorized immigrants.
2. A tendency to base entry eligibility on specific domestic regional or sectoral interests, those that can exert concerted political pressure.
3. Repeated policy turnarounds, from welcome to rejection, when the U.S. economy falters.” (Ibid, 285).

These ideas that criticize the apparent opportunism of US policy on illegal immigration challenge the dominant ideology that frames illegal immigrants as deceitful law breakers who evade law enforcement and trick employers into hiring them by producing fraudulent identification documents. Instead, employers enjoy laws that place

³³ Bean, Frank D., Rodolfo de la Garza, Bryan R. Roberts and Sidney Weintraub, editors. 1997. *At the Crossroads: Mexican Migration and U.S. Policy*. Lanham, MD: Rowman & Littlefield.

the burden of employment eligibility on workers. The workers are a renewable source of labor. Weintraub writes, “there is a long history of inviting foreign workers to the United States to meet the labor needs of employers, only to reject them at times of economic downturns,” (Ibid, 285).

Fred Krissman³⁴ writes that illegal immigrant flows are more a product of labor demand and recruitment by US employers than they are a creation of social networks. He states that:

“1) after employers use immigrant workers once, they are more likely to do so again; 2) employers are more likely to use immigrant workers if they know other employers use such labor; 3) as socioeconomic barriers to using immigrant workers rise, dependence on intermediaries to obtain that labor increases; 4) employers seeking to maintain substandard labor market conditions are more likely to prefer immigrant workers; and 5) employers in industries and/or regions where immigrant labor is common are more likely to use such workers,” (Krissman 2005, 4).

US employers in certain sectors of the economy have seen a transition in which they are dependent upon immigrant workers to keep their businesses competitive with their rivals. As Krissman explains, the cycle of dependence is difficult to break, and as a result, tendencies develop by which immigrant workers cluster around these jobs. Labor demand continues to lure immigrant workers to replace those that move on, and labor demand in the US still serves as the incentive for immigrant workers who illegally enter the US.

Efforts to halt illegal immigration have always prioritized the US-Mexico border. Whether the intent of immigration enforcement strategies were to halt illegal immigration or seal the border in the interests of national security after 9/11, the effort has centered on prevention and interdiction of illegal immigrants. Focusing the effort on the US-Mexico border presents the appearance of diligence and action, yet historical data show that increased border enforcement as a strategy is not successful in arresting illegal immigration.

This priority of effort at the US-Mexico border is important in establishing the dominant ideology. As the dominant ideology goes, illegal immigrants must first be prevented from entering the US. Furthermore, defining the decision to illegally immigrate as the root cause of the illegal immigration phenomenon sustains the tidy

³⁴ Krissman, Fred. 2005. “Sin Coyote Ni Patron: Why the “Migrant Network” Fails to Explain International Immigration. *International Migration Review*. Vol. 39, No. 1.

status quo. This status quo is less disruptive to US employers and industry as well as government officials than an emphasis on improved worker eligibility tools or increased worksite verification.

Chapter 3, How the Dominant Ideology is Constituted

The preceding chapters have discussed the impacts that immigration law and policy have historically had on the practice of illegal immigration to the US. Chapter Two attempted to demonstrate how the labor demand of US employers for migrant workers is a critical causal factor to the illegal immigration phenomenon. Yet this labor demand is a factor that is largely excluded from the illegal immigration discourse. This chapter will attempt to identify some of the key elements that constitute the dominant ideology of the illegal immigration discourse. Before beginning this endeavor, I will define discourse as it is applied in this study. Frank Fischer references Maarten Hajer's definition of discourse, and adds his own interpretation of it:

"For Hajer discourse is 'a specific ensemble of ideas, concepts, and categorizations that area produced, reproduced, and transformed to give meaning to physical and social relations'. As such, discourse and discursive practices circumscribe the range of subjects and objects through which people experience the world, specify the views that can be legitimately accepted as knowledge, and constitute the actors taken to be the agents of knowledge," (Hajer 1995, 73).

Labor demand as a causal factor works at odds with the dominant ideology because it divides responsibility for the immigration "crisis" between US employers, US Government officials, and the illegal immigrants themselves. It is preferable for agents of knowledge of the dominant ideology to shift the responsibility to the illegal immigrants and their illegal entry into the US as the root of the problem. This is done by emphasizing the US-Mexico border, and the act of illegally entering the US as the locus of the illegal immigration problem. The problem of illegal immigration is therefore framed by the government's response to it, in which resources are repeatedly concentrated on the US-Mexico border. The easy conclusion to draw from the massing of resources on the border is that that is where the problem lies.

The role of labor demand in illegal immigration is not endorsed by the agents of knowledge that constitute the dominant ideology. It is deliberately pushed aside in the discourse precisely because validating the role of labor demand in illegal immigration would splinter the responsibility for the phenomenon to include government officials, law enforcement administrators, and US employers. This chapter will examine the elements that make up the dominant ideology of illegal immigration in the US in an attempt to

explain what the dominant ideology serves, and what the exclusion of oppositional ideologies serves.

Economic, cultural, and nativist (or xenophobic) concerns among Americans about the impact of illegal immigrants are exploited by advocates of the dominant ideology. Individual Americans decide for themselves how to consider the phenomenon of illegal immigration. The dominant ideology is the foundation for much of the news coverage of illegal immigration. The ideology is presented to the masses via interviews with politicians, talk radio programs, and cable and television news pieces. The message takes the following form. Against the will of Americans, the illegal immigrants continue to illegally cross the border. The dominant ideology projects the message that illegal immigrants deliberately break US law, take jobs from Americans, do not pay taxes, and cheat the system to get welfare, health care, and education for their children, all at the expense of the US taxpayer. Illegal immigrants also, according to the dominant ideology, form ethnic enclave communities, refuse to learn English, and reject cultural assimilation, preferring instead to import their native communities into cultural refuges within the US.

The oppositional ideology instead suggests that the illegal immigration phenomenon is driven by the US labor market, and by US employers who rely on immigrant workers to remain competitive in their industries. Under this oppositional ideology, illegal immigrants are responding to market forces and opportunity in the US to make wages far superior to what they can earn for the same kinds of work in their native countries. Additionally, illegal immigrants know the risks in illegally entering the US, but believe that the risks are worth the potential gain.

Degrading the Environment: Secretary Chertoff's Perspective

In a national news item from Monday, October 1, 2007, Department of Homeland Security Director Michael Chertoff deflected criticism that a planned 670 mile fence on the US–Mexico border would bring with it negative environmental impacts. Opponents charged that the fence would disturb natural ecosystems along the border by potentially, for example, separating wildlife from habitual water sources. Secretary Chertoff replied with the following comments:

"Illegal migrants really degrade the environment. I've seen pictures of human waste, garbage, discarded bottles and other human artifact in pristine areas," Chertoff said in a

telephone interview with The Associated Press. "And believe me, that is the worst thing you can do to the environment."³⁵

Instead of responding to the criticism of the border fence by environmental advocates in terms of national security or in terms of sealing the borders to halt illegal immigration, Secretary Chertoff one-ups the critics by generalizing illegal immigrants as careless or contemptuous, littering the lands that they cross. The base mental picture that the secretary paints of the remnants of illegal immigration is intended to neutralize the critics' charges. Unfortunately, these remarks add fuel to the fire by provoking both illegal immigrant opponents and advocates. Opponents of illegal immigration hear the DHS Secretary reinforce their negative view of illegal immigrants.

Sympathizers take offense at the generalized behavior that he implies. This review of a recent news item is not intended to encompass and define the official DHS position on illegal immigration. It is instead a telling comment about how the leader of DHS views the phenomenon of illegal immigration. They degrade the environment with their litter. Their very transit results in negative consequences. They are not welcome, and their discretion is taken personally by the agents of knowledge. Illegal immigrants enter America against the will and without the consent of Americans--but do they? Are there not some Americans who are waiting to employ illegal immigrants? And do Americans who do not have personal contact with illegal immigrants realize that American immigration law, policy, and employers operate within a series of loopholes that ultimately lead to the provisions of the labor that is in demand in many US workplaces. Do Americans know that other Americans participate in the illegal immigration phenomenon by relying on immigrant labor, and linking the success of their businesses to it?

Secretary Chertoff's comments reinforce the dominant ideology. They reinforce negative, generalized emotions toward illegal immigrants. In addition to defending the border fence as a lesser of two evils, the comments, deliberately or not, are provocative to passionate observers of the illegal immigration discourse on both sides. Advocates of the dominant ideology are given another reason to resent illegal immigrants, while

³⁵ Sullivan, Eileen. "Chertoff: illegals 'degrade' environment." Associated Press: October 1, 2007. http://news.yahoo.com/s/ap/20071001/ap_on_go_ca_st_pe/border_fence

defenders think the comments are a cheap shot meant only to provoke Americans who already subscribe to the dominant ideology, which is almost inescapable.

The next section will discuss how the dominant ideology rejects illegal immigration on the economic grounds, in which immigrants are blamed for taking jobs from lower-class American workers, drive down wages, and abuse social services that they do not pay into, at the expense of US taxpayers. The intent is not to empirically disprove the economic studies that support the dominant ideology. Instead, the intent is to briefly discuss the studies, and to note the limitations or weaknesses of their findings and conclusions, as admitted by the scientists who undertook them, in order to show that the dominant ideology is not the only reasonable explanation for the illegal immigration phenomenon. There is room for other reasonable explanations to be brought into the discourse.

Economic Contributions to the Dominant Ideology

George J. Borjas is a leading immigration scholar and author. He is also a Naturalized US citizen whose family fled Cuba during the uncertain times surrounding the Cuban Revolution led by Fidel Castro. Borjas grew up in the Cuban refugee communities of Miami, Florida. He is an immigration scholar who brings first-hand experience to the discourse. His overall argument is that immigration as a whole has both costs and benefits to the US economy. Americans, therefore, should have a voice in which people are permitted to enter, and in what selection criteria the government uses to admit immigrants. The criteria that he prescribes are to select the immigrants with the skills most likely to have the maximum benefit to the economy.

Borjas' arguments, however, exclude the argument that could be made in which American employers are, in effect, subverting the immigration selection process by sustaining illegal immigrant flows through the continued recruiting and employment of illegal immigrants. Perhaps these employers are hamstrung by equal opportunity laws which prevent them from challenging the identification credentials offered by applicants. Perhaps worker identification verification systems are not up to the task of distinguishing legally present applicants from applicants who are in the US illegally. Or perhaps some employers voluntarily suspend disbelief, and hire workers who may be illegal as long as the employers are able to document that they followed the government's procedures for

worker eligibility verification to the best of their ability and with respect to the rights of the applicants.

In his 1999 book, *Heaven's Door: Immigration Policy and the American Economy*, Borjas argues in support of a number of economic arguments about immigration that constitute the dominant ideology. For example, he disputes claims from unspecified studies that immigration does not drive down wages in the US. In fact, he criticizes the studies for not falling short by not attempting to measure the effects of natives who relocate to other cities because of sinking wages. Regarding the evidence cited in the studies, he writes,

“Much of this evidence is based on comparisons of the labor market outcomes of native workers who reside in cities with large numbers of immigrants (such as Los Angeles and San Diego) with the outcomes of natives who reside in cities where few immigrants live (such as Atlanta and Pittsburgh). These “spatial correlations” often suggest that the average native wage is somewhat lower in labor markets where immigrants tend to cluster—but the wage differential between the markets may be so small that it is not worth worrying about.”

“But a weak spatial correlation does not necessarily prove that immigrants have a benign impact on the employment opportunities of native workers. Suppose, for example, that immigration into San Diego reduces the earnings of native workers there substantially. Native workers will probably react. Many will move out of the San Diego area to other cities, and workers who were considering moving to San Diego will move somewhere else instead. As natives respond to immigration by voting with their feet (creating what has been called “the new white flight”), the adverse impact of immigration on the San Diego labor market will be transmitted to the entire economy,” (Borjas 1999, 63).

First, a wage comparison between different cities is limited in what it can tell us if does not include some comparison for respective costs of living, for starters. To compare a wage earned in San Diego against a wage for the same type of work earned in Pittsburgh does not necessarily correlate, and will not tell us who has more buying power. Aside from this, Borjas' counter charge that natives are moving away from labor markets where immigrants tend to cluster because of lower wages needs to be studied further. It is interesting as a hypothesis, but it is merely a hypothesis. Based on this argument and counter-argument, it remains unknown whether immigrants drive down wages for native workers.

Another study takes on the question of whether the presence of illegal immigrants in the workforce reduces work opportunities for native workers. Card's study analyzes this by comparing the income of native high school graduates against non-high school graduates in a time series analysis to determine if the existence of

illegal immigrants in the workforce manifests itself through decreasing wages for non high school graduate natives. He concludes:

“The leading alternative to a local labour market approach is a time series analysis of aggregate relative wages. Surprisingly, such an analysis shows that the wages of native dropouts (people with less than a high school diploma) relative to native high school graduates have remained nearly constant since 1980, despite pressures from immigrant inflows that have increased the relative supply of dropout labour, and despite the rise in the wage gap between other education groups in the US economy,” (Card 2005, F321).
36

Card’s study on earnings also suggests that the children of immigrants, the so-called second generation of immigrant families, may succeed in their education on pace with peers who are children of native born Americans. He writes:

“[f]ew of the 40% of immigrants who come to the US without completed high school education will ever catch up with the average earnings of natives. Most of their US-born children, however, will catch up with the children of natives. Evidence on the intergenerational progress of immigrants’ children is now becoming available and points to above-average levels of educational attainment, even for children whose fathers had much lower schooling than native-born fathers,” (Ibid, F321).

While this handful of studies does not resolve the differences between the dominant and oppositional ideologies of illegal immigration, they do indicate that social scientists are researching new perspectives that add breadth to the undocumented immigration discourse. If second and later generations of immigrant families are performing above average in educational achievement, then this would be another conclusion that is at odds with the dominant ideology.

Borjas also addresses the economic impact of immigrants on welfare. Referencing US Census data, he concludes that immigrant households receive welfare and Medicaid at rates higher than those of native households.

“In 1998, 10 percent of immigrant households received food stamps, as compared to 8 percent of native households. And 20 percent of immigrant households were covered by Medicaid, as compared to 13 percent of native households. In short, almost a quarter of immigrant households received some type of assistance, as compared to 15 percent of native households,” (Borjas 1999, 108).

Borjas hedges, however, by explaining that when the census data are adjusted to consider household size, age of the head of household, level of education, and state of residence, then immigrant households that received welfare were roughly proportionate to native households. He writes,

³⁶ Card, David. 2005. “Is the New Immigration Really So Bad?” *The Economic Journal*, No. 115.

“if only immigrants had more schooling, or had smaller households, or lived in different states, their welfare use would roughly be similar to that of natives. But from a cost-benefit perspective—the perspective that stresses the bottom line for the typical native person—what matters is the actual welfare use of the immigrant population. The typical American taxpayer benefits little from knowing that immigrant households headed by high school dropouts do not use welfare any more often than native households headed by high school dropouts—particularly if high school dropouts dominate the immigrant population,” (Borjas 1999, 113).

Here, Borjas concludes, for the typical American, that immigrant household use of welfare that is roughly equivalent to native household use when adjusted, is hardly of benefit. The kind of data that are needed to shed greater light on this relationship, however, is how long immigrant households remain on welfare as a form of income that the family relies upon as compared to native households. Additionally, inter-generational data on welfare use of native versus immigrant households would be especially useful for showing trends in welfare reception over longer periods of time, and in what rate native and immigrant children continued to receive welfare when they became heads of households. Borjas’ conclusions above state merely that, immigrant households are using welfare at about the same rate as natives. This is hardly a compelling reason to restrict immigration, particularly if the conclusions are based on a one-time snapshot and do not capture progress of participating households over time. Also applicable is the shelf-life of data used here, which is a limitation of any social science study.

Cultural and Nativist Contributions to the Dominant Ideology

International Studies Professor and Author Samuel P. Huntington makes a substantial contribution to the dominant ideology of illegal immigration to the US in his 2004 book, *Who Are We? The Challenges to America’s National Identity*. It is a fear mongering book that presumes as historically appropriate, an Anglo-Saxon Protestant majority making up the population of the US in perpetuity. Huntington makes the case that immigration from Mexico into the US, if left unchecked, will significantly change the culture and values of the US, and could lead to a bi-lingual nation. The status quo that defines American culture and values is in jeopardy due to multi-culturalism. “Illegal immigration is, overwhelmingly, Mexican immigration,” (Huntington 2004, 225).

Huntington’s book reads in parts like a subtle and cautious, yet unmistakable warning for traditional (Caucasian or European ancestry) Americans to understand what

could happen to “American identity” if immigration into the US continues unchecked. Huntington attributes the successes of The United States of America in the 200 plus years since its formation to Protestant values. Further, the book repeatedly links demographic facts about the ancestral makeup of Americans in the past as situations that are desirable and, based on the past success of the American experiment, are the best recipe for the US in perpetuity. He writes,

“Protestant beliefs, values, and assumptions...had been the core element, along with the English language, of America’s settler culture, and that culture continued to pervade and shape American life, society, and thought as the proportion of Protestants declined,” (Ibid, 62).

Immigrants represent a challenge to American identity, as Huntington defines it. He suggests that the most recent major wave of immigration that began in the 1960s,

“brought to America people primarily from Latin America and Asia rather than Europe as the previous waves did. The culture and values of their countries of origin often differ substantially from those prevalent in America. It is much easier for these immigrants to retain contact with and to remain culturally part of their country of origin. ...The current wave continues unabated. The erosion of other national loyalties and the assimilation of recent immigrants could be much slower and more problematic than assimilation has been in the past,” (Ibid, 18).

In this quotation, Huntington implies that immigrants from Latin America and Asia, since their culture and values are so different from “those prevalent in America,” may be susceptible to loyalties that are divided between America and their native lands. By those prevalent in America, he apparently means the culture and values of Anglo-Saxon Protestant Americans, which his book suggests should remain in the majority.

Huntington is equally concerned about the security of English as the uncontested language of the US. He writes,

“never before in American history has close to a majority of immigrants spoken a single non-English language. The impact of the predominance of Spanish-speaking immigrants is reinforced by many other factors: the proximity of their countries of origin; their absolute numbers; the improbability of this flow ending or being significantly reduced; their geographical concentration; their home government policies promoting their migration and influence in American society and politics; the support of so many elite Americans for multi-culturalism, diversity, bilingual education, and affirmative action; the economic incentives for American businesses to cater to Hispanic tastes, use Spanish in their business and advertising, and hire Spanish-speaking employees; the pressures to use Spanish as well as English in government signs, forms, reports, and offices,” (Ibid, 18-19).

Elsewhere in his book, Huntington speaks of Americans as people who subscribe to the same political ideals. “Americans, it is often said, are a people defined by and united by their commitment to the political principles of liberty, equality, democracy, individualism, human rights, the rule of law, and private property embodied in the American Creed,” (Ibid, 46). Here, Huntington’s ideas seem inconsistent, and invite scrutiny. If immigrants from all over the world become loyal and have assimilated to life in America through a shared commitment to this American Creed, then on what basis does he believe that the immigrants of today, especially those from Asia and Latin America, will not similarly commit to the creed? Why are these peoples not capable of learning to appreciate the American Creed and making it their own? And does he believe that future generations born of immigrants will have divided loyalties between their native land and the native land of their parents or grandparents?

It is the kind of fear mongering in Huntington’s book that the dominant ideology of illegal immigration is constructed upon. Not surprisingly, it is the same kind of rhetoric that has been produced to protest every previous wave of immigration into the US. The same fears that have been packaged and presented as a reason to halt immigration throughout American history are being used again to encourage a sealing of the borders, and freezing in-place the racial composition of America. Huntington wisely stops short of advocating a new Caucasian baby-boom. Instead, he seems more comfortable in the role of sentinel, warning Americans who are authentic descendents of the original settlers of the US of an uncertain future in which Americans of Anglo-Saxon descent may cease to be the majority of Americans. This possibility must soon be addressed, he warns, if it is to be averted.

The fatal flaw in Huntington’s characterization of the American identity is that it assumes an Anglo-Saxon Protestant homogeneity that must be preserved in order for the American Creed to be preserved. Ideas, however, are not homogenous. The preservation of the American identity must be realized without artificial controls on who belongs. Huntington is suggesting that the ideas that embody the American Creed are dependent upon Anglo-Saxon Protestant cultural values for their continuation as originally intended by The Founding Fathers.

Huntington lists reasons, summarized below, for believing that immigration from Mexico is different than other waves of immigration to the US in the past which have successfully assimilated (Huntington 2004, 222-230). First is contiguity; the US and Mexico share a 2,000 plus mile border, much of which is unmarked and un-monitored. Second is numbers. Due to contiguity, Mexicans are migrating to the US in ever-increasing numbers, and Mexicans have overtaken African-Americans as the largest minority in the US during this decade. Mexicans are, however, able to remain connected to Mexican culture, and are able to live and work among Mexicans in predominately Mexican populated communities in the US. Third is illegality. Huntington writes, “[i]n 1993 President Clinton declared the organized smuggling of people into the United States a “threat to national security. Illegal immigration is even more a threat to America’s societal security. The economic and political forces generating this threat are immense and unrelenting. Nothing comparable has occurred previously in the American experience,” (Ibid, 226). Unfortunately, Huntington does not expound on the threat of illegal immigration to “societal security”, and it is therefore difficult to rebut.

Fourth is regional concentration. Huntington anticipates the continued growth and insularity of Mexican enclave communities in the US that use Spanish as the primary language of commerce and government. Fifth is persistence. Huntington concludes that where other waves of immigration to the US in the past have subsided over time due to changing economic situations in native countries, immigration from Mexico will persist in high numbers. Finally, sixth is historical presence. Internationally recognized lands of the US were, just over a century ago, recognized lands of Mexico. Huntington charges that Mexicans feel comfortable living in what were formerly their lands.

In addition to these reasons why Huntington thinks that immigration from Mexico will indefinitely continue to increase, he offers reasons, summarized below, why Mexican immigrants are bound to lag behind previous waves of immigrants in terms of assimilation (Ibid, 230-243). First is language; historically, English proficiency among members of immigrant families did not become clearly dominant over their parents’ native language until the third generation, or, the second US-born generation. Huntington speculates that due to the size and insularity of Mexican communities in the

US, that there will be additional incentive for subsequent generations to remain proficient in Spanish. Second is education. Mexican immigrants have the lowest high school graduation rate of any foreign-born population, and continue to lag behind native-born Americans in educational achievement.

Third is occupation and income, in which Mexicans lag in income behind other foreign-born immigrants. Huntington cites admittedly “spotty” evidence to suggest Mexican immigrants do not catch up with native born people on income even in the second US-born generation. One study, for example, “found that on most socioeconomic indices the U.S.-born of Mexican origin did better than the Mexican-born. “[It] also found, however, that the fourth generation of Mexican-origin people had, on most measures, not advance much beyond the second generation and still remained distant from the American norm,” (Ibid, 237-8). Fourth is citizenship, in which Mexicans are among the lowest of all immigrant groups for Naturalization rate.

Fifth is intermarriage, in which Huntington admits that intermarriage rates for Mexicans are similar to those of other nationalities, however Huntington notes that Mexicans intermarry less than Asians. No other national groups are brought into the Huntington’s comparison, so are not receiving a full spectrum of intermarriage statistics, which seems to be an odd basis for a comparison. Huntington also notes that when Latinos intermarry, their non-Latino spouses, “often identify as Latinos, even when they do not speak Spanish,” (Huntington, 240), which he calls a “significant departure from the assimilation patterns of other immigrant groups,” (Ibid, 241), who presumably [Huntington does not explicitly say] assimilate with their Anglo-Saxon spouses culture and values. Sixth is identity. Here Huntington explains that Mexican-born immigrant children do not identify themselves as Americans. “The largest number of Mexican-born children, 41.2 percent, identified themselves as “Hispanic” and the second largest, 32.6 percent, chose “Mexican”,” (Ibid, 241). Huntington and advocates of the dominant ideology of illegal immigration would appear to disagree with the viewpoint that Huntington includes in his book. He quotes Mary Waters who said, “[i]mmigrants do not enter a society that assumes an undifferentiated monolithic American culture but rather a consciously pluralistic society in which a variety of subcultures and racial and ethnic identities coexist,” (Ibid, 200).

Challenging the Basis of the Dominant Ideology

Huntington suggests that illegal immigration from Mexico will become particularly troublesome to US culture in the future because of the tendency of Mexican people to form linguistic and cultural enclaves which essentially become homogenous, insular communities, (Huntington, 242-3). If, however, studies conclude that Spanish proficiency among immigrant family members erodes over time and is replaced by a predominant proficiency in English, would Huntington be encouraged? One study conducted in Southern California concludes that Spanish speaking families who settle in the US speak primarily English by the third generation³⁷. The “generations” as defined in the study follow here:

“Those born outside the United States comprise the *first generation*, divided into two cohorts based on their age at arrival: the 1.0 generation of immigrants who arrived as adults (whom we ignore in this analysis), and the 1.5 generation of those who arrived as children (here restricted to those who arrived in the United States before age 15). The US-born *second generation* is also divided into two cohorts: members of the 2.0 generation were born in the United States of two foreign-born parents, whereas members of the 2.5 generation were born in the United States of one foreign-born parent and one US-born parent. The *third generation* consists of US-born persons with two US-born parents, among whom we distinguish the 3.0 cohort (those with three or four foreign-born grandparents) from the 3.5 cohort (with only one or two foreign-born grandparents). Finally, those in the *fourth generation* are respondents whose parents and grandparents were all born in the United States,” (Rumbaut et al 2006, 447).

The authors note that by the third generation, only 17% of Mexican-Americans in Southern California still speak fluent Spanish and by the fourth generation, only 5% speak fluent Spanish, (Ibid, 454). The survey results are drawn from 1,502 children of immigrants in San Diego, CA who were surveyed at three different times between 1993 and 2003. They conclude, “[c]ontrary to Huntington’s assertions, even in the nation’s largest Spanish-speaking enclave, within a border region that historically belonged to Mexico, Spanish appears to be well on the way to a natural death by the third generation of US residence,” (Ibid, 456).

Language was the first listed of Huntington’s reasons why Mexican immigrant assimilation will lag behind that of other immigrant groups. If subsequent study of language proficiency supports Rumbaut’s conclusions, then perhaps the dominant ideology of illegal immigration will open up to the possibility that immigrant families can

³⁷ Rumbaut, Ruben, Douglas S. Massey, and Frank Bean. 2006. “Linguistic Life Expectancies: Immigrant Language Retention in Southern California.” *Population and Development Review*. Vol. 32, Iss. 3.

successfully assimilate to or cooperate with the ever-evolving culture and values of the US. The Rumbaut study conclusions are important because they show perhaps the most important variable of assimilation. If third-generation immigrants prevalingly speak English in their homes, then they most likely work in occupations that require fluent English, and their children will most likely speak English as their primary language. It is difficult to dispute that this trend of second- and third-generation immigrants to use English as their primary language is an important signal of assimilation, and it directly refutes Huntington's arguments that immigrant populations resist assimilation.

The dominant ideology is reinforced by works like those of Huntington and Borjas, who tell us that this new mass immigration threatens the stability of the US economy as well as the very social and cultural identity of America. Huntington's arguments, in particular, point to the illegal immigration crisis at the uncontrolled borders of the US and prescribe action to prevent it. Huntington does not acknowledge the power of labor demand in the US as part of the reason for the illegal immigration phenomenon. In line with the dominant ideology, he seems to avoid the issue of labor market forces that have enticed illegal immigrant workers to cross the border for decades, and instead emphasizes the decision of the illegal immigrants to enter the US as the root cause of the problem.

The proponents of the dominant ideology also fail to acknowledge the government's own internal reviews of the effectiveness of immigration policies. A number of *GAO* investigations have concluded that, for example, worksite enforcement is the single most effective way to address illegal immigration, yet the great majority of law enforcement resources continue to be marshaled at the border. Further, the true costs of illegal immigration are unknown. *GAO* investigations revealed that virtually nationwide, public school administrations and public health care providers have little information on the use of these social services by illegal immigrants and their family members. The next section will explore these government report cards in further detail, and explain how some of the elements of the dominant ideology of the illegal immigration are on shaky statistical ground.

Outflanked: the US Government's Disjointed Immigration Response

The US Government as a whole has rarely been able to clarify the costs of illegal immigration to US citizens. The “suspected” costs of illegal immigration, which are a fundamental component of the dominant ideology, are in actuality speculative at best. The US Congress has wrestled with the illegal immigration issue for decades attempting to capture the slippery issue of illegal immigration within its legislative grasp. The Constitution of the United States³⁸, Article 1, Section 8, says, “the Congress shall have Power To...establish an uniform rule of naturalization.” Daniels adds that, “Congress’s jurisdiction was preemptive so that even in the absence of any federal legislation, state governments could not regulate immigration³⁹,” (Daniels 2004, 9). Thus only Congress has the power and the responsibility to legislate immigration in the US. The government agencies responsible for immigration regulation and law enforcement have been unable to effectively execute the legislation, as is evidenced by the Congress’s own investigative organization charged with independently reviewing the performance of government institutions.

Since 1998, the GAO which investigates the performance of government for the Congress, reports⁴⁰ that the government has added, “1,200 Border Patrol agents and other resources primarily to Arizona and South Texas, reaching an onboard strength of nearly 8,500 agents along the Southwest border [though another 3,200 to 5,500 agents are recommended to] fully implement the Southwest border strategy,” (GAO 2001, 2). The GAO report concludes that, “[t]he primary discernible effect of the strategy, based on *INS*’ apprehension statistics, appears to be a shifting of the illegal alien traffic,” (Ibid, 2). Immigrants apparently are not being deterred by the increased enforcement activities, but are instead being redirected.

Another relevant report by the GAO⁴¹ notes that the US Commission on Immigration Reform as well as other immigration policy studies conclude that, “the

³⁸ The Constitution for the United States of America, 1787. Documents from the Continental Congress and Constitutional Convention, 1784-1789. Via the Library of Congress website, URL: <http://memory.loc.gov/ammem/collections/continental/index.html>

³⁹ Cited by Daniels: *Smith v. Turner and Norris v. Boston*, 48 U.S. 283 (1949).

⁴⁰ Government Accountability Office Report GAO-01-842 to Congressional Committee. 2001. *INS’ Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years*. From the web at: <http://www.gao.gov/new.items/d01842.pdf>

⁴¹ GAO-06-895T, 2006. *Immigration Enforcement: Weaknesses Hinder Employment Verification and Worksite Enforcement Efforts*. From the web at: <http://www.gao.gov/new.items/d06895t.pdf>

single most important step that could be taken to reduce unlawful migration is the development of a more effective system for verifying work authorization,” (1). Despite this conclusion, “in the 1999 *INS*⁴² Interior Enforcement Strategy, the strategy to block and remove employers’ access to undocumented workers was the fifth of five interior enforcement priorities,” (Ibid, 13). Since 1999, agents assigned to worksite enforcement, as defined by “full-time equivalents” decreased “from about 9 percent to about 4 percent,” (Ibid, 13). The reason given for the decrease in worksite enforcement is that, “after September 11, 2001, *INS* and then *ICE* focused investigative resources primarily on national security cases.”⁴³ If worksite enforcement is the most effective way to address an illegal immigration problem, it would be logical for a government to increase resources and attention to that strategy. Yet the US Government has continued to prioritize deterrence at the US-Mexico border to the detriment of worksite enforcement.

The effectiveness of those investigative resources dedicated to worksite enforcement was limited by the wide variety of documents deemed acceptable as proof of legal residence. The same variety of documents made forgery and falsification of the documents more difficult to detect for employers. This in turn made prosecuting employers of undocumented workers difficult, as the prosecution would have to prove the employers “knowingly” hired undocumented workers, when the case may have been that the worker provided false or forged documents.

In addition to problems in worksite enforcement, the government has shown an inability to capture the impact of undocumented persons and their families on the cost and quality of education and health care in the US. One *GAO* report concludes that the government is unable to determine the added costs to providing an education to “illegal alien schoolchildren”. As noted before, the Constitution of the United States of America makes the Congress responsible for making immigration law. This implies the responsibility to make the laws, and provide the resources to enforce them. By

⁴² The Immigration and Naturalization Service (*INS*) was reorganized in the Homeland Security Act of 2002 under the Department of Homeland Security with *INS* responsibilities divided between the newly formed subdivisions of Customs & Border Protection, Citizenship & Immigration Services, and Immigration and Customs Enforcement. http://www.dhs.gov/xabout/laws/law_regulation_rule_0011.shtm

⁴³ The Bureau of Immigration and Customs Enforcement (*ICE*) took on the investigative role of *INS* under the Dept. of Homeland Security reorganization.

extension, Congress would seem to be responsible for addressing the economic impacts of undocumented schoolchildren in the US education system. In its report⁴⁴, the GAO found that state and local governments (that bear most of the cost for education programs in the state) as well as school districts do not inquire about immigration status during registration of schoolchildren. The following reference explains why. “In 1982, the U.S. Supreme Court ruled that it would be unconstitutional for any state or school district to deny K-12 education to a child residing in that state or school district on the basis of the child’s being an illegal alien⁴⁵,” (GAO 2004, 3-4).

In sum, state and local governments could require proof of residency during school registration, capture the costs of educating undocumented schoolchildren, and then seek reimbursement from the federal government. The GAO surveyed 22 states on the costs of educating “illegal alien schoolchildren”. Three states provided information. “Seventeen states said they did not have such information,” (Ibid, 12). The question that the GAO report implies is: why doesn’t a state government press the test of the 1982 Supreme Court decision by requiring proof of residence or immigration status during the school registration process? By avoiding a showdown with Congress over the issue by “eating” the cost of educating undocumented schoolchildren, states are responsibly ensuring the provision of education to the schoolchildren in accordance with the Supreme Court’s ruling. However, extending this practice does not hold Congress accountable for immigration policy nor does it resolve the issue of “who pays” with the taxpayers, some of whom have to deal with higher taxes and/or compromises in education services to their children. Further, the continuation of the practice assumes the state and local taxpayers are willing to pay the bill for the federal government (and that may be a showdown better deferred than provoked).

Similar issues exist with the provision of health care to undocumented immigrants. Another GAO report⁴⁶ found that, “[h]ospitals generally do not collect information on their patients’ immigration status, and as a result, an accurate

⁴⁴ GAO-04-733, 2004. *Estimating Costs of Illegal Alien Schoolchildren*.

<http://www.gao.gov/new.items/d04733.pdf>

⁴⁵ See *Plyler v. Doe*, 457 U.S. 202 (1982).

⁴⁶ GAO-04-472, 2004. *Undocumented Aliens: Questions Persist About Their Impact on Hospitals’ Uncompensated Care Costs*.

<http://www.gao.gov/new.items/d04472.pdf>

assessment of undocumented aliens' impact on hospitals' uncompensated care costs—those not paid by patients or by insurance—remains elusive,” (Ibid, 2). Federal “pots of money” are available to fund medical needs of undocumented immigrants.

First, Medicaid provides health care coverage for some undocumented aliens. Like citizens, however, some undocumented aliens are not eligible for or may choose not to enroll in Medicaid. In addition, coverage for undocumented aliens under Medicaid is limited to services for treatment of emergency medical conditions. Second, Medicaid disproportionate share hospital (DSH) adjustments provide supplemental payments to hospitals serving relatively large numbers of low-income patients, which can include undocumented aliens. Not all hospitals receive these payments, however. A third source of federal funding was provided in the Balanced Budget Act of 1997 (BBA), which made \$25 million available annually, from fiscal years 1998 through 2001, to selected states for emergency services provided to undocumented aliens. States could use these funds to recover the state share of Medicaid expenditures for undocumented aliens and other state expenditures for undocumented aliens not eligible for Medicaid, (Ibid, 8).

A cursory read of these funding streams for health care given to undocumented aliens reveals the obvious – the US taxpayers are funding the emergency health care needs of undocumented aliens. Like the education provisions for undocumented schoolchildren, the government really does not know how much either provision costs from year to year. The costs of these programs are simply not known. “Until reliable information is available on undocumented aliens and the costs of their care, accurate assessment of their financial effect on hospitals will remain elusive, as will the ability to assess the extent to which federal funding offsets their costs,” (Ibid, 25). In the absence of information on the costs to taxpayers for illegal immigrants and their families, the dominant ideology operates unconstrained by fact of the actual economic impact. Americans are told through the rhetoric and arguments of proponents of the dominant ideology that illegal immigrants are abusing subsidized services, but where is the proof? Furthermore, if the GAO reports the dearth of accurate information on the costs of illegal immigration directly to congress and the recommendation to shift to worksite enforcement over border control for greater effectiveness in addressing the problem, then how are the legislative and executive branches of government obliged to alter their immigration strategies and resourcing priorities?

The preceding are just a few examples of GAO reports evaluating the US government's immigration enforcement apparatus. The reports indicate serious gaps in the government's response to the problem of undocumented immigration. Existing laws restrict undocumented immigration, but the enforcement apparatus cannot prevent it

(*US Border Patrol*) or enforce violations of it (*ICE*). Studies have shown that worksite enforcement is the most effective tool in identifying the employment of undocumented immigrants, but that aspect of enforcement has been the lowest of *ICE*'s five priorities. Taxpayers bear the cost of providing education and emergency health cost services to undocumented immigrants, yet the federal government does not require local governments or service administrators to capture the costs for the services provided. These known government inconsistencies, considered together by people or groups with an agenda, can easily portray a failed system. They are used to make emotional anti-immigration arguments, like much of the dominant ideology, that are not fact based.

The next chapter will analyze an actual case of illegal immigration raids conducted at meat processing plants in the Midwest in December of 2006. It is a discourse analysis of the raids that examines how local, regional, and national media report on the raids. It will attempt to understand how the media frames the illegal immigration discourse, and whether the media seem to reinforce or challenge the dominant ideology of the discourse, or whether media coverage is more balanced toward explanations that oppose the dominant ideology.

Chapter Four: A Discourse Analysis of the Swift & Co. Raids

The following chapter is a discourse analysis of newspaper coverage of the coordinated raids in mid-December 2006 of six meat processing plants in the Midwest run by Swift & Company (Swift & Co.). The raids were organized and operated by *ICE*. Prior to summarizing the events of the Swift & Co. raids and presenting the discourse analysis, it is appropriate to define discourse analysis and explain how I will apply it to the arguments of this thesis. In order to properly put the concept of discourse analysis into context for this research question, a lengthy reference is necessary. Fischer helps us understand the role of discourse analysis in discourse theory. He writes,

“Discourse theory, as such, starts from the assumption that all actions, objects, and practices are socially meaningful and that these meanings are shaped by the social and political struggles in specific historical periods. Through a range of linguistic and non-linguistic materials—verbal statements, historical events, interviews, ideas, politics, among others—the **goal of discourse analysis is thus to show how these actions and objects come to be socially constructed and what they mean for social organization and interaction.** Included among the methods for doing this are the tools of rhetorical analysis, hermeneutics, deconstruction, and genealogical approaches to discourse analysis,” (Fischer 2003, 73).

Therefore, the justification and actions of the Swift & Co. raids by law enforcement agencies and the response to the raids by government officials, Swift & Co. ownership and management, as well as media coverage of the raids may give valuable insight into how the dominant ideology of the illegal immigration discourse is constructed by agents of knowledge.

The discourse analysis will review a sampling of national and local print media, along with some supplementary national television and radio coverage on the raids. This review of media coverage of the Swift & Co. raids is intended to display an instance in the construction of the dominant ideology of illegal immigration. It aims to demonstrate the role of news media coverage in defining the illegal immigration phenomenon. Further, this chapter explores how the illegal immigration discourse and its dominant ideology are connected to the, “practices that constitute—and naturalize, sustain, and change—the basic social and political significations of the world. Politically, such practices not only construct but also support and alter specific power relations between collective entities (classes, groups, communities, and so on) through which they are expressed,” (Ibid, 76).

One of the specific power relations that this thesis has examined are the immigration enforcement strategy that emphasizes securing the border despite GAO reports that suggest worksite enforcement is the most effective means of detecting and preventing illegal immigrants from working in the US. Another power relation pertinent to the discourse is the confounding immigration reforms that have simultaneously made both worker eligibility verification and immigration enforcement more difficult. The reforms have been successful in the appearance of action, and in creating labyrinthine loopholes that make exceedingly difficult the prosecution of employers suspected of knowingly hiring illegal immigrant workers. Employers generally enjoy a steady and predictable stream of immigrant workers to replace those who leave on their own terms, or are deported. Finally, the illegal immigrants themselves seem satisfied to accept the risk of abrupt discovery, deportation, and immediate, unplanned separation from family members if these risks offer a fair opportunity of earning US wages. The illegal immigrants seem to understand that their rights are quite limited if they are discovered.

The discourse analysis intends to show how national and local newspaper coverage of the Swift & Co. raids contributes to the dominant ideology of illegal immigration, by either reinforcing or challenging it. Another useful definition of discourse analysis comes from Fischer, and provides additional context about the aim of this review of news coverage of the Swift & Co. raids.

“Discourse analysis in politics begins with the recognition that discourses are distributed across institutions. In addition to the dominant discourses, competing discourses struggle to gain recognition and power. A key task for the analyst is to account for the viewpoints and positions from which the actors speak and the institutions and processes that distribute and preserve what they say,” (Ibid, 76).

This discourse analysis highlights how news coverage of a specific and large law enforcement operation that detained hundreds of suspected illegal immigrant workers demonstrates, “which discourses are privileged in particular areas of policy-making and which are excluded,” (Ibid, 74). Specifically, the analysis will consider over one hundred news items that were written about the Swift & Co. raids by national and local news organizations. These accounts are studied to document the instances in which the dominant ideology or the oppositional ideology of illegal immigration presented in this thesis are either supported or challenged. It will analyze how the actors and institutions involved in the raids distributed and preserved their messages. Further, it documents

the agents of knowledge that are supporting or challenging the respective ideologies in these cases. I anticipate that the analysis of the raids will reveal a purported enforcement strategy that, under a logical review, is shown to be inconsistently and incompletely applied. I further expect the enforcement operation to be exposed not as part of a comprehensive immigration strategy, but instead as a heavy-handed message to one select meat packing company. The message is intended to command the attention of owners and managers throughout the meat packing industry, as well as other industries presumed to traditionally employ immigrant workers.

Summary of the Swift & Co. Raids

On Tuesday, December 12, 2006, the US *Department of Homeland Security's (DHS) Bureau of Immigration and Customs Enforcement (ICE)* conducted simultaneous raids at six meat processing plants operated by Swift & Company (Swift & Co.) throughout the Midwest. The objective of the raids was to detain suspected undocumented immigrants and perpetrators of identity theft that were thought to be employed in the plants. Some of the undocumented immigrants arrested were suspected of obtaining *authentic* identification information belonging to US citizens that were falsely used to secure jobs, creating the identity theft basis for the enforcement operations.

The following day, the *DHS* Secretary Michael Chertoff summarized the result of the raids in a press conference. "Approximately 1,282 persons [were] arrested as part of an ongoing worksite enforcement investigation into immigration violations and a massive identity theft scheme that has victimized large numbers of U.S. citizens and lawful U.S. residents⁴⁷." The statement continued that of the approximately 1,282 persons charged with administrative immigration violations, 65 were initially charged with identity theft-related violations, which are criminal charges.

In a press release the day after the raids, *ICE* Assistant Secretary Julie Myers identified the following concerns that the Swift & Co. investigation had unearthed:

"This investigation has uncovered a disturbing front in the war against illegal immigration. We believe that the genuine identities of possibly hundreds of U.S. citizens are being

⁴⁷ DHS News Release. "U.S. Uncovers Large-Scale Identity Theft Scheme Used By Illegal Aliens to Gain Employment at Nationwide Meat Processor."
http://www.dhs.gov/xnews/releases/pr_1166047951514.shtm

stolen or hijacked by criminal organizations and sold to illegal aliens in order to gain unlawful employment in this country,” (DHS News Release 2006).

Aside from the hyperbole of identifying the investigation as a piece of a “war against illegal immigration,” the statement went on to say that, “hundreds of these illegal aliens may have illegally assumed the identities of U.S. citizens and improperly used their Social Security numbers and other identity documents in order to gain employment at Swift facilities,” (Ibid). Myers reported that *ICE* had uncovered a serious criminal conspiracy that victimized Americans:

“The investigation has uncovered criminal organizations around the country that traffic in genuine birth certificates and Social Security cards belonging to U.S. citizens. ICE agents learned that many of these genuine identity documents were trafficked to locations around the country and sold to illegal aliens who used them to gain employment at Swift,” (Ibid).

In the press report, *ICE* distinctly says that the illegal aliens who bought the genuine identification documents went on to gain employment at Swift. This careful language indicates a conscious linking by *ICE* between the criminal organizations and employment at Swift. The statement does not explicitly charge Swift & Co. or illegal immigrant workers in a conspiracy to illegally procure authentic (stolen) identification (ID). The statement does, however, suggest participation in a conspiracy by linking illegal workers with identity theft organizations and subsequent employment at Swift & Co. It suggests the procurement of stolen, authentic ID as part of a defined, repeated process that led to jobs at Swift & Co., and conveniently gave Swift & Co. the “plausible deniability” for hiring illegal workers who appeared to be eligible for work in the US.

The arrested workers were detained and transported to processing stations throughout the US for removal proceedings or immediate deportation. Considerations were made for those arrested workers who claimed to be sole caregivers of children. Those detainees who made convincing proof of this situation were released by *ICE* so they could continue to care for their children. Because of the limitations of *ICE* processing stations to provide bed spaces, meals, secure detainment, etc, the detained workers were split up into various groups and taken to different processing stations throughout the US for subsequent processing. In the weeks and months that followed the raids, accounts from the detained workers surfaced. Many of these accounts

indicated serious differences in how the workers were treated at respective processing stations. Consistency of treatment and consistent protection of individual rights were challenged. A significant amount of the local newspaper coverage dealt with the uncertainty of family members of some of the detainees from the raids.

Some workers alleged that they were not permitted to contact the family members that they had left behind. The family members sought news about their detained family members but many were unable to communicate for weeks. Other detained workers claimed that they were not permitted to communicate with anyone until after they had been processed and returned to Mexico. Many lives were significantly disrupted by the Swift & Co. raids. The Swift & Co. plant in Greeley, CO did not recover from the raids' disruption in their operations from the immediate and unexpected loss of huge numbers of its workforce. The plant was put up for sale within a few months of the raids, causing turmoil for thousands of employees.

From the *DHS* and *ICE* perspectives, the case made through the media in the immediate aftermath of the raids was that these raids were planned to address identity theft. It was the duty of *DHS* and *ICE* to stop people participating in identity theft against American citizens. The numbers, however, do not support this argument. When the investigation was complete, only 65 of the 1,282 detainees were charged with identity theft, or 5%.

A Discourse Analysis of the Swift & Co. Raids

The subsequent analysis of the Swift & Co. raids examines how the news sources framed the positions of the key actors (including the undocumented workers and their families, representatives of Swift & Co., government officials, and others) in the aftermath of the raids. Specifically, this chapter will analyze how media coverage of the raids relates to the dominant ideology of undocumented immigration, and how the coverage reflects, to paraphrase Fischer, the ways in which some elements within the discourse were privileged while others were excluded, (Fischer 2003, 74). Was coverage biased toward reinforcing the dominant ideology that the root cause of the problem of illegal immigration is the illegal entry of immigrant workers? Did the newspaper coverage acknowledge the role of employer demand in drawing illegal

workers to the US? The following section will discuss the methodology that was used in researching news coverage of the Swift & Co. raids.

Methodology

In order to study a varied grouping of news media sources, I reviewed each story pertinent to the Swift & Co. raids from the following news outlets: *National Public Radio (NPR)*, *The News Hour*, a one-hour television news program that airs every weeknight on participating *Public Broadcasting System (PBS)* stations, *The Washington Post*, *The Denver Post*, and *The Greeley (Colorado) Tribune*. I archived each news item from these respective news outlets that was released from December 11, 2006 until March 31, 2007. In all, I reviewed 129 different news articles or transcripts of radio and television broadcasts covering the raids. In addition to these news outlets, I reviewed official news releases by *DHS* and *ICE*, the government organizations responsible for planning and executing the raids, and will analyze their contribution to the discourse as well.

In reading all of these news items, I attempt to examine the way in which the actors and subjects in the Swift & Co. raids were implicated in discourses, and specifically how, “[t]he role of the subject was seen as conditional upon the discursive field in which various positions and functions of the subject were inscribed,” (Hajer 1995, 49). I viewed the illegal immigrants who were detained in the Swift & Co. raids as the subjects whose roles were being inscribed by actors including *DHS*, *ICE*, Swift & Co., the meat packing union, the respective media sources, and other key government officials who made statements about the raids that were quoted in the news items, (Ibid, 49). I conducted the discourse analysis by attempting to, “analys[e] in which context a statement is made or to whom statements are directed,” (Ibid, 44). How are these news items at national, regional, and local levels contextualizing the roles of government, employer, union, and immigrant worker in their coverage? How did the coverage of the raids include, “discursive practices [that are characterized through] the widely held and oft-repeated interpretations of social conduct that produce and affirm behaviours. Over time these interpretations become unreflectively taken for granted; they are scarcely noted by the actors who employ them. As generally accepted presuppositions, they become embedded in the institutional deliberations and practices that produce and

govern basic societal relations,” (Fischer 2003, 73-4). In reading and reviewing each news item, I considered the contexts in which the agents and subjects of the illegal immigration discourse were framed, and whether these frames employed, challenged or otherwise acknowledged the elements of the dominant ideology.

For the primary national newspaper, I selected the *Washington Post* because of that paper’s proximity to Washington D.C. and for its emphasis and reputation for detailed coverage of government. The *Denver Post* was a valuable source as the leading newspaper in a large Midwestern city that is also near to one of the Swift & Co. plants. Additionally, the *Denver Post* covered the Swift story far more extensively (49 articles) than some larger national or regional newspapers like the *New York Times* or the *Los Angeles Times*. Especially surprising was the scant coverage of this story by the *Los Angeles Times* despite that paper’s track record of covering immigration related news stories. The same was true of the *El Paso Times*, a smaller regional paper that covers the news on the US–Mexico border for a population that is interested in immigration matters.

On the other hand, the *Greeley Tribune* in Greeley, Colorado covered the story aggressively. Since one of the Swift meat processing plants is located near Greeley, this was an important story in terms of economic and human impact in that community. The *Greeley Tribune* had the most extensive coverage of any US newspaper that I discovered with 61 articles covering the Swift & Co. raids between December 12, 2006 and March 20, 2007.

Articles from the *Greeley Tribune* and the *Denver Post* were available on the worldwide web for free download. The *Washington Post* articles were available for purchase in that paper’s web archives.

In addition to the above listed newspapers, I reviewed the coverage of the raids presented by both *National Public Radio (NPR)* and the *News Hour* on the *Public Broadcasting System (PBS)* because I wanted to include a broad, national perspective from moderate or centrist news outlets. The transcripts for both the *NPR* and *PBS* broadcast news items were available for purchase on the web. Also, I utilized press releases and public statements from *DHS* and *ICE* to study the government’s

perspectives and justifications for their approach to the raids. The *DHS* and *ICE* materials were posted on the respective websites of the organizations, and were free.

While searching for pertinent articles, I used search keywords “Swift & Co”, “raids”, and “ICE” on each of the aforementioned news outlet’s websites to locate the articles. While searching for related stories, I reviewed each story that was applicable to the Swift & Co. raids, and archived each story by date for subsequent review. Coverage of the story spanned from the date of the raids through March 31, 2007. Subsequent coverage is expected to occur as the legal process goes forward.

National TV and Radio News: PBS News Hour and NPR Coverage

To begin, this discourse analysis will review the national news coverage of the Swift & Co. raids. The raids were covered by *NPR* and *The News Hour* on *PBS* for a few days after the raids took place. The story, however, did not have staying power with either of these media outlets, and coverage dropped away in less than a week. *The News Hour* covered the Swift & Co. story for the first time one day after the raids occurred, on December 13, 2006. I will go into some detail in summarizing the first *News Hour* piece because it asked challenging questions of guests from both law enforcement and the labor union of the arrested workers, and the *News Hour* piece latched on to very subtle and very important details concerning the various perspectives of law enforcement, the labor union, the employer, and the workers.

The *News Hour* piece featured a background segment that reviewed the events of the raids. It summarized the details of the surprise raids in terms of numbers arrested and the legal basis for the enforcement activities. The background piece also introduced an important quote from *DHS* Secretary Chertoff which frames the law enforcement justification for the raids:

“Now, this is not only a case about illegal immigration, which is bad enough; **it’s a case about identity theft and violation of the privacy rights and the economic rights of innocent Americans**. The other thing that I’m hoping this is going to do is it’s going to be **a deterrent to illegal workers**. It’s going to cause them to say that, you know, “This happened in Swift; it could easily happen somewhere else.” In fact, I’m pretty much going to guarantee we’re going to keep bringing these cases.” (PBS News Hour, December 13, 2006).

By injecting the judgmental comment that the Swift & Co. raids are about illegal immigration, “which is bad enough,” Secretary Chertoff states that the illegal immigrants

have already engaged in criminal activity. On top of that, the Swift & Co. case represents a violation of the privacy and economic rights of innocent Americans. Further, he emphasizes the intent of the raids as a deterrent to illegal workers, but he the intent to deter

By saying this, he both welcomes and infers agreement from his audience; the *DHS* press corps and the news observing American citizens must quite naturally and obviously share his viewpoint that the undocumented workers' decision to cross the border is the genesis of the illegal immigration problem. Secretary Chertoff's comments reinforce the dominant ideology of illegal immigration, that it is the decision of undocumented workers to cross the border that is the fundamental cause of the problem. They are not wanted here. They force their way into the country in numbers too great to stop. They enter the country illegally, which is "bad enough".

Additionally, many of them engage in identity theft that threatens Americans. Here Secretary Chertoff, who as the Secretary of the *DHS* has responsibilities for recommending immigration policy and enforcing immigration laws, seems to link the total detainees and the relatively small number of those charged with stolen identity together, as part of the same tainted, criminal group. He suggests there is little difference in the offenses; the conspirators in identity theft are suspected of a more serious offense, but all illegal immigration is "bad enough." They were deserving of detainment for illegally entering the US. Suspicion of identity theft only increases the intensity of the original offense.

After the background piece, the *News Hour* continued its coverage of the raids in a one-on-one interview format with two people representing opposing sides of the issue. First, Mark Lauritsen, Vice President of the United Food and Commercial Workers Union was interviewed. In the interview, Mr. Lauritsen drew an important distinction. He noted that in the *DHS* press conference, Secretary Chertoff announced the results of the raids and emphasized the suspicion of identity theft was emphasized as the basis for the raids. Yet of the more than 1,282 arrested at the six separate plants targeted in the raid, only 170 were named in court documents as suspects of identity theft. His comments follow below:

"And what was that all for? According to the court documents that I've seen today that were just recently unsealed, it was so ICE could apprehend 170 alleged identity theft

perpetrators. They went in for 170 people that they knew the names of, but **instead of going in and extracting the 170, they shook up 13,000 families** and communities, stripped families apart, literally,” (Ibid).

This position is important, because it suggests an inconsistency in which *DHS* and *ICE* built their case on the serious charge of suspected identity theft involving a few of the employees of Swift & Co., but in practice they removed every employee that could not prove they were in the US legally. The union head argues that *ICE* applied a false pretext in the raids. When the interviewer asked Mr. Lauritsen if the employees who had been arrested in the raids were in fact illegally present in the US, Lauritsen responded that he did not know, but he did know that the employees were entitled to representation by their union, which *ICE* preempted by relocating the arrested workers. Asked again whether the union had a responsibility to know whether the employees were undocumented, Mr. Lauritsen stated the following:

“I don't know about the documentation; I know about the meatpacking industry. Throughout its history, it was **built on immigrant workers**. The industry has always relied on the immigrant workforce, be it the Polish, the Danish, the Italians that did it earlier in generations, and it's always going to be an immigrant workforce that does that. These are people that have worked at these plants -- those are humans that are working at that plant -- **the actions did not need to be that heavy and severe,**” (Ibid).

Following the interview with the union vice president, the *News Hour* separately interviewed Julie Myers, Assistant Secretary of *ICE*. This interview introduced three important elements of the undocumented immigration discourse. First, Ms. Myers said, “what we're finding is that a number of people who are here illegally, working illegally, they used to use just phony documents. And now they're using real documents, documents of U.S. citizens who in many cases may not know they're being used. And that's providing real harm to these U.S. victims,” (Ibid).

Subsequently, Ms. Myers went a step beyond the earlier *ICE* links between the criminal organizations selling the authentic documents of American citizens. She said:

“In the Swift instance, we actually found a number of different document vendors and document rings, and it's very important to us that we track down those rings and prosecute those individuals. Last month in Minnesota, we tracked down one that was actually providing U.S. birth certificates for individuals from Puerto Rico and Social Security cards, **and they were all ending up for individuals who then went to work at the Swift plants,**” (Ibid).

Here, *ICE* draws a more deliberate link between the employer, the criminal organization that procures authentic identification, and Swift & Co., though *ICE* again stops well short of suggesting a criminal conspiracy in which Swift & Co. knowingly hired undocumented workers or worked in concert with a criminal organization that provided the authentic documents to undocumented workers that went to work for Swift & Co.

The suggestion is that these identity theft rings were systematically supplying eventual Swift & Co. employees with stolen forms of identification based on authentic information. Collecting one's stolen identification was a regular stop on the path to employment at Swift & Co. The clear suggestion is that the immigrants interacted, either directly or through an undefined intermediary, with these identity theft rings as part of a deliberate process of documenting their eligibility to work; illegal immigrants participated in a conspiracy that facilitated work at Swift & Co. Their illegally procured forms of identification satisfied the employment eligibility requirement, and legally covered Swift & Co. by successfully clearing applicants through the system used to review and validate authentic social security numbers.

Another key element from the *News Hour* story was the introduction of an information technology system developed by *INS* in 1997 to assist employers in validating the authenticity of the documents of prospective employees. The program is called Basic Pilot, and is still used today. Basic Pilot is a database of authentic social security numbers (SSN). Employers can enter the SSN of prospective employees, and determine whether the presented documentation is legitimate. Basic Pilot can tell the employer if the SSN is legitimate, but it is important to note that the system cannot determine duplicative use of a single SSN. In other words, Basic Pilot can give an employer a yes or no answer on whether an SSN is valid, but the system cannot detect or inform if that SSN is in use elsewhere, and that the presented documents may be unauthorized duplicates. The duplicative would not be detected until the possessor of the duplicate identification reported inaccurate earnings information, for instance after receiving their W-2 form during tax season.

The *News Hour* piece confirmed that Swift & Co. was not charged after the raids, and that the emphasis of *ICE* was the investigation and charging of identity theft cases.

ICE further reported that in discussions after the raids, Swift & Co. estimated that as many as 40% of their employees may be undocumented immigrants, (*Ibid*).

A subsequent *News Hour* piece aired on December 18, 2006, and was a series of short and varying personal perspectives about the Swift & Co. raids, and the dislocation of the undocumented workers. One account suggested that the raids were justified as a message to corporate America and small employers that Americans are not supportive of illegal immigration, so in a way this account speaks to the notion that labor demand for migrant workers is part of the problem in the immigration discourse. However, this account also is dismissive of the hardship that the arrest, detention, and processing of the migrant workers creates, and like the dominant ideology, it views the workers as expendable sources of labor. They deserve whatever hardships they are made to endure because of their original offense of illegal entry. By contrast, another account supported the dominant ideology that the undocumented workers were in the country illegally, used public services disproportionately to what they contributed, and that the undocumented workers at Swift & Co. deserved to be arrested, detained, and processed was included in this *News Hour* piece.

A story about the Swift & Co. raids was presented on *NPR*⁴⁸ on December 13, 2006. The *NPR* story identified the basis for the raids, that identity theft was suspected, and that, according to the *ICE* official, an “alarming number” of undocumented workers had provided stolen identification documents to gain work at the plants. The *ICE* official Mr. Mark Raimondi stated that, “[w]hat we’re finding is, there’s a lot of illicit activity surrounding illegal immigration. There is document fraud, there’s benefit fraud, there’s identity theft. “You know, there’s a host of crime associated with the matter,” (*NPR Morning Edition transcript, 12/13/06*). In the interview, Mr. Raimondi did not offer any specific information outside of the suspected document fraud cases to support his comment about the other forms of illicit activity surrounding illegal immigration. The *NPR* story additionally noted that Swift & Co. had not been charged with any crimes following the raids.

⁴⁸ *NPR Morning Edition*. December 13, 2006. “Government Raids Net Illegal Immigrants.” www.NPR.org.

This association that Mr. Raimondi makes of illegal immigration and illicit activity is an instructive example of how law enforcement frames illegal immigrant workers. Where there is illegal immigration, he proclaims, there is also illicit activity. This charge is a useful addition to the dominant ideology, since it provides additional government justification to shut down illegal immigration. Furthermore, the allegation subtly paints a picture that the immigrant workers engage in illegal activity to secure jobs on top of their illegal entry, which was “bad enough”. Illegal immigration is constituted by an offensive concentration of lawbreaking, beginning with the decision to illegally enter the US. The government framed the raids, first, as a response to suspected identity theft which victimizes unwitting Americans, and second, as a justifiable enforcement operation intended to eject the illegal workers and end the significant illicit activity that surrounds their employment at the Swift & Co. plants. In the midst of these charges against illegal immigrants, there is no acknowledgement by law enforcement officials of role of labor demand by US employers in luring immigrant workers. The emphasis of law enforcement is clearly on the misdeeds of the illegal immigrants and the identity theft rings.

Additionally, the *NPR* story interviewed a number of family members of detained Swift & Co. workers, and the interviews gave brief perspectives of family members left behind with family responsibilities, uncertain about the whereabouts of their family members. They spoke of their concerns about how they were going to continue to provide for their families and under what conditions they might be able to reunite their families, (Ibid). This theme of empathy in news reports for the economic forces that act on illegal immigrants and the personal risks that they accept for the opportunity to earn US wages will return below in the regional and local coverage offered by the *Denver Post* and the *Greeley Tribune*.

Another National Perspective: The Washington Post

For an additional national news perspective, I reviewed the *Washington Post's* coverage of the Swift & Co. raids, which published stories for three days following the raids. The *Washington Post* covered the facts of the raids in a manner similar to the *News Hour* coverage with perspectives of government officials, the employer, and the workers union. The *Washington Post*, however, did introduce an important perspective

in its first story⁴⁹. The story summarized an interview with the president and chief executive of Swift & Co., Mr. Sam Rovit, who challenged the basis of the raids as well as the precedent it set. An excerpt follows below:

In an interview, Swift's president and chief executive, Sam Rovit, also criticized the arrests. He said that his firm's practices are similar to those of its competitors and that "everyone in the whole agriculture sector should be worried."

"Swift has played by the rules and relied in good faith on a program explicitly held out by the president of the United States as an effective tool to help employers comply with applicable immigration laws," said Rovit, whose company reported \$9.4 billion in sales in 2006. "Swift believes that today's actions by the government . . . raise serious questions as to the government's possible violation of individual workers' civil rights."

Rovit cited promises made by the government to protect employers who voluntarily submit information about workers to a federal program called Basic Pilot, which confirms the authenticity of Social Security numbers against federal databases. Swift has run all new U.S. hires through the program since 1997, (Hsu & Williams, December 13, 2006).

Mr. Rovit's took the position that Swift & Co. voluntarily used the government's prescribed system of validating identification documents, and therefore Swift & Co. had played by the rules and in good faith. Interestingly, Mr. Rovit states that he relied on the program (Basic Pilot) that had been "explicitly held out by the president of the United States as an effective tool," to help employers comply with immigration laws. Secretary Chertoff was quoted another Post story by Spencer Hsu⁵⁰ that, "companies cannot rely on the "Basic Pilot" program as a "magic bullet" to satisfy the law if they see other signs of fraud."

The Hsu story also indicated that Swift & Co. had known that *ICE* was planning to raid their plants. In response to the planned raids, Swift had been attempting to block the raids in court, but their motion failed in a Texas circuit court," (Ibid). He writes, "U.S. officials had identified 331 Swift workers who used false identities, 170 of whom were still employed by the company, before the raid. But without authorities' knowledge, Swift in recent weeks had questioned suspect employees, causing 400 to quit or be fired, according to a federal judge in Amarillo, Tex., who denied a motion by Swift last Thursday to block the raids," (Ibid). Therefore, Swift & Co. knew the raids were going to occur, and had already attempted to mitigate or warn some of its employees prior to the

⁴⁹ Hsu, Spencer and Krissah Williams. "Illegal Workers Arrested In 6-State ID Theft Sweep." Washington Post. December 13, 2006.

⁵⁰ Hsu, Spencer. "ICE Sweep was Largest Ever Against One Firm." Washington Post. December 14, 2006.

raids. Mark Lauritsen, the vice president of the United Food and Commercial Workers Union who appeared on the *News Hour* story as well, claimed that the raids came without warning, indicating that if Swift & Co. knew the raids were planned, they did not share the information with the labor union that represented many of their employees, (Ibid).

Deborah Meyers of the Migration Policy Institute, a Washington think tank, suggested that, “although many illegal workers by definition commit document fraud to get jobs, the government’s use of identity theft charges could reframe the immigration debate for the public,” (Hsu & Williams, Washington Post, Dec 13, 2006). She added that the raids, “[show] the weakness of the current system, the ways illegal workers have been able to find employment in the legitimate economy, and the need for enforcement efforts to focus on the work site and not just the border,” (Ibid).

The issue of identity theft reinforces the dominant ideology of the illegal immigration discourse. Identity theft would seem to worsen the seriousness of the act of illegal immigration, because the act now invades the privacy and the lives of the victims of the identity theft. However, it is also easy to see how the demand for labor drove prospective workers to obtain authentic, yet stolen identification to verify the eligibility of workers since Basic Pilot was being used by Swift & Co. to check the social security numbers of applicants.

In the case of the Swift & Co. raids, the law enforcement spokespeople framed the raids as a response to the identity theft suspicion. However, as the president of Swift & Co. noted, *ICE* knew the names of the identity theft suspects, and could have arrested these suspects without disrupting the entire day shift of workers. The fact about the Swift & Co. raids that is most distracting is that identity theft was given as the basis for the raids, yet only 170 of the over 1,282 seized Swift & Co. workers were identity theft suspects. This framing of identity theft as the basis for the raids does, however, cast the undocumented workers by implication in a very bad light with Americans who are concerned about identity theft. In other words, the most threatening aspect of the case was the identity theft. By (disproportionately) framing the basis of the case as a response to identity theft, law enforcement utilizes the distrust of illegal immigrants that is the foundation of the dominant ideology to justify the measures taken

at the Swift & Co. plants. And *ICE* avoids the more important question. Who is it more important to arrest? The immigrant workers who bought (either directly or indirectly through an intermediary) authentic, stolen identification, or the operators of identity theft rings?

Furthermore, by raiding the day shift of workers in the high profile manner that they did, *ICE* tipped-off any illegal workers on the evening and midnight shifts. This gave the appearance that the intent of the enforcement operation was not a comprehensive arrest of illegal workers at Swift & Co., but was instead a strong message to industries that employ illegal workers that they should act to rid their payrolls of illegal workers if they want to avoid the same fate. The problem that *DHS* and *ICE* have with sending a message by conducting aggressive enforcement operations is that Swift & Co. had been using Basic Pilot to validate social security numbers of applicants for years, yet their business was still disrupted.

In sum, the *Washington Post* coverage presented the viewpoints of labor, management, government, and one policy perspective. The *Washington Post* coverage did not present undocumented immigration as an illegal immigrant-made problem, and did not present any advocacy of the dominant ideology. Instead, the *Washington Post* tended to dissect systemic inconsistencies, as if to highlight that the immigration laws are poorly serving employers and undocumented workers alike. For example, in a commentary on Dec. 25, 2006, Tamar Jacoby wrote:

“Don't misunderstand: Swift is no band of saints. Everyone involved -- the company, its workers, the U.S. government -- knows that the kind of compliance required to pass muster today is a charade. But it is **a charade our dysfunctional immigration system has all but forced the firm and its workers to play,**” (Jacoby, Commentary for *Washington Post*, December 15, 2006).

Ms. Jacoby submits that a guest worker program is needed for the hundreds of thousands of jobs that Americans do not want and will not do. She further defends Swift & Co. for its efforts to implement Basic Pilot in order to be in compliance with the law.

Overall, the *Washington Post* coverage brought to light the dubious balance that has developed to between immigrant-dependent industries and their compliance (or appearance of compliance) with a labyrinthine system of immigration laws. The *Washington Post* coverage, to an extent, supports an oppositional ideology for illegal

immigration that explains it as the result of market forces at work within and despite a dysfunctional system of immigration laws and policies. Furthermore, the *Washington Post* highlighted the viewpoint of the Swift & Co. CEO Sam Rovit who suggested that *ICE* made a scapegoat of his company despite Swift & Co's. offer to cooperate prior to the raids.

Rovit argues that *ICE* was less interested in a law enforcement action that targeted suspects of identity theft than they were interested in shaking up industries and employers of illegal immigrants; *ICE* chose to raid the Swift & Co. plants and detain any and all illegal immigrant workers rather than focus the investigation on criminal organizations that traffic in stolen identities, which *ICE* later cited as the basis for the raids. This is a case of the *Washington Post* challenging the preferred aspects of the dominant ideology that *ICE* and *DHS* posit. Overall, the *Washington Post* coverage seemed to understand and acknowledge the market forces between labor demand in the US and the risks that illegal immigrants take to enter the US and secure work as natural responses to surreal conditions. The next section will consider the regional perspective of a large regional newspaper – *The Denver Post*.

A Major Regional Newspaper: The Denver Post

The *Denver Post* provided substantial and comprehensive coverage of the Swift & Co. raids and their aftermath. The *Denver Post* aggressively followed the story for weeks after the raids occurred. The paper also covered the prelude to the raids and the legal maneuvering by Swift & Co. which sought to minimize the disruption of operations at the six plants that *ICE* had warrants to raid. The coverage offered a wide spectrum of perspectives about the raids, and closely followed the clash of story-lines that ensued between *DHS/ICE* and Swift & Co. in the weeks that followed the raids. The *Denver Post* also included perspectives on the raids of elected government officials, local businesspeople, and citizens. The following section analyzes coverage by the largest newspaper in the region where the raids occurred.

The *Denver Post* reported that, prior to the raids, Swift & Co. had filed an injunction in a federal court in Amarillo, TX to stop the raids, but the injunction was rejected and *ICE* proceeded with their plans to raid six meat processing plants. Further, between the time that Swift & Co. had first learned of *ICE's* plans to raid their plants and

the day of the raids, Swift & Co. conducted an internal investigation of their employees' identification documentation. As a result of the internal investigation, approximately 400 workers failed to return to work. Christine Tatum's⁵¹ story from Dec. 14, 2006 summarizes the positions of both Swift & Co. and *ICE* on the pre-raid maneuvers.

"We asked ICE repeatedly how we could work with them to make this happen as unobtrusively as possible," [Swift & Co. General Counsel Don] Wiseman said. "But they made it clear they were just going to show up and conduct a one-day raid. That was just unacceptable to us. We have a business to run, and we knew there was a better way to do this."

"At a news conference Wednesday, ICE officials criticized the company for essentially tipping off hundreds, and potentially thousands, of illegal workers to a 10-month identity-theft investigation that resulted in 1,282 arrests nationwide," (Tatum, December 14, 2006).

A separate *Denver Post* story by Farrell, Marshall, & Arellano⁵² linked the raids to a DHS strategy to prompt the Congress to act on immigration reform.

This week's raids on Swift & Co. meatpacking plants are manifestations of a Bush administration strategy to wield new legal tactics against illegal workers, while pressing Congress for immigration reforms.

Homeland Security Secretary Michael Chertoff said Wednesday that the government hopes that criminally prosecuting workers who allegedly use stolen identities will spur Congress to act, and send a message across America's borders, (Farrell, Marshall, & Arellano, December 14, 2006).

The raids were criticized. Opponents charged that *ICE* was misleading people in its news releases by emphasizing identity theft as the basis for the raids when only 65 of the 1,282 arrested workers (about 5%) were criminally charged for identity theft. Additionally, *ICE* raided only one shift of workers in the coordinated and simultaneous raids at six Swift & Co. plants. Critics argued that, were *ICE* interested in conducting a complete enforcement operation at Swift & Co., then they would have arrested suspected undocumented immigrants in all three of the shifts in the targeted plants. Instead, *ICE* performed raids that focused only on the day shift. Had *ICE* targeted all three shifts at each of the Swift & Co. plants, they could have determined the status of approximately 15,000 more workers, some of whom were probably in the US illegally, (Tatum, December 14, 2006).

⁵¹ Tatum, Christine. 2006. "Swift Tried to Block Raid." *Denver Post*, December 14.

⁵² Farrell, John A., Christa Marshall & Kristi Arellano. 2006. "Bush Administration Pushing Congress to Act, Official Says." *Denver Post*, December 14.

President and CEO of Swift & Co. Sam Rovit further questioned the motives of *ICE* in an Associated Press story in the Denver Post on Feb. 2, 2007⁵³. Mister Rovit argued that he and his company had operated Basic Pilot in good faith. He stated that despite his offers to assist *ICE* in the investigations, they acted dubiously in the conduct of the raids, and that *ICE* was looking for a high profile enforcement case to project that the administration was tough on worksite enforcement. Rovit said Swift had done everything it could to comply with hiring practices established under Basic Pilot, a federal program designed to help employers check applicants' immigration status. In another Denver Post story by Ann Mulkern⁵⁴, Senator Norm Coleman from Minnesota expressed some concern about mixed signals related to raiding one of the few US companies that used the government prescribed anti-fraud program Basic Pilot.

In addition to questioning the effectiveness of Basic Pilot, senators said they were concerned that **raiding a business that is using the government's verification system might discourage other companies from using it.**

"We're sending a lot of conflicting signals here to companies," said Sen. Norm Coleman, R-Minn, (Ann Mulkern, Jan. 23 2007).

The raids also exposed flaws in the government's tool for screening for illegal workers, a computer database known as Basic Pilot. The program only verifies that a Social Security number is legitimate, not whether it is in use hundreds of miles away.

Swift told congressional committees twice last summer that **Basic Pilot fails to catch fraud**. A government report told Congress the same thing. Congress fought over immigration reform but let bills that would have addressed some of the problems die.

"What it demonstrates is that a raid makes more news than a GAO report," said Sen. John Cornyn, R-Texas, referring to the June 2006 Government Accountability Office report that faulted Basic Pilot because it was not capable of independently isolating concurrent use of the same social security numbers for different jobs. The GAO report that was critical of the limitations of Basic Pilot resulted in no reform. "This has raised people's attention to a real problem," (Chuck Plunkett & Anne Mulkern, Jan 28 2007)⁵⁵.

Officials from *ICE* did not directly respond to the criticism that the raids were inconsistently applied enforcement operations. *ICE* also did not address the argument that the stated basis for the raids of identity theft and the low percentage of criminal charges for identity theft resulting from the arrests were out of proportion to the

⁵³ Associated Press. 2007. "Swift CEO: Government Sought to Make Example of Company." Denver Post, February 2.

⁵⁴ Mulkern, Anne. 2007. "Senators Propose Changes After Swift Raids." Denver Post, January 23.

⁵⁵ Plunkett, Chuck and Anne Mulkern. 2007. "Raids Point to Call for Reform." Denver Post, January 28.

disruption of commerce and of human lives. Secretary Chertoff explained that the raids were necessary to highlight a complex problem that can only be comprehensively addressed by immigration reform in the Congress.

"When ... a business is significantly built on illegal labor, once we enforce the law, that's going to have a ripple effect" as suppliers, stockholders and consumers feel the pinch, said Chertoff. "And that's a way of emphasizing the fact that getting this issue of comprehensive immigration reform right is ultimately going to save everybody a big headache."

Chertoff said Congress needs to act on a comprehensive strategy to provide safeguards against the use of forged or stolen identities: the introduction of forgery-proof identity cards, a temporary-worker program and other reforms, (Farrell, Marshall, and Arellano, December 14, 2006).

In addition to the contradicting positions between Swift & Co. and *ICE*, another important story-line was substantially covered by the *Denver Post*. The story-line is a prevalent theme in the illegal immigration discourse. Undocumented workers do jobs that Americans will not do. If the supply of workers is disrupted, businesses will fail and products will not reach markets in sufficient number to meet demand. A Dec. 16, 2006 story by Aguilera and Griffin⁵⁶ discusses a number of perspectives from businesspeople in the Greeley, CO area, near the Swift & Co. plant at Greeley.

"It's really just accepted, the immigrant workers and the illegal immigrants. And why? Because they are needed," said Steve Mize, owner of Jerry's Market. "We know it exists; it's just an ignored factor. It's not an argument; it just is."

Many in Greeley say the number of undocumented workers is much higher. And area farmers are worried they won't have enough workers for next year's harvest.

"It just puts a fear in the entire community. We don't know what is going to happen," said Paul Hungenberg, who owns Hungenberg Produce north of Greeley with his brother Mike. "I'm real hopeful that they start a program so we can hire these people legally. **We need this workforce. We just can't get anyone else to do this work.**" Hungenberg Produce grows carrots, cabbage, onions, corn and beans on 1,000 acres. The farm hires about 200 workers from May to November at \$6 to \$10 an hour. Hungenberg checks two forms of identification, and if they look authentic, he hires.

"If they don't have proper- looking IDs, we don't hire them. We turn people away every day," he said. Asked whether any of his workers could be illegal immigrants using fake documents, he said, "I'm sure they probably do, though I don't know that."

The difficulty for employers, especially in agriculture, is attracting people to work in low-skill, low-paying jobs, said Rich Jones, of the Bell Policy Center. **The economy and the need for workers are in essence a "flashing sign" to immigrant workers.** (Aguilera & Griffin, December 16, 2006).

⁵⁶ Aguilera, Elizabeth and Greg Griffin. 2006. "Weld's Secret Broke Open." *Denver Post*, December 16.

Other immigration analysts say that the demand for immigrant labor is an important component of undocumented immigration that cannot be refuted, as Bruce Finley⁵⁷ wrote:

Until Congress demands a worker status-verification system and enforcement that can really hold companies accountable, critics contend, millions of job-seeking illegal immigrants can't be stopped.

"It has become apparent how employers are complicit in this illegal-immigration picture," said Doris Meissner, chief of the Immigration and Naturalization Service from 1993 to 2000, now a senior fellow at the Migration Policy Institute.

"In a case like (the one involving Swift) where you are just arresting the workers, it demonstrates how inadequate current employer enforcement really is in reducing the availability of jobs. The plant is up and running again," said Meissner, (Finley, December 16, 2006).

US Representative Tom Tancredo from Colorado agreed. He lauded the raids and encouraged *ICE* to continue law enforcement activities like the ones conducted against Swift & Co. and communicated this in a letter to *ICE* senior leadership.

U.S. Rep. Tom Tancredo called Tuesday for more raids and urging the government to target managers who hire illegal workers.

"This kind of enforcement action by ICE has been sorely missing over the past decade and I urge you to expand such operations to other industries," Tancredo, R-Littleton, wrote in a letter to ICE Assistant Secretary Julie Myers.

"Many in the agriculture industry prefer to use illegal labor despite the availability of legal workers through the H-2A (temporary-worker) program, which as you know has no cap. I believe an investigation would reveal that identity theft is rampant across many sectors and industries, not only meatpacking," Tancredo said.

And **"it strains credulity," he said, to suggest that so many illegal workers at Swift "could be employed, in six plants, without the company's management being aware of it,"** as the company has claimed, (Finley, December 19, 2006).

A group of 18 former Swift & Co. employees filed a class action lawsuit against the company claiming that Swift & Co. had dismissed them with the intent of hiring illegal immigrants for less money per hour. The former workers alleged that Swift & Co. deliberately hired illegal workers who produced identification documents, but were illiterate and whose presence in the US could not pass the least reasonable scrutiny. Yet they were hired by Swift & Co. A story by Christine Tatum⁵⁸ reported that,

⁵⁷ Finley, Bruce. 2006. "Swift Detainees Begin Facing Charges." Denver Post, December 19.

⁵⁸ Tatum, Christine. 2006. "Swift Sued Over Hiring." Denver Post, December 19.

Swift quietly replaced the 18 former employees - all of Mexican descent and legal residents or U.S. citizens - with illegal immigrants from Central and South American countries, Angel Reyes, a lawyer for the group said. Swift had paid the former legal workers approximately \$20 an hour but paid \$12 to \$13 an hour to their replacements, he added.

"We're talking about a lot of illiterate folks who came from Honduras, Guatemala and Nicaragua not knowing how to sign their own names, but they were somehow able to provide legitimate Social Security numbers, driver's licenses and other documents?" Reyes asked Monday. "Yeah, right," (Tatum, December 19, 2006).

Other coverage focused on the raids as a textbook example of a broken system. Employee verification systems like Basic Pilot that verified the authenticity of social security numbers merely drove illegal workers to seek out authentic identification, making their offenses more harmful than false documents. Employers and policymakers agreed that a guest worker program is needed, but the US Senate and House of Representatives could not come to terms on joint immigration reform legislation to establish a guest worker program and improved agency-to-agency cooperation for enhanced employee verification systems in 2006.

"In May, the Senate approved legislation that would have solved one of the problems with Basic Pilot by allowing the Social Security Administration and the IRS to alert immigration officials to suspicious activity involving Social Security numbers. **The House blocked that legislation from becoming law,**" (Plunkett & Mulkern, January 28, 2007).

The need for immigration reform was discussed in numerous stories. The *Denver Post* documented some of the efforts of Congress in 2006 to address immigration reform. At the time, the Senate was Republican-controlled and the House was Democrat-controlled, and the two sides were unable to find common ground on reform. Some laws actually prevented different government agencies from cooperating in ways that could have targeted identity theft and the kind of duplicative uses of social security numbers by some workers arrested in the Swift & Co. raids.

The Social Security Administration and Internal Revenue Service say they are legally precluded from sharing taxpayer information with the Department of Homeland Security. Legislation that would have allowed those federal agencies to alert immigration officials of suspicious activity passed the Senate last year. But that legislation never became law. The House - which had passed a very different immigration reform package - would not negotiate with the Senate to merge the two bills, (Mulkern, Jan 23 2007).

The story added that the, "Democratic-controlled Congress [that took both houses of Congress in the November 2006 elections] is expected to pass some type of immigration reform, but what it will include isn't clear, (Ibid).

Overall, the *Denver Post's* thorough coverage of the Swift & Co. raids was balanced and aggressive in unpacking the story-lines of law enforcement and policymakers, as evidenced by the excerpts included here. The coverage of Swift & Co. management by the paper seemed less aggressive in its investigative approach than it was toward government officials. Perhaps Swift & Co. did not provide access to reporters outside of their press releases. Some of the key facts that were brought to light by the *News Hour* story about criminal organizations that had been found to exclusively sell illegally obtained identification documents to eventual Swift & Co. workers. The *Denver Post* did not dig into suggestions that Swift & Co. may have operated a purposefully lax hiring process because the company relied on immigrant workers who could pass the Basic Pilot test, allowing Swift & Co. to maintain their compliance with immigration laws.

The story-lines of the arrested workers were predominantly covered in the following two ways. First, the workers were portrayed sympathetically as being adrift and powerless in an incoherent system in which they were wanted by employers and were largely accepted within their communities, but ultimately they were living with the risk that their lives and families could be uprooted at any time. Coverage of the arrested workers and their families described the legal processes that the workers had experienced, and explained of the hardships of families who had been split up when workers were deported but their families remained in the US alone and uncertain about what to do and when they would be reunited.

Overall, *Denver Post* coverage seemed to view illegal immigration not as something nefarious or cancerous, but as a set of conditions that had developed over time in response to labor market forces. The coverage also seemed to contain a general empathy for the illegal workers in conscious and steady disagreement with the dominant ideology. The following section will shift from a regional, big city newspaper to a smaller local paper serving Greeley, Colorado. Greeley is 50 miles to the north of Denver, and neighbors one of the six raided Swift & Co. meat processing plants.

Local Coverage: The Greeley (Colorado) Tribune

The *Greeley Tribune* provided substantial coverage from many angles on the Swift & Co. raids. On the day of the raids and the following days, the *Tribune* provided

a street level perspective of the enforcement activities with numerous first hand accounts of exchanges between law enforcement officials and protestors who assembled at the Greeley plant to protest the arrests. In addition to the street level accounts of the raids, the *Tribune* also provided in depth coverage of the impact on families of Swift & Co. workers who were arrested in the raids, demonstrating a “human face” behind the numbers of anonymous arrested workers. One story by Vanessa Delgado⁵⁹ covered the perspective of the father of one arrested workers who said the following:

"My son is not a robber, he is just here to work," [Teodor] Pelico said. "What people don't understand is that we are coming from a country where there is no peace and all there is, is crime and no work."

Pelico knows that the information his son was using was incorrect, and added the country should amend its immigration policies to make it possible for more people to work here legally.

"That is one of the injustices of this country," Pelico said. "We come here in peace," (Delgado, January 18, 2007).

The *Tribune* published community bulletins where families affected by the raids could seek out support of volunteer and not-for-profit organizations. When the *Tribune* did publish stories that labeled illegal immigrants as “criminals”, the charge was made by a citizen in the course of an interview. The *Tribune*'s reporters did not, in the course of interviews with family members of arrested workers, confront them to point out the fact of their illegal presence in the US and gaining work with either false or misappropriated documents. To the contrary, the *Tribune* and the *Denver Post* avoided any judgments about the motivations and actions of undocumented workers in their coverage. An *Associated Press (AP)*⁶⁰ story picked up by the *Greeley Tribune* on Dec. 17, 2006 included the perspective of Wayne Cornelius, director the Center for Comparative Immigration Studies at the University of California at San Diego:

"Locals may fill the vacated jobs for a while, but he said history shows Americans will leave low-paying, unpleasant tasks within months. And **when law enforcement backs off, illegal workers will return. It's an economic necessity.**"

"Americans don't raise their kids to do these kinds of jobs," he said."

⁵⁹ Delgado, Vanessa. 2007. "7 Former Swift Workers Waive Preliminary Hearings, may take DA's Deal." Greeley Tribune, January 18.

⁶⁰ Associated Press. 2006. "National AP Writer Examines Consequences of Federal Raid on Greeley meatpacking plant." Greeley Tribune, December 17.

"Those who will do the jobs become political pawns, Cornelius said. It's happened before. The arrest last week of 1,300 at one company, he said, doesn't put a dent in the estimated illegal immigrant population of 10 million."

"But it demonstrates that law enforcement can bring great economic pain by strictly enforcing the existing laws. It's a good way for the Bush administration to build support for a guest worker program, Cornelius said," (AP, December 17, 2006)

The same *AP* story provided an account of a young family, illegally in the US, and the impact of the raids on their lives:

"It's not fair to have these people come here, pay them, then kick them around politically," said attorney Robert McCormick, representing some of the detainees. "It makes no sense. **There's a reason people come here, that is the demand for labor.**"

Karina Miranda is 24, married just two weeks. Her husband, Jose Mendoza was scooped up in the raid. Miranda is left with two children, no job, little money and lots of questions.

Like her husband, Miranda is here illegally. She paid a transporter \$2,000 to lead her and her daughter, Litzzy, now seven, on a three-day march across the Arizona desert last year. She doesn't have the papers to get a job or to get inside a federal detention center to see her husband.

"She's worried about him, and she's worried about her children, and she's worried about getting a job as soon as possible, and it doesn't matter what it is," Miranda's sister in law, Claudia Mendoza, explained as she translated from Spanish.

Only one thing is certain, Miranda said: If she must, she'll return to Mexico with her husband. And then **the family will return to the United States, illegally if they have to**, (Ibid).

Overall, the *Tribune* covered the impact of the raids on the illegal workers sympathetically, and did not reinforce the dominant. Instead, coverage by the *Tribune* tended to support the story-line of undocumented workers as a disposable, renewable labor supply. One story by Vanessa Delgado⁶¹ on Dec. 13, 2006 demonstrated the inconsistency of the arrests that removed illegal workers, but did not charge the employers who did the hiring, suggesting officials at Swift & Co. knew they were hiring undocumented workers – a charge that Swift & Co. repeatedly denied.

Maria Flores, a representative of Latinos Unidos, stood outside and yelled over the fence questioning whether the administrators who hired the undocumented workers joined the potential deportees in the buses.

"Where are the managers and the people who did the hiring?" Flores said. "What about [the workers'] children," (Delgado, December 13, 2006)

⁶¹ Delgado, Vanessa. 2006. "Latino Community Outraged at Timing of ICE Raid." Greeley Tribune, December 13.

Numerous elected government representatives of Colorado submitted news releases to comment on the raids. These releases were published by the *Greeley Tribune*, although they were not published in the *Denver Post*. Mostly, these releases lauded *ICE* for enforcing the laws and lambasted Swift & Co. for hiring illegal workers. Representative Tom Tancredo voiced suspicion about Swift & Co.'s knowledge of the undocumented status of many in its workforce. The Tancredo statement was published in the *Greeley Tribune* on December 12, 2006, again suggesting foreknowledge of the raids by the congressman.

"I congratulate all law enforcement agencies involved in the successful raid," said Tancredo, Chairman of the Congressional Immigration Reform Caucus. "My hope at this point is that the U.S. government has the courage to prosecute the Swift & Company executives who may have been complicit in their hiring."

Tancredo concluded with, "**When something of this scale happens, it's pretty likely that the plant managers were aware of it, often with the consent of management,**" (Tancredo, December 12, 2006).

The *Tribune* did, however, offer balanced coverage of Swift & Co. One account attributed to the paper's staff from Dec. 12, 2006, the day of the raids, explained that Swift & Co. had been sued previously in a complaint filed by the US Department of Justice for probing too deeply into identification documents. The complaint charged that Swift & Co. were engaging in discrimination:

"Current law limits an employer's ability to scrutinize the background and identity of new hires, and — as Swift learned first-hand — employers can, in fact, be punished for probing too deeply into applicants' backgrounds. Specifically, in 2001 the U.S. Department of Justice's Special Counsel for Unfair Immigration-Related Employment Practices brought a **complaint against Swift for an alleged pattern and practice of document-based discrimination against job applicants, and sought civil damages of \$2.5 million.** After two years of cooperation and negotiation, Swift settled the claim, with no admission of guilt, for approximately \$200,000," (Greeley Tribune Staff, December 12, 2006).⁶²

It is surprising that this story made the paper on the day of the raids, and it would appear to be a useful story for Swift & Co. to push into the news cycle. It has been established that the company knew the raids were going to occur, and it seems probable that the company thought this history supported their point of view on the raids.

⁶² Greeley Tribune Staff. 2006. "Swift Responds to Plant Raids." *Greeley Tribune*, December 12.

The greater context that the local papers offered (when compared to national coverage) into the impacts of the Swift & Co. raids points to a more detailed discussion of the complex local conditions and how they act on labor forces. The local coverage revealed numerous at-large community opinions that illegal immigrant workers help fill a demand for labor, and that the presence of illegal immigrant workers is tacitly (in some cases openly) accepted by some members of the community. This empathy by members of the immediate community for the forces that act on illegal immigrant workers is instructive. If there is empathy, acceptance, or tolerance in the local community of US citizens that interacts with and lives among illegal workers up close, then this fact is a challenge to the dominant ideology.

In conclusion, this discourse analysis has examined the December 2006 raids on the Swift & Co. plants in the Midwest as an instance of the construction of the dominant ideology of the illegal immigration discourse. This thesis argues that within the dominant ideology of the illegal immigration discourse, illegal immigration is framed as the result of the individual decisions of immigrants to illegally enter the US. The dominant ideology attributes the following negative social conditions to an aggregation of the following decisions by illegal immigrants: illegal workers accept lower wages and therefore drive down wages and displace native workers; they abuse public services like education, welfare, and health care that they do not pay into; and they form ethnic enclaves and resist cultural assimilation.

An important opposing element that is absent from the dominant ideology is the role of labor demand in the US in attracting illegal immigrant workers. The December 2006 raids by *ICE* on the Swift & Co. meat processing plants serve as an instance of the construction of the dominant ideology of the illegal immigration discourse. Secretary Michael Chertoff of the Department of Homeland Security initiates the dominant ideology frame by declaring that the Swift & Co. raids were an enforcement operation to arrest suspected illegal immigrants and also suspected identity theft. Illegal immigration, in Secretary Chertoff's words, was "bad enough." Illegal entry is "bad enough", and identity theft only worsens the offense.

The raids at six different plants throughout the Midwest led to the detention of 1,282 suspected illegal immigrant workers, some of whom were suspected of

participating in identity theft by presenting forms of identification that were based on authentic, yet stolen social security numbers. Of the 1,282 workers that were detained, only 7 workers were finally charged with identity theft. The raids were challenged by the meat packers union as well as the ownership of Swift & Co. The union protested that the enforcement operation could have been handled in a way that was less disruptive to the company, to the workers, and to their families. The union argued that *ICE* knew the names of the identity theft suspects, so they could have opted for another approach if the case was truly about identity theft.

Additionally, Swift & Co. had unsuccessfully attempted to block the raids through a court order, and argued that *ICE* refused the company's offer to cooperate in advance of the raids. *ICE* insisted that the raids were about identity theft, but only months later in the case after deciding not to charge Swift & Co. in association with the raids, did *ICE* shift their investigation to the identity theft rings that had supplied the stolen identities. Secretary Chertoff responded that in addition to enforcing immigration law and suspected identity theft, the Swift & Co. raids sent a message to other companies that may be employing illegal workers. He further cited the raids as a kind of impetus to congress to rejuvenate immigration reform efforts, including reconsidering a guest worker program. In this case, Chertoff contends that the raids were conceived to drive legislators to enact immigration reform, though he does not address the proportionality of detaining 1,282 workers to isolate, at last, 7 identity theft suspects.

While national news outlets like the *Washington Post*, *PBS*, and *NPR* covered the systemic incongruities of immigration laws and policies, regional and local newspapers like the *Denver Post* and the *Greeley Tribune* (Greeley, CO) portray the presence of immigrant workers in a more accepting and understanding light. The local coverage largely demonstrated a community tolerant to the likelihood of illegal immigrants, empathetic to the economic forces that drive illegal immigrants, and accepting of the role that immigrant workers play in the local economy.

The issue of labor demand and its role in attracting illegal immigrants to US jobs was briefly mentioned in national news reports, and more extensively in the regional and local news coverage. National coverage, like the comments of Secretary Chertoff, cites the raids as indicative of a broken system of immigration laws and policy. Here,

the raids are used as justification for new immigration reform and a guest worker program.

This discourse analysis demonstrates that illegal immigrant workers were, in the Swift & Co. raids, constructed most significantly by the government apparatus that enforces immigration law. *DHS* and *ICE* framed the enforcement operation at Swift & Co. as an effort to stop identity theft, but it later emerged that *ICE* had information that would have allowed selective investigation of the identity theft suspects. The dominant ideology gets produced by Secretary Chertoff's declaration that illegal immigration is "bad enough". It says, these people should not be in the US to begin with, so any harsh treatment or disruption that occurs in the enforcement of immigration laws, they brought it upon themselves. The dominant ideology reinforces the justification to treat illegal immigrants harshly, as they are framed as having entered the US illegally and against the will of Americans. The fact that illegal workers are attracted by labor demand in the US does not forcefully penetrate the dominant ideology.

Conclusions

The *Denver Post* reported on May 6, 2007, that *ICE* had dropped identity theft charges against six former Swift & Co. workers who were arrested in the December 2006 raids. Comments from people familiar with the case supposed that *ICE* was changing its focus to targeting the criminal organizations that supplied the authentic identification documents to prospective Swift & Co. workers. Tom McGhee⁶³ reports,

The government's dismissal of identity- theft charges against six former Swift & Co. workers suggests that a grand jury is **investigating where the illegal immigrants got their false documents**, legal experts said Friday.

Swift spokesman Sean McHugh said the government is probably trying to make cases against people involved in identity theft, not Swift.

"After 15 months of investigation, the government has not accused or charged Swift or any current or former member of management with any wrongdoing in connection with this investigation," McHugh said. "We have no reason to believe it will do so in the future."

The U.S. Immigration and Customs Enforcement agency, which launched the raid, will use "whatever pressures and whatever tools are at their disposal to go after bigger fish; if they can put pressure on smaller fish, they will," said immigration lawyer Laura Lichter.

"It is most likely that they are trying to bring charges against ... whoever was providing the false documents," Lichter added, (McGhee, May 6, 2007).

This new direction in the Swift & Co. raid investigation indicates that *DHS* opted to cooperate with undocumented immigrants in order to find the criminal organizations that had been stealing and selling authentic American identity information. While *DHS* did not acknowledge any improper enforcement operations in the Swift & Co. case, their adjustment in approach toward the arrested meat processing plant workers suggests that, after further review and consideration, investigation of the identity theft rings made for a better case, or better served the public interest than prosecution of illegal immigrant workers.

This discourse analysis of the Swift & Co. raids did not, in my view, demonstrate an anti-immigrant bias by either local or national media outlets. On a national media basis, the Swift & Co. story did not have staying power. Coverage lasted for just a few days, and national coverage focused primarily on the competing narratives offered by the government and the employer, Swift & Co. The national coverage by *PBS*, *NPR*,

⁶³ McGhee, Tom. 2007. "A Swift Shift to Net Bigger Fish." *Denver Post*, May 6.

and the *Washington Post* did not reinforce the dominant ideology of illegal immigrants as deceivers who prey on American taxpayers, steal lower class jobs, and drive wages down. National coverage tended to focus on the opposing viewpoints and narratives between the government and Swift & Co.

Coverage of the raids had strong regional staying power. Concentrated coverage occurred for approximately 50 days after the raids, after which coverage was less frequent but continued to be driven by new developments. Like the national coverage, the regional news stories did not reinforce the dominant ideology of undocumented immigration. The regional coverage did print first-person interviews of area citizens that complained about illegal immigration in ways that reinforced the dominant ideology, but these stories usually balanced the complaints by including other first-person comments that were more sympathetic to undocumented immigrants. The regional papers did not editorialize or publish stories that indicated a bias against illegal immigrants in a manner consistent with the dominant ideology. An American who followed the Swift & Co. raids by reading either the *Denver Post* or the *Greeley Tribune* would not, it seems to me, be led toward a perspective that finds fault primarily in the behavior of the undocumented immigrants.

It is interesting to note how differently and more richly that local and regional newspaper coverage dealt with the Swift & Co. raids. The local coverage emphasized that illegal immigrant workers were acted upon by economic forces, and that the local community, generally speaking, accepted the illegal workers as the tolerable by-product of a deeply flawed immigration system. The local voices did not point a prejudiced or threatened finger at either the immigrant workers or the corporations that hired them, but instead seemed to recognize that each performed a function that contributed to an overall economic balance in the community. It is also noteworthy that the elements of the dominant ideology that are reflexively negative in how they perceive illegal immigrants (e.g. disruptive to local job market, driving down wages, abusing public services, etc) were not prominent in local news coverage. Local coverage was largely empathetic of immigrant workers, and supportive of compassionate treatment toward them.

The oppositional ideology offered in chapter two of this thesis states that employer demand is a substantial force that lures undocumented immigrants to the US. This ideology was projected frequently in the regional coverage, indicating a local empathy for the forces acting on illegal immigrants, and perhaps, tolerance for their situations. On the other hand, the news coverage studied for this research question showed that *DHS* and *ICE* officials were the strongest proponents of the dominant ideology. Some of Secretary Chertoff's public remarks demonstrated a perspective toward immigrants that clearly did not appreciate or validate the labor market forces that act on employers and illegal immigrants. His remarks were consistently judgmental toward illegal immigrants. They were devoid of empathy. Yet at the same time, in a press release, he acknowledged the ambiguity of immigration laws, and called on congress to address immigration reform, including requesting a guest worker program, to address the problem. The paradox is puzzling; it has all the empty logic and dismissiveness of summarizing harsh enforcement operations against illegal immigrants by saying, 'if you want to make an omelet, you have to break a few eggs'.

If I were to begin this thesis today knowing what I have learned in my research over the past year and a half, I would study the role of identity in establishing the dominant ideology of the illegal immigration discourse. I have come to perceive the elements of the dominant ideology as discrimination based on Nativist grounds. In other words, Huntington and other self-appointed guarantors of the west European white bloodline in the US define the illegal immigration phenomenon indirectly, by social conditions. But the social conditions that they warn us of track distinctly to concentrations of Hispanic and Latin populations in the US. This latent, indirect means of framing the immigration phenomenon in terms of identity by warning of the anticipated dire societal impacts if immigration is not slowed would be a useful examination into how America's founding ideals are adapting in terms of an increasingly diverse citizenry.

Overall, the mainstream media sources upon which this discourse analysis is based did not support the dominant ideology of illegal immigration or push it on the reader. Instead, the coverage tended to construct the power relations between law enforcement and the employer, and between the employer and the undocumented

worker, portraying the workers as pawns in the labor market, stuck between laws that prohibit them, employers who rely on the steady flow of immigrant workers, and the decision of workers to enter illegally in order to seek work--a high risk, high gain proposition.

The renewed push for immigration reform by the US Congress and the president in the summer of 2007 failed to gain the consensus in both houses of congress, and the momentum behind the effort seemed to dissolve. In January of 2008, presidential candidates of both major parties clarify their positions on immigration reform as planks of their campaign platforms, but the illegal immigration issue seems to have lost its immediacy in the campaigns and in public opinion. Future efforts may include an initiative to help meet employer demand by devising a process for regulating and accurately tracking guest workers with the goal of ending the illegal labor market in the US. And perhaps the passage of a guest worker program validates the oppositional ideology in which employer demand is a central causal factor of the illegal immigration problem.

This thesis has attempted to demonstrate that American immigration law and policy as well as American employers have, for decades, taken an opportunistic position toward immigrant workers. In the first century of the US, immigrants were an essential component of settling America's frontiers and completing America's work. Immigrants were welcome in the US. In the twentieth century, immigration policy began to restrict immigration, trying numerous varied approaches to try to get the right mixture of immigrants to continue to settle in the US and perform the work of America. When US employers needed an infusion of laborers at various times in the twentieth century, immigration laws and policy accommodated them by establishing immigrant worker-friendly programs like the Bracero Accord and the Texas Proviso. When the numbers of immigrant workers grew too large, these programs were cut off with little notice or provision for the participants.

Labor demand in the US for immigrant workers, especially from Mexico, the US's neighbor to the South, has a long history. If illegal immigrants were unable to find paying work in the US, it seems reasonable that the flows would halt. Immigrants would not continue to illegally enter the US if there were not dollars to be made. American

immigration policy has been inconsistent—at times recruiting Mexican workers, and at other times trying to halt their entry. Centrally managed government programs for guest workers, like the Bracero Accord, failed to be fast enough to meet employers' labor demand, and from this deficit in labor supply began the illegal immigration phenomenon. Illegal immigration created a mutually beneficial relationship between employers and immigrant workers. When the government programs were shut off, the relationship continued with illegal workers assuming the risk for arriving, and US employers assuming risk for verifying the immigrants' eligibility to work.

Americans continue to read, see, and hear about the illegal immigration discourse primarily through the filter of the dominant ideology. Government officials continue to frame the estimated 12 million illegal immigrants in the US as unwelcome invaders. There is a long history of exploitation of immigrant labor in the US. Demand for immigrant labor has been a constant in the US, but job security for immigrant workers certainly has not. Another constant has been the element of the dominant ideology that has consistently articulated that illegal immigrants are to blame for the phenomenon, because they continue to flow into the US in irresistible waves. The dominant ideology continues to frame the illegal immigration debate in terms of what Americans lose economically and culturally. The dominant ideology, however, does not place any of the responsibility for the continuing flow of illegal immigrants on the US employers that provide the incentive for illegally entering.

Academics like Huntington and Borjas contribute works to the illegal immigration discourse that support elements of the dominant ideology. They define illegal immigrants as invaders and as deceivers who enter the US illegally to take jobs from Americans, drive down wages, abuse social services, and reject American culture. There are opposing studies that say otherwise. For example, Ruben Rumbaut's study concluded that only 17% of immigrant children are fluent in Spanish by the time that the second US-born generation reached adulthood, suggesting that Latin and Hispanic immigrant families do assimilate to US culture in important ways. Both economic and cultural/Nativist elements of the dominant ideology have been challenged by this thesis.

Clearly, the illegal immigration issue is ripe for extensive study that is not weighed down by the presuppositions of the dominant ideology. First, state-level

governments should be capturing the costs of providing education and emergency services for illegal immigrant people. As discussed in chapter three, misunderstood assumptions of privacy deter schools and hospitals from documenting this information. The schools and hospitals should develop non-invasive process that captures immigrant use costs without referring the individual cases to law enforcement entities for action. The states should submit a bill to the federal government, and then the federal government will know the cost and all taxpaying Americans will share in paying it.

Under the current process, the states pass on the bill to state and local taxpayers, and the federal government is let off the hook for what is a federal responsibility. The result of adopting this idea would be an improved sense of the actual cost of illegal immigration, at least with regard to education and emergency services. Determining these costs clarifies the debate, and is a vast improvement over the conjecture about economic impacts that constitutes the dominant ideology today.

Additionally, economic and cultural impacts of immigration are most useful when subjects are observed over time. The big test of immigration assimilation is not the first generation that never becomes fluent in English. Instead, we learn much more from how immigrants' children, and children's children, and beyond compare with their native-born peers.

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