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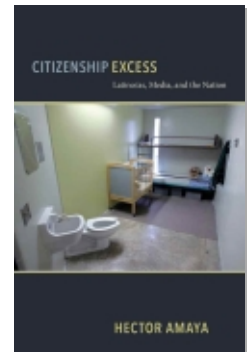
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Nativism and the 2006 Pro-Immigration Reform Rallies

The GOP won't be a majority party if it cedes the young or Hispanics to Democrats. Republicans must find a way to support secure borders, a guest-worker program and comprehensive immigration reform that strengthens citizenship, grows our economy and keeps America a welcoming nation. An anti-Hispanic attitude is suicidal.

—Karl Rove, "A Way Out of the Wilderness," *Newsweek*, November 15, 2008

In 2006, millions of Latinas/os and supporters took to the streets demanding reforms to immigration law that would create a path to citizenship for millions of undocumented residents. Although the marches were extremely successful, the pro-immigration reform movement (PRM) did not succeed. Instead of producing an opening for the legalization of millions, state and federal governments enacted harsher immigration measures, bringing increased suffering to documented and undocumented immigrants. Armando Navarro (2009), a political scientist at the University of California–Riverside, gives several reasons for the PRM's relative defeat, including the lack of a sustainable activist effort, lack of national leadership, and a coalitional effort that became hard to organize around issues other than immigration reform. He also documents how nativists, without huge marches or the sophisticated political mobilization apparatus used by pro-immigration reform leaders, counted on the support of the political field, mainstream hegemonic media, and legal structures.

While Navarro's approach is quite apt at explaining the convergence of different contexts that produced the PRM's struggles, he historicizes the rise of nativism as a sort of anomalous civic manifestation in an otherwise promising liberal democracy where hope is possible and reasonable. Implied in his conclusion is that the PRM may have succeeded with better organization, leaders, long-term political platforms, and coalitions. Perhaps. But lost in his analysis are two issues that offer alternative hypotheses to explain the challenges encountered by the PRM. The first is the issue of whether to characterize nativism as anomalous civic behavior or whether to think of it as traditional. I explore the latter possibility. The second is whether the PRM's successes and failures should be explained mostly in terms of civil society, as Navarro does, or whether to explain them in terms of the public sphere. I concentrate on both elements while emphasizing the latter. My goal is to complement Navarro's work by suggesting that the PRM's lack of success at the federal level was partly the result of nativists' ability to tap into traditional legal and political discourses of xenophobia and their ability to dominate the majoritarian public sphere. At stake here is a view of politics that understands that discourse is central to political processes legitimized by consensus and that to successfully participate in civil society, social movements (and their opponents) need media. A political group may be able to change leadership, may be able to change and refine political programs, but it cannot change the need for media, nor can it, by itself, change media structures. In addition to relying on theorists of the public sphere such as Nancy Fraser (1990) and Jürgen Habermas (1989), I carry on this analysis using Michel Foucault's (1991, 2007) work on liberal governmentality, a theoretical approach that places discourse at the center of the political while recognizing the liberal reliance on civil society (see chapter 1).

It is not difficult to argue that nativism is citizenship excess, evidence of coloniality, and that nativists tend to abuse their political and legal privileges to enact xenophobia. It is harder to think of nativism as normal political and legal behavior that is constitutive of nation-states, as proposed by coloniality. But I believe this hypothesis can be sustained if we reflect on the ease with which nativists came to occupy key locations in the political and media world, without much struggle or fanfare. The ease with which nativists managed to shape the public sphere and actual government speak to the fact that these were not xenophobic exceptions. Attentive to coloniality's propositions regarding administration, law, and policy, I argue that our traditional political culture of liberalism

is organized around dispositions that legitimize the legal and discursive grounds that nativists used against the PRM and that citizenship excess is one predictable outcome of the U.S. political system.¹

As a social movement, the PRM succeeded at making Congress aware of the need to oppose some of the most draconian legislations against undocumented immigrants, such as the Sensenbrenner Bill (I expand on this later). It also succeeded at energizing Latinas/os as a political group, following the PRM marches with naturalization drives (to increase the number of people capable of voting) and voting drives. These drives are responsible for increasing the number of Latino voters in the 2008 presidential election by more than 27 percent from 2004 (Taylor and Fry 2007; Félix, Gonzalez, and Ramírez 2008). But on the issue of immigration reform, the PRM did not succeed. This chapter analyzes this failure.

In this chapter, I examine the battle between the PRM and nativists and start contextualizing the environment of nativism out of which PRM came into being. First, I reflect on civil society and, in particular, on how Latinas/os organized themselves to carry out the giant pro-immigration reform marches of 2006 and the role played by the Latino public sphere in shaping these marches. I detail the defeat of the PRM and argue that ethno-racial and linguistic differences between the Latino public sphere and the majoritarian public sphere are partly to blame for this defeat. Then I show that the majoritarian public sphere is given shape by traditional political, economic, and legal frameworks that marginalize ethno-racial and linguistic minorities, foreclosing the possibility of state adaptability to political pressures coming from ethno-racial and linguistic minorities. Using the examples of the pro-immigration rallies of 2006, I show that the U.S. public sphere, as it is represented by the broadcasting system, is already fragmented along ethno-racial and linguistic lines and thus incapable of providing platforms for what W. Lance Bennett et al. (2004, 438) call recognition (who is formally identified as a source by name, status, or social membership?) and responsiveness (is there “mutual responsiveness between sources with different claims?”). I also show that this particular fragmentation forecloses the justice claims of undocumented immigrants, regardless of their political worth or consensus-building potential.

Contextualizing Nativism

In March and April 2006, millions of Latinas/os and sympathizers took to the streets in different U.S. cities to demand positive reforms in im-

migration law from the U.S. Congress. Republican President George W. Bush, a Texan and arguably the most Latino-friendly president ever, had proposed early in his presidency a set of bills that would give millions of undocumented immigrants a path toward citizenship. Together with Mexico's President Vicente Fox, Bush had drafted an immigration reform bill by 2001 that would have allowed a path to citizenship for undocumented immigrants. But 9/11 changed the president's priorities, moving the agenda away from Bush's hopes for Latino immigrant workers to his fears for mainstream U.S. citizens. For the next few years, the executive office and Congress embraced these fears with almost a pathological gusto, giving shape to a legal framework that effectively accomplished two things. Government legislated more legal ways of enacting xenophobia (e.g., the so-called Patriot Act, extraordinary rendition, and wiretapping) while legally weakening the extraordinary promise of egalitarianism through adjudication of rights represented in the U.S. Constitution and the Bill of Rights. If citizenship is understood, echoing T. H. Marshall, as "full membership in a community" (1973, 70), everybody's citizenship suffered. But not everyone suffered to the same degree. Adding ground to the claim that citizenship excess is an active process of ethno-racial political capital accumulation, the post-9/11 United States became a social and cultural landscape fertile for general expressions of ethno-territorial xenophobia ("this is our land"), paralleling the speech acts of a troubling and troubled administration. The United States of Bill O'Reilly (Fox), Lou Dobbs (CNN), Pat Buchanan (Clear Channel), and Colorado congressman Tom Tancredo (U.S. House of Representatives) went mainstream. This post-9/11 political culture, which was nurtured by mainstream media (especially Fox, CNN, and talk radio), rearticulated U.S. ideas about citizenship in terms of nativism and ethnocentrism, negatively affecting Arab Americans, Muslims anywhere, South Asian American communities, and by some strange chain of events, Latino residents.

With political maneuverings that marked the betrayal of the 9/11 victims, nativist politicians used the attacks on the Twin Towers and the Pentagon to engage in a political and legal war against undocumented immigrants in general and Latin American immigrants in particular. Citing border-security concerns, these politicians pushed for the further militarization of the border with Mexico. The four-thousand-mile Canadian border, huge and porous and patrolled by less than 7 percent of the Border Patrol personnel, never became the issue. It was always the border with Mexico, already militarized thanks to the successive presidencies

of Reagan, Bush, and Clinton, which would receive the bulk of the new discursive and economic resources to stop all crossings. The Bush administration militarized the very institutions in charge of immigration, refranchising the Immigration and Naturalization Service (INS) into the Immigration, Customs, and Enforcement (ICE) under the securitizing umbrella of the Department of Homeland Security (DHS).

Nativist groups, acting on media already energized by citizenship excess, succeeded at publicizing hugely exaggerated numbers of undocumented crossings, and news organizations participated in this publicity (Navarro 2009, 283).² Nativist claims came from diverse sources including political leaders—in a publicized letter to a constituent, Republican senator John McCain declared that 4 million undocumented immigrants crossed the border annually (February 10, 2004)—and small activist organizations: the American Resistance group, a Web-based organization invested in publicizing these calculations, estimated 4.4 million undocumented crossings per year. According to the DHS, the number was around 700,000 per year. The census calculated between 350,000 and 500,000 per year, closer to 1990s rates (Navarro 2009, 283). Newspapers such as the *Washington Post* (on March 20, 2005) acknowledged from 500,000 to 2.5 million. There was a general sense that the exaggerated numbers represented reality, particularly because they were at times supported by the DHS, mouthed by political leaders (McCain), and repeated on CNN (Lou Dobbs). Nativists seemed to control the public sphere, and this translated into political reality as state legislations produced the first wave of legal measures targeting undocumented residents. Arizona's 2004 Proposition 200 echoed California's Proposition 187 limiting all social services for undocumented immigrants. It passed. Arizona's Proposition 300, which denied undocumented university students access to in-state tuition, also passed. Virginia, Colorado, and Georgia quickly passed similar legislation. New Mexico and Arizona, seeking federal funding for increased Border Patrol, declared a state of emergency in several counties. Anti-immigrant legislation went mainstream, with new laws passed in Hawaii, Colorado, California, Utah, Washington, Idaho, Wisconsin, Kansas, Nebraska, Missouri, Oklahoma, Arkansas, Alabama, Tennessee, Ohio, North Carolina, New Jersey, Wyoming, Louisiana, and Maryland. According to the *Nation*, in January 2008 alone, forty-six states passed roughly 250 immigration laws, making it easy to believe that on the issue of immigration reform, the United States had consensus. Consensus, however, was a mirage, a magic trick requiring smoke and mirrors, on the one hand, to

occlude the power of a politically connected minority and, on the other hand, to magnify and multiply anti-immigrant rhetoric.

The nativist offensive at the federal level followed. On December 16, 2005, the Republican-led House of Representatives passed H.R. 4437, otherwise known as the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. Introduced by Wisconsin's Republican representative F. James Sensenbrenner, Jr., the bill called for a fence along the southern border of the United States, made it a felony to be undocumented, and called for the criminalization of organizations invested in helping undocumented immigrants cope with the new nation (such as churches and civic organizations). The bill passed in the House, with a vote of 239 to 182, and though it failed in the Senate, it became the footprint for other bills criminalizing the otherwise civil offense of residing in the United States without a proper visa. Latino immigrants and U.S. citizens who cared for new immigrants became the enemy, and the border with Mexico became a forward trench in the war on terror, a line separating friend from foe.³ In the epigraph to this chapter, Karl Rove wisely advises that accommodating immigration is key to the future of the Republican Party; it is important to note that in 2005, Rove was in the minority.

This brief context to the PRM provides the key elements needed to historicize nativism in the contemporary United States. Nativists, unfazed by the contradictions of excess, relied on the discourse of national security to justify legal frameworks that would make the social and economic lives of undocumented immigrants intolerable. But even before nativists had this platform, the federal government was reorganizing institutions to make immigration a matter of state security (the DHS). Both government and nativist voices made use of the public sphere to craft consensus around the anti-immigrant legal measures that have characterized the post-9/11 United States. How does this combination of national security, xenophobia, law, and the public sphere fit within citizenship excess?

Nativism and Liberalism

Although power is everywhere in society, it is useful to recognize that specific social fields generate distinct types of power and specific social currencies. The economic field uses the currency of wealth. Politics organizes itself around votes. The academic field trades on published research and educational credentials. Pierre Bourdieu (1986) has noted that, sometimes, power within one field can be converted into power in another

field, and he calls this process “interconvertibility” (see chapter 1). Money becomes votes. Educational credentials become money.

Yet not all currencies can be converted into other currencies. Texting speed or yodeling virtuosity rarely become anything else than that. Conversion is not random, and this is not lost to social theorists. In fact, one may argue that a significant number of social theories try to predict or explain the ease with which a social currency can become another. Marxian economic theories predict that money will too easily become votes and law. Feminism predicts the ease with which sex and gender become valued or devalued currencies in the field of power. Critical race scholarship predicts that whiteness too easily becomes money, educational credentials, and/or votes. Coloniality explains how past practices of exploitation have been converted into modern administration techniques. Indebted to these theories, citizenship excess predicts that ethnicity, nationality, and race will easily become social currencies in economics and politics that will legitimize exploitation. Nativism is the most glaring manifestation of this phenomenon. Under the spell of nativism, a powerful minority of white ethno-racial communities uses the discourses of liberalism and capitalism to legitimize anti-Latino laws. Under the powerful influence of liberalism and capitalism, the majority of Americans condone it, even if by condoning it they contradict their views against xenophobia and racism.

The reason a majority condones anti-Latino laws is central to the functioning of liberalism. Consider these two interrelated points. What fosters certain types of interconvertibility and not others is discourse. For instance, one may be forbidden from buying votes, but it is discourse that legitimizes the type of economic excess that rules our electoral processes. Thanks to the discourses of capital, personhood, and speech in juridical cases such as *Citizens United v. Federal Election Commission* (2010), the U.S. electoral system allows for an almost unfiltered participation of corporations into political campaigning. Money does buy votes. In this and other cases, discourse normalizes transactions between fields, creating the rates of exchange of currency and the possibility of conversion. However, as in *Citizens United*, discourse becomes formalized in law, and law survives even if the discourses have ceased to be proper parlance. This is clearly exemplified by noting how the discourse of racism, which is no longer popular, survives in the laws and policies that create radically different educational, economic, and political experiences for people of different races. Discourse normalizes interconvertibility. Law assures relative permanence.

Now let us consider that liberalism is a political system based on a so-called social contract between the state and its citizens that establishes, as Jean-Jacques Rousseau noted more than two centuries ago, that citizens will obey laws in exchange for state protection against harm and violence. In liberalism, law abidance becomes the most important political value, particularly if laws are indeed protecting a franchised majority. Seen in this way, liberalism becomes a political system that proposes that it is better to accept some negative outcomes that are legal than to overthrow legality (Benjamin [1921] 1996, 239). Citizenship excess predicts that the bulk of legal negative outcomes will affect the lives of ethno-racial minorities and other disenfranchised communities such as women, sexual minorities, and the disabled. And, connecting back to Foucault's governmentality, citizenship excess helps us theorize that the central cultural force normalizing legal negative outcomes is the discourses of the pastoral, which include safety, security, and prosperity. Unsurprisingly, these are the discourses mobilized by nativists.

Nativists have used the discourses of the pastoral to make their political and juridical views central to the nation-state. As Jonathan Inدا (2006) and Aristide Zolberg (2006) have noted, the nativists' influence on the United States has relied on the continuous use of the discourses of safety, security, and prosperity to justify social and legal techniques for monitoring membership through, among other things, immigration law. Simply, nativism has been a constant feature of U.S. politics, as Zolberg contends, acting always as an invisible instrument of nation-building (2006, 1–24). Nativism, in interaction with labor and corporations, has given shape to immigration law, accounting for the limited, and often contradictory, ways immigration is defined in our political cultures. Often fostering vigilantism, as in the late 1870s against the Chinese in California, the violence against Filipinos in the 1920s, the zoot suit wars against Latinas/os in 1942, all the way to today's Minuteman Project, nativism rarely stays on the sidelines, instead actively and at times violently participating in the agonistics of membership and ethno-racial purity (Akers Chacón and Davis 2006; Navarro 2009; L. Flores 2003).

Although contemporary understandings of U.S. national identity often rely on the mythology of immigration, as when U.S. citizens state, "we are an immigrant nation," our political culture makes use of this myth to iron out the contradictions of a U.S. identity that has institutionalized nativism and capitalism to regulate citizenship (R. Smith 1997, 13–39). Because citizenship law and immigration policy give shape to the national community

and because nativisms, corporatisms, and other capitalist organizations hugely influence these types of legal frameworks, national membership can be seen as the material manifestation of ethno-racial capitalism and liberalism. As demonstrated by legal slavery, indentured servitude, the open European migration from 1880 to 1920, the 1882 Chinese Exclusion Act that lasted sixty-one years, the Alien Labor Law of 1931, the Mexican Bracero and Caribbean guest-worker programs from 1937 to 1965, the Cactus Curtain initiated by President Bill Clinton, and the Sensenbrenner Act, formal political and legal systems have always been attentive to the demands of corporations, other large capitalist enterprises, labor, and nativists (R. Daniels 2004, 7–26; Navarro 2009; Ness 2007, 429–432; Ngai 2004; Sanchez 1993, 211; Santa Ana 2002, 66–68).

The concerns of nativists, labor, and corporations have often taken the popular form of a commonsense economics that uses national prosperity as the basis for political action (Inda 2006, 96–107). On the one hand, contemporary nativisms rely on economic arguments, often under the veneer of pro-labor discourse, to justify political action and lobbying against immigration, especially from Latin America. In these arguments, immigrants are said to use economic and social resources designed for and funded by citizens (De Genova and Ramos-Zayas 2003, 5). These arguments, as Otto Santa Ana (2002) and Lisa Flores (2003) argue, have energized an ethnicized political base that traditionally has sought violence and/or legal remedies to appease their fears (see also D. Gutiérrez 1999). Flores shows how discourses that criminalized Mexican immigration in the late 1920s and 1930s were closely connected to arguments about economics and to the passing of the first immigration law that made undocumented border crossing a felony in 1929 (2003, 376). Nicholas De Genova and Ana Y. Ramos-Zayas (2003), Leo Chavez (1998, 2008), and Mae Ngai (2004) note that the very notion of “illegal” is crafted through immigration laws and deportation practices attentive to corporate need. The term helps create a tractable and vulnerable labor force that can be expelled at will, using nativist rhetoric as justification. The colonization of Puerto Rico in 1898 allowed for racist discourse to justify the importation of cheap labor from the island to the quickly industrializing urban Northeast. Later, in the 1950s, the island itself was offered as an ideal location for a plethora of environmentally hazardous industries that enjoyed the protection of local governments and Washington, D.C. (De Genova and Ramos-Zayas 2003, 10). Santa Ana (2002) shows nativist reliance on discourses of economics to draft and get support for Proposition 187 in

California in 1993. Similar in outline to the Sensenbrenner Act, Proposition 187 aimed to restrict undocumented and documented immigrants from using social services and deputized law enforcement to act as INS agents. Famously, this proposition would have barred undocumented children from enrolling in public schools, would have denied citizenship to children born in the United States to undocumented parents, and would have restricted most social services, including nonurgent medical care, to undocumented residents (K. Johnson 2008, 1285–1287; Navarro 2009, 118–143). Although Proposition 187 and the Sensenbrenner Act mostly targeted undocumented immigrants, other immigration policies of the time targeted legal immigrants. For instance, in 1996, a Republican-led Congress passed the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act (PRWORA). This act denied legal immigrants access to welfare, food stamps, and Social Security benefits and made sponsors fiduciarily responsible for immigrants for ten years after their entering the country (Navarro 2009, 132). This commonsense economics is part of the discourses used by a diverse set of nativist organizations including FAIR, the Minuteman Project, and others. Labor also uses a commonsense economics that argues that immigrants lower wages for everybody by supplying unregulated cheap labor to businesses. Contemporary nativist organizations often embrace these labor concerns and actively engage in the recruitment of lower-class white and black Americans to publicly articulate their concerns (Ness 2007, 433). Lastly, corporations and other large businesses have always sought out the cheapest labor and have a huge impact on immigration legislation; corporate interests include constituting an undocumented class that can easily be manipulated and abused and lobbying for guest worker programs when convenient (Ness 2007, 433).

Brokering between nativists, labor, and corporations is the state, which uses techniques of power such as the legal apparatus either to secure borders when convenient or to secure cheap labor when necessary. On the side of corporations, in 1864, the federal government passed the Act to Encourage Immigration, which enabled employers to contract foreign workers prior to their traveling to the United States and allowed this contract to have provisions that would force workers to repay the employer for transportation costs. This act virtually relegalized indentured servitude, hugely affecting Chinese immigration. Nativists succeeded in repealing this law and lobbied for the Chinese Exclusion Act, which passed in 1882. It is no coincidence that in 1882 the rate of unemployment among

European immigrants had increased, which made Chinese immigration relatively unnecessary to the white-controlled economy. Flores (2003) illustrates how during the 1920s, with European and Asian migration at a low level due to the Immigration Act of 1924, which included the National Origins Act and the Asian Exclusion Act, the Southwest briefly turned to Mexican migration to reenergize a flagging economy. Part of this socio-economic process was carried out with discourses that characterized Mexican immigrants and labor as more desirable than southern/eastern European and Asian immigrants. Constructed as a hardworking, docile people, Mexicans were depicted as ideal for temporary work. "Ignorant, tractable, moderately industrious, and content to endure wretched conditions of life which most white laborers would not tolerate, the Mexican peon has proved a great boon to employers in the Southwest" (S. J. Holmes, qtd. in Flores 2003, 370). As Santa Ana (2002), Flores (2003), and Kent Ono and John Sloop (2002) have shown, the status of Latina/o migration in majoritarian political cultures has always been in close relation to broad national economic markers. In booming times, the state and business communities have sought the legal and undocumented labor pools of Latin America, creating the legal contexts, such as guest-worker programs, to regulate them. In times of crisis, nativisms step in.

As predicted by coloniality and citizenship excess, what has happened in the twenty-first century is then a relative continuation of established ethno-racial liberal governmentality techniques of political and legal power. President George W. Bush's earlier Latino-friendly initiatives, which were open to immigration reform that would have included a path toward citizenship for millions, were couched in the discourses of business and economics, constructing the ideas of justice and legality by reference to labor, profit, corporations, and capitalist drives. Accordingly, Bush repeatedly described undocumented Latino immigrants as "hard workers" wishing to fulfill the American Dream and, in the process, benefiting the U.S. economy (June 26, 2000, and January 7, 2004). Members of the chambers of commerce in Austin, Sacramento, Denver, Tallahassee, Phoenix, and Santa Fe agreed. Post-9/11 Republican initiatives, which eventually became the Bush administration's own, articulated a contrasting position through the discourse of nativism. In the words of Tancredo, who supported his 2008 GOP presidential bid on his xenophobic rhetoric, "illegal aliens" are a "scourge that threatens the very future of the nation" (Tancredo, qtd. in Vanden Heuvel 2006). Although not all nativists use Tancredo's florid language, the general sense among these U.S. citizens

is that the nation's future, imagined as a mixture of racial and economic markers of well-being, ought to continue having a white racial and cultural character. In this, they are not alone. According to polling conducted in 2006 and 2007 by *Time* magazine, *USA Today*/Gallup, CNN, and *NBC/Wall Street Journal*, most U.S. citizens have paradoxical views about undocumented migration. *Time* magazine set the trend. According to this poll, 82 percent believed that U.S. borders were not secure enough; 32 percent saw the issue of undocumented immigrants as extremely serious, and an additional 36 percent saw it as very serious; 51 percent believed that the United States would benefit from deporting undocumented workers; 75 percent wished major restrictions in undocumented immigrants' access to public services; 51 percent went as far as suggesting that these immigrants should not be allowed to attend public schools; and 69 percent stated that they should not have access to driver's licenses (Immigration 2006). Contrastingly, 78 percent believed that undocumented immigrants should have a path to citizenship if they learned English, were employed, and paid taxes. So, although at the level of broad support one can read this and other polls as contradictory (most U.S. citizens want more restrictions and penalties on undocumented workers, but most want the resolution sought out by pro-immigrant political positions, which is to have a path to citizenship), even the pro-immigrant position has nativist underpinnings, as suggested by the desire for Latina/o assimilation.⁴

As I noted in chapter 1, Foucault's notion of juridical subjectivity connects the economic and political fields. I apply these ideas to the U.S. case and argue that juridical subjectivity is also in concert with ideas of national membership and race. The political imaginary of populations whose race is already considered central to citizenship as a political and economic franchise permits the formation and reproduction of political and legal cultures that rely on racial and citizenship ascription to mark the boundaries of the social. In this socio-political landscape, Latino immigrants, who are doubly marked by race and immigration, typically become objects, not subjects, of political agency.⁵ For Bush, immigrant rights were justified because Latinas/os already contributed economically to the nation-state, not because Latinas/os' political agency had convinced him of their political worth. Alas, a minority of nativist voices ended up weighing much more than those of the millions who marched in 2006. But these voices were given legal and economic weight corresponding of their race, citizenship status, economic/legal location, and media positionality.

Pastoralism is a great metaphor for what I call ethno-racial liberal governmentality because the image of the flock connotes a group joined by biological characteristics. The shepherd should protect the flock, and it is with this logic of beneficence that the ethno-racial liberalism that defines the United States has used legal and economic practices to regulate membership and immigration. When confronted with the history of these legal and economic practices, such as the census and taxation systems, one recognizes that nativism is not an abhorrent expression of the U.S. political system but one of its roots as expressed in our Constitution and legal history. Simply, the technologies of power used by the state are hugely shaped by nativism. This is evident in the history of immigration law, which has organized and disciplined an immigrant population that would be central to the economy and marginal to politics. This is not to say that ethno-racial liberal governmentality is only characterized by nativism. The same legal frameworks that instituted racialized citizenship laws are indebted to, for instance, egalitarian ideas of natural rights and, in more contemporary legal settings, notions of human rights. However, in U.S. history, government has been more responsive to the need to protect the citizenry than to the need to expand egalitarianism. The exceptions have been the result of the sustained efforts and sacrifices of, for instance, abolitionists, suffragettes, labor activists, and the coalition of forces that today we recognize as the civil rights movement. In all these cases, social movements were able to eventually tap into the majoritarian public sphere and thus were able to participate in processes of consensus building. The next two sections analyze the PRM's participation in the public sphere and evaluate its momentary success and eventual defeat in terms of the segments of the public sphere that PRM was able to access and the areas of the public sphere that nativists were able to control.

The Pro-Immigration Rallies

From 2004 to 2012, most state legislative bodies passed anti-immigration policies. At the federal level, things were more complex. The Bush administration continued calling for immigration reforms that in 2005 included a guest-worker program and increased border security. Other national leaders, including Republican senators John McCain and Pete Domenici and Democratic senators Arlen Specter and Ted Kennedy, introduced different bills with different levels of accommodation for undocumented immigrants. Of these, the McCain-Kennedy bill went the furthest in the

process toward becoming law. It was passed by the Judiciary Committee with a vote of 12–6 on March 27, 2005. The bill included a path to citizenship and a guest-worker program. It was amended by the Hagel-Martinez Compromise, which also included a path to citizenship but separated undocumented immigrants into three groups. According to the Congressional Hispanic Caucus, which opposed the Compromise, the restrictions on two of these groups were too harsh, and too many would have been disqualified from naturalization. The Hagel-Martinez Compromise went to the Senate floor to be defeated 38 to 62. In December, the highly restrictive and nativist Sensenbrenner Act (H.R. 4437) passed in the House, and although it was defeated in the Senate, it fed the impetus of the ultraright nativists, who continued blocking amendments to the Hagel-Martinez Compromise throughout 2006 and succeeded in passing several restrictive measures. On May 17, with bipartisan support, a Republican-led initiative to build a 370-mile-long wall (it also included 500 miles of vehicle barriers) passed 63–34. The following week, the Senate voted on S. 611, an amendment to immigration law that, among other things, would have made English the country’s official language. It passed on May 25, 62–36, with two abstentions. This amendment to immigration law (otherwise known as the Comprehensive Immigration Reform Act) reads, “To amend title 4 United States Code, to declare English as the national language of the United States and to Promote the patriotic integration of prospective US citizens” (Navarro 2009, 300–304; Akers Chacón and Davis 2006, 203, 227–247; Bacon 2008, 64–70). S. 2611 never became law because it failed to pass the conference committee. Of all these bills, H.R. 4437, the Sensenbrenner Act, became the legal symbol that would energize the pro-immigrant rights movements from January to May 2006. These social movements succeeded in bringing together the huge March-through-April rallies.

The 2006 pro-immigration rallies are a great example of how access to a public sphere can quickly translate into some forms of political citizenship. It is a textbook example of how civil society ought to work. But it is also a textbook example of the political quandaries faced by ethnoracially fragmented polities, the ability of civil society to balkanize, and our political culture’s tendency to weaponize techniques of governance to the benefit of the racial and national status quo.

The rallies were the result of the successful mixture of the organizing labor of activist organizations and the cultural power of Spanish-language media (SLM). In this sequence of events, I follow Navarro’s narrative,

though I add a parallel analysis of media. According to Navarro (2009), the pro-immigrant movement gained steam after the passing of H.R. 4437 (December 2005), when Elias Bermudez, leader of *Inmigrantes Sin Fronteras*, succeeded in using the radio airwaves to organize a four-thousand-person march in Phoenix, Arizona, on January 6, 2006. Bermudez, a Mexican immigrant who, at one time, had been the mayor of San Luis, Arizona, launched a ninety-minute radio program in May 2005 titled *Vamos a Platicar*. From 8:30 a.m. to 10 a.m. on KIDR-AM (740), Bermudez engaged in passionate talk extolling the virtues of Latin American immigrants. KIDR-AM is a station that officially embraces a Spanish news and talk format and thus is an ideal platform for Bermudez's political and media goals. But the station was not alone. Other Phoenix stations such as La Nueva (KHOT-FM, 105.9) and Radio Campesina (KNAI-FM, 88.1) also served as vehicles to advertise Bermudez's political views on immigration and helped to organize the march, which speaks to the strength of Spanish-language radio and to the ties this broadcasting system has with Latino immigrant communities (Nuñez 2006; América Rodríguez 1999; Navarro 2009, 318; Panganiban 2007; González 2006; Valdivia 2010, 57). In the weeks following the January 6 march, the National Alliance for Human Rights (NAHR) as well as other pro-immigrant organizations such as the Mexican American Legal Defense and Education Fund (MALDEF), the Central American Resource Center, and Resurrection Catholic Church organized a leadership meeting that was covered by CNN, Univision, Telemundo, and Azteca America on February 11. The result of this meeting was a strategic plan that included national and international goals. Internationally, NAHR would send a delegation to Mexico to meet with President Vicente Fox and Latin American ambassadors as well as with activist organizations. Nationally, NAHR would aggressively engage in lobbying efforts against H.R. 4437, hold a national meeting on March 10, and organize massive mobilization (Navarro 2009, 322).

Navarro (2009) assesses the political moment and historicizes the weeks that followed that meeting all the way to the massive marches. In his view, the relative success of the movement was the result of historical preconditions that pushed undocumented immigrants and hundreds of thousands of their supporters from apathy to action. These preconditions included the rise in violent vigilantism in California, Arizona, New Mexico, and Texas, an increase in human rights violations against undocumented immigrants, increasingly hostile work conditions, and an overall decrease in the future prospects for the success and even survival of

undocumented workers. H.R. 4437 “was the straw that broke the camel’s back” (315). Navarro, however, credits but does not theorize the importance of media for the success of any of the NAHR goals (329). A social movement of this caliber cannot succeed with political arguments. The media has to broadly disseminate ideas, popularize rhetorical positions, and energize larger numbers of the population (Félix, González, and Ramírez 2008, 622). This role of media is clearly required for mass mobilizations but is also needed for lobbying, which requires the pooling of economic resources not typically found in nongovernmental organizations. Bermudez’s own organizing efforts in Phoenix were partly funded by his listeners (González 2006). NAHR and the myriad other organizations, luckily, were able to rely on the growing sector of SLM, first radio and then television, to do the cultural and political task of broadcasting the goals of the organizers.

Spanish-language radio has evolved and grown enormously since its beginnings in the 1920s. In the 1920s and 1930s, América Rodríguez notes, radio stations were not owned by Latinas/os, who, instead, participated in programming on radio stations owned by others (1999, 38). Radio personalities such as Pedro González bought the unprofitable off-hours of the late night and early morning to transmit shows that mixed talk with music. Following this transnational period, the first radio station dedicated to Latino programming was a Los Angeles station that relayed the signal from XEW in Mexico, a station owned and run by Emilio Azcárraga Viduarreta, who eventually founded Televisa, Mexico’s largest media empire. Latino control of radio stations increased, and by 1960, 60 percent of all non-English-language radio was in Spanish (ibid., 31–34). By 2008, there were 872 Spanish-language radio stations in the nation. As remarkable, this number was up 64 percent since 1998, a rate of growth which speaks to changes in demography and consumer spending (Albarán and Hutton 2009). This growth is structured by consolidating forces that, since the Telecommunication Act of 1996, have reorganized Spanish-language radio ownership into fewer corporations.

This large Spanish-language radio system and its importance among immigrant populations were the foundations for the successful social advertising effort that was key to energizing and organizing the pro-immigration marches. This radio system behaves like a Latino public sphere, beginning with radio shows such as Bermudez’s *Vamos a Platicar* and those of two hugely popular Los Angeles radio DJs, *El Piolín por la Mañana*, hosted by Eddie Sotelo, and *El Cucuy de la Mañana*, hosted by

Renán Almendárez Coello. These were joined by other popular DJs such as El Mandril and El Gordo and shows such as *El Vacilón de la Mañana* (Baum 2006; Félix, González, and Ramírez 2008; Hendricks and Garofoli 2006; Morales 2006, 8; Shore 2006, 8). In addition to the funny names of these radio personalities, their programs shared several key characteristics: they were all aired in Spanish; they were a mixture of morning talk show, entertainment, and local news; they were extremely popular in Los Angeles and other heavily Latino-populated cities; except for *Vamos a Platicar*, they were highly successful syndicated shows with heavy regional or national penetration; they all opposed H.R. 4437; and together they were listened to by millions. The reach of these radio shows gave regional and national platforms to the pro-immigration movement, providing a highly effective and cost-efficient media system to disseminate the goals of the pro-immigration activists.

After thousands marched in Phoenix on January 6, the movement quickly evolved into marches of dozens and then hundreds of thousands, involving more cities and more regions. On March 10, at least one hundred thousand marched in Chicago. On March 24, there were marches in, among other places, Phoenix, Arizona (20,000), Denver, Colorado (20,000–30,000), and Charlotte, North Carolina (5,000) (Navarro 2009, 328). What began with Bermudez advertising on Spanish-language radio continued in the streets of Los Angeles, where, on March 25, 2006, between 500,000 and 1 million came out in support of immigration reform. The marchers blanketed downtown Los Angeles, giving cultural prominence to the political struggle and providing visual evidence to the otherwise abstract census figures of the year 2000, which touted the growth of the Latino population and its new standing as the largest U.S. minority. National media followed local radio as images of the rally occupied front pages in all major U.S. newspapers and were broadcast by most television news programs. For weeks, marches in other cities intensified the political pressure, culminating in a national effort to halt the national economy by stopping Latino/immigrant work on May 1, 2006. On April 10, several marches happened around the nation, and notably, 500,000 marched in Dallas and 100,000 marched in San Diego. In April, marches in Los Angeles, San Jose, San Francisco, Fresno, Sacramento, Albuquerque, Dallas, El Paso, Austin, San Antonio, and Houston mobilized from 10,000 to 100,000 people. On that day, Phoenix saw 250,000 protestors blanket downtown, yelling “Sí, se puede” and “No to H.R. 4437.” In Washington, D.C., pro-immigrant groups organized the fourth-largest march in the

history of the national capital, bringing 500,000 people to the National Mall. On May 1, 2006, the United States witnessed the culmination of the movement, with the largest labor boycott and one-day mobilization in U.S. history. According to estimates, approximately 2 million people boycotted work or school, and millions marched. Police estimates put the total number of people marching at 1.1 million. According to *La Opinion*, 5 million people participated in one way or another in the protest. Navarro calculates that 3 million people either marched or stopped work or school (Navarro 2009, 341).

Marching in 2006 with thousands of Latinas/os and immigrant allies in Austin, Texas, was the greatest political feeling I have experienced in the United States, Obama's election notwithstanding. But this feeling was also a sour lesson, as we witnessed our political system clamp down and foreclose any hope of immigration reform. These disheartening political retorts surfaced in different ways. First, in the months that followed, ICE increased its efforts to arrest and deport undocumented immigrants with an aggressive effort against businesses. In April 2006, ICE carried out an operation against IFCO Systems, attacking plants in twenty-six states. This resulted in the detention of 1,186 persons suspected of working illegally. These tactics continued during 2006 and 2007, with ICE raiding restaurants (such as House of Blues, Hard Rock Café, ESPN Zone, and China Grill), janitorial services, and food-processing plants. By the end of 2006, ICE had increased its deportation numbers by 20 percent to 221,664. Second, immigration reform at the federal level repeatedly failed, and at the state level legislation became nativist. In Congress, the Hagel-Martinez Compromise failed for the last time in June 2006. In July 2007, conservatives also defeated the Border Security and Immigration Reform Act, which included some provisions beneficial to undocumented immigrants. Later, the Republican-controlled Congress approved the notorious border fence. Nativism became central in several states including Arizona, Oklahoma, Georgia, and Florida; these states passed draconian laws that would negatively affect undocumented immigrants. Third, nativist voices were able to position themselves as being the voice of consensus. The voices of Chris Simcox and Jim Gilchrist, cofounders of the nativist organization Minuteman Project, and the political views of Sensenbrenner and Tancredo dominated the public sphere, and popular media platforms went to the likes of Dobbs, O'Reilly, and Robert Putnam (Navarro 2009, 344–350; Preston 2007). According to Navarro, other factors responsible for the end of the pro-immigrant movement include the absence of a central

ideology that could unite the many activist organizations working for immigration reform and the lack of both statewide and national leadership. I want to suggest that these factors marking the decline of the movement are interrelated at the level of civil society and the public sphere. Specifically, I believe that the structure of our civil society roughly corresponds to the structure of a public sphere organized through the governmental logic of ethno-racial liberalism. I also believe, and probably Fraser would agree, that calls for a Latina/o public sphere—as in calls for Latina/o cultural citizenship—must be balanced with calls for the political and civil right to participate in the majoritarian public sphere. Forgoing the latter forecloses the chance for Latinas/os to contribute both to the construction of a national consensus and to the forging of law and policy.

Cultural Citizenship and the Latina/o Public Sphere

Toby Miller (2007) calls for a political economy of cultural citizenship and, others add, of the public sphere. This political economy must define culture in a robust way that can account for culture's material and legal underpinnings. As important, this political economy cannot reduce media to economic interests but must understand that the "political" in a U.S. political economy corresponds to technologies of power that are shaped by ethno-racial governmentality. Let the lessons of 2006 stay with us. Neither the might of Latina/o media, the size of Latina/o audiences, nor the success of the political organizations that brought millions out to march found correlatives in the at-large U.S. political and media cultures, which quickly corrected these anomalies by enfranchising the voices of nativists and amplifying their ability to speak for the majority.

Not once during the months following the pro-immigration rallies, arguably the largest political rallies seen in the nation since the civil rights movement, did the national English-speaking media system allow for the voice of a Latina/o with the same amped, continuous volume regularly given to Dobbs, Limbaugh, O'Reilly, and Beck. This muting of minority speech was made possible, and perhaps even predictable, by a majoritarian public sphere that is predetermined by politics, law, and a political economy of media that follows capitalist and ethno-racial principles. In this section, I want to explore the latter further and to introduce the concept of ethno-racial corporate liberalism to talk about these issues.

The U.S. media system is dominated by capitalist and corporate concerns. Less evident is the way that media are given shape by politics and

law. This is amply documented in telecommunication policy research, broadcasting policy research, media law, and media reform scholarship. Together, these approaches teach us that U.S. media industries are the result of government regulation and not the miracle offspring of capitalist entrepreneurship. The work of Thomas Streeter is particularly good for exploring this point. Streeter argues that commercial broadcasting is constituted through political activity, not only because it depends on the use of a public good, bandwidth (regulated by the federal government), but also because from its beginning commercial broadcasters relied on the government to set up rules that would benefit some people over others and, logically, some values over others (1996, xii, 7). Broadcasting is a commercial activity constituted through politics, and not surprisingly, U.S. media makers borrow heavily from the discourse of political liberalism. Liberalism, which emphasizes individualism and independence, often provides the language to justify government action on media regulation. Streeter helps us understand a paradox of the politics of media. Media corporations rely heavily on ideas such as “competition” and “deregulation” and on the notion that the market ought to take care of itself, even while media corporations are seeking government policies that will decrease competition and control the market, making it impossible for newcomers to exist and for new technologies to enter the media environment (*ibid.*, 37).⁶ The blurring of media and political environments, Streeter argues, can be called “corporate liberalism,” which is a peculiar U.S. blend of capitalism and liberalism that allows for the circulation back and forth of corporate and political language from the political to the economic field and vice versa. “Corporate liberal social organization,” Streeter notes, “does not simply mean control by private corporations. It involves a complex, dynamic pattern of interaction among corporations, small businesses, the state, and an electoral polity” (39). Corporate liberalism, as Streeter no doubt would agree, must also be understood as the racializations of the national, political imaginary. I am using here the term *imaginary* in the way that Cornelius Castoriadis (1987) introduced “social imaginary” to political philosophy. According to Castoriadis, one must be able to imagine the social world before one can act on it. By imagining a political world through corporate lingo and a corporate world through political lingo, we construct a social imaginary where actions can be justified and self-regulated according to differing sets of goals as well as a variety of ethical and political imperatives.

As most media scholars suggest, corporate media is partly given shape

by government policies. As Streeter argues, the political field is increasingly given form by corporate logics and media concerns. Yet the relationships between the political field and corporate media go beyond their mutual influence. Corporate media and market logic also behave as political tools, etching a media universe atop a political map. For instance, market logic and commercial merit cannot fully explain Latino cultural marginalization, and the case of the 2006 marches gives us yet another pertinent example. The success of the social advertising campaign among Latinas/os was directly related to the impressive commercial strength of Spanish-speaking radio. This fact was invisible to most U.S. citizens, who seemed utterly surprised at the ability of Latino activists and media to organize, so quickly, such huge marches. This surprise was the result of two factors. One is the marginalization of Latina/o politics from the U.S. political imaginary, which tends to favor black versus white understandings of race and which positions immigrants in a political sliding scale where they can go from not yet assimilated to fully assimilated. The second reason was that U.S. media was and is structured as a system in which Latino voices can be heard mostly in the marginal subsystem of SLM, including radio and television. For the non-Latino majority and for the millions of Latinas/os who do not speak Spanish, the Latina/o public sphere is a ghostly presence, and the voices of Latina/o media stars, who have no choice but to represent a significant part of the Latina/o public sphere, are almost nonexistent. *El Cucuy de la Mañana*, the number-one show in Los Angeles that is listened to by millions of others in twenty-six markets across the nation and whose numbers should rightly make host Coello one of the biggest radio personalities in the United States, is practically an unknown for non-Spanish-speaking media audiences, who are more likely to recognize Howard Stern and Rush Limbaugh. In Los Angeles, the second-largest radio market in the United States, *El Cucuy* beats Stern and Limbaugh, day to day. *El Vacilón de la Mañana*, a similarly formatted Spanish-speaking show, hosted by Luis Jiménez and Raymond Broussard, also beats Stern and Limbaugh in New York, the largest U.S. radio market. These DJs' success notwithstanding, to most U.S. citizens, they are still unknown, and their irrelevance outside Latino communities must be understood in terms of a corporate culture that relies on the politics of ethno-racialization as much as it relies on corporate merit. To recognize the political and cultural power of Stern and Limbaugh while failing to even recognize the name of *El Cucuy de la Mañana* is to live in a social imaginary where the corporate world is political and heavily racialized.

Paraphrasing Etienne Balibar, the majority of U.S. citizens share a “fictive” ethnicity that has definite racial and linguistic markers (1991, 96). This suggests that the term *corporate liberalism* cannot fully capture a political world that is always already ethno-racialized. Which brings me back to a serious limitation in Foucault’s theory of liberal governmentality. His liberal governmentality seems incapable of anticipating multinational, multiracial, and multilinguistic states, and this becomes even more evident in his notion of the juridical.

In Foucault, the juridical system organizes the economy and political field with the goals of creating a climate of security and prosperity. These goals are the precondition for political stability. Extrapolating these ideas to media, we can see that telecommunication research, media law, media reform research, and Streeter provide basic steps for explaining the relationship between citizenship, Latinas/os, and the public sphere because they explain media as a structure partly constituted through law (and policy) and partly organized to benefit those individuals and communities for whom the law works better. Hence, the political stability of the state is achieved through ethno-racialized notions of security and prosperity that legal frameworks help concretize. I refer to law here as more than the written words that can be found in government decrees and judges’ rulings. Law links citizens to the goals of the state; yet law is also an embodied social structure that is subject to political and social control by specific groups and that in our nation-state has consistently been dominated by economic, racial, and sexual elites (Brown 1993; C. Harris 1997; Cheah and Grosz 1996, 8–16; P. Williams 1991); lastly, in liberalism, law constitutes a specific type of juridical subjectivity central to liberal governmentality, and thus law becomes a modality of being associated with citizenship (Balibar 1991, 94; Gordon 1991; Foucault 1991, 2007; Hong 2006, 6).

These three variants on the juridical open up the spaces that we typically associate with state liberalism, energizing the relative fluidity of power in liberal arrangements. The barriers to participate in lawmaking are not the result of straightforward legal prescriptions, which, if such laws existed, would contradict our most liberal impulses. Instead, this elusiveness is constructed through many smaller laws and policies that, quite effectually, constitute subjectivities that embrace, or at least consent to, the unequal distribution of educational, social, cultural, and economic resources among peoples, reconstituting, generation after generation, the legal realm’s particular racial, gender, and class memberships. Given this reality, insofar as citizens are subject to the law, they are made subject by

the law and the particular values of those who write it and those who interpret it. This structural reality impacts the public sphere in a very real, tangible way, helping regulate the material structure that media is (as to who buys what media company) and the discourses that it generates.

Undocumented immigrants are impacted by this state of affairs not only because the Latino public sphere is marginal to national political processes of consensus but also because the juridical is not designed to secure the prosperity and safety of noncitizens in general and undocumented immigrants in particular. In February 2009, the National Hispanic Media Coalition (NHMC) and the Institute for Public Representation at Georgetown University Law Center filed a petition to the Federal Communications Commission (FCC) to investigate the pervasiveness of hate speech against undocumented immigrants and its impact on hate crimes against the Latino community. The hate speech that these organizations were referring to include comments by radio personalities such as Michael Savage (Talk Radio Network), who argues that undocumented immigrants are “raping” the nation, or John Stokes, who has used KGEZ 600 to argue that “Americans” should cut off the limbs of anyone who does not speak English: “Romans 15:19 says that if they break into your country, chop off their leg. We have to forcibly get rid of them” (qtd. in O’Grady 2009).

In the NHMC and Georgetown Law Center petition, hate speech has a possible effect on Latino life, and this is evidenced in the rise of hate crimes against Latinas/os who are believed to be undocumented (e.g., the killings of Jose Sucuzhanay, Eduardo Ramírez Zavala, and Marcelo Lucero) and in the multiplication of radical nativist groups which, according to the Southern Poverty Law Center, have appeared by the hundreds in the past few years. The petition is as revealing in what it asks from the FCC as in what it does not ask. It asks for an official study that could shed light on these complex connections. It does not ask for the FCC to regulate speech, which would make the petition poisonous to an FCC deeply invested in ethno-racial corporate liberalism. Evidencing a disinterest in giving legal basis to claims by racial minorities, women, and homosexuals, the FCC follows the leadership of the U.S. Supreme Court, which has been reluctant to regulate hate speech and has struck down local ordinances that do so, as in the case of *Brandenburg v. Ohio*, *Skokie v. National Socialist Party of America*, and *R.A.V. v. City of St. Paul* (Kagan 1993, 873). In each of these instances, the Court emphasizes the protection of free speech and the fear that in regulating hate speech, local, state, and

federal authorities may overreach into the regulation of legally protected speech. In each of these cases, the Court reconstituted the legality of free and injurious speech of white populations (however radical) over the relative mainstream concerns about personal safety of racial and ethnic minorities. It is important to note that in each of these cases, the Supreme Court (or in the case of *Skokie*, the Seventh Circuit Court of Appeals—the Supreme Court declined to take on the Seventh Circuit’s decision, hence confirming it) reversed local rulings, which speaks to the legal process in its complexity and the tensions between localism and federalism. Like the Supreme Court, the FCC has also played a role in the structural production of hate speech. For decades now, the FCC has been set on stultifying competition through the legalization of broadcasting consolidation (e.g., the 1996 Telecommunication Act), which has generated less local competition by lifting the cap on the number of radio stations that large media corporations can own in any given market and has made it structurally easier for a syndicated show such as Savage’s to have national syndication. The irony here is that consolidation has also given national markets to *El Cucuy* and *El Piolín*, but their participation in the public sphere is limited by audiences organized around linguistic and ethno-racial lines as well as by a similarly organized radio-star system in which *El Cucuy* and *El Piolín* play marginal roles regardless of their numeric success with listeners.

Being attentive to the public sphere means also being attentive to the ways in which self-regulated media industries, such as printed news, regulate racialized discourse. From 2005 to the present, the discourse of nativism has dominated our news landscape and has strongly influenced institutional policies, foreclosing the possibility of using majoritarian news outlets to launch a pro-immigrant rights offensive. This is evidenced in the way the basic terminology of “illegal immigrant” has become incorporated into the normal journalistic practices of printed news outlets. In 2008, the *AP Stylebook*, one of the key sources for journalistic language use, approved this problematic term and assured that the term “illegal immigrant” should be preferred over “illegal alien” or “undocumented worker.” Although the National Association of Hispanic Journalists, the Asian American Journalists Association, the Native American Journalist Association, and the National Association of Black Journalists have strong guidelines on the matter (always to avoid “illegal immigrant,” “illegal,” and “illegal alien”), these organizations have clearly lost the battle. Today, these terms can be heard on Fox, yes, but also on ABC and CNN; they can be read in the *Washington Post* and even in the paper nativists love

to hate, the *New York Times*. The result is a public sphere that normalizes derogatory language against the advice of all minority journalistic organizations. These uses have real effects in the public sphere, shaping the way discourses about immigration are created and re-created. I teach a class called Latina/o Media Studies, and my students cannot immediately see the logic of why I am asking them to use “undocumented” instead of “illegal” in their papers. “They did cross the border illegally, didn’t they?” is often their argument. Moreover, in the past couple of years, I have witnessed my students reproduce the notion that there are only two types of people, citizens and “illegals,” often forgetting that most Latina/o immigrants who are not citizens are here with legal documents such as green cards. So, when they hear the term “noncitizen,” they also hear “illegal,” a racialized mental schema that proves that the normalization of nativist terminology and the tone of hegemonic discourse around immigration have profound repercussions on juridical subjects.

Conclusion

I define citizenship in chapter 1 as a series of processes (legal, cultural, economic, and political) that allow a class of people to shape the state’s social and political reproduction. I use this definition because it forces us to immediately ask the question of excess. What happens if the state is narrowly defined and those who control the political and legal processes that secure it decide that the state ought to have an ascriptionist base? The simple answer to this question is that they can and they have. Nativism has been part of U.S. governmentality from the beginning, helping the state define itself in ethno-racial and linguistic terms. Nativism is to ethno-racialization what patriarchy is to juridical and political sexism. Nativism is inscribed in our laws and has helped regulate the social, political, and economic resources of the nation. From the census to media, nativism is a deep organizing framework in the juridical and economic fields.

As Rogers Smith (1997) has argued, the role of ascriptivism (and nativism) is often ignored by theorists of the state, who prefer to concentrate on the Western roots of liberalism and republicanism. Foucault, I note, is no exception. His elegant theories of governmentality theorize liberalism and help us to understand the important role of the juridical, the interiorization of the law, and the relationship of the juridical to prosperity and security. Law is important here because it is central to

the subjectivity of individuals shaped by liberal democracies such as our own. Indeed, what Foucault calls the juridical-legal subject is, as others have noted, the citizen of liberalism (Burchell 1991).⁷ Hence, the citizen's legal formation is also a type of legal subjectivity that, as I show in the following chapters, is constituted and maintained through media and discourse. The mental metaphors Foucault uses to make his points, such as the pastoral, reduce the state to an ethnonationalism that, arguably, is the basis for nativism. But Foucault does not follow this train of thought and instead concentrates his theoretical energies on understanding liberalism. For this reason, we can see Foucault's work as limited by methodological nationalism, that is, the sense that analyzing society means analyzing the nation-state. This is a failure that Foucault passes on to those who apply his ideas. By extension, this failure is part of some of the best and most recent work in media and citizenship, including the work of Liesbet van Zoonen (2005) and Ouellette and Hay (2008). This translates into an inability to deal with issues of politics and media in relationship to noncitizens and immigrant populations. To borrow from another work by Foucault (*The Archaeology of Knowledge*), the discourse of the nation-state is based on a set of propositions that formally marginalizes the noncitizen. This discourse of the nation-state includes the following propositions: society equals state; liberal states are organized by law; liberalism relies on citizens willing to abide by law; coercion should not be central to liberal governmentality; politics is the field where distributive systems are negotiated; the citizen is the political agent, the social actor, the grantor of legitimacy to the nation through the social contract, the sovereign, and the benefactor of distributive justice. Checkmate. Fifteen million undocumented immigrant Latinas/os just fell off the chessboard and have no right to get back on it.

Was there ever a consensus for or against immigration reform? No. But the nativist voices succeeded at every step. Not only did they block immigration reform that would have built a path to citizenship for undocumented immigrants, but they also managed to change immigration law to the benefit of nativists. Instead of exemplifying the hope of liberalism, the PRM's success was quickly overshadowed by its dramatic defeat. The political behavior of these Latinas/os, it would seem, was antithetical to the rules of liberal governmentality, which underscore the importance of consensus, prosperity, security, and civil society, all discourses that reference a close-knit community with self-legitimated political agency. In a sense, Foucault was right. Stock, following the pastoral metaphor,

was central to giving nativists extraordinary powers and to helping nativist discourse take center stage in our political and media world, as in the quick dismissal of the pro-immigration movement, the normalization of hate speech, and the legitimization by AP of the term “illegal immigrant.” This was citizenship excess at its most subtle and in its nastiest manifestations.