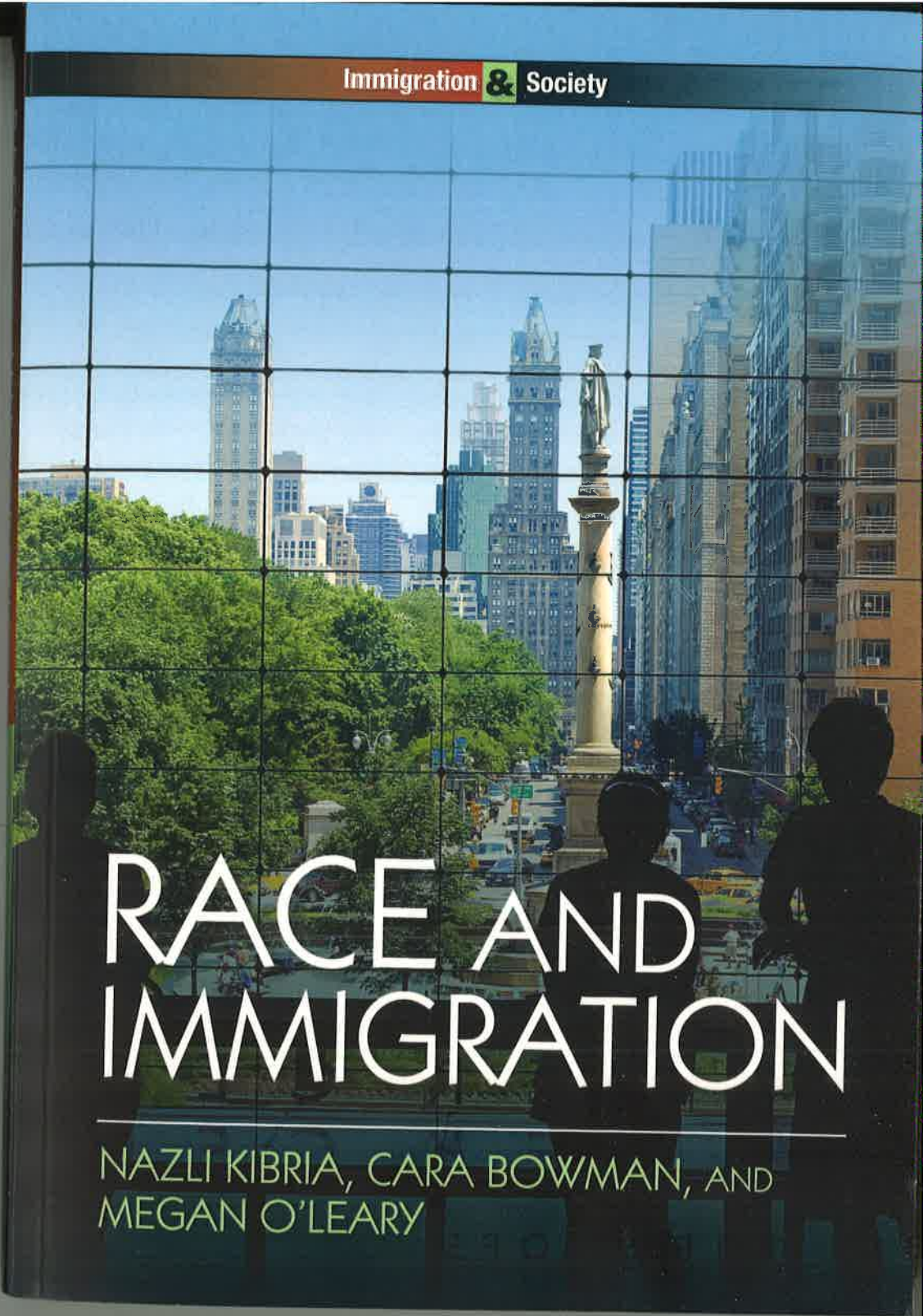


Immigration & Society



The book cover features a grid-patterned background, resembling a window or a film frame. Through the grid, a cityscape is visible, including a large green park area in the foreground, a tall monument with a statue on top, and several skyscrapers in the background. The sky is blue. In the foreground, the silhouettes of three people are visible, looking out towards the city. The title 'RACE AND IMMIGRATION' is written in large, white, sans-serif capital letters across the middle of the cover.

RACE AND IMMIGRATION

NAZLI KIBRIA, CARA BOWMAN, AND
MEGAN O'LEARY

The Race-Immigration Nexus

I'm here today because the time has come for common-sense, comprehensive immigration reform. The time is now. Now is the time. Now is the time. Now is the time.

I'm here because most Americans agree that it's time to fix a system that's been broken for way too long. I'm here because business leaders, faith leaders, labor leaders, law enforcement, and leaders from both parties are coming together to say now is the time to find a better way to welcome the striving, hopeful immigrants who still see America as the land of opportunity. Now is the time to do this so we can strengthen our economy and strengthen our country's future. Think about it—we define ourselves as a nation of immigrants. That's who we are—in our bones. The promise we see in those who come here from every corner of the globe, that's always been one of our greatest strengths. It keeps our workforce young. It keeps our country on the cutting edge. And it's helped build the greatest economic engine the world has ever known.

President Barack Obama, January 29, 2013

Around much of the world today, issues of global migration—of movement across national borders—loom large in the political arena. This is certainly the case in the United States, where in the run-up to the 2012 Presidential election, immigration was among the hot-button issues that occupied campaign rhetoric. After winning a second term in office, President Obama spoke fervently of the need to fix the country's "broken" immigration system. As we see in the above excerpt from a Presidential speech

on immigration,¹ U.S. political discourse on immigration has often been couched in nationalist imagery, of America as the “land of opportunity” and a “nation of immigrants.” Drawing on this imagery, in the early months of 2013 President Obama set out a specific plan for immigration reform that included employer accountability, pathways to legalization for immigrants without papers, as well as easier access to visas for high-skilled immigrants.

In the immigration debates of the U.S. today, the theme of race is perhaps most noticeable for its seeming invisibility. When it is mentioned, the distinctiveness of race is depicted as a matter that can be overcome with the passage of time and hard work; over time there is assimilation into the American melting pot. Of course this is far from being always the case. The passage of watershed laws in U.S. immigration history, such as the 1882 Chinese Exclusion Act and the 1924 National Origins Act, were marked by openly expressed and virulent racism. But in early twenty-first century America, an open agenda of racial exclusion is no longer legitimate. Instead, a variety of “race-blind” arguments mark the immigration debates. Thus those who contend that the U.S. needs to build a taller and tighter fence to guard the U.S.-Mexico border do not speak of race, but rather of the need to deter the criminal activities that surround the border regions. Those who argue against an amnesty program for undocumented immigrants do not speak of race, but instead dwell on the importance of rewarding those who follow the laws of the land and punishing those who do not abide by them. And those who assert the need to extend more opportunities for the highly skilled to come to the U.S. do not speak of race, but cite the need for the U.S. to remain competitive in the global economy.

As suggested by these examples, contemporary immigration debates in the U.S. have been framed by an assumption of “color-blindness” or the notion that “race” *should not* and in fact *does not* matter today, although it might have in the past. But we would argue that denial of the realities of race and their importance to immigration dynamics and processes in the U.S. does not reduce their significance. It only serves to obscure them. As Omi and Winant (1994) have put it: “Opposing racism requires that we

notice race . . . that we afford it the recognition it deserves and the subtlety it embodies” (159).

A Race Optic and the Race-Immigration Nexus

We approach the study of immigration and race with a “race optic.” To explain this further, let us first take a step back and define “race.” In a race-conscious society such as the U.S., the answer to the question of what race is may seem obvious at first glance. In popular U.S. understandings, racial categories such as “black” and “white” are indicated by physical markers, most notably skin color, that in turn signal innate differences between people. But as we look at how the perceptions and meanings of the markers diverge across time and place, it becomes increasingly clear that these seemingly intrinsic differences are actually social and political constructions.

Drawing on critical race theories (Goldberg 1993; West 1995; Romero 2008), we see race as a political project rooted in histories of western colonialism and imperialism and thus marked by a core commitment to white privilege and power. We also understand race as “an organizing principle of society that persists on its own through its deep entrenchment in social structure and institutions, such that actors need not be conscious of their part in it to enjoy privilege allowing it to endure” (Weiner 2012: 333). Concurrently, race is an ongoing and constantly developing feature of power relations in society.

Specifically, we define a “race optic” to encompass the following ideas:

- Race is an ascribed difference, one that is given and used by those in power to define others as different and inferior from themselves in ways that maintain their own (the dominant group’s) power.
- The ascribed differences of race are essentialized or widely understood to be based on “given,” intrinsic group features.
- Physical distinctions, such as that of skin color, can be used

to draw boundaries between races and to signal intrinsic difference.

- Cultural differences, signaled by such markers as language, dress, and food, can be used to draw boundaries between races and to signal intrinsic difference.
- Racial formation or the social construction of race difference is organized by social institutions and the ideas and practices that are part of them.
- Racial boundaries have consequences for those who are defined by them, in terms of choices, opportunities, and resources.
- The dynamics of race interact with those of other axes of difference and inequality, including class, gender, nationality, and immigration status.

How does “race” compare with “ethnicity,” a concept with which it is often paired? A popular definition is that racial boundaries emerge from physical differences between peoples in contrast to ethnic boundaries, which are a product of cultural differences. As Cornell and Hartmann (1998) have noted, this way of differentiating the concepts of race and ethnicity overlooks the central role of power and external assignment in the creation of racial boundaries. Race and ethnicity are both social constructions. But racial boundaries are especially rooted in the efforts of dominant groups to create distinctions that affirm their power and superiority. Rather than external assignment, the emergence of ethnic groups involves self-assertions of collective identity that are based on “perceived common ancestry, the perception of a shared history of some sort, and shared symbols of peoplehood” (1998: 32). But along with these differences in underlying dynamics, it is also the case that racial and ethnic boundaries can overlap, as those who find themselves defined by others as a group also come to see themselves in collective terms. Racial boundaries thus shape and constrain the terrain of ethnic identity, in some cases facilitating and in other cases restricting ethnic formations.

Our analysis of immigration draws on a “race optic” or a perspective that looks closely at the significance of race in relation to the social phenomena under study. A race optic on immigration

urges us to consider a set of critical questions about the ways in which racial divisions both shape and are shaped by immigrant arenas and experiences. For example, how are changes in immigration law informed by contests of racial power and privilege? How are racial ideologies shaped by the strategies that immigrants use to get ahead in the labor market? Do these strategies affirm prevailing racial boundaries? Or do they challenge them, thus fomenting struggles and changes in the racial order?

By posing and addressing these and other questions, we analyze the “race-immigration nexus”—a fluid and intertwined bundle of linkages between race and immigration, specifically among the institutions, ideologies, and practices that define these arenas. In the chapters that follow we look at selected aspects of the U.S. immigrant experience—laws, occupations, and identity formations. Through in-depth analysis of selected episodes and cases in the United States, we explore how these various arenas have been part of the ongoing formation of the U.S. race-immigration nexus.

Throughout the world, in societies as diverse as Australia, France, Japan, and the United Arab Emirates, the politics of immigration, race, and nation are deeply intertwined. If there are important similarities in the race-immigration nexus of these societies, there are also vast differences, reflecting the particular conditions under which the nexus has emerged. In the case of the United States—the focus of this book—the national context has generated a race-immigration nexus that is marked by some notable themes. These include a national ideology of America as an immigrant country and a racial order in which a black-white division has played a pivotal role. We now turn to take a closer look at these themes and the many contradictions and uncertainties that have been part of them.

A Nation of Immigrants

Oscar Handlin (1951) has noted that the history of America is the history of the immigrant. Immigration has been central to the U.S. nation-building project. The colonization of North

America occurred through the establishment of settlements by European migrants in "the New World." The United States has also repeatedly sought labor from abroad in its quest for economic development. This import of labor has taken many different forms in the course of U.S. history, from the slave labor of Africans to the migrant labor of Europeans. In the contemporary United States, the labor market includes workers from abroad who toil in low-wage jobs in the agriculture and service industries, as well as high-skilled foreign professionals who are actively recruited by U.S. companies that are anxious to remain competitive in the global economy. Across these different circumstances, immigrants have been a vital part of the U.S. economy, past and present.

The importance of immigration to U.S. nation-building is also reflected in the country's ethos of national identity. Scholars often describe the United States as having an official doctrine of civic nationalism; it is adherence to shared civic values, such as commitment to freedom of religion, that binds the nation together. Civic nationalism signals the identity of America as an immigrant-receiving society. It suggests receptivity to the integration of immigrants, especially in contrast to ethnic nationalism, in which it is the idea of shared ancestry that gives meaning to national identity and community. More generally, immigration has been a key theme in the myths, symbols, and narratives of U.S. nationalism.

Underlying the idea of America as an immigrant country is a larger one—that of American exceptionalism. In this overarching narrative, the United States is an exceptional, even unique, country in human history and worldly affairs. It is a refuge of liberty, a moral leader that has been anointed by Divine Providence to assume a place of political and economic supremacy in the world. From the historical conquest of Native American lands to contemporary military campaigns abroad, American exceptionalism has provided "an unlimited charter for a kind of explicitly and sanctimoniously 'anti-colonial' imperialism" (De Genova 2012: 252). It has, in short, shrouded the nation's exercise of power in a veil of moral imperative.

The narrative of American exceptionalism is deeply entwined with that of America as an immigrant country. It is a country that

in its special greatness, its commitment to freedom and opportunity, attracts people from all over the world. Consider, for example, the Statue of Liberty, that icon of American freedom, and the verse by Emma Lazarus that is inscribed beneath it:

Give me your tired, your poor,
Your huddled masses, yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!²

The Statue of Liberty represents the idea of America as an immigrant nation. As it symbolically beckons immigrants to its shores, it also affirms the idea of America as a land of opportunity—of the American Dream. It is a place where dreams can come true, where immigrants can achieve success through hard work and determination. As they do so they also become American, merging into the great "melting pot" of America. Indeed, the exceptionalism of America stems also from its capacity to assimilate, to effectively integrate newcomers into its midst. In 1782, the French-American writer J. Hector St. John de Crèvecoeur published an influential volume of narrative essays entitled *Letters from an American Farmer* in which he wrote:

What then is the American, this new man? He is either an European, or the descendant of an European, hence that strange mixture of blood, which you will find in no other country . . . He is an American, who, leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds. He becomes an American by being received in the broad lap of our great Alma Mater. Here individuals of all nations are melted into a new race of men.³

Nested in American exceptionalism, the notion of America as an immigrant country can mask the significance of larger political and economic conditions in shaping migration flows and settlements. That is, if America as a land of freedom and opportunity

has attracted immigrants, it is also the case that America has actively sought immigrants to meet its economic needs. Immigrant flows to the United States have also often resulted from disruptions to immigrant homelands caused by U.S. policy abroad. As the United States has sought to expand and consolidate its power and influence in the world, it has spurred migration flows to the United States.

The notion of America as an immigrant country has another, quite different side. If the immigrant story is extolled as national myth, it is also the case that U.S. attitudes toward immigrants have frequently been colored by fear, hostility, and restrictive policy. The narrative of American exceptionalism plays into this duality of attitudes. If it is a country that is welcoming of immigrants, it is also one that must, in order to preserve its exceptional character, be discerning in whom it admits into the country. Not everyone can fit into the exceptional fabric of America. As John Higham documents in *Strangers in the Land* (1955), immigrants have faced the ire of nativists who have feared "that some influence originating abroad threatened the very life of the nation from within" (6). Peter Schrag (2010) argues that at the core of nativism is the idea that there are some groups who are not fit to become Americans due to their inherent qualities. The specific focus of nativist ire has fluctuated, in terms of who is targeted and for what reason: religious traditions or deficient culture. But the underlying sentiment—that these foreigners represent a threat to the American way of life—has been constant. He writes: "In almost every generation, nativists portrayed new immigrants as not fit to become real Americans: they were too infected by Catholicism, monarchism, anarchism, Islam, criminal tendencies, defective genes, mongrel bloodlines, or some other alien virus to become free men and women in our democratic society" (Schrag 2010: 4).

American exceptionalism with its many faces is at the heart of the U.S. race-immigration nexus. That is, it is the nationalist narrative of America as a land of immigrants in simultaneous play with the powerful currents of nativism in the country which have shaped race and immigration and the linkages between them. For example, the ideology of America as a land of immigrants has at

times served to obscure the racialization of immigrants. In public discourse it has allowed for a certain veiling of nativist sentiment and its significance for race relations. Furthermore, we would argue that the interplay of seemingly contradictory forces in the American stance toward immigration—of glorifying and reviling immigrants—has generated a good immigrant-bad immigrant dynamic. That is, the reconciliation of nativism with the ideology of America as an immigrant nation has occurred in part through the differential assessment of immigrant groups. The "good immigrant" is one who is fit to become American, whereas the "bad immigrant" is not only unfit but a threat to the social and political fabric of America.

The Black-White Racial Divide in America

The U.S. race-immigration nexus is also shaped by a racial order of white dominance in which a division between black and white has played a pivotal, albeit shifting and contested role. The construction of a social and political divide between black and white peoples was integral to the early U.S. nation-building project. Starting in the eighteenth century, European settlers in North America turned to the enslavement of black Africans to fulfill the needs of a growing economy. Slavery was legitimated by emerging racist ideology that drew from the work of so-called "race scientists" of the time. Indeed, by the early 1800s, racial distinctions were firmly established in U.S. life as science, social norms, and government court decisions designated blacks as subhuman and protected the rights of whites to own black slaves.

The American Civil War (1861–1865) was accompanied by intensified public debate over the position and rights of blacks. The era of Reconstruction that ensued saw important reforms, including the granting in 1867 of voting rights to blacks. But the progress was shortlived. By 1877, blacks were subjected to disenfranchisement; they experienced de facto segregation in the North and de jure segregation through Jim Crow laws in the Southern states. This was a time of intense racial backlash as,

fearing displacement, white cotton-plantation owners and workers “clung more desperately than ever to the automatic social status that inhered in their white skins” (Fredrickson 2002: 86–7). The *Plessy v. Ferguson* ruling of 1896, which stated that blacks and whites should live “separate but equal” lives, gave the legal stamp of approval to segregation between blacks and whites.

In the years after World War Two, racial discrimination continued to mark the U.S. landscape in powerful and visible ways. For example, black Americans were largely unable to take advantage of the suburban housing boom of the 1950s due to the routine denial of low-cost housing loans to them. But there were also growing challenges to the prevailing racial order. As the United States and Allied forces battled the Hitler regime with its claims of racial superiority, the ideology of scientific racism that had been so prominent in the early twentieth century was repudiated. In 1950, UNESCO issued a statement saying that “science gave no support to the notion that human groups differed in ‘their innate capacity for intellectual and emotional development’” (Fredrickson 2002: 128). At this time as well, the United States found itself struggling to justify the racial inequalities of its own national landscape as it asserted itself as the world’s superpower. The inequalities were inconvenient, detracting as they did from American moral claims to world leadership through universal commitment to freedom.

In 1954, the Supreme Court made a landmark decision in the case of *Brown v. Board of Education of Topeka*. In that case the court ruled invalid the separate but equal doctrine, thus bringing into question the entire Jim Crow system. Under the leadership of such prominent African American figures as W. E. B. Du Bois, Malcolm X, and Martin Luther King, Jr., the Civil Rights movement that emerged used massive political protest and legal challenge to launch a period of intensified struggle against U.S. racial inequalities. In the backdrop of the movement, racial minorities forged new collective identities and political strategies of empowerment. There were also notable legislative victories, including the 1964 Civil Rights Act that banned discrimination based on “race, color, religion or national origin” in employment

practices and public accommodations. The 1965 Voting Rights Act protected voting rights and the Fair Housing Act of 1968 banned discrimination in the sales and rental of housing.

In brief, the twentieth century saw important changes in the U.S. racial order, including the weakening in certain respects of the black-white racial divide that had been its key organizing feature. Race continues to be a significant aspect of U.S. life, however. The racism of the past, consisting of overt expressions of beliefs about the innate inferiority of minority groups, has become far less acceptable. Instead, what has emerged in its wake is a new racism, a racism that takes covert forms and expressions. Analyzing the rise of conservative political movements in the 1980s, Omi and Winant (1986) write of the use of “code words” or phrases and symbols in political discourse that “refer indirectly to racial themes, but do not directly challenge popular democratic or egalitarian ideals” (1986: 120). They also note the emergence of a racism that is organized around a color-blind ideology—the idea that race is no longer relevant.

Writing of the development of color-blind racism, Howard Winant (2008) notes that the current global racial order is one in which racial differences have been reinterpreted “as matters of culture and nationality, rather than as fundamental human attributes somehow linked to phenotype” (200). Embedded in the project of neoliberalism that has defined the late twentieth century and early twenty-first century, color-blind racism suggests that social inequalities stem from the inability of some individuals to compete in the market economy. In explaining these individual deficiencies, cultural explanations are invoked. Thus, even as color-blind racism self-consciously eschews the idea of intrinsic differences between people based on skin color, it turns to the language of deep-seated, “given” cultural predispositions. Racial difference comes to be understood as innate cultural difference.

Eduardo Bonilla-Silva (2003) has identified several different frameworks of color-blind racism. The first, abstract liberalism, uses the language of equal opportunity and free choice to legitimate the status quo. The second, naturalization, is captured by the idea that racial inequality is “just the way things are”—an

expression of natural human tendencies. The third one—that of cultural racism—explains racial inequality to be a result of cultural deficiencies. The fourth, minimization, is the argument that racial discrimination is rare and isolated. Thus those who identify racism are “whiners” who are making exaggerated claims and needlessly complaining.

We contend that racism and the black-white racial divide remain significant features of U.S. life, notwithstanding extremely crucial and ongoing changes in race relations. The black-white dichotomy continues to pervade commonsense American understandings; it remains an important conceptual anchor in everyday efforts to categorize and make sense of the identity of others. Moreover, the institutional boundaries between black and white Americans, as reflected in patterns of residential segregation and income and educational inequalities, continue to be sharp.⁴

In summary, the black-white racial divide, along with all of the complex contradictions and shifts that have been part of it, is an important feature of the U.S. race-immigration nexus. Thus, among the issues faced by immigrants to the United States, both in the past and today, a primary one is that of how to position oneself within a racial order that is broadly organized around a dichotomy of black and white. For many immigrants, the issue has been especially vexing, challenging their efforts to successfully negotiate the social and political landscape of the United States.

Immigrants to the United States: A Brief Overview

In 2010, the U.S. immigrant population totaled almost 40 million, constituting 13 percent of the total U.S. population of 309.3 million. California, New York, Texas, and Florida were the states with the largest numbers of foreign-born residents. Figure 1.0 provides an overview of the development of the U.S. immigrant population over time, from 1850 (when information on the nativity of the U.S. population was first collected), to 2011.

The data show that in 1850, the foreign-born made up 9.7 percent of the total U.S. population, which at that time was 2.2

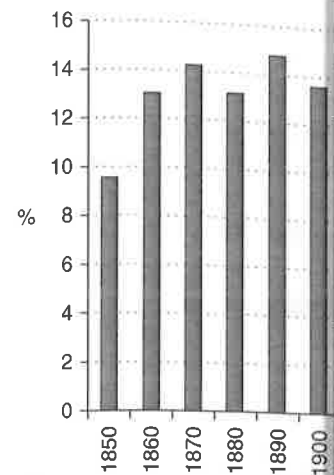


Figure 1.0 Foreign-Born

Note: The term “immigrants” were not U.S. citizens at birth. Lawful permanent residents (on student or work visas), the persons illegal

Source: The 2011 data are from Surveys; the 2000 data are from data are from Campbell G. Working Paper No. 29, H Population of the United St Office,

million people. The number with immigrants as a per at 14.8 percent in 1890— since that time. But by tive entry laws, the foreign percent of the U.S. popul in subsequent decades, foreign-born persons (4.7 Since 1970, however, t

the chapters that follow we explore selected features of immigrant life. Chapter Two ("Immigration Policy and Racial Formations") looks at the history of U.S. immigration law, from the Chinese Exclusion Act of 1882 to the 2010 passage by the state of Arizona of SB 1070 (Senate Bill 1070), aimed at discouraging irregular immigrants from entering or remaining in the state. In Chapter Three ("Race and the Occupational Strategies of Immigrants"), we explore the role of immigrant workers in the contemporary U.S. labor market. We offer a number of intensive case studies of jobs and occupations in which immigrant labor has been especially prominent. Chapter Four ("Immigrant Identities and Racial Hierarchies") turns to the development of immigrant identities. Our focus here is on the various strategies by which immigrant groups have tried to navigate the racial order, while achieving a sense of belonging, affiliation, and community in the United States.

Throughout our explorations of immigrant life, we focus on the question of how racial structures and ideologies have entered into the development of these arenas and also, in turn, been shaped by them. Each of these spheres—laws, occupations, and identities—offers a sharp window into the interactive dynamics of race and immigration.

2

Immigration Policy and Racial Formations

"Immigration policy" refers to the laws, institutions, practices, and approaches that nations establish to govern the movement and settlement of noncitizens into their borders. These shifting and often contested national regulations are at the heart of the immigrant experience, shaping immigrant lives and communities in myriad and powerful ways.

In this chapter we explore the development of U.S. immigration policies. Using a race optic, we look at the multifaceted and interactive relationship between immigration policy and racial conditions. The development of immigration policy has not only reflected racial dynamics, but it has also played a crucial formative role in the U.S. racial order. We focus on three broad eras in the history of U.S. immigration policy. The era of restriction, from the late nineteenth through the early twentieth century, was a time of emerging immigration controls for the United States. The developing immigration regime helped to deepen the significance of race in the U.S. nation-building project. In the late 1940s, activists rose up in response to racial violence and discrimination, culminating in the Civil Rights movement of the 1950s and 1960s. The changes wrought by the Civil Rights movement influenced the next major immigration reforms, defined by the 1965 Immigration and Nationality Act. This Act reflected a movement away from the explicit racial exclusions of the previous era, and toward a more open and "race-neutral" approach. The quotas based on national origins were ostensibly eradicated, greatly increasing the racial

and ethnic diversity of the immigrants who subsequently entered the United States.

However, the 1965 Act has been revised several times and while the increased flow of diverse immigrants has challenged and reshaped the racial order of the country, racial inequality persists. Starting in the late twentieth century, a restrictive course of immigration policy has been apparent. The contemporary era of enforcement has been one in which the stricter policing of borders has been a particular focus of immigration policy. Again, though not openly racist, these laws, by effectively vilifying large categories of immigrants, have served as an important anchor of racial dynamics. More generally, as we will see, what these three eras of immigration enforcement have in common is a constant tension between the need for, and active recruitment of, immigrant labor to the U.S. economy alongside demands for restriction that are buoyed by ongoing currents of nativist sentiment.

Race and Nation-Building: The Era of Restriction

The mid-nineteenth to early twentieth century was a time of massive immigration. In 1890, the foreign-born as a percentage of the total U.S. population reached a historic peak of almost 15 percent, a figure that has not been exceeded since that time. The “pull” forces behind this influx included a rapidly industrializing U.S. economy and an accompanying demand for labor. Not only did the number of immigrants rise during this period, but there was also greater diversity in the origins of those coming into the country. While in the early 1800s it was Northern and Western Europe, by the end of the century it was the Southern and Eastern parts of Europe that dominated as sending regions.

There were also flows from other parts of the world. In the mid-1800s thousands of Chinese, largely young men from the southern regions of China, came to work in the expanding western frontiers of the United States. Many toiled on the massive project of building the transcontinental railway. While relatively few in number, certainly in comparison to the other movements of the time, the

Chinese soon found themselves to be the target of immense hostility. White settlers identified the Chinese as competitors who were unfairly taking over available jobs because of a willingness to accept lower wages. What ensued was an organized political campaign of exclusion that sought to end Chinese migration and to restrict the rights of those Chinese already present in the United States. These efforts eventually culminated in the 1882 Chinese Exclusion Act, the first U.S. immigration law specifically designating a group as ineligible for entry on the basis of their ancestry. Besides barring Chinese people from entering the country, the Act also explicitly denied naturalization rights to the Chinese, categorizing them as “aliens ineligible for citizenship.”

The movement to exclude the Chinese emphasized not only the theme of labor market competition, but also the larger threats posed by the Chinese to the moral core of America, a country driven by “manifest destiny”—a unique “mission” of democracy and progress.¹ Nativists accused the Chinese of being “dangerous,” “deceitful and vicious,” “criminal,” “cowardly,” and “inferior from the mental and moral point of view” (Schrieke 1936: 110). As evidenced by these inborn traits, they were racially inferior, making them unfit for membership and belonging in America. In her analysis of the anti-Chinese campaign, Erika Lee (2003) notes the parallels between the representation of African slaves and Chinese migrants, though the latter were seen as especially threatening due to their fundamental incapacity for assimilation:

Both the “bought” Chinese prostitute and “enslaved” Chinese coolie were conflated with African American slaves. Racial qualities commonly assigned to African Americans were used to describe Chinese immigrants. Both were believed to be heathen, inherently inferior, savage, depraved, and lustful. Chinese, like African Americans, were “incapable of attaining the state of civilization of the Caucasian.” And while some believed the Chinese were “physiologically and mentally” superior to African Americans, they were more of a threat, because they were less assimilable (Lee 2003: 27).

The 1882 laws had a devastating impact on the growth of the Chinese American community. In the aftermath of the Act, many

Chinese returned home. Those who remained found themselves segregated and confined to a limited range of difficult jobs. While most were unable to bring over kin from China, some did so through their U.S. citizenship, which gave them the ability to sponsor family members. Such sponsorship efforts were facilitated by the infamous 1906 San Francisco earthquake and fire, which destroyed much of the city and its municipal records, including those of Chinese immigration and citizenship. Under these circumstances, U.S. authorities could not readily contest claims of U.S. citizenship by the Chinese residents of California (Daniels 2004: 24).

The Chinese Exclusion Act is widely seen as a landmark, a defining moment in the history of U.S. immigration laws. With it, the United States formally became a "gatekeeping" nation and immigration laws came to hold a self-conscious place in the American nation-building project. Indeed, the 1882 Chinese Exclusion Act marks the era of expansion for restrictive U.S. immigration laws. In 1917, a series of exclusionary laws were enacted. At a time when literacy was not the norm in many parts of the world, immigrants became subject to a literacy test. An "Asiatic Barred Zone" was established with the goal of ensuring that immigration from Asia, including South Asia and Southeast Asia, did not occur.² Several classes of persons were excluded from entry, including anarchists, those with physical or mental defects, children unaccompanied by parents, and women coming for "immoral purposes." And in an extremely important provision, the 1917 laws also mandated the deportation of those in the United States who were found to be "public charges" or to meet, post-facto, the various criteria for denial of entry.

The era of immigration restriction reached a pinnacle in 1924, when Congress passed the Johnson-Reed Act. Also known as the National Origins Act, these laws essentially sought to barricade the United States against the entry of immigrants from around the world, with the exception of northern and western Europe. The successful passage of the National Origins Act marked a great triumph for the forces of racist nativism. Fortified by the "science" of race eugenics, those in favor of the Act expressed alarm about the influx of persons of inferior racial stock. These persons, they

argued, were decidedly unsuited to be Americans and were in fact a danger to the Anglo-Saxon, Nordic character of the country. The specific provisions of the laws included a national limit on the annual numbers of immigrants coming into the United States; with the exception of those from the Americas, (including Canada and Mexico), immigration from different countries of the world also became subject to specified quotas of visas according to national origins. The quotas were calculated using a formula that measured the supposed ratio of different nationalities among inhabitants of the United States in 1890 (later changed to 1920) with the goal of limiting immigration to according proportions.³ Several classes of persons were not acknowledged as inhabitants of the United States and thus excluded altogether from the calculations. They included: "(1) immigrants from the [Western Hemisphere] or their descendants, (2) aliens ineligible for citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of the American aborigines."⁴

The Consolidation of Whiteness

From the Chinese Exclusion Act of 1882 to the National Origins Act of 1924, the immigration regime of the late nineteenth and early twentieth century helped to articulate and establish racial exclusion as a core principle of immigration policy, and more broadly, of the U.S. nation-building project. Indeed, these laws upheld ideologies of America as a "white nation" at a time of important flux in the U.S. racial order. David Goldberg argues that the latter part of the nineteenth century was an especially critical time for the project of U.S. nationalism and white privilege due to important challenges to the racial order. The collapse of slavery within the country coupled with the growth of visible anticolonial struggles around the world threatened the coherence of white identity, generating insecurity about its attendant privileges. He writes of how, under these conditions, "Whiteness . . . needed to be renegotiated, reaffirmed, projected anew. . . . From this point on . . . whiteness explicitly and self-consciously became a state project" (2001: 181).

With a sense of urgency related to these conditions, the immigration regime of the late nineteenth and early twentieth century affirmed racial exclusion and white privilege. As we have seen, the immigration laws of 1882, 1917, and 1924 proffered a racialized understanding of American national identity. This was an understanding in which some groups were inherently unsuited to join the American nation, a community essentially defined by its whiteness. Analysts of the National Origins Act of 1924 and its associated campaigns have noted the important role that it played in diffusing the concepts and vocabulary of race into the popular American consciousness. As it institutionalized the restriction of immigrants on the basis of nationality, the Act articulated and legitimated race classification as a system for assessing human beings and their value (Carter, Green, and Halpern 1996).

Embedded as it was in the racial order of the United States, however, the immigration regime of the late nineteenth and early twentieth century also raised incipient points of uncertainty and tension within this order and the project of whiteness. This included the question of how to define the *racial* boundaries of white identity. Whereas groups such as the Chinese seemed to present relatively little ambiguity with respect to their nonwhite status, the situation of Europeans who were not of Anglo-Saxon or Nordic descent was less clear-cut. As we have mentioned, among the specific issues animating the 1924 Act was alarm over high levels of settlement from southern and eastern Europe. For example, Italians, Jews, and Poles were portrayed by nativists as innately unsuited to be Americans. Indeed, these newcomers were widely seen as racially inferior, as Nancy Foner (2005) describes in her writings on the history of immigration to New York:

[Southern and eastern Europeans] . . . were seen as racially different from—and inferior to—people with origins in northern and western Europe. They were believed to have distinct biological features, mental abilities and innate character traits. They looked different to most New Yorkers and were thought to have physical features that set them apart—facial features often noted, for example, in the case of Jews, and “swarthy” skin, in the case of Italians. (13)

But if the National Origins Act of 1924 affirmed the racial marginality of southern and eastern Europe, there were other legal contexts in which these groups were designated as “white.” Most important, perhaps, southern and eastern Europeans were recognized in legal and political terms as “white,” a fact that gave them access to U.S. citizenship and its accompanying privileges, such as the right to vote and to own land. Historians have noted that in late nineteenth and early twentieth century America, this notion of “inferior whites,” with the simultaneity of racial stigma and whiteness that it implies, did not seem as contradictory as it tends to appear to American sensibilities today. The correspondence of race and color that is so much a part of commonsense understandings of race in the contemporary United States had not yet fully developed at this time.

While the questions surrounding the concept of whiteness remained, as time passed a more unitary notion of whiteness had gained currency in the United States by the mid-twentieth century. The coupling of racial stigmatization with a legal designation as “white” continued to shadow the experiences of many, particularly Mexicans who were not white, but they were not black either. Nonetheless, the idea of race and color as largely overlapping matters developed. Underlying this consolidation of whiteness were the improved social and economic circumstances of those of southern and eastern European descent in the United States. With their success, their previously highlighted racial differences from Anglo-Saxon and Nordic peoples declined in significance. Indeed, by the 1960s the descendants of the Italian, Jewish, and Polish immigrants who had been so virulently opposed at an earlier time had made considerable strides toward acceptance by the dominant, white U.S. society. The sharp decline in immigration flows that followed the 1924 Act may have contributed to this acceptance by quieting anti-immigrant sentiment and reducing the hostility faced by the settlers. Also, many were able to take advantage of the expanding manufacturing sector to obtain factory work. These jobs provided relatively secure employment as well as an effective gateway into the middle-class rungs of the U.S. economy. From this location, the descendants of these European immigrants were

well positioned to take advantage of the opportunities generated by the U.S. economic boom of the post-World War Two years, a time when the ranks of the middle class expanded.

The successful integration of late nineteenth and early twentieth-century European immigrants served to consolidate and strengthen the boundaries of "whiteness." As those of southern and eastern European descent came to be seen as white in an unqualified sense, the dangers of a "fractured whiteness" that had seemed so imminent in earlier decades, gradually dissipated. With this resolution of whiteness came an affirmation of black-white difference as the core feature—the central organizational axis—of the racial order. Indeed, scholars have written of how an effort to achieve distance from blacks was an important strategy of upward social mobility for European immigrants (Brodin 2002; Ignatiev 1995; Roediger 1991[2007]). In other words, in the struggle for acceptance from U.S. society, they emphasized collective difference and separation from blacks.

The trajectory of European integration into the United States reinforced a racial order organized around a dichotomy of black and white, while simultaneously informing a powerful dynamic of division among immigrants. A history of the triumphant assimilation of once-stigmatized European immigrant groups is deeply embedded in popular American narratives of immigration. It is a history that is frequently invoked as positive proof of America as a country that welcomes immigrants and provides them with opportunities to achieve the American Dream. Concomitantly, it is a history that has also served as an enduring reference point for the construction of a good immigrant-bad immigrant dichotomy in U.S. culture. The successful assimilation of European immigrants is used to condemn "bad immigrants" who are deemed unassimilable, decisively locked out of full acceptance in America due to their own innate deficiencies.

Constructing "Illegal Immigration"

As the United States became a gate-keeping nation, it also created a particular category of immigrant, one that has played a key

role in the construction of a good immigrant-bad immigrant dichotomy. This was the "illegal immigrant," the foreign national who was in the United States but without legal authorization. In the early twentieth century, unauthorized status was for the first time actively produced through the extension of such requirements as literacy and "no public charge" rules for immigrants to include *post facto* circumstances. That is, those who had already moved to the United States but did not meet these requirements could be deemed illegal and thus subject to deportation. The 1924 National Origins Act established a "consular control" system in which aliens were required to obtain a visa from a U.S. consulate office abroad before seeking entry. With this, immigrants who were in the United States without a visa became, in effect, irregular in their presence in the country. As DeSipio and de la Garza have described in their analysis of the 1924 National Origins Act:

Without realizing it, Congress created a new category of immigrant through the establishment of categories of immigrants ineligible to immigrate—the undocumented immigrant. These were immigrants residing in the United States who had entered without advance approval, who had entered despite having the characteristics or traits specifically prohibited among immigrants (nationality, illness, criminal record, or beliefs), or, in later years, those who had entered the United States on a temporary basis and had remained beyond the authorized period. (1998: 40)

Over time, the emergence of illegal immigration as an institution was to have enormous consequences for the U.S. racial order. Since the early twentieth century, the label of "illegal" has been a potent vehicle of racialization for many immigrant groups, especially Mexicans. As mentioned earlier, the 1924 Act placed immigrants from the Americas outside the national quota system. Agribusiness had vigorously lobbied for this exception, citing the need to preserve access to Mexican labor, a longstanding feature of the economy of the Southwest. Even as this exemption seemed to confer advantages to Mexican immigrants, the institutions of illegality simultaneously created disadvantage. A long history of social and economic ties coupled with the extensive and often

porous borders of Mexico and the United States meant that Mexican immigrants were especially vulnerable to charges of unauthorized presence. This became sharply apparent just a few years after the 1924 Act, with the onset of the Great Depression. Especially in California, Mexicans became a convenient scapegoat for economic and social problems. What followed were mass-scale deportations in which at least 500,000 and up to possibly one million Mexicans were forcibly repatriated on the grounds of their illegal presence in the United States (Mize and Delgado 2012: 21).

By the early 1940s, however, the United States actively recruited Mexican labor in response to the labor shortages of World War Two. From 1942 to 1964, a temporary worker scheme called the Bracero Program was instituted to recruit Mexican contract workers in agriculture and railroad building, primarily in the Southwest. In the midst of this program, in 1954, the U.S. government put forward a campaign called Operation Wetback, whereby Border Patrol officers used raids and roadblocks to find and deport irregular immigrants, primarily Mexicans. This pattern, of the active recruitment of labor from Mexico by U.S. industries accompanied by periodic campaigns of deportation, has been a recurring feature of Mexican movements to the United States. As we explore in greater detail later, it is a pattern that has informed the racialization of Mexican Americans and more generally of Latino/as, in critical ways.

The Immigration and Nationality Act of 1965: The Era of Reform

The years after World War Two saw growing demands for reform of the existing immigration regime. As Zolberg writes: "By the early 1960s many Americans regarded the national-origins system as on a par with deliberate segregation, contrary to the spirit of the Constitution, and few were prepared to defend it explicitly" (2001: 30). A variety of conditions made these immigration laws, along with the overt racism that guided them, less acceptable than in the past. This was a time when "scientific racism," so firmly

lodged just a few decades earlier, faced repudiation. A flourishing Civil Rights movement was mounting crucial challenges to the racial order. And as a rising world superpower, the United States sought to distance itself from racism with an eye to gaining moral ascendancy in the Cold War. A shared commitment to antiracist, anticolonial ideals had strategic value in potentially facilitating relationships with the formerly colonized nations of Africa and Asia.

Influenced by these conditions, the Immigration and Nationality Act (also known as the Hart-Celler Act) was passed in 1965. As in years past, the Act maintained the principle of numerical restriction by specifying caps on annual immigration into the country. But in a sharp break from the 1924 laws, the Hart-Celler Act abolished the national origins quota system, thus eliminating national origins, race, or ancestry as a basis for immigration to the United States. Instead, the new laws asserted a preference system that would guide the allocation of visas for settlement. Two basic principles organized the system. The primary one was that of family reunification; the family members of U.S. citizens and permanent residents were given preference on a first-come, first-served basis, in the queue for entry to the United States. Moreover, immediate relatives, specifically spouses, children, and the parents of U.S. citizens, were not subject to numerical quotas. The other principle was that of occupational needs; those with special occupational skills, abilities, or training that were in short supply in the United States could apply to immigrate there. These two main principles—of family reunification and employment—were central to the U.S. immigration policies from this time until the end of the century when restriction and enforcement took center stage.

By lifting discriminatory national origins quotas, the 1965 Immigration and Nationality Act paved the way for the growth of a more diverse foreign-born population in the United States. As discussed in Chapter One, since the 1970s, many immigrants have been from Asia and Latin America, in contrast to the primarily European origin flows of the past. This has resulted in important shifts in the minority demographics of the country. The 2010 Census showed Latino/as to number 50.5 million (up from

35.3 million in 2000), making them the nation's largest minority group and 16.3 percent of the total population. At 37.7 million, blacks accounted for 12.2 percent and Asians for 4.7 percent (14.5 million) of the total population.⁵

The Immigration and Nationality Act and its basic principles have continued to guide U.S. immigration policy to the present day. However, spurred by a variety of conditions and interests, the Act has also been amended numerous times since its passage in 1965. Notable changes include the Refugee Act of 1980, which was passed in the aftermath of the U.S. war in Southeast Asia and the subsequent outflow of refugees from the region. The Act raised the cap on annual refugee admissions. It also adopted a definition of "refugee" based on the one created by the U.N. Convention and Protocol on the Status of Refugees, thus bringing U.S. refugee law to international standards. More generally, the 1980 Act attempted to regularize refugee policy by establishing the Office of the U.S. Coordinator for Refugee Affairs and specifying a uniform refugee resettlement and absorption policy.

In what follows we discuss some of the other developments of U.S. immigration laws during the late twentieth and early twenty-first century. The changes in the immigration system have been informed by a variety of conditions and often-conflicting interests. There is one particular issue, however—illegal immigration—that has been especially prominent in the increasingly shrill calls for stricter immigration controls that we see today.

"Secure our borders": The Era of Enforcement

The late 1970s saw the start of a rising tide of public anxiety about the flow of unauthorized immigration into the United States. Nevins (2002: 62–4) has written of the growing perception during this time, stoked by sensationalist media reports and political statements, of a crisis of unauthorized immigration. Reflecting this sense of crisis, IRCA (Immigration Reform and Control Act) was passed in 1986 after a long and arduous journey through Congress. IRCA's provisions were complex because they were

reflective of compromise between divergent agribusiness to immigrant advocates. The ers for knowingly hiring undocumented workers a new requirement that citizenship or work before the hire of a new worker. It also introduced known as "amnesty"—a five-year program for legalized immigrants who had been continuously in the States since January 1, 1982, were allowed to obtain and eventually permanent, legal status if certain conditions. A separate program allowed workers to perform seasonal agricultural work (SAW) during the period ending May 1, 1986, to legalize their status. IRCA mandated "enhanced border security" for an expansion of the apparatus of border control.

In terms of its long-term impacts, IRCA failed in its inability to deter continued flows of irregular immigrants into the United States, flows that actually surged in the 2000s. Ironically, among the reasons for the failure of U.S.-Mexico border controls that were mandated by IRCA, controls made multiple migratory trips back and forth increasingly costly and dangerous. As a result, migration flows from Mexico were transformed from seasonal as unauthorized immigrants remained in the U.S. as they brought their families with them. Also of note were gaps in IRCA's employer deterrence system that allowed employers to avoid sanctions by claiming ignorance of the irregular status of their employee (Kawakita, Meissner, and Bergeron 2011). And given the prevalence of undocumented workers, in terms of pay and benefits, employers then had little incentive to stop hiring them. Indeed, as evidenced by the IRCA loophole, the regularization regime has consistently had a Janus-like face: respect to undocumented movements from Mexico has been tolerance and tacit acceptance of their presence in agriculture and other low-wage economy. At the same time, the regime has reflected a sense of crisis, of the need to deter undocumented