

NO ONE IS CRIMINAL

Martha Escobar

Attending almost any immigrant rights event, especially the marches of the last three years, or conducting an online image search of the words "immigrant rights march" exposes the predominant message immigrant rights advocates attempt to convey—"immigrants are not criminals, immigrants are hard workers." Similarly, the now iconic message "Nadie es Ilegal/No One is Illegal" invariably appears during marches and protests and on banners, t-shirts, pins, and so forth. These messages that attempt to distance immigrants from criminality are prevalent and central to the mainstream immigrant rights movement because they try to secure the innocence and safety of communities that are constantly under intense policing and violence. However, these decriminalizing motions turn into violent acts themselves when the innocence of some is secured at the expense of "others." The identity of immigrant and the identity of criminal become mutually exclusive, largely constructing immigrants as innocent while criminalizing unspoken "others." When the innocence of immigrants is articulated, we are left to ask "If immigrants are not the criminals, then who are? If immigrants are innocent, then who is guilty?" In what follows I provide a discussion of the development of the notion of "criminal" in the US, highlighting some of the ways that the concept is constructed primarily around Blackness and Black bodies. Thus when we claim that immigrants are not criminals, the fundamental message is that immigrants are not Black, or at least, that immigrants will not be "another Black problem." Tracing the construction of criminality in relationship to Blackness and how it is re-mapped onto brown bodies through the notion of "illegality" gives witness to the ways that criminality allows a reconfiguration of racial boundaries along Blackness and whiteness. In other words, criminalizing immigrants serves to discipline them into whiteness.

This essay is largely informed by critical anthropologist, Nicholas De Genova and his work, *Working the Boundaries: Race, Space, and 'Illegality' in Mexican Chicago*. Through this project he examines how "Mexican migrants in Chicago negotiated their own re-racialization as Mexican, always in relation to both a dominant whiteness and its polar opposite, a subjugated and denigrated Blackness" (8). De Genova illustrates how the anti-immigrant politics of the 1990s were inherently tied to the criminalization and dismantling of social welfare for impoverished US citizens, largely imagined as Black. What results is what he calls double discipline (206). On the one side, migrants are made responsible for "taking American jobs," on the other, their vulnerability as migrant workers encourages them to generate distance between themselves and impoverished US citizens constructed as "lazy" and racialized as Black. Claiming the identity of "hard workers" led to disparaging the "laziness" of impoverished citizens who had advantages over migrants, such as the knowledge of the English language and citizenship (206). According to De Genova, "Because migrant workers were always at pains to demonstrate to their overseers that they were 'hardworking' and not 'lazy,' the momentum of their efforts at self-defense served to subvert the possibilities for resistance, and they effectively participated in their own intensified exploitation" (206, cites Kearny 1996: 156; 1998: 29).

The white supremacist social order of the US fixed Mexican migrants spatially between whites and Blacks. However, their own "illegal" transnationality permanently dislodged them from "American"-ness. Furthermore, it is crucial to note how criminality is feminized. Criminality historically is conceptualized as being birthed by Black women, so how does this inform the criminalization of immigrants? The merging of criminality and state dependency does not only result in attempts to distance immigrants from Blackness, but the feminization of criminality also results in immigrant rights activists grasping on to masculinized claims of immigrants as hard workers. Through the examination of immigrant rights discourse that attempts to denaturalize immigrant criminality and fasten the identity of migrant to "hard worker," I do not only reinforce De Genova's position that migrants' negotiation between the polarized racial boundaries of the US often results in bolstering white supremacy, but also mark it as a particularly violent patriarchal negotiation.

Several authors have traced the historical development of criminality around Black bodies. In *Are Prisons Obsolete?*, prison abolitionist Angela Y. Davis provides this analysis from the post-reconstruction era to the present. She examines the ways that the Thirteenth Amendment of the US Constitution served to re-enslave recently freed Black slaves by constructing Blacks as criminal. The amendment states: "Nei-

ther slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Davis shows how passing Black Codes, legislation enacted to criminalize the behavior of Blacks, including vagrancy, unemployment, and missing work, changed prison demographics from predominantly white to largely Black prisoners (28).

The South produced the convict leasing system which provided Black bodies that were "leased" to meet the labor needs generated with the abolition of slavery and developing industrial capitalism.¹ Davis continues and argues that a similar relationship exists between the contemporary Black imprisonment and profitability (68). While prisoners' labor continues to yield some economic revenue, the major profiteering occurs through industries that service prisons to meet the needs of over two million people in prison, such as food, clothing, health care, and so forth.² Over half of the prison population is comprised of Black men, underscoring how Black male bodies continue to be made expendable, and criminality continues to serve as the marker of difference that constructs their disposability.³

However, there is a particular conceptualization of crisis-informed Black criminality that develops during the 1960s. Christian Parenti examines the social movements of the 60s and 70s and convincingly argues that the United States was in a state of crisis produced by the social upheavals of the time, particularly the militancy of groups such as the Black Panthers. Parenti writes, "America's whole social fabric seemed to be coming apart. Every structure of authority and obedience was breaking down. Though garnished with youthful nudity and flowers, the crisis of the late sixties and early seventies was more serious than is often acknowledged; the country was in the midst of a haphazard but deadly social revolution" (4).

1 Alex Lichtenstein makes a similar argument in, "Except as a Punishment for Crime," *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, p. 17-36. He maintains that unlike slavery, which necessitated the maintenance of slaves by slave masters, the convict leasing system was worse because not only did slaves have to work, but they were dispensable; there was an endless supply of Black bodies for labor.

2 Key works that center the profitability of prisons include Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics*, New York: Oxford University Press, 1997; Daniel Burton-Rose, Dan Pens, and Paul Wright, *The Celling of America: An Inside Look at the US Prison Industry*, Monroe, ME: Common Courage Press, 1998; Joel Dyer, *The Perpetual Prisoner Machine: How America Profits from Crime*, Boulder: Westview Press, 1999.

3 Jerome Miller discusses this in his book *Search and Destroy: African-American Males in the Criminal Justice System*. Central works that discuss the criminalization and imprisonment of Blacks include Marc Mauer, *Race to Incarcerate*, New York: The New Press, 1999; and Michel Tonry, *Malign Neglect: Race, Crime and Punishment in America*, New York: Oxford University Press, 1995.

According to Parenti, national security shifts from focusing on foreign threats to security from domestic violence. He locates this shift in Barry Goldwater's 1964 Republican presidential nomination acceptance speech: "Security from domestic violence, no less than from foreign aggression is the most elementary form and fundamental purpose of any government." Goldwater promised that "enforcing law and order" would be central to his presidency. Although Goldwater lost to Johnson, his rhetoric won out. A new form of politics was instituted: the domestic war on bodies racialized as non-white, particularly Blacks. Richard Nixon followed in Johnson's steps as the following excerpt from a letter addressed to Dwight Eisenhower demonstrates: "I have found great audience response to this [law-and-order] in all parts of the country, including areas like New Hampshire where there is virtually no race problem and relatively little crime." The constructed crisis—the loss of "law and order"—unites crime to urban and urban to Blackness (7). The policies that develop to contain the "crime" crisis are thus policies constructed to control Black bodies.

The production of Black lawlessness and disorder merged with changes occurring to the welfare state. During this time the doors of the welfare system were forced open to allow previously excluded people access, increasing enrollment from 2 million people to 13 million. This included African Americans, divorced, separated, deserted, and increasingly never-married women—people determined as the "undeserving poor." These changes directed the public's anxiety towards single-Black mothers, children born to single mothers, and generational dependency in the program.⁴ Single, poor, particularly Black mothers were believed to be morally different from "deserving mothers" who were either dependent on their husbands or self-sufficient.⁵ Welfare policy and welfare administration has historically served to pass moral judgment on who is deserving and who is undeserving.

Historian Michael B. Katz discusses the construction of the "undeserving poor" through the discourse of personal choice. In other words, poverty is self-made by the poor choices that those in poverty make, constructing poor people as undeserving. He writes, "They remained different and inferior because, whatever their origins, the actions and attitudes of poor people themselves assured their continued poverty and that of their children" (16). By the 1980s there was alarm and hostility towards people in poverty: "What bothered observers most was not their suffering; rather, it

was their sexuality, expressed in teenage pregnancy; family patterns, represented by female-headed households; alleged reluctance to work for low wages; welfare dependence, incorrectly believed to be a major drain on national resources; and propensity for drug use and violent crime, which had eroded the safety of the streets and the subways" (185). Through the rhetoric of personal responsibility, families with single Black mothers were held responsible for social problems like low levels of education, teen pregnancy, and poverty, all of which coalesced in the national imagination as leading to increased crime.⁶ Feminist scholar Dorothy Roberts writes that "Society penalizes Black single mothers not only because they depart from the norm of marriage as prerequisite to pregnancy but also because they represent rebellious Black culture."⁷ Considering Parenti's argument that Black rebelliousness was made criminal through the language of "law and order," Black women's reproduction was thus responsible for "breeding" this imagined crisis. According to Patricia Hill Collins, not only were welfare recipients, largely conceptualized as Black women, rendered unfit to pass on national culture, but punitive practices against this group, including curtailing their reproduction, were legitimized.⁸

Whereas "working-class Black women are constructed as the enemy within, the group producing the population that threatens the American national interest of maintaining itself as a 'White' nation-state" (126), immigrant women are constructed as the enemy coming from the outside, crossing the border "illegally" to have children. Concerns in California over dependent immigrant women were developed by making use of already existing images of the "welfare queen." Employing the same discourse on immigrant women as was used to criminalize Black motherhood disciplines them into ideal citizen behavior, particularly discouraging access to state resources. During the 1990s the unworthiness of immigrants, voiced within the language of public charge produced around Black motherhood, carried over the connotation of "criminal," an identity crystallized by their assumed "illegal" entrance into the US, rendering immigrant brown bodies as perpetual criminals.

Mapping criminality onto brown bodies occurs in large part through the notion of "immigrant illegality." The criminalization of immigrants is secured through

6 Ronald Reagan made the image of the "welfare queen" everlasting when in 1976 he gave a presidential campaign speech and cited alleged news stories, "She has 80 names, 30 addresses, 12 Social Security cards and is collecting veteran's benefits on four non-existing deceased husbands. And she is collecting Social Security on her cards. She's got Medicaid, getting food stamps, and she is collecting welfare under each of her names." Although the story was later discredited, the message lived on.

7 Roberts cites Austin 1989: 557 and Solinger 1992a: 25(238).

8 Hill Collins, 1999: 126.

4 Mimi Abramowitz, *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present*, Boston: South End Press, 1988.

5 Joel Handler, "Welfare Reform: Tightening the Screws," in *Women at the Margins: Neglect, Punishment, and Resistance*, edited by Josefa Figueria-McDonough and Rosemary C. Sarri, New York: The Hawthorn Press, 2002: 34.

their assumed "illegal" entrance into the US. Images of Mexican migrants "flooding" the US-Mexico border saturate the media, constructing a crisis of "invasion". As is the case in Black people's criminalization, women's reproduction is also targeted. Migrant women are imagined as crossing the border "illegally" to secure not only their children's citizenship, but their own eventually, and undeservingly, accessing resources such as health care and education. The merging of criminality and state dependency is evident in several state policies passed in the past few decades. An examination of some of these policies reveals how the notions of "public charges" and "criminals," racialized ideas that are historically formed around Black bodies, are mapped on to brown bodies.

Consider the introduction to California's Proposition 187, "Save Our State" (S.O.S.):

The people of California find and declare as follows: That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in the state. That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state. That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in the state. That they have a right to the protection of their government from any person or persons entering this country unlawfully.⁹

Californians are discursively constructed as victims of "illegal aliens" and their inherent criminality, and declare a right to "protection" from this enemy. The proposals made by the policy required local and state agencies to report undocumented applicants, in addition to prohibiting undocumented people from accessing publicly funded social services, education, welfare, and non-emergency health.¹⁰ In short, the proposition targeted women's reproduction and their children, and framed immigrants as enemy criminals. Proposition 187 effectively re-fused state dependency and criminality and made migrant women and their children the enemy to be protected from.

Although Proposition 187 was declared unconstitutional, in 1996 Bill Clinton signed into effect the Personal Responsibility and Work Opportunity Act (Welfare Reform Act) which implemented many of the proposals made through Proposition 187. For example, it barred state and local governments from providing all but emergency services to undocumented people, prohibited documented immigrants,

unwed teen mothers, and children born to mothers already on welfare from receiving public benefits, and denied assistance and benefits for people with drug-related convictions. Evident in the Welfare Reform Act is the merging of state dependency, criminality, and immigration. Sociologist Lisa Sun-Hee Park provides an analysis of the notion of "public charge" in conjunction with the 1996 Welfare Reform and argues that "the social contexts that helped garner support for such anti-immigrant legislative measures created an environment that essentially criminalized motherhood for low-income immigrant women—whether they are documented or undocumented" (1161). Migrant women's criminalization is multifaceted, but two large contributing factors are their "illegal" border-crossing, automatically criminalizing them, and their imagined reproduction of future "criminals."

Merging criminality and dependency around immigrant bodies is also evidenced through the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), intended to decrease the number of undocumented immigrants in the US. IIRIRA passed one month after the Welfare Reform Act and reinforced restrictions on immigrant welfare use. Furthermore, it expanded the state's ability to deport non-citizens with criminal records, resulting in an exponential expansion in the deportation of non-citizens. In 1986, for example, there was a removal of 1,978 immigrants for criminal violations. In 2004, the number increased to 82,802, a 41.86% increase.¹¹

The immigration debate occupies an extremely important position in the national imagination. The debate is predominantly structured within binary constructions and the immigrant rights movement is limited to this framework.¹² When immigrants are called drains on the economy, rebuttals to this statement include that immigrants take the jobs that others do not want, they use less resources than non-immigrants, and are unable to collect income taxes resulting in unclaimed funds. When arguments are made that immigrants are changing the national culture, re-

11 US Immigration and Customs Enforcement, "ICE Removes Career Criminal," *Inside ICE*, Volume 2, No. 6, March 14, 2005: 5. Accessed 7/24/08. <http://www.ice.gov/doclib/pi/news/insideice/articles/InsideICE031405.pdf>

12 Leland Saito (1998) examines the binaries of "good" immigrants and "bad" immigrants and highlights how these binary ideas help in the erasure of the historical oppression of people racialized as non-white. "Good immigrants" are described as people who "try to blend in and adapt to the ways of America." That is, they should be passive and subservient. They certainly should not challenge the economic and political order of their newly adopted city" (341). Saito notes that "Implicit in this complaint is the assimilation perspective, which assumes that complete acceptance into the mainstream is possible, ignoring the history of exclusion experienced by Asian Americans, Latinos, and African Americans" (341).

9 1994 California Voter Information: Proposition 187. Text of proposed Law.

10 Kent A. Ono and John M. Sloop, *Shifting Borders: Rhetoric, Immigration, and California's Proposition 187*, Philadelphia: Temple University Press, 2002: 3.

sponses include citing bilingualism and biculturalism as positive developments that benefit the United States. We are fixed in a polarized debate that does little to arrive at the root causes of migration and the role the US has in creating and maintaining it. The criminality component of the debate differs little from this pattern. When immigrants are represented as criminals, the reaction is to distance immigrants from criminality and move them closer to "American"-ness by stating that immigrants are not criminals, immigrants are hard workers. However, this effort is framed within the context of a criminality that is mutually exclusive from the national "American" identity that is wedded to whiteness. Thus, immigrant Americanizing efforts are negotiations between racial whiteness and racial Blackness.

Criminologists Ramiro Martinez Jr. and Abel Valenzuela Jr. recently edited and published *Immigration and Crime: Race, Ethnicity, and Violence*, a project dedicated to challenging stereotypes of immigrant criminality.¹³ Martinez and Valenzuela maintain that contrary to popular belief, the increased presence of immigrants does not affect and, in some cases, actually reduces levels of crime and violence (10; 13). The vast majority of the book is dedicated to locating and assessing immigrant criminality without engaging in the discussion of criminalization.¹⁴ In other words, this project naturalizes crime as a fact and argues for the innocence of immigrants. Several of the authors cite that involvement in crime changes across generations, presumably as they acculturate.¹⁵ In other words, the longer the family's stay in the US, the higher the likelihood of engaging in crime.

One example that links criminality to acculturation is Min Zhou and Carl L. Bankston's "Delinquency and Acculturation in the Twenty-first Century." In this piece the authors examine "an apparent increase in problem behavior among Vietnamese young people" (117). They cite an earlier study where they found that living in tight ethnic communities provided some control over Vietnamese youth. Zhou and Bankston argued that these ethnic enclaves allowed for the dissemination of cultural values, such as respect, obedience, and hard work, resulting in school success (120). However, also present in these enclaves were marginalized Vietnamese youth who, according to the authors, "were simply disoriented drifters and school dropouts, while others were lawless gangsters. Many of these alienated youth had families characterized by absent parents, poor relations among family members,

13 New York: New York University Press, 2006.

14 The exception is Sang Hea Kil and Cecilia Menjivar's article, "The 'War on the Border': Criminalizing Immigrants and Militarizing the U.S.-Mexico Border," 164-188. Rather than attempting to locate immigrant criminality, Kil and Menjivar center state policies, including the militarization of the border, and link these practices to the increased public violent response against immigrants.

15 Some examples include Morenoff and Astor, Rumbaut et al., and Zhou and Bankston.

weak connections to other Vietnamese families, or a lack of involvement in the Vietnamese community" (120). The authors considered these families problematic because of their detachment from their community. Ten years after their first study Zhou and Bankston reconsider the same question with a new generation. What changed after ten years? According to the authors, there is an increased possibility that Vietnamese youth are acculturating, moving away from their ethnic ties and towards increased delinquency (137). They argue that "a general trend has become clear: more and more adolescents are moving closer to the subculture of their American peers and away from their Vietnamese community. However, those in the nondelinquent cluster tended to report having more white friends than those in the delinquent cluster" (130). Although Zhou and Bankston provide caveats and maintain that it is unfair to infer that the more that Vietnamese youth associate with Blacks the more they will engage in delinquency, their conclusions reinforce this idea. The authors maintain that successful integration into the larger society depends on the fit between familial and ethnic social systems on the one hand and on the fit between the ethnic social systems and the larger society on the other. The local social environment, including both American and Americanized peer groups, pulls young people into the ethnic community and the more the ethnic community guides them towards normative orientations consistent with those of the larger society, the less those young people are drawn towards the alternative social circles of local youth (136).

Who are the local youth? According to the authors' study, Vietnamese communities, including those they base their study on, are located in predominantly Black neighborhoods. Thus, the local youth that Zhou and Bankston cite as drawing Vietnamese youth away from their communities and towards delinquency are Black youth. The authors' attempt to distance Vietnamese immigrants from criminality results in the re-criminalization of Blacks. The project that the authors in *Immigration and Crime* engage, which is to denaturalize immigrant criminality, ultimately results in reinforcing laddered boundaries between racial whiteness and racial Blackness, and an attempted negotiation, once again, to close the gap between the identities of "immigrant" and "American" becomes a violent act against Blacks.

Efforts to protect immigrants from violence such as deportation come from many venues, including the media. An analysis of some of the strategies employed by some *Los Angeles Times* reporters to defend immigrants' innocence reveals constructions between redeemable "good" immigrants—those that work hard and do not engage in crime—versus disposable "bad" immigrants—those that are lazy and engage in crime.¹⁶

Ann M. Simmons, reporter for the *Los Angeles Times*, covered Jayantibhai and Indiraben Desai's story.¹⁷ The couple, Jayantibhai, an Indian national, and Indiraben, a British national, overstayed their visas in the early 1980s and made their lives in the US, including raising their two children who attended college, a fact that was highlighted several times. Central to this discussion is Simmons's attempt to portray the Desais in a positive light by contrasting them with the hegemonic image of immigrants as public charges. In three different places within two articles Simmons makes the point that the Desais *pay taxes*, contrasting them with general notions that immigrants do not pay taxes and use resources. Simmons writes "For more than 20 years, the Norwalk couple worked hard. They bought a house, paid taxes and sent their two sons off to college. They were a success story in the making, but for one thing: Their status as illegal immigrants." She also includes these details more than once, attempting to further separate them from the image of public charge.

Implicit in Simmons's 2005 article is the attempt to distance the Desais from "criminals." The article is an attempt to answer questions of when and why immigrants are deported. She spends a significant amount of time discussing deportation based on issues of criminality and she argues that immigration policies are less forgiving now and she seems to imply that they are having negative effects on "deserving" families. Throughout her two articles she includes the fact that the Desais have two sons, both of whom are in college, which further constructs them as "deserving" immigrants. Simmons's discursive representation of the Desais reinforces contrasts between "good" and "bad" immigrants. The Desais are *different* from other immigrants. They are not "criminals" nor public charges, which Simmons seems to imply should give the Desais the ability to remain in the nation, in contrast to "criminals," who are implicitly undeserving and these *are* the people that should be targeted instead of these "good immigrants." Simmons writes that "The Desais' attorney, Carl Shusterman, said immigration judges used to be more forgiving of people who had put down roots in the United States, paid their taxes and proved themselves to be model members of society."¹⁸ Through the analysis of Simmons's articles, a "good" immigrant is one who pays taxes, owns their own home, sends their children to college, and does not engage in "criminal" activity. These are the "deserving" immigrants who should be given special considerations, versus immi-

17 Ann M. Simmons, "Q&A/IMMIGRANTS AND DEPORTATION; Broad Range of Offenses Can Lead to Removal," *Los Angeles Times*, September 7, 2005; B.2; and "Deportation May Cut Short an Immigrant Success Story," *Los Angeles Times*, September 7, 2004; B.4.

18 September 7, 2005.

grants who become public charges and engage in "criminal" activities.

Exemplary of this is another *Los Angeles Times* article by Patrick J. McDonnell.¹⁹ McDonnell covers the story of Refugio Rubio who was arrested in 1972 for drug possession and served his sentence. Rubio attempted to obtain citizenship in large part because of the anti-immigrant backlash. Through his fingerprints, his 1972 conviction came up and set the stage for deportation. McDonnell describes Rubio as "A longtime field hand and laborer who has lived legally in the United States for almost 34 years, Rubio built his own home in the Bay Area community of Vallejo, and is the patriarch of a family that includes seven sons, all US citizens, and seven citizen grandchildren." In this example we see again the implicit contrast between "good" and "bad" immigrants. Rubio is described as hard working, self-sufficient, and having social ties to citizens. These two stories illustrate the impact that the language of welfare and public charge has on the immigration debate. In these cases the reporters attempt to portray the Desais and Rubio in a positive light by focusing on their family values, and the fact that they are not criminals.²⁰ McDonnell cites Rubio, "If I was a person who continued doing bad things, I could understand this ... But I never had trouble with the law again. I've always worked hard and paid my taxes, and my family has never depended on the government."

In these stories there is an explicit attempt to represent immigrants as "deserving," evidenced by the mentions of their status as home-owners, never being dependent on the state, working hard, and having children in college or who are "academically gifted." The debate attempting to defend immigrant rights is limited by the discussion of criminality and dependency. The articles suggest that those targeted are *upstanding* members of society, again rationalizing the violence that occurs to those that do not fit this category. However, there is a shift in the rhetoric of public charge. Critics have turned the rhetoric of public charge on its head by arguing that the process of detention is what becomes a public charge. However, this is limited to the "deserving" immigrants that advocates are willing to defend while either not engaging in the discussion of the deportation of people considered "criminal," rationalizing that the deportation of people considered "criminal" is justified, or in other occasions critiquing policies that have expanded what is considered "criminal" in order to expand the identity of "deserving" to a larger number of immigrants. One of the problems with engaging debates of immigration within

19 Patrick J. McDonnell, "Criminal Past Comes Back to Haunt Some Immigrants; Law: Legal residents now face deportation for crimes in US, no matter how old. Many insist they've reformed," *Los Angeles Times*, January 20, 1997: 1.

20 In Refugio Rubio's case, that he is rehabilitated.

this framework is that the binary opposition between "good" and "bad" immigrants necessarily naturalizes the exclusion of some, mostly immigrants labeled as "criminal" in order to defend the belonging of others. This naturalizes any negative effects on those that are deemed "criminal."

Furthermore, since "illegal immigrant" is fused with the identity of public charge, not only does the language of immigration conjure ideas of "illegality," but in addition it immediately evokes ideas of welfare and public charge, gendering the debate as female. For example, H.G. Reza's *Los Angeles Times* article, "Minor Offenders in Orange County Taken to Border Patrol," shows how the language of "illegality" is attached to the language of welfare. Reza discusses the practices of Orange County police officers profiling and stopping people that "look illegal," asking them for their papers and taking them to the San Clemente immigration checkpoint for deportation. Police argue that they are stopped for infractions such as "soliciting work or selling flowers on medians." In response to the critique that this is racial profiling and that this process is unconstitutional, the Orange County police denied these charges contending that "problems with people who are undocumented often warrant swift action, such as taking them directly to the checkpoint." They cited that they prefer to take them directly to the immigration checkpoint instead of booking them because "prosecuting a minor offense only to turn the convicted person over for deportation is costly." In other words, the costs of giving immigrants due process is viewed as too costly, and handing them over to the INS is understood as saving taxpayers' money. Again, the language of public charge is combined with "illegality" in order to rationalize anti-immigrant practices.

What the analysis of these news articles reveals is that discourse designed to discipline and contain Black bodies—criminality and state dependency—gets re-mapped onto migrant women, particularly of Mexican origin, and proves useful not only to discipline this group, but migrants in general. Fusing "criminality" and state dependency that occurred with the production of the welfare queen is proven productive to discipline immigrants into "good Americans." To claim innocence and belonging, immigrants have to renounce criminality and state dependency, ultimately renouncing Blackness.

Throughout this essay I examine criminality as a production that occurs around Black bodies, which results in the targeting of Black women's reproduction, and show how this patriarchal white supremacist discourse is re-mapped onto migrant women's bodies. As in the case of Black women, migrant women's reproduction is targeted to contain their "criminal" reproduction, exemplified through the passing of California's Proposition 187, the Welfare Reform Act, and IIRIRA. The immigrant rights discourse that attaches the identity of "migrant" to "hard worker"

ultimately re-masculinizes migration and reinforces the exploitability of migrant bodies, enabling the regulation of both Black and brown women's productive and reproductive labor. The assumed criminality of these women's reproduction goes unchallenged. The discourse of criminality further serves to naturalize violence against both Black and brown bodies through the rhetoric of personal responsibility. On the one hand, migrants are assumed to "choose" to cross the border "illegally," and thus, whatever happens after this "criminal" act is self-made. On the other hand, Blacks are differentiated from migrants in part through US citizenship, and thus, impoverished Blacks who allegedly have more resources than migrants are also made personally responsible for their situation. In essence, their criminalization naturalizes violence, including state-inflicted violence as in the case of the ICE raids. The efforts of migrant rights advocates to claim migrant innocence is ultimately a negotiation between racial Blackness, perpetually detached from "American"-ness, and racial whiteness, a prerequisite for "American"-ness. By reinforcing "American"-ness, as is done when we claim "immigrants are not criminals, immigrants are hard workers," we essentially allow for patriarchal white supremacy to remain unchallenged and perpetuate the expendability of Black and brown. We need to move away from the idea "No One is Illegal," which conjures only migrant identities, to "No One is Criminal," which challenges patriarchal white supremacy.

MARTHA ESCOBAR is a Ph.D. Candidate in Ethnic Studies at University of California, San Diego. She has accepted a dissertation fellowship with the US-Mexico Studies Center. She is a former chair of MECHA and has worked with Critical Resistance for the last seven years.