

Overview: Immigration Rights and National Insecurity

Editors

CONTRIBUTIONS TO THIS ISSUE ADDRESS CURRENT DEBATES ON IMMIGRATION AND social exclusion, the militarization of the public sphere, indefensible practices such as torture and state terror, and analytic approaches to crimes of the state and the powerful in the context of the globalization of social problems. A common thread in many articles is the peril inherent in the expansive use of the term “war” beyond traditional armed conflicts between standing military forces (or irregular forces in wars of liberation) to increasingly encompass all manner of social discord. The use of such language (as in the wars on drugs, on crime, or on terror) reduces policy prescriptions to ever-expanding state intrusion into our lives. In the process, the net cast around those perceived as threatening partisans or enemies constantly widens, making them legitimate targets of punitive military or law enforcement measures. Despite the long-term ineffectiveness of these “wars,” they have become a permanent feature and even multiplied, with the war on terror now subsuming a war on immigrant populations. Each has become a rationale for further erosion of civil liberties and due process rights; moreover, acquiescence in torture decivilizes us as a people and in the eyes of the world. We must ask: What is the nature of democracy, and the quality of citizenship, that accepts the wide-scale exclusion, generally predicated on racism, of tens of millions of neighbors based on immigration status, imprisonment, or lifetime felony disenfranchisement from the civic life of communities? How do we square a commitment to human equality with a situation in which an entire class of humans is illegal?

Susanne Jonas’ “Reflections on the Great Immigration Battle of 2006 and the Future of the Americas” outlines some possible future reverberations of the immigration battle of 2006, in which millions of demonstrators, primarily but not exclusively Latinos, marched throughout the United States in response to proposed federal legislation that would criminalize as aggravated felons and deport the 10 to 12 million undocumented immigrants currently living and working here. Jonas details a decade of unprecedented abuse and punishment of immigrants, both documented and undocumented, in the form of immigration, welfare, and anti-terrorism legislation that has created a national security regime for immigrants. This trend became even more extreme after September 11 and the unleashing of the global war on terror. Despite the punitive legislative and executive approaches to resolving the status of undocumented immigrants, and a general xenophobic mood issuing from the media and restrictionist academics, U.S. citizens, although divided, appear to be somewhat ahead of the politicians in their attitudes toward migrants. Jonas argues that it is necessary to adopt a regional (hemispheric) framework, in which the U.S.

is seen as the northern zone of the Americas. Thus, incorporation of Latino migrants through legalization would be a much more realistic and stabilizing approach than the exclusionary, nativist, racializing rejections that maintain their undocumented status and then blame them for being undocumented.

William Walters' "No Border; Games With(out) Frontiers" looks at how in response to the new strategies of migration control that states in Europe are pursuing, political activists are improvising new forms of protest. Just as in the United States, immigrants are demanding to be recognized as human beings endowed with inalienable rights that they do not give up, even as they cross borders arbitrarily established by nation-states. This article examines the political intervention associated with the noborder network, which acts in solidarity with migrants and refugees, and calls for the opening of all borders. This essay also alludes to the literature on how certain groups today are forced to become the subjects of exceptional treatment, placed in zones between the legal and the illegal (border camps in this instance), and rendered as exposed and vulnerable. Here, "the camp features as a recurring figure of domination, and a threshold of humanity, materializing first as the concentration camp, then in the form of refugee detention centers, and most recently in the archipelago of indefinite detention that has taken shape under the cover of the U.S.-orchestrated 'war on terror.'"

Walters refers to Deportation Class, a satirically titled European campaign that points to another class of "traveler" besides business and economy on many airline flights. In "Giving Critical Content to the Deportee Phenomenon," Bernard D. Headley notes that between 1996 and 2003, over 500,000 "criminal aliens" were rounded up across the U.S. and banished at a rate of one every seven minutes to more than 160 countries around the world. This article focuses on the public perception in Jamaica and other Caribbean nations that links the region's soaring crime problem to waves of former emigrants being forcibly returned home from countries of the North—mainly Britain, Canada, and the United States. Although Jamaica has become the country with the highest ratio of deportees to overall population, studies indicate that there is nothing particularly dramatic about the quantitative impact of deportee crimes. Negative characterizations of deportees routinely come from the highest levels of the Jamaican state and the press, creating a pariah status for this group and frustrating community-based strategies aimed at socially reconnecting deportees. The deportee phenomenon also figures prominently in theoretical formulations of "threats" to regional security, especially after immigration enforcement became the domain of the U.S. Department of Homeland Security and its Bureau of Immigration and Customs Enforcement (ICE). Developments in U.S. immigration law and policy were the central force in the U.S. causing the deportees-from-America problem in Jamaica and the region. Specifically, legislation passed in 1996 authorized ICE to use secret evidence to detain and deport suspected terrorists, and vastly expanded the scope of crimes considered aggravated felonies (the grounds for deportation). Previous immigration reform laws were more concerned with skilled labor and

family reunification, but in 1996 the tendency emerged to criminalize groups of newer arriving immigrants.

Todd Gordon's "The Canadian State and the War on Drugs" links the policing dynamic that emerged with drug enforcement to a deep-seated racist fear of non-British immigrants. Canadian capitalism, like that in the United States, has historically been highly dependent upon cheap immigrant labor. This article looks at the selective criminalization of intoxicating substances as a method of labor control and moral retrenchment on the part of the dominant white establishment in Canada. To the state, drugs associated with non-British immigrant communities—cannabis, opiates, and cocaine—are signs of disorder, a festive or financial alternative to market relations. The experience of the relatively new Somali immigrant community in Toronto with the criminalization of khat exemplifies this, since it echoes the targeting of the Chinese and Caribbean immigrant communities in the early 20th century in the name of the drug war. Earlier Chinese experiences in relation to the criminalization of opium led to tougher immigration measures, making it extremely difficult for them to enter the country with full citizenship rights and set the stage for far broader police enforcement powers even in minor drug cases than for murder, arson, rape, or other serious criminal investigations.

The next article, "Lifetime Felony Disenfranchisement in Florida, Texas, and Iowa: Symbolic and Instrumental Law," by Christie Sennott and John Galliher, is related tangentially to the immigration debate insofar as it concerns civil and political death for massive numbers of people in a modern democracy. The authors offer a historical study of legislation passed in several states (the most notorious being Florida) that strips voting privileges from convicted felons for life under various circumstances. These laws typically originated in attempts to prohibit black voting in the Deep South after the Civil War (or to discourage black in-migration to states with a small black presence), and today retain a considerable capacity for depriving African Americans of the vote. African Americans are still disenfranchised at a rate far in excess of whites in a country that leads all other democratic nations in the number of people imprisoned because of a felony conviction. Moreover, among drug offenders, the fastest growing portion of the felon population over the past 30 years, there is substantial evidence that the prosecution and conviction of African Americans is disproportionate to their rate of offending. In support of Gordon's thesis, the skyrocketing black prison population began in the 1980s during the inception of the war on drugs.

In "Securing the Homeland: Torture, Preparedness, and the Right to Let Die," Torin Monahan analyzes the post-September 11 restructuring of governance in which the former commitment to public programs such as education, health care, and welfare has been devalued through radical cuts and privatization, and increasingly replaced by the militarization of government agencies and the public sphere, the active enlisting of individuals as the first line of defense in securing the homeland, and the pursuit of insecurity as a unifying concept. In the protracted "war on terror,"

practices of spying, torture, indefinite detention, and preemptive war represent favored responses. Politicians and the media in the U.S. have mobilized fear of devastating, indiscriminate attack upon civilian populations to justify extreme police actions and security operations, domestically and beyond our borders. Monahan argues that “the suspension of law—or technically the movement of ethically ambiguous or morally reprehensible activities to zones outside legal jurisdiction—enables a false semblance of social order predicated upon universal rights, which still exist in principle, while obliterated in practice.” Reorientation of government to prioritize security functions produced the human catastrophe of Hurricane Katrina, since FEMA’s security orientation made it ill equipped to handle the emergency needs of people. Similarly, the immigration service’s transition to antiterrorism, militarization of the border, and detaining and deporting illegal residents has abandoned all symbolic overtones of governmental service—managing migrant workers and guiding individuals through the process of immigration and citizenship.

In “Dirty Wars: On the Unacceptability of Torture,” Suzie Dod Thomas interviews Olga Talamante, a Bay Area Chicana activist whose experience as a torture victim in an Argentina prison in 1974 led her to speak out against the participation of U.S. military forces in similar acts at Iraq’s Abu Ghraib prison and at the U.S. detention center in **Guantánamo**. **Talamante traces her political awakening in a *bracero*-like agricultural labor camp in the Santa Clara Valley, through the United Farm Workers movement, to activist engagement in a disenfranchised neighborhood in Argentina, her subsequent victimization in the Dirty War waged by Argentina’s right-wing military junta under the aegis of Operation Condor, through her ultimate release and decision to remain politically committed. We are left with the conclusion that the fight for human rights and social justice must be intensified, and that political institutions in which torture is forever banned must be established.**

In two companion pieces, Robert P. Weiss looks at “The American Culture of Torture,” while Donald Gutierrez reviews a key book on “The United States and State Terrorism.” The two books reviewed by Weiss explore torture as it has evolved through its physical and psychological forms via an “American science of interrogation,” and as an emotionally satisfying (though not useful) form of counterterrorism because it carries such enormous moral and political costs. Gutierrez’s review of Frederick H. Gareau’s *State Terrorism and the United States: From Counterinsurgency to the War on Terrorism* digs beneath the surface of U.S. foreign involvement from the Cold War onward to reveal its systematic state terrorism, sponsorship of repressive right-wing regimes and dictatorships, and ultimately its complicity in the murder of millions of human beings. It is a sobering corrective to the current Bush administration’s view that the United States has been the citadel of democratic antiterrorism.

The next two articles analyze the research on crimes of the state and those of the powerful, especially in the practices of international financial institutions. Dawn L. Rothe and David O. Friedrichs’ “The State of the Criminology of Crimes of the

State” reprises the literature in U.S. criminology on crimes of the state, including the fundamental conceptual and definitional issues and key contributions. Also explored are cognate areas of inquiry, such as corporate crime, state-corporate crime, finance crime, and the crimes of globalization. The article discusses the sheer difficulty of mastering the interrelated fields needed to engage in competent research, and the ways in which those who undertake such investigations are penalized professionally. Yet, the authors assert that in a globalized, increasingly interconnected world, criminologists must increasingly attend to crimes of the state, and to the complex of effects such crimes have on a range of other forms of crime.

Simon Mackenzie’s “Systematic Crimes of the Powerful: Criminal Aspects of the Global Economy” examines the history and practice of international financial institutions. The International Monetary Fund, the World Bank, and the World Trade Organization, it is argued, systematically prejudice developing countries by providing favorable trading conditions to capitalists from developed countries. Since massive poverty and avoidable death are the routine output of the institutional structures that constitute and enforce the rules of the global economy, Mackenzie looks at relevant provisions of the domestic criminal law of England and Wales to determine whether these outcomes are the result of a “systematic” crime committed by the powerful states that designed, and continue to control, these financial institutions. The author suggests that states routinely ignore the universalistic values enshrined in these laws with respect to the harmful effects of the international trade and finance norms in question.

State-sponsored crimes are the topic of Tony Platt’s “In and out of the Shadow of the Holocaust.” He reviews two important books about eugenics: Kuntz and Bachrach’s *Deadly Medicine*, which examines the Nazi regime’s use of “racial science” and a bureaucracy of administrators, professionals, and practitioners to transform the fear of degeneration and racial contamination into everyday common-sense genocidal policies, and Stern’s *Eugenic Nation*, which covers the movement that provided the scientific and medical underpinnings of American racism and sexism. Platt notes that “eugenics became intertwined with nationalist demagoguery in the 1920s, especially in Germany and the United States, and was used to bolster arguments against the dangers of ‘miscegenation,’ women’s equality, welfare rights, and immigration from outside the West.” The review warns that although the Nazi experience temporarily discredited the eugenics movement, it was repackaged in the 1950s in the form of population control and neoconservative gender politics. And the danger that science could again justify injustices to a genetically defined group of humans remains present.

Finally, “Elect, Select, Reflect,” by Elizabeth Martínez, concerns Mexico’s still contested and unsettled presidential election. The author, who was in Mexico at the time of the vote, contrasts her experience there with the abysmally low level of protest in the 2000 U.S. presidential election, which the conservative Supreme Court handed to the Republican Party without a proper recount.—G.S.