
Introduction

Immigrant bashing is a politically and psychologically cathartic practice for beguiling politicians and frustrated white people, regardless of its economic impacts.

Christian Parenti

I was sitting with other detained immigrants in the Hudson County Corrections Facility [New Jersey] on July 4, watching the special on NBC with Katie Couric. She talked about how this was the land of opportunity, freedom, and justice. We just howled with laughter. The motto of the Statue of Liberty in today's America is: "give me your poor, your tired and your hungry, because we still have empty jail cells."

Detainee Alejandro Bontia

It is like a hell here.

Sesay, a 54-year-old asylum-seeker from Sierra Leone detained in the Wackenhut Corrections Facility in Queens, New York

Upon his return from a religious mission in the Dominican Republic in 1999, Reverend Frank Almonte, pastor and Hispanic television evangelist in Corona, Queens, New York, was arrested on drug charges at John F. Kennedy International Airport. Almonte was unaware that the 300 steroid tablets he had purchased legally in the Dominican Republic were a banned controlled substance in the United States. To no avail, Almonte explained to customs officials that he had

obtained the steroids at the suggestion of a Dominican physician to help improve the appetite of his 12-year-old son, who, at 5-foot-four and 91 pounds, struggled to gain weight. Almonte was handcuffed and transported to a federal prison in Pennsylvania where he remained in detention for the next 10 days. Almonte, a legal immigrant, had no previous criminal record, had resided in the United States for 22 years, and had three children who are all American citizens. Despite being a well-respected member of his community, if convicted of drug charges Almonte could have been sentenced to seven years in prison and could have been deported as stipulated by the recently revised immigration statutes.

Under the Illegal Immigration Reform and Immigrant Responsibility Act and the Antiterrorism and Effective Death Penalty Act passed by Congress in 1996, the Immigration and Naturalization Service (INS) has enjoyed new and expansive powers that allow the agency to detain and deport any legal (and illegal) immigrant who has been charged with or convicted of a drug offense. Amid widespread community outcry denouncing his arrest, Almonte's drug charges were dismissed. One of Almonte's parishioners said that he and others "were shocked that they [the government] treated him like he was a common criminal" (Toy 1999: B10). The fairness and utility of the 1996 immigration and anti-terrorism laws remain in serious question. Edward Juarez, president of International Immigrants Foundation, pointed to Almonte's ordeal as "a symbol of discrimination and anti-immigration feeling" (Toy 1999: B10), further insisting that the 1996 statutes be repealed since they stiffen penalties against immigrants charged with drug offense without distinguishing between illicit drugs such as cocaine and heroin and other substances like steroids, which are sold legally overseas (see Thompson 1999).

The case against Almonte is not an isolated one. Since 1996, when Congress bowed to growing nativism by passing new immigration legislation, the INS has ambitiously enforced laws that no longer permit judicial review, resulting in a record number of detentions and deportations. Proponents of tough law and order strategies praise the INS for its commitment to rid the nation of criminal aliens; however, immigration advocates argue that the laws unfairly target immigrants who have had minor brushes with the law. Under the 1996 immigration act, numerous crimes were reclassified as aggravated felonies requiring deten-

tion and possibly deportation, including minor misdemeanors such as shoplifting and low-level drug violations. Typically, persons convicted of those crimes rarely served jail terms and were placed on probation. To compound the harshness of the revised statutes, enforcement was retroactive, which means that persons who had been convicted before 1996 also were subject to detention and deportation; furthermore, judges have little or no discretion in determining under which conditions the law applies. In 2000, Garibaldy Mejia, a 54-year-old grandfather and livery cab driver, was stopped by immigration agents in the airport upon returning from the Dominican Republic, where he had attended his father's funeral. Mejia's green card and passport were confiscated and he was placed in detention because in 1985 he had been arrested with a small amount of cocaine, a misdemeanor. Given the minor nature of the offense, Mejia had pleaded guilty, paid a \$100 fine, and agreed to serve two years' probation. Because Mejia was arrested while reentering the United States, he was not eligible for bail. Under the new laws, nearly all drug offenses, no matter what the magnitude, are grounds for deportation. Even though Mejia had established himself as a productive member of his community since his drug violation, he was transported to the Federal Correctional Institution in Oakdale, Louisiana, a prison specifically designed to hold criminal aliens, where he awaits his fate (Hedges 2000a).

Since 1996 thousands of immigrants—many whom are legal residents—have been treated cruelly by the INS, a bureaucracy still grappling to harness its newfound authority. In 1988, Mary Anne Gehris, a legal resident who was brought to the United States from Germany as an infant, was convicted of assault when she pulled the hair of another woman in a quarrel. A decade later, due to the retroactive clause in the revised immigration law, Gehris faced deportation. After much legal wrangling, however, Gehris avoided expulsion when she was granted a pardon for her offense. The Gehris case, and subsequent pardon, is testimony that repressive laws prompt legal maneuvering of the most unusual kind. While Gehris was spared the ultimate punishment contained in the revised immigration statute, others have not been as fortunate. In 2000, Claudia Young, the German wife of a U.S. citizen, was arrested in Portland, Oregon, as she nursed her year-old daughter. INS agents charged her with violating immigration law for not having the proper visa. Insisting that they had no other choice under the revised statute,

INS officials handcuffed and shackled Young, then strip-searched her twice. Young was then deported and barred from entering the United States for 10 years (Lewis 2000a).

Political Debate on Immigration

Although it is tempting to do, we should not frame the debate on immigration as a partisan stand-off between liberals and conservatives since many liberals support restrictions for immigration while many conservatives do not. As the arguments over immigration heated up in the early 1990s, political observers acknowledged that the issue had indeed created strange bedfellows. Among those opposing freer immigration were Patrick J. Buchanan, the conservative commentator and Republican Presidential candidate; Dianne Feinstein, the liberal California Democrat; and her fellow liberal counterpart Barbara Jordan of Texas. Proponents of freer immigration include conservatives William Bennett, Jack Kemp, Rudolph Giuliani, and Robert Dornan, a gay-bashing California Republican, along with Representative Barney Frank, the Massachusetts Democrat who is openly homosexual (Holmes 1996; Reimers 1998, 1992; Schuck 1998; Ungar 1995).

Rather than trying to force fit the dialogue on immigration into traditional categories of political party alliance, we should try to understand the topic in terms of the various immigration ideologies found among liberals and conservatives alike. For instance, *free marketeers* support immigration, arguing that the free flow of people across national borders, like that of goods and capital, contributes to prosperity, while on the other side of the issue, *nativists* oppose immigration policies that allow non-whites to enter the United States because they dilute the whiteness of American culture. Conversely, civil rights and ethnic advocates oppose immigration policies that discriminate against people of color, insisting that such an approach to immigration is racist and a violation of human rights. Some environmentalists and population control advocates recommend strict limits on immigration to the United States because they contend that overpopulation places undue strain on natural resources; similarly, job protectionists believe that immigration contributes to income stagnation and takes work from unskilled Americans. Rounding out the field, antigovernment libertarians oppose the call for a national identification card verifying citizenship status, while antitax advocates reject proposals requiring employers to pay a tax on every for-

eign worker they sponsor (Holmes 1996; Millman 1997; Stefancic and Delgado 1996).

It is important to realize that the political debate on immigration has been shaped by overt economic considerations. Whereas some commentators oppose immigration, arguing that U.S. citizens are adversely affected by job displacement as well as having their tax dollars spent on social services for illegal aliens (Auster 1990; Beck 1996; Borjas 1990; Briggs 1992; Brimelow 1995; Frey 1995a, 1995b, 1996), others argue that the economy benefits from immigration (Harris 1996; Millman 1996; Simon 1995). Recently, the National Academy of Sciences calculated the taxes a U.S. immigrant and his or her descendants are likely to pay over their lifetimes and then subtracted the cost of the government services they are likely to use. "The result: Each additional immigrant and his or her descendants will provide \$80,000 in extra tax revenues over a lifetime" (Anderson and Cavanagh 1999: 27). Also, in the terms of overall employment, the National Academy of Sciences concluded that "immigration does not have a significant effect, since new entrants not only fill jobs, they also create jobs through their purchasing power and by starting new businesses" (Anderson and Cavanagh 1999: 27). In another recent report, the Bureau of Labor Statistics found that the number of immigrant workers jumped to 15.7 million in 1999, up 17 percent from three years earlier. Immigrants now represent 12 percent of the nation's workers, a shift in the labor force that is helping hold down wages in unskilled jobs (e.g., poultry plant workers, hotel housekeeping, building demolition workers, restaurant workers, seamstresses, and fruit and vegetable pickers) while providing many companies the employees needed to expand (Greenhouse 2000a; see Espenshade 1997; Reimers 1998; Reitz 1998; "Study Finds Immigrants Doing Well . . ." 1999).

In a democratic society, certainly debate over public policy ought to engage competing points of view along with systematic appraisals of legislation. Regrettably, however, revised immigration laws passed by Congress in 1996 were influenced less by sound policymaking and more by exaggerated political rhetoric that issued warnings that foreigners pose a threat to the American social and economic order. From a sociological standpoint, new legislation governing immigration was a culmination of demagoguery emblematic of moral panic, especially considering that popular perceptions of immigrants were channeled through the distorted lens of racial and ethnic stereotypes. Adverse societal reaction to

immigrants is nothing new (see Glazer 1983; Glazer and Moynihan 1963; Portes and Rumbaut 1996). Throughout U.S. history, citizens have shunned immigrants, viewing them with contempt and suspicion, thus reinforcing social inequality, hostility, and discrimination. Still the degree of nativism evident in the 1990s is remarkable because it generated enormous public and political support, resulting in sweeping legislation that unfairly targeted immigrants, particularly people of color (Cose 1992; Hing 1997; Jonas and Dod Thomas 1999; Perea 1997; Welch 1997a; 1999a). As explored in the next chapter, controversy over immigration in the 1990s had all the elements of a moral panic.

Scope of This Book

One can only wonder how and why current immigration laws have become so rigidly conceived and ruthlessly enforced. With those concerns in mind, we explore recent legislation whose emergence has dramatically altered the way immigrants are treated by the U.S. government. Taking a sociological approach to the passage of these new laws, we turn our critical attention to the effects that they have on legal and illegal immigrants, their families, communities, and society at large. Together, those statutes demonstrate how government and the public view immigrants. In passing such sweeping legislation, Congress has funneled increasingly greater funds and resources to the INS, making it the largest federal law enforcement agency. With unprecedented power in dealing with immigrants, the INS stepped up its reliance on detention and deportation, policies that are fraught with contradictions and injustice.

As we shall see in this book, the 1996 immigration statutes have produced profound inconsistencies demonstrating the ironies of social control whereby immigrants are subject to self-defeating—and inhumane—government strategies (Chapter 4). Not only have recent changes in immigration law failed to accomplish their stated objectives, but because the laws emphasize confinement, those violating revised immigration laws are unnecessarily detained for protracted periods of time in facilities known for their harsh conditions. The punitive nature of INS detention policy and its tendency to simply warehouse detainees are examined in Chapters 5 and 6; similarly, Chapter 7 explores the controversial practice of detaining juvenile immigrants. It should be understood that key developments in INS strategies contributing to increased reliance on

detention mirror policy shifts in the traditional criminal justice apparatus. Over the past two decades, crime control initiatives have increasingly adopted hard-line measures based on the three P's: penalties, police, and prisons. While neglecting crucial crime control strategies that attend to adverse societal conditions, including poverty and inequality, the new penology reinforces a commitment to coercive social control by relying more on prisons than alternatives to incarceration. Regrettably, the INS has taken cues from the prevailing criminal justice agenda by channeling more resources into enforcement and detention while neglecting its responsibility of providing services that help immigrants assimilate.

As the book nears its conclusion, critical attention is turned to the role of the INS in the expanding corrections-industrial complex, a controversial phenomenon in criminal justice whereby increased reliance on incarceration is driven by profit motives. The corrections-industrial complex portends tragic consequences for modern penology, given that prisoners are treated as raw materials that produce economic gain for local and private jails. A decade ago, the INS entered the corrections-industrial complex, creating the need for a larger number of detainees to fill an expanding number of expensive jail cells (Chapter 8). In light of the dehumanizing aspects of current immigration policies and practices, especially in the realm of detention, immigration lawyers and human rights activists have become increasingly concerned that the government and the INS have taken a wrong turn in their efforts to deal with illegal immigration. The concluding chapter surveys recent activities in the courts and Congress aimed at reducing the harshness of current immigration laws. Throughout the book, viable alternatives to detention are recommended; moreover, such enlightened policy changes are formulated according to compassionate logic rather than bigotry, racism, and classism.

This work concentrates on the 1996 legislation and its adverse effects on immigrants, but those controversies have moved to the forefront of the American conversation on immigration since September 11, 2001. Indeed, the terrorist hijackings and attacks on the World Trade Center and the Pentagon have given the debate over immigration control a new resonance. In the epilogue, we shall examine closely the government's campaign to fight terrorism at home, especially using racial profiling, mass detention, and secret evidence. As the country recovers from the

tragedies of September 11, renewed discourse over immigration is imbued with anxieties over national security along with concerns for civil liberties.

Setting the stage for a critical and in-depth examination of INS detention, we consider in the following chapters the sociological underpinnings of the controversy over immigration as it took hold in the early and mid-1990s. At that point, the issue was grossly distorted by inflammatory rhetoric maligning immigrants depicted not only as different and foreign, but also as threats to the social and economic order. So that we may comprehend the sociological processes by which the 1996 laws governing immigration were conceived, we address the significance of *moral panic*, a turbulent and exaggerated response to a putative social problem.



Moral Panic over Immigrants

The [U.S. Supreme] Court routinely overrules the actions of local police boards, boards of education, and state laws under which they act. The beneficiaries of the Court's protections are members of various minorities, including criminals, atheists, homosexuals, flag burners, illegal aliens including terrorists, convicts, and pornographers.

Patrick J. Buchanan, 1996

It's based on an irrational fear of something different, something strange, that somehow they're going to take something away from us. . . . A lot of it is just undifferentiated fear of foreigners, of people who appear to have different values or different ways of doing things.

New York City Mayor Rudolph Giuliani, opposing immigration reform legislation

The Emergence of Moral Panic

Moral panic has armed sociologists with a useful concept to elucidate deviance, social problems, collective behavior, and social movements, especially in the context of pseudodisasters. Moral panic occurs when, "A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interest; its nature is presented in a stylized and stereotypical fashion by the mass media and politicians" (Cohen 1972: 9). Sociologist Stanley Cohen learned that moral panic was a key component of a moral crusade, a

social enterprise he discovered while studying societal reaction to youths in England. In his ground-breaking treatise, *Folk Devils and Moral Panics* (1972), Cohen explored the roles of the public, media, and politicians in constructing heightened concern over British youths in 1964 when the Mods and Rockers were depicted as threats to public peace as well as the social order. Together, the media and members of the political establishment publicized exaggerated claims of the dangers posed by the Mods and Rockers; in turn, such claims were used to justify enhanced police powers and greater investment in the traditional criminal justice apparatus. Since the 1970s, the study of moral panic has enjoyed growing popularity among scholars examining the social construction of deviance and crime. Among the more recent examples of moral panic are those involving crack cocaine use (Chiricos 1996; Reinerman and Levine 1997), crack mothers (Humphries 1999), youth gangs (McCorkle and Miethe 1998; Zatz 1987), satanic ritual abuse in day care centers (Best 1990), and flag burning (Welch 2000a; also see Best 1999; Glassner 1999).¹

Moral panic helps us understand turbulent societal reactions to immigration, which lead to a disaster mentality in which there is a widespread perception that immigrants endanger American society. Indeed, such perceptions of threat perpetuate stereotypes of immigrants as intellectually inferior, morally corrupt, and prone to crime—and worse terrorism. As moral panic mounts, there is a sense of urgency to do something now or else society will suffer even graver consequences later, compelling social policy to undergo significant transformation in a rash attempt to diffuse the putative threat. Moral panic typically manifests in “strengthening the social control apparatus of the society—tougher or renewed rules, more intense public hostility and condemnation, more laws, longer sentences, more police, more arrests, and more prison cells” (Goode and Ben-Yehuda 1994: 31).

Looking at adverse reactions to immigrants through the prism of moral panic adds to a critical view of the harsh and contradictory aspects of the 1996 immigration laws. Previous research from that perspective has taught us important lessons about how moral panic reinforces demeaning stereotypes of immigrants. In his book, *The Abandoned Ones: The Imprisonment and Uprising of the Mariel Boat People* (1995), criminologist Mark Hamm investigated moral panic over Mariel Cubans who arrived in the United States in 1980. Because many Mariels appeared to be *different* from other Cubans (i.e., darker and poorer), they were met

with suspicion and eventually labeled deviants, predators, and criminals; in turn, many Mariels were placed under unusually close supervision by the INS and other criminal justice agencies. As a classic self-fulfilling prophecy, many young Mariel Cuban men—with few economic opportunities in the United States—resorted to committing minor offenses such as drug peddling. As a result, many of them were labeled habitual criminals and returned to prison where they currently are detained indefinitely—a kind of “three strikes you’re out” policy designed by the INS specifically for that ethnic population (Welch 1997b). As of 2001, more than a thousand Mariel Cubans who have been convicted of deportable crimes—including minor offenses—remain imprisoned because the United States and Cuba do not have a deportation agreement (Catholic Legal Immigration Network [CLINIC] 2001; see Chapter 5).

So that we may comprehend more precisely how moral panic specifically applies to the debate on immigration, we examine the concept’s five criteria: concern, hostility, consensus, disproportionality, and volatility (Goode and Ben-Yehuda 1994). Drawing on evidence contained in the controversy over immigration in the early and mid-1990s, we discuss each of those social indicators as it pertains to moral panic.

Concern

The first component of moral panic is a heightened concern over the behavior of others and how their actions affect society. Sociologists insist that concern ought to be verifiable in the form of an observed and measurable manifestation, such as public opinion polls, public commentary in the form of media attention, proposed legislation, and social movement activity (Best 1989, 1990; Cohen 1972; Goode and Ben-Yehuda 1994; Welch 2000a; Welch, Fenwick, and Roberts 1997 and 1998). Although in many cases the level of concern does not have to reach that of fear, there must be a perception that a threat exists. Heightened concern over immigration in the early and mid-1990s, like other moral panics, created a tense atmosphere that American society was under siege, leading to a disaster mentality in which people felt an urgency to do something. In 1995, sociologist Nathan Glazer detected a latent anxiety over immigration: “We are a society less optimistic about our future, although there were comparable periods of angst before. We don’t think we have any more wide open spaces to settle, however unpopular we are compared to Asia” (Glazer 1995: E3). Sensing a political op-

portunity, elected leaders tapped into the communal anxiety over immigration, but rather than offering their constituency firm leadership that would have produced sound and fair-minded policymaking, many politicians fueled moral panic by pandering to popular fears. As a result, concern over immigration escalated into public hysteria leading to numerous legislative campaigns, thus reinforcing hostility and discrimination against immigrants.

In the early 1990s, the perception that immigrants endangered American society gained considerable acceptance among political commentators and eventually the public. In 1992, conservative journalist, Peter Brimelow published a controversial article in the *National Review*, "Time to Rethink Immigration," in which he delivered a scathing attack on current immigration policy, arguing that it was already destroying American society as we know it. The essay drew enormous attention, placing the issue of immigration back on the political table; tragically though, the debate over immigration degenerated into a crusade against immigrants. Brimelow and other nativists, including Patrick J. Buchanan, realized that they had hit a public nerve with the immigration issue (see Auster 1990; Beck 1996; Borjas 1990). While Buchanan campaigned for President, spewing his brand of nativist rhetoric, Brimelow expanded his magazine article into a widely publicized book. In 1995, Brimelow, himself, an immigrant from Britain, unveiled *Alien Nation: Common Sense about America's Immigration Disaster*. Casting apocalyptic images of a doomed American society, *Alien Nation* epitomizes moral panic.² More significantly, Brimelow's treatise was not viewed merely as nativist ranting; rather, it inflamed fears of immigrants and heightened anxiety among huge segments of the public. *Alien Nation*, along with growing anti-immigrant sentiment, sounded the alarm that American was under siege, galvanizing a nativist crusade that would succeed in revising federal immigration laws in 1996 (Reimers 1998).

Bolstering a disaster mentality, Brimelow engaged in claimsmaking activities prevalent in the early stages of moral panic. Brimelow insisted that "The United States has lost control of its borders—in every sense" (1995: 4) and "The post-1980 approach to refugees has created a catastrophe—even by the generally disastrous standards of immigration policy" (p. 150; also see Auster 1990; Beck 1996). To prepare for writing his book, Brimelow visited INS officials at the U.S. border. After witnessing an illegal crossing, Brimelow writes, "I was momentarily distracted, brooding on this awesome spectacle of a great nation morally

incapable of defending itself against the most elemental invasion” (p. 238). What concerns Brimelow and other nativists most about current U.S. immigration policy is that it dilutes the whiteness of American society and culture (see Buchanan 1999). Given the high proportion of non-white immigrants permitted to enter the United States under current immigration policies, Brimelow believes that America will become “a freak among the world’s nations because of the unprecedented demographic mutation it is inflicting on itself” (1995: xix). Exhibiting fear that the United States will lose its identity as a white nation, Brimelow introduces metaphors from natural disasters, saying that current immigration policy “may well prove a sociological San Andreas Fault” (1995: 69).

Brimelow’s argument against immigration is driven further by previous legislation that he believes has created an immigration disaster, namely, the 1965 Immigration Act. That law serves as a basis from which Brimelow expresses his dissatisfaction for current immigration policy, and in doing so, he shows his disdain for the 1960s activism and the civil rights movement: “The 1965 Act can be seen to have invented one quite new type of immigration: a black inflow, both from Africa itself and from the Caribbean” (1995: 61). Brimelow continues, “Because of affirmative action quotas, it absolutely matters to me as the father of a white male how large the ‘protected classes’ are going to be. And that is basically determined by immigration. . . . To get a sense of perspective, we have to go back to the beginning. And in the beginning, the American nation was white” (p. 66). In his own defense for sounding racist, Brimelow longs nostalgically for white America before the civil rights movement desegregated the nation: “Suppose I had proposed more immigrants who look like me. So what? As of late 1950s, somewhere up to nine out of ten Americans looked like me. That is, they were of European stock. And in those days, they had another name for this thing dismissed so contemptuously as ‘the racial hegemony of white Americans.’ They called it, ‘America’” (1995: 59).

Particularly in California, Texas, and Florida, as well as in the nation’s capital, politicians took notice of growing public concern over immigration; however, instead of offering their constituents enlightened interpretations of the issue, many political leaders reinforced fears of immigrants. Politicizing immigration is significant because political rhetoric not only inflames public anxiety but also shapes the content of legislation. Just as fear of crime—rather than crime itself (Donziger

1996a; Glassner 1999; Reinerman and Levine 1997; Welch 1999b)—drives criminal justice policies, the undifferentiated fear of crime and immigrants consumed the 1996 immigration laws. As we shall see throughout the book, revised immigration legislation, much like crime and drug control strategies, is not only poorly formulated but also unjust and discriminatory against the poor and people of color.

In the early 1990s, California Governor Pete Wilson stirred public anxiety over immigration by introducing several proposals, including the abolition of birthright citizenship, a measure considered extreme even by nativist standards. During that period, California drew national attention for its Proposition 187, an initiative designed to clamp down on undocumented immigrants, prohibiting them from receiving publicly funded education, medical care, and social services. Critics observed that the “campaign was tuned to a range of Anglo anxieties and fears: a declining standard of living, and quality of life; a faltering and changing economy; a sense of being overwhelmed by a range of cultures and peoples of color, and concern for dilution of American values, institutions, and ways of life” (Mata 1998: 151; also see Calavita 1996; Gutierrez 1995; Quiroga 1995). Demonstrating widespread anxiety over immigrants, Californians overwhelmingly voted for Proposition 187 in 1994. However, California federal Judge Mariana Pfaelzer ruled that Proposition 187 was unconstitutional, a decision based on a 1982 Supreme Court case preventing Texas from denying illegal immigrant children an education (*Plyer v. Doe* 1982).

Similar legislative activity also gained momentum at the federal level. In 1994, a crime bill in Congress proposed that cities would be required to turn in the names of all illegal aliens discovered from all sources, including people who report crimes. Critics argued that such a measure would discourage some residents from reporting crimes in their community, thus compromising public safety (Firestone 1995). In 1995, the House passed a welfare bill that would deny food stamps, Medicaid, and welfare payments to legal residents of the country who are not citizens. Also that year, the Congressional Task Force on Immigration Reform, a Republican-dominated panel (46 Republicans and 8 Democrats) appointed by Speaker Newt Gingrich, issued dozens of recommendations for cracking down on illegal immigration. The proposals would require public hospitals to report illegal aliens who seek medical treatment and would force public schools to turn away students who are in this country illegally. Those recommendations, spearheaded by Gin-

grich, were strikingly similar to California's Proposition 187 (Firestone 1995).

Later in 1995, the Commission on Immigration Reform delivered their recommendations to Congress, including a proposal to cut immigration by one-third. The commission also suggested that immigration should become easier for minor children of U.S. citizens, but more difficult for adult children. Additionally, the commission called for the creation of a national identification card that documents their status as citizens or noncitizens. In his criticism of the commission, journalist Roger Hernandez (1995: 8) wrote, "If Congress follows the recommendations, it will legitimize xenophobia by making it appear that reasonable people believe there is an immigration crisis." In a similar vein, New York City Mayor Rudolph Giuliani condemned federal legislators for "pandering to an irrational fear of foreigners" ("Standing up for Immigrants" 1995: E14). Despite harsh criticism from advocates for immigrants, the nativist campaign reached critical mass in 1996 when Congress passed three profoundly significant laws: the Illegal Immigration Reform and Immigrant Responsibility Act, the Anti-Terrorism and Effective Death Penalty Act, and the Personal Responsibility and Work Opportunity Reconciliation Act. As we shall see throughout the book, those revised immigration laws continue to have adverse effects on immigrants throughout the nation.

Hostility

Sociologists remind us that moral panic arouses hostility toward an identifiable group or category of people who, in turn, are vilified as social outcasts. According to Goode and Ben-Yehuda, "Members of this category are collectively designated as the enemy, or an enemy, of respectable society; their behavior is seen as harmful, or threatening to the values, interests, possibly the very existence, of the society, or at least a sizeable segment of that society" (1994: 33). This component of moral panic is particularly relevant given that the debate over immigration often becomes so mean-spirited that elements of hostility are difficult to overlook. Still, unlike bona fide social problems that do not blame any one group of people, such as the aftermath of natural disasters, moral panic shifts blame to unpopular people who become scapegoats and folk devils. According to Goode and Ben-Yehuda (1994: 33–34), "not only must the condition, phenomenon, or behavior be seen as threatening, but a

clearly identifiable group in or segment of the society must be seen as responsible for the threat.” Moreover, a distinction is made between us—good, decent, respectable people—and them—deviants, undesirables, outsiders, villains, criminals, and disreputable people (Cohen 1972; Humphries 1999). Unlike other moral panics such as the Red Scare of the late 1910s or McCarthyism of the 1950s, in which it was difficult to know exactly who was a “communist” since they did not look or speak differently than anyone else (Levin 1971), moral panic over immigrants is more apparent because they are easily identifiable, particularly those who are not white and of European descent. In the eyes of many nativists, non-Europeans or immigrants of color are viewed as threats to American society because they are seen as being different. In his work, Brimelow’s persistent use of the word “they” in reference to non-white immigrants is laden with alarm: “They are still coming. Indeed, after a short hesitation, they seem to be coming about as strong as ever” (1995: 33; see Bustamante 1972).

Clinging to racial and ethnic stereotypes, nativists demonize immigrants, especially those who are non-white, claiming that they are a threat to public safety (i.e., dealing in drugs, crime, and terrorism), the economy, the welfare state, public education, and public health. Hostility contained in moral panic manifests in several ways; as we shall see in the next several sections, immigrants are vulnerable to being criminalized, pathologized, marginalized, and scapegoated.

Criminalizing Immigrants

Stoking anti-immigrant hostility, nativists and restrictionists commonly resort to criminalizing immigrants by casting them as predatory villains, drug dealers, and even terrorists (Beck 1996; Brimelow 1995; Buchanan 1996; also see Gordon 1994 and Marshall 1997). Compounding matters, stereotypes have a potent effect on America’s psyche as the general public often is willing uncritically to accept inaccurate versions of tragic events. In 1995, the bombing of a federal building in Oklahoma City contributed to growing fears about terrorists and fueled suspicion of Arab immigrants. In the aftermath of the blast, the *New York Post* editorialized, “Knowing that the car bomb indicates Middle Eastern terrorists at work, it’s safe to assume that their goal is to promote free-floating fear and a measure of anarchy, thereby disrupting American life” (Naureckas 1995: 6). Similarly, *New York Times* columnist A. M. Rosenthal wrote, “Whatever we are doing to destroy Mideast terrorism,

the chief terrorist threat against Americans has not been working” (Glassner 1999: xiii). Eventually, investigators determined that the bombing was not the handiwork of Arab terrorists but that of Timothy McVey, a white U.S. citizen and former serviceman; nevertheless, Muslims had been stereotyped as terrorists and threats to American national security (Council on American-Muslim Research Center 1995; Glassner 1999; Glazer 1995; Shaheen 1984). In *Alien Nation*, Brimelow delivers a despicable blow to immigrants by associating them with a number of criminal events in the early 1990s:

In January 1993, a Pakistani applicant for political asylum opens fire on employees entering CIA headquarters, killing two and wounding three! In February 1993, a gang of Middle Easterners (most illegally overstaying after entering on non-immigrant visas—one banned as terrorist but admitted on a tourist visa in error) blow up New York’s World Trade Center, killing six and injuring more than 1,000!! In December 1993, a Jamaican immigrant (admitted as a student but stayed) opens fire on commuters on New York’s Long Island Rail Road, killing six and wounding 19!!! WHAT’S GOING ON??!!?

(1995: 6)³

Other opponents of immigration weighed in on the crime issue. Dan Stein, of the restrictionist group Federation for American Immigration Reform (FAIR), announced, “A series of jarring incidents in 1993 gave the public the unmistakable impression that immigrants are not all honest and hardworking. Some are here to commit crimes” (1994: 27; also see Tanton and Lutton 1993). In another remark imbued with moral panic over illegal aliens, William Colby, former Central Intelligence Agency (CIA) Director, boldly stated, “The most obvious threat for the U.S. is the fact that . . . there are going to be 120 million Mexicans by the end of the century. . . . [The Border Patrol] will not have enough bullets to stop them” (quoted in Acuna 1996: 115; see Mata 1998). Whereas Roy Beck, in his book *The Case against Immigration* (1996), relies on rhetoric less inflammatory than that of Colby, Brimelow, and other nativist crusaders, there are numerous passages in which immigrants are blamed for lawlessness: “One of the most insidious costs of federal high-immigration policies is the increase in social tensions and crime,” he states (1996: 215). Adding to his case against immigration, Beck writes, “Numerous organized crime syndicates headquartered in the new immigrants’ home countries have gained solid beachheads of operations” (p. 17). Again, fears of crime and of immigrants are nearly indistinguishable, thus fueling greater public anxiety. Amid greater public out-

cry, legislators push for more of the three P's—police, penalties, and prisons. As I discuss at length in the next chapter, the federal Anti-Terrorism and Effective Death Penalty statute was passed by Congress in 1996 as a response to the bombing of the World Trade Center.

Pathologizing Immigrants

As another manifestation of hostility, immigrants tend to be pathologized, and hence perceived as a threat to public health. While aptly pointing out that immigration officials at Ellis Island routinely inspected immigrants for diseases such as cholera and smallpox (see Divine 1957), Brimelow remarkably claims that even in the 1990s, “the United States has never been so unprotected against immigrant’s impact on its public health” (1995: 186). Arguing that the current immigration policy is creating a public health crisis, Brimelow pathologizes immigrants, especially those from Latin America and Southeast Asia, blaming them for spreading tuberculosis, measles, cholera, malaria, dengue fever, and even leprosy. Perpetuating a disaster mentality, Brimelow issues a catastrophic forecast for America’s public health: “The U.S. Institute of Medicine has recently predicted ‘*with some confidence*’ that if yellow fever, the incurable mosquito-borne disease now resurgent in Africa and Amazonia, returns to New Orleans, public health defenses could be quickly overwhelmed: 100,000 people would become ill . . . and 10,000 would likely die within 90 days” (1995: 187).⁴

Brimelow’s heightened fear of immigrants from a public health standpoint follows the classic formula of moral panic in which outsiders—foreigners—are pathologized. Throughout history, interpretations of plagues and epidemics have emerged in two forms. First, plagues are depicted in moral terms, sent by a higher power as a punishment for society’s sins; second, plagues come from somewhere else. Sontag (1989) recalls that the syphilis epidemic in Europe during the fifteenth century, the bubonic plague during the eighteenth century, and the outbreaks of cholera during the nineteenth century were all characterized as dreaded foreigner diseases. Literally and figuratively, plagues are reified as pollution from alien and exotic lands. Remember, Sontag writes, “AIDS is thought to have started in the ‘dark continent,’ then spread to Haiti, then to the United States and to Europe. . . . It is understood as a tropical disease: another manifestation from the so-called Third World” (1989: 51–52). Popular beliefs on the origin of HIV/AIDS—commonly, although inaccurately, termed a plague—has fueled anti-African (black)

prejudice in the Americas, Europe, and Asia: “The subliminal connection made to notions about a primitive past and the many hypotheses that have been fielded about possible transmission from animals (a disease of green monkeys? African swine fever?) cannot help but activate a familiar set of stereotypes about animality, sexual license, and blacks” (Sontag 1989: 52; also see Huber and Schneider 1992; Kraut 1994; Welch 2000b). Not surprisingly, fear of HIV/AIDS has affected immigration policy. In 1993, Congress passed overwhelmingly a measure that would continue to bar immigrants who tested positive for HIV or have AIDS from entering the United States, despite recommendations from the Centers for Disease Control that the illness be removed from the list banning potential immigrants (Reimers 1998; U.S. Congress, House 1990).

Certainly, lawmakers should continue to take seriously issues of public health; still, policies should be based on scientific research rather than on hysterical pronouncements that stigmatize immigrants and people of color. Paradoxically, moral panic over immigrants in the early and mid-1990s led to proposals that actually could have compromised public health. Because hospitals were instructed to notify the INS when undocumented immigrants sought medical attention, the ill would have been discouraged from seeking treatment, which, according to a *New York Times* article, “could well result in the spread of communicable diseases like tuberculosis, which has made a disturbing comeback” (“Standing up for Immigrants” 1995: E14).

Another common tactic in pathologizing immigrants is to depict them as intellectually inferior to those born in the United States, a stereotype that often is drawn along racial lines. “For the first time, virtually all immigrants are racially distinct ‘visible minorities’” writes Brimelow (1995: 56), who then refers to the work of Richard J. Herrnstein and Charles Murray, whose *The Bell Curve: Intelligence and Class Structure in American Life* stirred enormous controversy in 1994. In their book, Herrnstein and Murray claimed that there is scientific evidence supporting the thesis that differences in intelligence can be traced to race. Brimelow goes on to note, “Herrnstein and Murray blamed the 1965 Immigration Act for a sharp deterioration in immigrant quality.” According to Brimelow: “If they are right, of course, this suggests the consequences of current policy are far more disastrous than anything argued in this book” (1995: 56). Critics, however, argue that *The Bell Curve* distorts research findings on race and intelligence, becoming a classic example

of pseudoscience and scientific racism (Fraser 1995; Gould 1995; Hacker 1995; Nisbett 1995).

Marginalizing Immigrants

Hostility, as a result of moral panic, also economically marginalizes immigrants, relegating them to the underclass. Nativists contribute to the stigma of immigrants by insinuating that they drain tax dollars in the form of public assistance, adding that immigrants are drawn to the United States because of “the magnet of the American welfare state” (Brimelow 1995: 33). Similarly, Robert Rector of the conservative Heritage Foundation opined, “The U.S. welfare system is rapidly becoming a deluxe retirement home for the elderly of other countries” (1996: 279). Depicting immigrants as people who do not want to work and expect to be supported by government assistance, nativists reinforce notions that immigrants are different from *us* hardworking tax-paying folks (see Gilens 1999; Mann and Zatz 1998). Also fueling hostility toward immigrants, Donald Huddle (1993), Rice University economics professor, reported that the net cost of immigration to government, including the welfare costs of native-born workers displaced by immigrants, exceeded \$40 billion in 1992. Immigration and welfare specialists seriously questioned Huddle’s figures. In 1993, *Business Week* reported that immigrants pay \$90 billion in taxes and receive only \$5 billion in services (“The Immigrants” 1993; see Chua 1995; Lemann 1995; Reimers 1998). Even when attempting to compliment certain ethnic groups, Brimelow reveals his suspicion of non-whites: “Like most New Yorkers . . . I am sentimental about Asian immigration. They seem law-abiding and hard-working (although I gather you aren’t suppose to say this. And maybe it’s just another immigration myth: there are growing reports of gangs and welfare dependency)” (1995:189).

Institutional biases reduce economic mobility for many of the nation’s poor people, preventing them from rising above the poverty threshold and join those earning middle incomes (Wilson 1987, 1996). Inadequate education, a key barrier to achieving financial independence, commonly becomes apparent early in the education process. If it were not for some crucial rewriting of the revised 1996 immigration bill, that law would have had a huge impact on communities where schools would be required to turn away students who have immigrated illegally or who have been born of illegal immigrant parents. In New York City, for instance, that law would have thrown “60,000 children onto the streets and