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Racism in the Colorblind Era: Examining the Mediated Responses to Arizona SB1070

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Abstract

Exploring the relationship between colorblind racism and national identity formation, this paper examines virtual public news forums where individuals were free to offer their opinion of immigration in general, and the immigration bill AZ SB1070 in particular. Drawing on critical race studies, we analyze the ways in which the comments posted produce, reproduce, and stabilize a racial common sense imbedded in current "colorblind" immigration policy. We show how this common sense is masked through the rhetoric of law and order. To better explain how the rhetoric of law and order constitute this racial commonsense, we use Joao Costa-Vargas' (2004) work on the hyper-racism/negation dialectic. This dialectic takes into account how systemic racism and racial awareness become invisible in a "post-racial" society, thus contributing to a racialized common sense of society. Immigration legislation and reform have traditionally been the realm of the federal government, however, in recent years, states have taken up the task of creating and enforcing immigration laws. Exemplary of this trend is Arizona's immigration, or anti-immigration bill, SB1070. Passed in the Arizona House of Representatives on April 13, 2010, and signed into law ten days later, SB1070 gained national attention as being the strictest immigration measure in generations.¹ The purpose of the bill was to identify, prosecute, and deport undocumented immigrants. This bill, although placed on an injunction, set precedence for other states, which in the past year have introduced their own versions of anti-immigrant legislation.

1 Eduardo Barraza, "Arizona Worsens Issue of Immigration for Playing Enforcer of Federal Matters," *Huffington Post*, (28 April 2010), <http://www.huffingtonpost.com/eduardo-barraza/arizona-worsens-issue-of_b_554738.html>.

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Examples of these states are Alabama, Georgia, Kentucky, Mississippi, and Tennessee.²

Although Arizona's bill did not specifically state a particular immigrant group would be targeted, it was discernible from the public's reaction that this bill was created to thwart crossing from south of Arizona's border. Although many claim immigration policies are colorblind, lacking intent to discriminate against racialized immigrants, immigration policy has a long history of negatively impacting non-white migrants. As Kevin Johnson contends, U.S. immigration laws disparately impact people of color, both domestically and abroad.³ In recent years, immigration policies have directly impacted migrants from Latin countries. Even though policymakers adamantly claim no racial bias in passing immigration policy, the public does not hold back in expressing their hostility towards Mexicans and "Mexican-looking" individuals. However, most Americans claim their positions are not racially motivated but, rather, directed towards the "illegal" immigrant.⁴

This project explores the colorblind and overtly racist discourse surrounding SB1070 as Internet users made their thoughts public by posting comments on Internet news sites in the days leading up to the passage of SB1070. Influenced by Joao Costa-Vargas' work on the hyperconsciousness/negation of race dialectic to analyze our data, we are able to unveil the colorblind rhetoric surrounding Latin migration and situate the racialized discussions within this context. To unpack these claims, we first contextualize racialized immigration policy, looking historically at the impact that laws have had on non-white immigrants. We then move into a discussion of national identity formation in an era of colorblind racism, highlighting the contestations of who is (and who is not) American. We then analyze our data using the hyperconsciousness/race

² Seth Freed Wessler, *Bills Modeled After Arizona's SB 1070 Spread Through States* (2 March 2011), <http://colorlines.com/archives/2011/03/sb_1070_copycat_bills.html>.

³ Kevin Johnson, "A Case Study of Color-Blind Rhetoric: The Racially Disparate Impacts of Arizona's S.B.1070 and The Failure of Comprehensive Immigration Reform," *Arizona State Law Journal for Social Justice* 1, no. 1 (2011): 3-42.

⁴ Kevin Johnson, "A Case Study of Color-Blind Rhetoric: The Racially Disparate Impacts of Arizona's S.B.1070 and The Failure of Comprehensive Immigration Reform," *Arizona State Law Journal for Social Justice* 1, no. 1 (2011): 3-42.

negation dialectic, reflecting on the dangerous marriage between colorblind politics and racism.

Racialized Immigration Policy

Since the inception of the United States, immigration, and immigration law in particular, has played a significant role in forming our national identity: who we are, and who we imagine ourselves to be. Unfortunately, race also has been inextricably linked to immigration, thus, further informing our national identity. Take, for example, the 1882 Chinese Exclusion Act, the 1907 Gentlemen's Agreement, and the 1924 Johnson-Reed Act. They all sought to restrict or outrightly exclude potential immigrants based on ethnicity and race. Although recent legislation is not overtly racist, historical legislation was specifically designed to hinder or halt non-white migration into the United States. It is premature to assume that contemporary immigration legislation reflects a non-biased, colorblind stance. Specifically focusing on legislation that has impacted Latino immigrants, we contend that current immigration policy continues the same trend, negatively affecting the brown migrant.

In 1921, the Harding administration passed the Emergency Quota Act (Johnson Quota Act). This immigration quota limited the number of immigrants who could be admitted from any country to 3% of the total number of persons from that specific country living in the United States. These numbers were based on national origin numbers from the 1910 census. This totaled about 357,802 immigrants. Over half of this number was allocated for Northern and Western Europeans and the remainder for Eastern and Southern Europeans (a 75% reduction). The average annual inflow of immigrants prior to 1921 was 176,983 from Northern and Western Europe, and 685,531 from other countries, principally Southern and Eastern Europe.⁵

The Emergency Quota Act was passed for numerous reasons—to restrict the flow of immigrants after the First World War, improve the economic conditions of native workers, and preserve American nationalism and nativism, just to name a few.⁶ Although this act was temporary, it proved to be pivotal in directing American immigration policy. First, it imposed numerical limits on European immigration for the first time. Second, it established a nationality quota system. Third, and most importantly, it continued the ethnic

⁵ John Higham, *Strangers in the Land: Patterns of American Nativism*, Second Edition (New York: Atheneum, 1965).

⁶ Higham, *Strangers in the Land*.

bias initiated by the Chinese Exclusion Act. Although the act set no limits on immigration from Latin America (for reasons explained later), it continued to exclude immigration from Asian countries. But it achieved its goal. In 1921, the incoming immigrant population was down to 198,082 from Northern and Western Europe, and 158,367 from Southern and Eastern Europe. This portrays a 3% reduction.⁷

To further restrict the flow of immigration and to correct a census technicality, the Coolidge Administration passed the Immigration Act of 1924. Regarding the census technicality, the 1921 law used the 1910 census to determine the basis for quotas, whereas the 1924 law used the 1890 census. The clear aim of this law was to restrict the entry of immigrants from Southern and Eastern Europe (who at the time were not yet considered white), while welcoming relatively large numbers of newcomers from Britain, Ireland, and Northern Europe. Numerically, this act decreased immigration levels from 3% with the Emergency Quota Act to 2%. This act also achieved its purpose. The 2% level was reached, where numbers dropped to 140,999 for Northern and Western Europe, and 21,847 for other countries, principally Southern and Eastern Europe.⁸

Both acts halted "undesirable" immigration by implementing quotas and barred specific populations from the Asia-Pacific Triangle. These countries included Japan, China, the Philippines, Laos, Singapore, Korea, India, and others. Based on the Naturalization Act of 1790, these immigrants, being non-white, were not eligible for naturalization, and the act forbade further immigration of any persons ineligible to be naturalized. Yet because there were no restrictions on Latin America immigration, Mexican nationals began to enter the U.S. at increasing rates.

The Evolution of the Mexican Immigrant

Initially, immigration from the Americas was allowed, as there were no restrictions on Latin America or Canada in the immigration acts, but measures were quickly developed to deny legal entry to migrants and laborers from Mexico. Mexican immigration was rather insignificant from 1900 to 1909, only constituting 0.6% of total immigration into the United States. That number increased slightly to 3.9% the following decade. Considering how

7 John Higham, *Strangers in the Land: Patterns of American Nativism*, Second Edition, (New York: Atheneum, 1963).

8 Higham, *Strangers in the Land*.

significant this cohort of labor has been on the economic progress of America, it is important to document the historical and legislative trends related to Mexican immigration.⁹

Mexican laborers primarily filled agricultural jobs in the Southwest. Despite the anti-immigrant rhetoric that ran prevalent throughout the country, growers and industrialists who profited from cheap Mexican labor testified before Congress, attesting to the value of the Mexican worker. This was a huge factor that stalled legislation and prompted the absence of Latin American countries from the immigration acts of the early 1920s. However, the return of U.S. soldiers from World War I eliminated the labor shortage and increased competition for jobs between white and non-white workers.

The first World War ended in 1918, which mostly eliminated the labor shortage and reduced the jobs that native workers, including blacks, held in the industrial sector. However, economic and agricultural prosperity after the war increased the need for additional labor. During the late 1910s and the 1920s, American employers actively recruited Mexican laborers through private labor contractors.¹⁰ Mexican labor was largely concentrated in agriculture positions. However, as the 20s progressed, economic insecurities soon emerged, affecting immigrant and native labor. Major social events occurred and federal programs were passed that altered the labor market.

The Great Depression hit the United States in 1929. Fears that Mexicans (and other non-whites) held jobs over whites increased pressure to eliminate this problem. This led to Mexican Repatriation, which was the forced migration of Mexican-origin persons into Mexico. Between 1929 and 1937, an estimated 500,000 people were sent to Mexico; 250,000 of them were born in the United States.¹¹ During the Great Depression, Mexicans were viewed as taking American's jobs and placing burdens on social service programs (myths that continue to persist). These views along with racist stereotypes confirmed by eugenics prompted the deportation of Mexicans. The Depression also increased the pressure to identify and drive out immigrants living illegally in

9 Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939* (Tucson: University of Arizona Press, 1974).

10 Douglas S. Massey, Jorge Durand, and Nolan J. Maloné, *Beyond Smoke and Mirrors* (New York: Russell Sage Foundation, 2002).

11 Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939*, (Tucson: University of Arizona Press, 1974).

the country. Between 1929 and 1935, some 163,900 people were deported from the country for being here unlawfully, of whom 35,000 were deported to Mexico, roughly 20% of the total.¹²

The Second World War and the Bracero Program

By the 1940s, the world was in the midst of yet another world war. The deployment of American troops into WWII caused the U.S. to experience yet another labor shortage. Employers again sought the labor of Mexican immigrants. To ease the labor force shortage caused by World War II in the agricultural industry during the early 1940s, the Bracero Program was launched on August 4, 1942. The program began in Stockton, California but soon expanded across the United States (we contend that the detainment of Asian labor in concentration camps in the West further assisted in creating a labor shortage). The railroad Bracero Program also sought cheap Mexican labor for track maintenance and other skilled and unskilled positions. By 1945, the quota for the agricultural program was more than 50,000 braceros to be employed in U.S. agriculture at any one time, and for the railroad program, 75,000. The railroad program ended with the conclusion of World War II, but the agricultural program under various forms survived until 1964. Over the span of its existence, about 4.5 million Mexican workers utilized the Bracero Program.¹³

The Bracero years ran parallel to the dramatic need for labor in all economic sectors, primarily in California. With the increased ability to outsource labor and with the growing need for laborers, Mexicans soon became the primary source of labor in California and made significant strides into manufacturing and service industries as well.¹⁴ The Bracero Program formally ended in 1964, and the main reason given for its discontinuation was the assertion that the program depressed the wages of native-born Americans in the agricultural industry. The conclusion of the Bracero Program should have drastically reduced the number of Mexican laborers within the U.S. but the workers of Mexican origin increased rapidly after 1970, beginning the

12 Hoffman, *Unwanted Mexican Americans*.

13 Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the INS* (New York: Routledge, 1992).

14 Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors* (New York: Russell Sage Foundation, 2002).

continued flow of migrants from Latin countries.¹⁵ Further, there is a clear link between the end of the Bracero Program and the beginning of the "illegal alien flow," at least as measured by the number of Mexican nationals apprehended as they attempted to enter the United States illegally. Specifically, in 1964, Border Patrol apprehended only 41,600 undocumented Mexicans. By 1970, apprehensions were up to 348,200 annually. In 1986, about 1.7 million were apprehended.¹⁶

While the decision to end the Bracero program did not have the same effect as other government initiatives (immigration acts, repatriation, etc.), it is important to note that the increased number of legal and illegal immigrants from Mexico led to another form of Mexican repatriation. Operation Wetback was a 1954 project of the Immigration and Naturalization Service (INS). Its focus was to remove illegal immigrants, with a focus on Mexican nationals. The operation began in California and Arizona with the coordinated effort of Border Patrol and state and local police agencies. They performed sweeps in neighborhoods with significant numbers of "Mexican-looking" people (a practice that continues today). About 750 agents targeted agricultural areas, with a goal of 1,000 apprehensions a day.¹⁷ In addition to the high number of Mexican and "Mexican-looking" individuals apprehended, about half a million people fled the country for fear of being caught. To discourage re-entry, buses and trains took many people deep within Mexico before being set free. Operation Wetback deported more than 130,000 Mexican nationals in the space of almost a year, although local INS officials claimed that an additional 1 million to 1.2 million had fled willingly.¹⁸

In 1965, President Lyndon B. Johnson signed the Immigration Act of 1965 (Hart-Celler Act), ending the national origins quota system, and established the symbolic precedent of fairness in immigration, contending that all men are entitled to equality regardless of race or nationality. However, Ngai points out that the inclusion of a numerical ceiling, which imposed limits

15 George Borjas, and Lawrence F. Katz, "The Evolution of the Mexican-Born Workforce in the United States," 2005, NBER Working Paper No. 11281.

16 John Dillan, "How Eisenhower Solved Illegal Border Crossings From Mexico," *The Christian Science Monitor* (6 July, 2006).

17 Juan R. Garcia, *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954* (Westport: Greenwood Publishing Group, 1980).

18 John Dillan, "How Eisenhower Solved Illegal Border Crossings From Mexico," *The Christian Science Monitor* (6 July, 2006).

on immigration, created new forms of restriction and did not address the issue of Mexican immigration. Specifically, unauthorized immigration from Mexico continued to increase, in addition to authorized entry, and there was no strategy put into place to address these increasing migratory patterns.¹⁹ So the act resulted in the flow of over 18 million legal immigrants and millions more undocumented immigrants.²⁰ The unexpected result of the Hart-Celler Act has been one of the greatest waves of immigration in the nation's history. Those who proposed and researched the law did not see it as changing the flow of immigration in the country. It was seen symbolically by the designers as a means to extend civil rights not only domestically but also beyond the border. Another significant change brought by the Immigration Act of 1965 was that it repealed the National Origins Act of 1924. The act now placed global quotas that were evenly distributed at 20,000 per country, raising the ceiling on admissions to a total of 300,000 immigrants per year. The act also established preferences for family unification and labor-based immigration. In this way, the elimination of the Bracero Program, combined with the passage of the Immigration Act of 1965, worked to create an informal system of migration, increasing incidences of clandestine entry. Since the front door of legal entry became more regulated, the back door of illegal entry became preferential.²¹

The 1980s housed a number of important pieces of legislation, which had lasting impacts on Mexican immigrants as well. With the U.S. reliant on migrant labor, the passage of the Immigration and Reform Control Act of 1986 (IRCA) under President Ronald Reagan granted amnesty to undocumented workers who had been living in the United States on a long-term basis, and legalized undocumented agricultural workers who had resided in the United States prior to 1982. This created a legal status for millions of Mexicans, affording them the ability to permanently settle in the country and often resulted in higher wages. The act also made it illegal to knowingly hire or recruit undocumented immigrants and required employers to attest to their employees' immigration status (the beginning of employer sanctions).²² In

19 Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).

20 Stephen Steinberg, "Immigration, African Americans, and Race Discourse," *New Politics* 10, no. 3 (2006).

21 Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca: Cornell University Press, 2000).

22 Alejandro Portes, *Immigrant America: A Portrait* (Berkeley: University of California Press, 1996).

addition to intensified efforts of employer sanctions, IRCA also increased funding for the Border Patrol.

There were additional negative impacts on Latino immigrants resulting from the passage of IRCA. One study found that IRCA caused some employers to discriminate against workers who appeared foreign, resulting in a small reduction in overall Latino employment. Additionally, if hired, wages were lower to compensate employers for the perceived risk of hiring foreigners.²³ The passage of this act also increased employers' dependence on subcontractors. Under a subcontracting agreement, a specific number of workers are provided to an employer for a certain period of time to complete a task at a fixed rate of pay per worker. By using a subcontractor, the firm is not held liable since the workers are not employees. The use of a subcontractor decreases a worker's wages since a portion is kept by the subcontractor. Thus, employer sanctions imposed by IRCA restructured the market for unskilled labor in the U.S., increased discrimination on the basis of legal status, increased discrimination on the basis of ethnicity, and contributed to subcontracting becoming the principal hiring method. As Massey explains, legal Latinos are now working for lower wages and in bad working conditions in return for the opportunity to work.²⁴

In the 1990s, the North American Free Trade Agreement (NAFTA) was passed, which negatively impacted Mexico's economy in addition to immigrants. NAFTA created a trade corridor along the U.S.-Mexico border, where American factories in Mexico could import unfinished products across the border and ship them back to the U.S., paying only a tax on the added value.²⁵ Industries throughout Mexico relocated to the border, as did migrants from rural communities in Mexico to meet emerging border labor demands. This created a severe economic crisis for cities and communities of Mexico's interior (a trend not seen since the Bracero Program). This led to many communities within Mexico experiencing high levels of unemployment and poverty due to industry relocation, further compelling families to trek

23 Lindsay Lowell, Jay Teachman, and Zhongren Jing, "Unintended Consequences of Immigration Reform: Discrimination and Hispanic Employment," *Demography* 32, no. 4 (1995): 617-628.

24 Douglas S. Massey, *Categorically Unequal: The American Stratification System* (New York: Sage Foundation, 2007).

25 Alejandro Portes, *Immigrant America: A Portrait* (Berkeley: University of California Press, 1996).

northward to the United States.

In addition to the economic hardships imposed upon the Mexican economy, the United States and Canada witnessed increased economic strains also highlighted by the passage of NAFTA. The agreement destroyed more jobs than it created, depressed wages, worsened poverty and inequality, eroded social programs, undermined democracy, enfeebled governments, and greatly increased the rights and power of corporations, investors, and property holders.²⁶ Although the lasting impacts of NAFTA are more complex than are outlined here, it was included in the discussion to illuminate the impact that recent policies have had on Mexican labor and immigration.

This long history of exclusionary immigration policies is thought to have ended with the 1965 Immigration and Nationality Act (aka Hart-Celler Act), which overturned the national quota system found in the Johnson-Reed Act. Interestingly, the 1965 Immigration Act coincided with the Civil Rights Act of 1964, which effectively ended discrimination at the national level. So it seemed that taken as a whole, the United States was becoming a post-racial nation, reflected in both the non-discriminatory policies taken up at the domestic level, and a de-racialized immigration system. Yet if this is the case, how do we account for the fact that today racial inequalities are among their highest since the Jim Crow era, and anti-immigrant hostilities are targeted towards poor working immigrants of color?²⁷ Agreeing with critical race scholars, we contend that the post-civil rights era brought with it a conceptual shift where outright racism was replaced with colorblind racism, which can account for the current racial inequalities of citizens and non-citizens alike.²⁸ This colorblind racism is particularly evident in immigration policies such as Arizona's SB 1070, which denounces racial profiling, yet will undoubtedly

26 Sidney Weintraub, *NAFTA's Impact on North America: The First Decade* (Washington: CSIS Press, 2004).

27 See Ian Haney-Lopez, "Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama," *California Law Review* 98 Cal. L. Rev (2010); Kevin Johnson, "The Intersection of Race and Class in U.S. Immigration Law and Enforcement," *The Race Equity Project* (2010), <<http://equity.lsnr.net/2010/12/the-intersection-of-race-and-class-in-u-s-immigration-law-and-enforcement/>>.

28 See Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States* (Maryland: Rowan and Little Field, 2003).

target citizen and non-citizen people of color.²⁹ The next section will explore this relationship between colorblind racism and the desire to preserve our (white) national identity.

National Identity Formation and Colorblind Racism

Exploring the relationship between colorblind racism and national identity formation, we argue that immigration legislation works to inform and produce a particular image of the nation, which individuals, particularly white Americans, carry with them and reflect back when they discuss their views on immigration. But before discussing the link between colorblind racism and national identity formation, we provide a brief discussion of what colorblind racism entails.

According to Bonilla-Silva, colorblind racism reproduces inequality and perpetuates white privilege because its practices are subtle, institutional, and apparently nonracial. Importantly, colorblind ideology is a political tool that is used by the dominant group (consciously or unconsciously) to maintain the racial order and preserve white privilege.³⁰ It is necessary to highlight that both dominant and subordinate groups can adopt a colorblind stance. Specifically, Carr reports that 7% of whites and 40% of blacks agree that they are colorblind about race.³¹ Therefore, colorblind ideology is a pervasive belief system that rationalizes and gives power to the existing social structure, or, rather, the racialized social system.

Bonilla-Silva contends that the new racism is difficult to detect because colorblind ideology camouflages racial practices. In fact, colorblind racism reproduces inequality and perpetuates white privilege because its practices are subtle and embedded in the operation of institutions.³² Whites

29 We claim this to be true based on immigration raids such as the Chandler, Arizona roundup that targeted people of color, specifically those who looked Latino. See Mary Romero, "Racial Profiling and Immigration Law Enforcement: Rounding Up of Usual Suspects in the Latino Community," *Critical Sociology* 32, no. 2-3 (2006): 447-473.

30 Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States* (Maryland: Rowan and Little Field, 2003).

31 Leslie Carr, *Color-Blind Racism* (Thousand Oaks, CA: Sage, 1997).

32 Eduardo Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era* (Boulder: L. Rienner, 2001); Bonilla-Silva, *Racism Without Racists*.

exercise colorblind ideology to rationalize the disadvantaged minority status as a product of the market, natural phenomena, and persons of color cultural limitations.

Related to immigration, because legislation disparately impacts Latino populations, any deflection of hostility away from them is hard to accept as non-racially motivated. As Johnson explains, hostility towards Latino immigrants has been increasing, and harsh measures have been directed towards them for punitive reasons. For instance, many refuse to rent properties to undocumented immigrants, and punishments for employing them steadily have been increasing.

The vigor of those efforts can be explained in part by the changing distribution of immigrants across the United States, which has contributed to increasing uneasiness over the real and imagined changes brought by new immigrants to their communities. In addition, state and local governments are passing the measures in response to frustration over the failure of Congress to enact comprehensive immigration reform.³³

Referring to undocumented populations as illegal further minimizes the effects of overt racism. This tenet of colorblind ideology relies on linking contemporary race issues on the racialized other.³⁴ Therefore, colorblind racism manifests in narrative statements like, "I'm not racist if they are in fact illegal." As Bonilla-Silva contends, these narratives are indicative of the collective ideological practices that reinforce the contemporary racial order. Colorblindness renders cultural and racial difference irrelevant and blames people of color for their underprivileged position by attributing their failures to the individual. Within this colorblind framework, inequality is not explained as a structural problem that is maintained by persistent racism; rather, it is explained away as a result of individual or group-level deficiencies.³⁵ Bonilla-

33 Kevin Johnson, "A Case Study of Color-Blind Rhetoric: The Racially Disparate Impacts of Arizona's S.B.1070 and the Failure of Comprehensive Immigration Reform," *Arizona State Law Journal for Social Justice* 1, no. 1 (2011): 10.

34 Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States* (Maryland: Rowan and Little Field, 2003).

35 Ashley W. Doane, "Rethinking Whiteness Studies," in *White Out: The Continuing Significance of Racism*, eds. Ashley W. Doane and Eduardo Bonilla-Silva (New York: Routledge, 2003): 3-18.

Silva argues that this new ideology is a way to individualize racism and dismiss racism as a structural component within the larger social system.³⁶

Johnson outlines several colorblind defenses related to the justification of SB1070. For instance, many of the defenders of SB1070 claim that the law does not encourage racial discrimination, asserting that racial profiling violates the law. However, specifically related to immigration enforcement, the U.S. Constitution permits race to be considered in the enforcement of immigration policy. Specifically, in 1975, the court stated that "Mexican appearance" could be considered by border enforcement officers making immigration stops.³⁷ An additional colorblind defense of SB1070 is that it mirrors federal law and cannot be unconstitutional. However, as Johnson points out, "The Arizona law criminalizes conduct related to immigration that is *not* criminalized by federal law, thus on its face going beyond—not simply mirroring—federal law."³⁸ These two defenses, in addition to others, have been employed to justify violating the civil and human rights of Latino immigrants. These defenses have also been employed to mask overtly racist discussions of the brown migrant.

The persistence of colorblindness within the immigration debate is largely linked to who is and who is not American. As Vice President Coolidge articulated in an article published in *Good Housekeeping* in February 1921, the public was instructed to remain strong in their conviction to maintain the integrity of the American people by embracing biological laws that dictated who could mix and blend and who could not. Espousing eugenics, Nordics mixing with other races resulted in deterioration. These ethnic laws were deemed just as important as immigration laws to salvage what it meant to be American. The Immigration Act of 1924 (Johnson-Reed Act) forced America to re-evaluate itself as a nation by setting strict limits on ethnic migrants from Southern and Eastern Europe. This reaffirmation of whiteness (and imposing degrees of whiteness) was necessary to maintain political and economic power.

36 Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States* (Maryland: Rowan and Little Field, 2003).

37 Kevin Johnson, "A Case Study of Color-Blind Rhetoric: The Racially Disparate Impacts of Arizona's S.B.1070 and the Failure of Comprehensive Immigration Reform," *Arizona State Law Journal for Social Justice* 1, no. 1 (2011): 20.

38 Johnson, "A Case Study of Colorblind Rhetoric," 21.

This issue is not exclusive to America but rather exclusive to whiteness over the racialized other. To contextualize the issue of maintaining national identity, ponder this example from Canada. In 1999, Chinese immigrants arrived in Canada in larger numbers, causing a panic surrounding their arrival. Hier and Greenberg examined the racialized discussions as news reports began constructing "who is and who is not a true Canadian," disseminating the narrative of preserving the national identity.³⁹ Additionally, the migrants were racialized and illegalized in the news media as boat people, human cargo, and aliens, and they also were linked to increased health risks and crime. This example directly reflects American sentiments of Latino immigrants. Their racialized bodies are marked as non-American, confirming the link between race and immigration policy. The same racialized narratives were deployed during the passage of SB1070.

Methodology and Analytical Framework

To examine the extent of colorblind rhetoric and the hyperconsciousness/race negation dialectic, we collected comments from articles that were published online by the *Arizona Republic* (AZR), the *Arizona Daily Star* (ADS), and *The New York Times* (NYT) between April 14, 2010 and April 23, 2010. This time frame represents the day that the bill was passed in the Arizona State Legislature until the day Arizona Governor Jan Brewer signed the bill into law. We used the phrase "SB1070" to identify the articles for analysis. We did not examine the content of the articles, just the comments posted in response to the articles. The number of articles during this time period was few, but they generated thousands of comments, as we identified over 3,000. We then randomly sampled 300 comments in order to assess whether the themes associated with the articles reflected the hyperconsciousness/race negation dialectic as well as colorblind racism.

To analyze our data, we employed Joao Costa-Vargas' hyperconsciousness/race negation dialectic. As Costa-Vargas posits, "By silencing the relevance of race in social relations, the hyperconsciousness/negation of race dialectic obscures the role that race plays in determining one's position in the historical structures of power and resources."⁴⁰ This dialectic

39 Sean Hier and Joshua L. Greenberg, "Constructing a Discursive Crisis: Risk, Problematicization and *Illegal* Chinese in Canada," *Ethnic and Racial Studies* 25, no. 3 (2002): 138.

40 Joao H. Costa-Vargas, *Never Meant to Survive: Genocide and Utopias in Black Diaspora Communities* (Lanham, MD: Rowman and Littlefield, 2008): 103.

grants us the ability to understand how a system that on the face lacks any racialized intent, but is actually deeply embedded in racialized understandings of the other. Although this framework is specifically related to the Brazilian context, it directly relates to the symbolic declining significance of race in the American psyche. For instance, race is a topic that most Brazilians, like Americans, would rather not discuss, especially people in positions of power. Like Brazil, there is a vested interest in maintaining silence around race relations and hierarchies.⁴¹

Thematic Findings and Analysis

While collecting comments from the news articles published online, we quickly recognized recurring themes and were able to categorize many of them within the following frameworks: colorblind racism, race negation, and racial hyperconsciousness, as many persons of color overemphasized their raced bodies to appear race neutral.

Race Negation

Although supporters of SB1070 suggest the law was not specifically intended for Latino populations, the fallout immediately became racial as the problem arose in how to enforce this law without racial profiling. Critics of the bill noted that it would be next to impossible to avoid racial profiling while enforcing this law. But as the comments reveal, the public overwhelmingly linked the "illegal" immigrant issue to the brown population:

- *Lets just all move to Mexico since all them illegals are here in Arizona.*
- *you think the mexicans would fight this hard for us if we sneak into Mexico and then expect them to put up with our crap because we are white?? Hell no they wouldnt..... I hope once Gov signs this bill the sheriff really has a round up and gets all these illegals OUT OF OUR STATE!!!!!!!!!!!!*
- *Why are we continuing to contend with this invasion??...MAKE ILLEGAL ENTRY A FELONY... MANDATE E-VERIFY FOR ALL EMPLOYERS, AMD ALL EMPLOYEES...END BIRTHRIGHT CITIZENSHIP FOR ILLEGALS...BUILD MORE FENCE IT'S WORKING!!*

41 Joao Costa-Vargas, "Hyperconsciousness of Race and its Negation: The Dialectic of White Supremacy in Brazil," *Identities: Global Studies in Culture and Power* 11 (2004): 443-470.

These comments point directly to the Latino population, as these narratives suggest that the issue of immigration stems from brown immigrants. As was stated above, it is premature to assume a colorblind approach in enforcing immigration policy in a border state. As the historical analysis revealed, immigration policy has always unfairly targeted ethnic populations and to assume that this pattern ceases to exist is unrealistic.

The following comments also reflect a negation of race, as many individuals detested being labeled racist when they only referred to "illegal" immigrants in the brown sense:

- *Why can't we talk about them without being labeled racist...*
- *It's not racism because they're breaking the law and causing so many problems*
- *Racial profiling my A__S! Cops have to have a reason to stop people—if they stop someone who has NO ID and can't speak English, they HAVE to know that they've stopped an illegal.*

Raúl Grijalva supports illegals because most are Hispanics That is racism

Individuals who express comments such as these recognize the possibility of being labeled racist and attempt to negate the importance of race by confirming that the ills within society are caused by undocumented migrants. This colorblind approach places blame on the individual as colorblind ideology contends. But their comments are in fact racist because they only refer to illegal immigration in this browning manner. So their deflection of race only illuminates their colorblind racist stance.

As Costa-Vargas experienced while interacting with officials in Brazil, the avoidance of race talk suggests that individuals are racially aware, but this negation in essence becomes structural and institutional racism. During a conversation with black community representatives and government officials, the government official exits when discussions of race began. The official was annoyed and irritated and even offended that the black representatives would discuss race in his "house."⁴² By employing the term "house," the government official immediately recalled racialized imagery of the master/slave relationship that once thrived in Brazil. The government official continued to support the

42 Joao Costa-Vargas, "Hyperconsciousness of Race and its Negation: The Dialectic of White Supremacy in Brazil," *Identities: Global Studies in Culture and Power* 11 (2004): 443-470.

decisions of his law enforcement agency, suggesting that race, class, and place don't factor into their behavior within the black community. As Costa-Vargas recalls:

...his fury had much to do with the fact that a black man, resident of a favela, was telling military police commanders how their divisions should operate. There were at least three levels of hierarchy being challenged by the black activist: social class, geography, and race. How could a working-class black man, from a favela, speak to a white, middle-class (obviously nonfavela dweller), high-ranking military police official?⁴³

Ironically, the focus of this particular meeting was race, but the government officials did not want to engage these racialized narratives. However, his usage of the phrase "my house" very much insinuates racial matters and dictates where blacks do and do not belong. The system of apartheid in place in Brazil allows for temporary inclusion of blacks in the form of service workers, maids, etc. and also if their inclusion is facilitated by a non-black person.⁴⁴ This blatant disregard for the continued significance of race and racial matters is reflected in how Americans perceive the immigrant other—as an illegal body that needs to be punished. Interestingly, the label of illegal is solely reserved for brown immigrant bodies although most individuals would suggest their opinions reflect any person migrating unlawfully. Their comments directly reflect a negation of race (although others are outright racist).

Hyperconsciousness of Race

As the discussion on colorblind racism revealed, many blacks and other people of color adopt a colorblind approach, as many whites do. Many people of color made their thoughts public about the passage of SB1070 and reflect the hyperconsciousness of race because there is an overemphasis placed on race to appear race neutral. Fetzer maintains that belonging to an ethnic minority typically lessens nativist sentiments and being of Latino origin reduces anti-immigration sentiment.⁴⁵ While this assertion may be true in most cases, our analysis reveals that some ethnic minorities, in this

43 Joao Costa-Vargas, *Never Meant to Survive: Genocide and Utopias in Black Diaspora Communities* (Lanham: Rowman and Littlefield, 2008): 111.

44 Costa-Vargas, *Never Meant to Survive*.

45 Joel S. Fetzer, *Public Attitudes Towards Immigration in the United States, France, and Germany* (New York: Cambridge University Press, 2000).

case Latinos, do align themselves with nativist ideals, revealed through their support of SB1070. We found that while very few individuals identified their race when praising the new law, those that did were adamant in their position and offered reasoning to their views.

- *As a Hispanic male, I see no reason to veto this bill. I don't see this as hate or racist at all. If someone is suspected of committing a crime, police will also check their immigration status. I see no racism, I see no hate, I see no profiling. I see a group of people not wanting to comply with immigration laws. I've never understood why fellow Hispanics have always thought it was okay to get one over on the government, but how dare the government do something to enforce the law.*
- *Im a hispanic American and I'm a democrat. I dont even claim to be mexican anymore because I am ashamed of how the mexican people have come here and ruined our country.*
- *This born in the US of A Hispanic want every last illegal alien regardless of where they came from rounded up and shipped back to their homeland with the stern warning...*

These comments not only reveal the hyperconsciousness of race but also exemplify how U.S. nativist logic is perpetuated by ethnic minorities. The first comment uses the justification of adhering to law and order. In the last two, both commenters explicitly affiliate themselves as Americans, while dissociating themselves from their ethnic heritage, and, further, adopt the dominant discourse associated with U.S. nativism and national identity formation. It may be that ethnic minorities who support strict immigration laws perpetuate colorblind racism due to media influences as opposed to their adoption of the white racial frame.

Their support may also be explained by social class status. It is here that previous studies on racial profiling may be instructive. As Weitzer and Tuch note, there is a growing body of literature that addresses the "intersection of race and class" and its implication on views of racial profiling.⁴⁶ In these studies, it appears that higher social class tends to be associated with more positive attitudes towards police.⁴⁷ Perhaps the positive association

⁴⁶ Ronald Weitzer and Steven A. Tuch, "Perceptions of Racial Profiling: Race, Class, and Personal Experience," *Criminology* 40, no. 2 (2002): 435-456.

⁴⁷ James Frank, Brad W. Smith, and Kenneth Novak, "Exploring the Basis of Citizens' Attitudes Towards the Police," *Police Quarterly* 8, no. 2 (2005): 206-228.

with SB1070 that we found with ethnic minorities is due to an invested economic and class interest with the dominant group, causing them to view immigrants as a threat to their status. More research is needed in order to assess the intersection of ethnicity and economic status on the perceptions on immigration.

Conclusion

Adopting a colorblind stance and negating the important of race in understanding immigration is dangerous and unfair. It is dangerous in the sense that such a stance leads to the passage of racist policy such as SB1070 and other copycat laws. It is also dangerous in that the resulting actions lead to racial profiling, as we have historically seen. As Johnson posits, supporters of strict immigration reform contend their aim is to enforce the law or secure our borders. What occurs, no matter the intention, is a disparate impact on Latino and Asian migrants. He furthers by stating that "ignoring those impacts and attempting to obscure, marginalize, and discredit them through the invocation of catchy slogans, will not make them go away."⁴⁸ This negation of race only perpetuates continuing disparities, discrimination, and structural and institutional racism. An additional point to highlight is that immigration, as has historically been the case, hints at race and civil rights and cannot be separated all of a sudden. We must eventually seek humane solutions to immigration reform and not just reinforce racial injustice.⁴⁹

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- ⁴⁸ Kevin Johnson, "A Case Study of Color-Blind Rhetoric: The Racially Disparate Impacts of Arizona's S.B.1070 and the Failure of Comprehensive Immigration Reform," *Arizona State Law Journal for Social Justice* 1, no. 1 (2011): 41.
- ⁴⁹ Johnson, "A Case Study of Colorblind Rhetoric," 41.

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