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A Confluence of Interests in Immigration Enforcement: How Politicians, the Media, and Corporations Profit from Immigration Policies Destined to Fail

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Abstract

The concept of an immigration industrial complex draws from previous work on the prison industrial complex and the military industrial complex. All three of these complexes point to the ways that the interests of government bureaucracies, corporate elites, and politicians shape laws and policies. This article explains how the undocumented status of migrants provides advantages to at least three groups: (a) media pundits who make their careers railing against ‘illegal aliens’; (b) politicians who use undocumented migrants as scapegoats; and (c) contractors who profit from massive immigration enforcement expenditures. The disenfranchised status of undocumented migrants enhances the ability of each of these groups to benefit from their presence. This confluence of interests explains why Congress has not enacted viable immigration policies that effectively deal with the ‘problem’ of illegal immigration. This is the second in a two-part series on the immigration industrial complex.

Introduction

Despite widespread acknowledgement that the presence of 12 million undocumented people in this country poses many challenges to our society, legislators have been unable to pass viable immigration reform measures to handle this situation. This essay uses the framework of an immigration industrial complex to explore why legislative reforms have not been enacted. The idea of an immigration industrial complex is based on the concept that there is a confluence of interests in criminalizing undocumented workers and in immigration law enforcement that prevents viable reform from being enacted.

The concept of an immigration industrial complex draws from previous work on the prison industrial complex and the military industrial complex. All three of these complexes point to the ways that the interests of government bureaucracies, corporate elites, and politicians shape laws and policies.

A consideration of who benefits from the criminalization of undocumented migration allows us to develop an understanding of why legislators have not enacted viable immigration reforms. The undocumented status of migrants provides advantages to at least three groups: (a) media pundits who make their careers railing against them; (b) politicians who use them as scapegoats; and (c) contractors who profit from massive enforcement expenditures. The disenfranchised status of undocumented migrants enhances the ability of each of these groups to benefit from their presence.

In the rest of this essay, I explore how these three groups benefit from how this moral panic is playing out today. First, I discuss immigration raids as media spectacles and scare tactics. Then, I consider how politicians play on fear of immigration to win votes. Finally, I explore how immigration policy is profitable for certain interests in the private sector. This confluence of interests in turn explains why the United States has yet to come up with a viable solution to the ‘problem’ of undocumented migration just as we have yet to solve the drug ‘problem’.

The media, fear-mongering, and immigration raids

The fact that undocumented migrants do not have the right to legally remain in this country makes it difficult for them to take a public stand in their own defense. While there have been important exceptions to this, notably Elvira Arellano, most undocumented migrants do not put themselves in the public spotlight. The disenfranchised status of migrants has allowed media pundits to openly rail against them and the Department of Homeland Security (DHS) to carry out military-style operations against them in their workplaces and communities. Media pundits such as Lou Dobbs have found that their verbal attacks on undocumented migrants have translated into improved ratings (Carter and Steinberg 2006), while the DHS has justified its massive expenditures by carrying out immigration raids that serve as media spectacles. Cable news anchors Lou Dobbs, Bill O’Reilly, and Glenn Beck attract viewers with their inflammatory rhetoric that dehumanizes undocumented workers. This method of using the media to promote fear and attract viewers has clear parallels in the ways that local news networks have used the fear of crime to attract viewers.

A key element of the prison industrial complex is fear of crime. This fear is exacerbated by media reports on crime. This fear of crime further creates a situation where communities accept the militarization of their neighborhoods, and citizens vote for candidates who promise to be tough on crime. Local news outlets often focus on local violent crimes to attract viewers who wish to see this sensationalist news (Chermak 1994). This focus on local crime gives the false impression that violent crime is endemic – people that watch more local news are more likely to be fearful of crime (Romer et al. 2003). In a similar fashion, national news networks

have honed in on illegal immigration in order to attract viewers and have spread misinformation in the process.

News reporters, media pundits, and outspoken 'anti-illegal' advocates instill fear in the hearts of people in the United States that our country is being over-run by 'hordes' of 'invaders' who wish to carry out the '*reconquista*' of the Southwest United States (Buchanan 2006; Huntington 2005). This fear in turn creates a situation where people accept the increased militarization of both the border and the interior of the United States.

The Media Matters Action Network published a report on the representation of undocumented immigration on cable news networks, appropriately titled *Fear and Loathing in Prime Time: Immigration Myths and Cable News*. This report revealed that three shows: *The O'Reilly Factor*, *Lou Dobbs Tonight*, and *Glenn Beck* consistently propagate myths about undocumented immigrants. These myths include the alleged criminality of undocumented immigrants, the falsehood that undocumented immigrants don't pay taxes, and the myths that Mexicans plan to carry out a *reconquista* of the United States, and build a North American Free Trade Agreement (NAFTA) superhighway (Waldman et al. 2008).

All of these myths are easily countered with scholarly research. Extensive research by Rubén Rumbaut et al. (2006) has demonstrated that immigrants are less likely to commit crimes than the native born: the incarceration rate of the native born was four times the rate of the foreign born in 2006. More than half of undocumented workers pay payroll taxes, and everyone pays property and sales taxes (White House 2005). The ideas of a *reconquista* and the NAFTA superhighway are perhaps the domain of a marginalized few, but certainly not the sentiment of most Mexican Americans (Chavez 2006).

Perhaps the most controversial is their sensationalist discussion of crime. This discussion took place in 189 of their shows in 2007, an average of more than once every other day. What's more, these hosts misrepresent the criminality of undocumented people. For example, on October 5, 2006, Lou Dobbs said 'just about a third of the prison population in this country is estimated to be illegal aliens'. This is a gross misrepresentation of the reality – less than 6 percent of prisoners are foreign-born, and only some of those are undocumented immigrants, the remaining being naturalized citizens, permanent legal residents and other visa holders. Glenn Beck put flame to this fire by saying on his show on September 4, 2007: 'Every undocumented worker is an illegal immigrant, a criminal, and a drain on our dwindling resources' (Waldman et al. 2008).

Lou Dobbs in particular is obsessed with the topic of illegal immigration – 70 percent of his shows in 2007 involved a discussion of illegal immigration. With these three shows on the air, viewers are consistently exposed to myths about illegal immigration. In the three shows combined, there were 402 shows in 2007 where illegal immigration is discussed, an average of more than one per day (Waldman et al. 2008).

The constant propagation of hate-filled rhetoric serves to dehumanize undocumented immigrants and renders them appropriate targets for law enforcement activities. One way this can be seen is in polls Lou Dobbs conducts on his show. On his March 5, 2007, show, Dobbs reported that ‘Ninety-eight percent of you [viewers] voted that illegal immigration, failed border security, and sanctuary laws are contributing to the rise in gang violence in this country’ (Waldman et al. 2008). By consistently presenting undocumented immigrants as criminals and dehumanizing them by referring to them as ‘illegals’, these popular media pundits make viewers more likely to favor police action to rid the country of undocumented immigrants.

Thus, when Immigration and Customs Enforcement (ICE) used its increased budget to conduct more immigration raids and terrorize immigrant communities, there was very little public outcry from anyone other than immigrant rights’ activists. ICE went from 500 arrests in immigration raids in FY 2002 to nearly 5000 arrests in FY 2007 and continues at the same clip in FY 2008 (Immigrations and Customs Enforcement 2008). In these immigration raids, hundreds of ICE agents descend on a workplace and inspect the documents of everyone present. Any person who cannot prove their right to be legally present in the United States is taken into ICE custody and placed in an ICE detention facility or a contracted jail or prison. ICE releases some people for humanitarian reasons, such as if they are the sole caregiver for a minor, or if they are pregnant or nursing. The others are held on bond until their court date or until they come up with the bail money.

These large-scale raids have immediate and severe impacts on entire communities. The raid itself takes several hours, and community members assemble outside to see if their loved ones will be taken away. In the raid at the Michael Bianco factory in New Bedford, Massachusetts in March 2007, ICE agents took 361 workers into custody. The following day, 60 were released for humanitarian reasons (Holper 2007). Marta Escoto, the mother of two young children, was among those detained. Both of her children, Daniel, 2, and Jessie, 4, were born in the United States, and were in day care when their mother was arrested. Although Jessie suffers from a debilitating illness and cannot walk, it took Marta Escoto seven days to convince the ICE agents to release her to care for her children (Shulman 2007). One year after the raid, only one worker remained in detention, and 165 of the detainees had been deported (Sacchetti 2008). In some cases, the deportation of the workers involves the effective deportation of their minor US citizen children, like Jeffery Abram Hernandez, who now lives in Guatemala with his parents (Evans 2008).

The stated goals of these worksite enforcement operations are to ensure fair labor standards and eliminate the ‘job magnet’. ICE has as its goal making 18,000 arrests per year through these raids. This would barely put a dent in the estimated seven million undocumented workers in the

United States. Moreover, there is no evidence that these raids have eliminated the job magnet, as thousands of migrants continue to cross the border daily. There is also no evidence that these raids have improved labor standards. Despite this, Congress continues to appropriate billions of dollars for these activities. Thus, while the DHS budget was \$46 billion in FY 2008, up from \$31 billion in 2003, the undocumented immigrant population has continued to grow, from 8.5 million in 2000 to 10.5 million in 2005, to 11.5 million in 2006, to 11.8 million in 2007 (Hoefler et al. 2008; National Network for Immigrant and Refugee Rights 2008; Passel 2006).

The intensification of efforts to deport, detain, and terrify immigrants in the United States has not had a corresponding impact on the number of undocumented immigrants living in or entering this country. These large scale raids have, however, had the effect of drawing media attention and making it seem as though the government is doing what it can to crack down on undocumented immigration. The cost of these raids is the devastation of communities, the tearing apart of families, and the promotion of a culture of fear and terror. The increased occurrences of the raids means that the undocumented experience a growing sense of fear of detention and deportation. The millions of US citizen spouses, children, and siblings of undocumented immigrants have to worry each day about the possibility that their loved ones and their breadwinners will be taken away from them (Pew Hispanic Center 2007). The use of raids as a media spectacle to justify government expenditures ignores these very real human costs. Despite these negative consequences, many politicians have used the 'tough on immigration' stance to win votes.

Politicians using 'illegal immigration' and fear of crime as political ploy

The prison industrial complex relies on the production of criminals through repressive laws and the policing of communities to fill the prisons it builds (Richie 2005). The creation of increasingly strict crime laws is partly due to campaign tactics used by politicians who aim to play on fear of crime in order to capture more votes. One of the most famous examples of a politician using the fear of crime as a campaign tactic is known as the 'Willie Horton' case. In the 1988 run for presidential office, the George Bush campaign was able to play on white Americans' fear of crime and racial prejudices against blacks through the use of an ad that featured 'Willie Horton'. William Horton, a young black man, escaped from prison while on a weekend pass. He then 'kidnapped and brutally assaulted a white couple in their home, raping the woman and stabbing the man' (Mendelberg 1997). An ad that featured this story and a mug shot of Mr. Horton was used by the Bush campaign to portray the opposing party as being lax on crime. This ad was part of Bush's successful campaign for keeping the presidential office in Republican hands. This is just one of

many examples of politicians using the fear of crime for political gain. Notably, in this case, George Bush Sr. used both the fear of crime and the fear of black men to push forward a political agenda.

Just as fear of crime is racialized, so is fear of immigration. As Kevin Johnson (2004) points out, the vast majority of immigrants are people of color – less than 20 percent of immigrants come from Europe, Canada, or Australia. Thus, any discourse about immigration today has the subtext of minority incorporation into society. The racialization of immigrants, and especially of undocumented immigrants, became clear in the campaign to push forward Proposition 187 in California – a ballot initiative that would deny social services and educational opportunities to the undocumented.

When Proposition 187 was being debated, California was on the verge of becoming a majority-minority state, and the demographic changes were at the heart of the fears of many supporters of the Proposition. In Robin Dale Jacobson's interviews with Proposition 187 supporters, one of her respondents told her that Proposition 187 was a response to the 'Mexican impact on the state of California'. Another interviewee was more forthright: 'So, I just wanted something to be done about too many Mexican people all of a sudden' (Jacobson 2008, 39). These fears about the increase in the Mexican population were exacerbated by the conflation of Mexicans with 'illegals' and 'criminals'. Supporters of the proposition often took the fact that undocumented immigrants had crossed the border illegally or overstayed their visas to indicate that they were prone to criminal activity more generally. Governor Pete Wilson put flame to this fire by 'widely publicizing the estimated costs of keeping illegal aliens in prison' (Jacobson 2008, 55). In addition to criminalizing undocumented immigrants, much of the discourse surrounding Proposition 187 racialized undocumented immigrants as Mexican. Thus, many of these supporters interpreted the 'invasion' of undocumented workers as a racial takeover of California (Jacobson 2008, 117).

The political campaigns that promoted the passage of Proposition 187 drew from unmistakably racial imagery. Television ads supported by California Governor Pete Wilson 'showed shadowy Mexicans crossing the border in large numbers' (Johnson 2004, 43). In another case, a political leader, Ron Prince, drew parallels to lynching by referring to a 'posse' and a 'rope' (Jacobson 2008; Johnson 2004). Johnson (2004) argues that the Proposition 187 campaign was a clear manifestation of the racial fears of white Californians. While it would have been politically unsavory to launch an attack on domestic minorities, undocumented immigrants were seen as an appropriate target.

Thus, when Pete Wilson was running for re-election as governor of California in 1994, he saw it fit to use fear of immigration in a political ploy to gain votes. Governor Wilson was on the verge of losing his re-election campaign in 1994, when he decided to put his support behind Proposition 187. As an incumbent, the bad economic times were making

his chances for re-election look pretty glum. In the early 1990s, California's economy was experiencing economic decline that culminated in 1994 with the state's worst recession since the Great Depression. Many Californians felt the effects of this through job loss and state cutbacks in social services. This proved to be fertile ground for an anti-illegal immigrant campaign. Many Californians found undocumented immigrants to be appropriate scapegoats for their economic troubles and Proposition 187 was passed. At the same time, gubernatorial and senatorial candidates picked up on the issue and used the scapegoating of undocumented immigrants to win the election (Alvarez and Butterfield 2000).

Governor Pete Wilson's anti-illegal stance, combined with the large voter turnout for Proposition 187, helped Wilson retain his position as the governor of California (Diamond 1996). Thus, although there was no clear connection between the presence of a large undocumented population and the hard economic times, gubernatorial and state legislature candidates in California were able to use the presence of undocumented people to their advantage by advocating for harsh policies that were not guaranteed to improve the fiscal health of the state. Politicians used undocumented immigrants as scapegoats by blaming them for the poor economic conditions, and their promises to get tough on illegal immigration helped them to win elections.

The scapegoating of undocumented immigrants is not limited to state and national level politicians. Local politicians also can take up the cause to win votes. For example, Sheriff Joe Arpaio, county sheriff for Maricopa County, has used anti-illegal rhetoric to gain votes in his county. Sheriff Arpaio has creatively used state laws to imprison and eventually deport thousands of undocumented immigrants in Maricopa County. Arpaio requires that victims and witnesses of crimes prove their immigration status in order to testify; this leads many not to report crimes at all. He encourages racial profiling and frequently asks Latino citizens to prove their right to be here. These harsh tactics repeatedly have assured his incumbency. His future as Sheriff, however, may be in peril, as Governor Janet Napolitano recently took \$1.6 million from his budget to redirect it to find fugitives, which is supposed to be his job (Robbins 2008).

The tactics used by these politicians have been successful insofar as they play on voters' fears of a rising tide of immigrants. Thus, even though getting tough on immigration primarily has the consequence of making life difficult for immigrants, and does not reduce levels of immigration, politicians repeatedly advocate for such tactics, in efforts to win elections and re-elections. This parallels with the case of drug laws: it is widely-accepted that 'education and drug treatment are the most effective means of reducing the demand for illegal drugs' (Díaz-Cotto 2005, 148); yet, politicians continue to advocate for repressive legislation and longer prison terms for drug users and sellers.

Who profits from immigration law enforcement?

While the media profits from sensationalizing illegal immigration and politicians use undocumented immigrants as scapegoats, a wide range of government contractors directly benefits from immigration enforcement tactics through the profit potential. One sector that has profited from increased immigration enforcement has been the privately run immigrant detention centers.

The Corrections Corporation of America (CCA) won their first government contract in 1984, to run an immigrant detention center in Houston. The company was inching along for the next decade, when it finally began to see substantial profits in the late 1990s. Its annual revenue shot up from \$50 million in the early 1990s to \$462 million in 1997. By 1998, its stock prices hit \$44.00. CCA was doing so well that, at the end of the 20th century, the company began to build speculative prisons – ‘excess prison space for inmates who did not yet exist’ (Wood 2007, 232). These prisons were built with the expectation that the prison population would continue to grow. When rates of incarceration leveled off at the beginning of the 21st century, CCA faced serious problems. CCA’s stock values fell from \$44 dollars in 1998 to a mere 18 cents in December 2000. By 2001, CCA had 8,500 empty beds, and was over a billion dollars in debt (Wood 2007). Their rival, Wackenhut, also saw its stock lose a third of its value between 1998 and 2001 (Berestein 2008).

At the end of the 20th century, the two leading private prison companies – CCA and Wackenhut – faced serious financial troubles. They had re-invested their immense profits in new prisons that were now sitting empty. The increased need for prison beds for immigrant detainees, however, was to be their saving grace. On the verge of bankruptcy in 2000, CCA was awarded two contracts that allowed it to fill two empty prisons it had built speculatively – one in California City and another in Cibola County, New Mexico (Mattera et al. 2003). It filled those prisons with immigrant detainees.

With these new contracts, CCA has been able to regain its financial footing. Its stock prices have fluctuated substantially, but have generally improved since its low point at the end of 2000. CCA stock reached a new high of \$32.40 in May 2007 and stood at about 27 dollars in May 2008. According to stock expert, Eric Cheshier (2008), this is a good time to buy CCA stock, as their prospects for growth are quite positive.

Many of CCA’s earlier troubles stemmed from their inability to manage higher security prisons and from states cutting back funding for prisons. Thus, CCA began to set its sights on the federal government. By 2002, 32 percent of CCA’s revenues came from federal agencies (Mattera et al. 2003). In the post-9/11 context, the Federal Bureau of Prisons is giving even more contracts to private prison companies. Whereas there were about 15,000 federal inmates in private prisons in 2000, by 2004, there were 24,768 (Wood 2007, 233).

Much of the success of CCA is due to its lobbying efforts and political connections, combined with the increased rates of detention for immigrants. Its federal lobbying expenses increased from \$410,000 to \$3 million between 2000 and 2004, and these efforts appear to have paid off both in terms of CCA filling its beds and gaining contracts to build new prisons (Berestein 2008). In 2007, CCA spent almost \$2.5 million to lobby on legislations and regulations related to the private prison industry (Associated Press 2008). At the beginning of 2000, CCA was awarded a contract to house 1,000 detainees at the CCA-owned San Diego Correctional Facility. CCA was to be paid \$89.50 per day for each detainee it held. This was the beginning of a comeback for CCA. In mid-2008, CCA was in the process of securing a permit to build a 3,000-bed facility in San Diego, with the expectation of handsome profits.

CCA has been able to obtain these favorable government contracts in part because of its ties to current and former elected officials. The former head of the Federal Bureau of Prisons, J. Michael Quinlan, is one of CCA's top executives. Both the CCA and the Geo Group have dominated the private prison sector because of their political influence. 'Both benefit from extensive and intimate connections with state and local politics and the public corrections sector as well as from the usual interlocking directorships with other corporations in prison services, construction, the media and finance' (Wood 2007, 231).

The private prison industry is just one example of private companies who benefit from the increased surveillance and punishment of immigrants. Telephone companies such as MCI and Evercom have significant contracts inside immigrant detention centers, where they charge exponentially more for phone calls than they do at phones not in prisons (Fernandes 2007, 198). Overall, DHS awards billions of dollars of contracts each year. Many of the names are familiar: Lockheed Martin, Northrop Grumman, Boeing, IBM, Unisys and, not surprisingly, Halliburton. In January 2006, the DHS awarded a \$385 million contingency contract to Halliburton subsidiary, KBR, to build facilities to temporarily house immigrant detainees (Scott 2006). In many ways, the increased surveillance of the foreign born in the United States has turned out handsome profits for well-connected corporations. This is in large part because 'DHS was conceived and created in a way that made it possible for private industry to become the driving force behind much of its operations. DHS was born with a massive budget, and those who were present at its creation undoubtedly saw the huge revenue potential for big business' (Fernandes 2007, 172–173).

Conclusion

The combination of fear, political maneuvers, and corporate profits has created a confluence of interests in the militarization of immigration

enforcement, despite the negative consequences and limited efficacy of these actions. While this militarization is unlikely to alleviate any of the social problems associated with the presence of a large undocumented population in the United States, it has created new social problems.

There are many reasons to be opposed to having a large undocumented population in the United States. They present a security risk insofar as there are too many people who are unaccounted for, who are fundamentally disenfranchised, and who have no investment in a nation that chooses to ignore their contributions to society. The practical solution is not to try and remove all of them, or to scare them away, but to encourage them to come out of the shadows by offering them an incentive to do so.

Increased militarization of the border will lead to handsome profits for certain corporations as well as increased funding for the Department of Homeland Security. It will not, however, lead to a reduction in the flow of migrants. Unfortunately, it is likely to increase the death toll at the border. The solution, however, is not to make more use of tactics that are destined to fail, but to encourage people to request permission to enter the United States by making the process less cumbersome and rendering the quotas more in line with actual labor needs in the United States. The growth of the immigration industrial complex, however, has ensured that practical solutions are unlikely to be enacted. So long as powerful companies, politicians and media conglomerates stand to gain from the growth of the immigration industrial complex, it will be nearly impossible to enact viable reforms.

If, however, more of our legislators were to take the position that the challenges posed by undocumented migration are not because of the migrants themselves, but because of the inefficacy of current laws, we may begin to be able to have a productive conversation about immigration policy. In light of the evidence put forth in this essay, it seems to be the case that those scholars such as Nandita Sharma (2006), Jonathan Moses (2006), Jane Guskin, and David Wilson who argue for open borders have the most merit. As Guskin and Wilson point out, open borders would save us billions of dollars in immigration law enforcement, increase tax revenues since all workers would pay payroll taxes, raise wages, and improve work conditions, since we would no longer have a disenfranchised workforce, and eliminate criminal activity associated with undocumented migration such as identity theft and human trafficking (Guskin and Wilson 2007).

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Short Biography

Tanya Golash-Boza (PhD Sociology, University of North Carolina, 2005) is an Assistant Professor at the University of Kansas. Her research focuses on racism, immigration policy, human rights, and racial and ethnic identities. She is finishing up a book manuscript, tentatively titled *Yo Soy Negro: Discourses of Blackness in Peru*. Her recent articles have appeared in *Ethnic and Racial Studies*, *Social Forces*, and *International Migration Review*. Her current project is a multi-country study of people deported from the United States.

Note

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