Framing, Stigma, “Wetbacks’ and “Illegals”: Border Militarization and SB 1070.

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FRAMING, STIGMA, “WETBACKS” AND “ILLEGALS”: BORDER MILITARISATION AND SB 1070

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WHY SHOULD THESE INDIVIDUALS BE ALLOWED TO SWARM INTO OUR SETTLEMENT, ESTABLISHING THEIR LANGUAGE, WHILE EXCLUDING OURS? THESE INDIVIDUALS WILL BE QUICKER TO GERMANIZE US AS OPPOSED TO US ANGLIFYING THEM.

- BENJAMIN FRANKLYN (DANIELS 2004:8).

INTRODUCTION

Although in 2004 irregular migration became a “hot button” issue in the United States with Arizona’s proposition 200 leading the charge. As it can be seen from the opening quote attributed to Benjamin Franklyn, immigration in the United States has been a polarizing issue throughout its history (Costelloe et al. 2009; Daniels 2004). Current rhetoric against irregular migrants is widespread, with the passage of different statutes and legislation at the state level, aimed at discouraging new irregular settlers to the United States, and to burden those already present. At the centre of the immigration debate is discourse and proper terminology. More specifically the use of the word “illegal,” to refer to irregular migrants vs. terms that have been deemed politically correct, such as unauthorized (Costelloe 2009), undocumented (Chavez 1991; Newton 2008; Pearson 2010), and Irregular (Koser 2007; Michalowski 2007). However, before irregular migrants were “illegals,” and any of its variations, they were “wetbacks.” While literature on irregular migration has touched on both terms, no paper has formally analyzed their usage.

In this paper, I analyze both terms and place them in their exclusionary context through the conceptual frameworks of framing, and stigma. Further, I couple the terms with an analysis of border militarisation (operation gatekeeper), and SB 1070 as results of exclusionary rhetoric at the national and local levels.

Based on my analysis, I make the following propositions: (1) the terms “wetback” or “illegal,” have no meaning or power on their own, as moral entrepreneurs must assist in the successful framing based on what they seek to achieve at the time; (2) media, politicians and interest groups are the ones responsible for framing the irregular migrant population as undesirable or desirable; (3) although

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1 Although this analysis is on the words ‘wetback’ and ‘illegal,’ I use the word “irregular” to refer to migrants out of status. The word wetback is considered a common slur against Mexican nationals, while the word “illegal” denotes automatic criminality (Costelloe 2009; Johnson 2007). Further, I agree with Chavez (1991) in that only an immigration judge can rule on a migrant’s illegality (see also Koser 2007).
a slur to Mexican nationals, the term wetback has become historically significant, framing unauthorized migrants as individuals who crossed the border in search of a better life; (4) the way the term “illegal” is used in current discourse, seeks to take away sympathy, humanity and to further place irregular migrants in a concept of lawlessness; (5) this type of discourse creates a stigmatized identity for irregular migrants, and furthers the support for exclusionary, and sometimes harm-producing measures.

CONCEPTUAL FRAMEWORKS

This paper is built on the conceptual frameworks of framing, as set forth by different scholars, and stigma, as set forth by Irving Goffman (1997). In this section I will give an overview of both. I then, set forth a model of frame to stigma, arguing that if the frame is not present, then stigmatization cannot happen, and thus, exclusion of irregular migrants would not be possible.

JUST WHAT IS FRAMING AND WHO CAN DO IT?

Throughout the literature, a concrete and agreed upon definition of framing is not present. Johnston and Noakes (2005:2-5) define framing as a narrow focus on a specific political or social issue, in which only those events or conditions regarded as meaningful are presented, as well as those individuals who are responsible for the problem. Nelson et al. (1997) argue that framing is the process by which a communication source, such as news media defines and constructs a political issue or controversy. In merging these two definitions, framing can be defined as the highlighting of a salient aspect, from a larger issue, the aspect that will be highlighted however, depends on who is doing the framing.

This raises an interesting question, who is allowed to frame? Maheswaran and Meyers-Levy (1990) and Entman (1993) have studied framing by news outlets. Chong and Druckman (2001) argue that only those in “elite” positions can frame. In their example of a Klu Klux Klan rally, they argue that the rally could be interpreted in one of two ways, a display of freedom of speech or a public safety concern, it all depends on who is doing the framing.

One could argue that it is only those institutions or individuals who hold power and means, such as the media or the elite, who have the ability to frame in order to bring their desired message to whose without power or means to raise interest in an issue. Becker (1966: 147-153) refers to these powerful institutions and individuals as moral entrepreneurs. Moral entrepreneurs have an agenda to follow, and have the means to make it widespread.

STIGMA

Goffman (1997:4-5) defines stigma as a trait that leads an individual who would otherwise be welcomed as a member of a particular group or society, to be turned away. Stigma can be grouped in three categories, physical deformities, blemishes of individual character, and tribal stigma (Goffman 1997:4). Tribal stigma is the most commonly associated with unauthorized migrants and discourse (see Costelloe 2004; Daniels 2004). Tribal stigmas are stigmas of race, nation and religion that according to Goffman (1997:4) “contaminate” all members of a family, in the case of irregular migrants; the aforementioned “contamination” is the lack of legal
status. With this established, it can be seen why the term illegal is used and at the same time needed. If the stigmatized individuals and the “normals” forget the contamination by using a different term (i.e. undocumented), it may lead to the acceptance of those who are unwanted, getting rid of the stigma, and at the same time loosing the opportunity to foster exclusion (see Pearson 2010).

In order to show how the frame to stigmatization process works, I offer the following:

\[ \text{FRAME} + \text{ATTENTION} + \text{ACTION} = \text{STIGMA} \]

In this illustration, the problem must be framed first; attention to the proposed frame leads to action; which will then lead to stigmatization. The process is causal in nature, and all parts must be present for it to work. There are limitations, however, the frame may not always be interpreted as intended (Bendient and Moore 1995). Based on the results that the frame has, it is assumed that it was interpreted the way the author wanted it, but there are no guarantees.

Any term on its own accord is powerless without the intended interpretation, and the proper frame for such an interpretation. Audiences are not passive groups waiting to be influenced, they hold beliefs, and opinions about issues, which can ease or make the frame-to-action process, a difficult one. Depending on the opinions, beliefs and relationships that an individual has with an issue, these will influence what they see in portrayals (Minix 2004).

‘WETBACKS’ AND ‘ILEGALS’

Wetbacks

According to Hadley (1956: 334) “wetbacks” were: Mexican migrants, often in their 20’s or 30’s, heads of household of little to no education, and from poverty-ridden areas, who migrated to the United States in order to perform agricultural work. The uniqueness of their journey is that they swam across the Rio Grande, “without the luxury of a bridge (Bustamante 1972: 706; Hadley 1956:335). Bustamante (1972:706) suggests that wetbacks were any migrant from Mexico, whether they made it to the United States by swimming or not. Their peak period of crossing was between 1944 and 1954, particularly in the border regions of Texas and California (Hadley 1956: 334-36). Further, wetbacks have become historically significant in contemporary Mexican folk music, having their exploits glorified in Corridos2 (Foley 1999; Griffith and Fernandez 1988; Herrera-Sobek 1993). Thus, (borrowing from a gentleman I met at a conference), being labelled a “wetback,” or its Spanish equivalent “Mojado,” is a badge of honour for those who have undertaken such a journey.

Illegals

Before talking about the “illegals,” it is important to define “illegal.” The word “illegal” is an adjective used to describe an action that is in violation of the law, not a person (Newton 2008: vii).

In the current immigration debate, two terms are currently present “illegal immigration,” and “illegal immigrant.” The former is correct, as it refers to an

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2 I would equate corridos to classic country music
unlawful action, while the latter is incorrect, as it criminalises an individual. Chavez (1991) argues that the use of terms such as wetback or illegal is based on perception, and assists individuals to differentiate who is a member of society and who is an outsider. Other researchers may differ on that account for example; Kobach (2008:155) justifies his use of the term “illegal alien” as that is the language used in the United States immigration code and thus, the correct way to refer to irregular migrants. On the other hand, Newton (2008) justifies her use of the word “illegal” by arguing that it simply represents the trend used in scholarly articles, and government reports. Kobach’s (2008) and Newton’s (2008), “procedural” and “trending” justifications, respectively, neglect Cleaveland’s (2010) proposition, that the terms “illegal immigrant” or “illegal alien” show a sign of automatic criminality, and could hinder relationships between social workers and the irregular population, when attempting to understand their struggles. Cleaveland fails to note, however, that those terms may also hinder the relationship between migrants and the larger society. Since criminality is denoted, it may in turn become grounds for absolute exclusion without a chance for migrants to defend themselves. Johnson (1997) argues that the term “illegal” suggest that whoever possesses such a label should be punished and does not deserve legal rights. For instance, Pearson (2010) finds that the word “illegal” instead of “undocumented” is more likely to generate negative prejudice in individuals, because it raises a higher level of threat. This is due to the fact that an “illegal” is in the United States without the proper authorization, while an “undocumented” is someone who is not authorized to be in the United States, but is somewhat productive.

The term “illegal immigrant” and its aforementioned variations have replaced the term “wetback,” one could argue that happened due to the fact that wetbacks were migrants from Mexico and at the time, they were the ones with “large numbers at the gates” (Hadley 1956). Now, however, irregular migrants come from different parts of the world (Koser 2007), and thus, a term that was coined for a specific group of people may do no justice. A study released by Maryland Newsline in 2010, found that the term “illegal immigrant” appeared 582 times in a single week in U.S. newspapers, this was an increase from the numbers in the years 2000 and 2006 (Carmichael and Burks 2010). This comes to show that the term “illegal” is beginning to become the norm in order to refer to irregular migrants and it further justifies its usage (Newton 2008). These “illegals,” just like wetbacks are migrants that leave their countries due to structural factors, the principal being economics (Wonders 2006).

**DOING THE FRAMING**

“If you’re not careful, the newspapers will have you hating the people who are being oppressed, and loving the people who are doing the oppressing.”

-Malcolm X

In his assessment of unauthorized migration as a moral panic, Costelloe (2009) cites the press, pressure groups, politicians, police, and public opinion3 as the ‘five powerful P’s’ in the proliferation of moral panic. I focus on three out of the five P’s,

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3In Costelloe’s (2008) analysis of letters to the editor and moral panic, I would argue that public opinion is a reaction to the moral panic, as opposed to an elicitor.
media (Branton and Dunaway 2009a; Branton and Dunaway 2009b; Cisneros 2008), politics (Durand and Massey 2003; Nevins 2002; Olson and Fernandez 2011), and interest groups (Bender 2007; Olson and Fernandez 2011; Scott 2008), since they have been studied extensively in the literature.

**The Media**

Flores (2003) argues that the image of the “illegal alien” has been embedded in society, due to the ease of its appearance in media and discourse. Thus, the illegality of migrants fosters a portrayal that requires exclusion to become necessary. Moreover, Flores (2003) suggests that if the public’s only discussion on irregular migrants is with the media, then whatever portrayal they are exposed to, will guide their attitudes. The argument about beliefs, passivity and relationship to the issue that was raised earlier in the paper, should be taken into account here. According to Costelloe (2009) the media is one of the “five powerful P’s” when it comes to the creation and preserving of moral panics, this is shown in action, by Branton and Dunaway (2009a), who note that (1) the media outlet’s proximity to the U.S./Mexico border is more likely to be slanted, by showing negative portrayals of irregular migrants; and (2) the current consensus on immigration from viewers influences the media to report news that cater to that consensus. Moreover in a second study, Branton and Dunaway (2009b) argue that the media works on what is known as agenda setting theory, meaning that the way issues are reported, will influence the public attitudes of the public, towards the aspects of an issue that are more important.

**Politicians**

According to Costelloe (2009) often, public discourse will raise actions from those deemed responsible to protect the public order. Those in powerful positions can use current events to their advantage, and set forth their personal agenda (see Nevins 2002). In turn, this leads to federal or state level immigration enforcement driven by similar rhetoric (Cornelius 2008; Costelloe et al. 2009).

**Interest Groups**

Pressure or interest groups are groups of individuals that have a goal in mind. Furthermore, these groups are able to exert pressure on individuals, for example politicians or the general public in order to get their message across or receive support (Costelloe 2009). Examples of this can be seen throughout the Arizona immigration movement, particularly the alliances between FAIR (Federation for American Immigration Reform), the Centre for Immigration Studies and Arizona, in which these groups may provide monetary support as well as tools in order to further their agendas, using the state as a proxy (Jordan 2008; Seif 2008). These groups further receive assistance from the public, this I argue, makes the public feel as if they are taking part in the “battle against the illegal invaders.”

**Spoiled Identity and Ramifications**

The results of framing in this context have created a spoiled identity of irregular migrants as an unpatriotic, lawless, burdensome group that does not belong and should be rid of (Ebeshade et al. 2010 see also Costelloe 2008). The identity that
is created by their irregular immigration status, becomes the catalyst for an “us vs. them” typology, in which migrants are an enemy invader, circumventing the law, and wanting to change the American way of life (Costelloe 2008; Dotty 2009). Once these constructions and depictions are supported, according to Costelloe (2009) it often results in the passage of legislation that is exclusionary and sometimes harm-producing in nature (see also Ebenshade et al. 2010; Michalowski 2007).

Thus far, the legislation proposed and implemented has been geared towards harm production (border militarisation), criminalisation and exclusion (local level enforcement). The major legislative efforts at the federal level have been driven by politics, more specifically “Operation Gatekeeper” (Nevins 2002). Gatekeeper later evolved into what is now known as the practise of border militarisation. Currently, the presence and influence of interests groups is becoming more noticeable with legislation at the local level (Ebenshade et al. 2010). Although I must point out, the involvement and presence of interest groups in border vigilantism, such as the “minute man group” or neo-Nazi sympathisers (Doty 2009; Michalowski 2007). At the local level, interests groups pressure for legislation, and that results in politicians giving in, often for political gain (Ebenshade et al. 2010; Nevins 2002). The media then picks a side and sensationalises the issue, depending on their agenda at the time and the location of the news outlet (Branton and Dunaway 2009a; Branton and Dunaway 2009b).

BORDER MILITARISATION

Following the passage of Proposition 187 in California, political pressures from the state led President Clinton to unveil a measure that would deter migrant crossings at the border (Nevins, 2002:88). Gatekeeper was nothing more than a political response seeking to show that the federal government could take care of irregular migration.

Operation gatekeeper stemmed from a local operation by former El Paso Border Patrol supervisor Silvestre Reyes. His strategy entailed placing his men and their cars close together along the Rio Grande in Texas, with the intent to intimidate irregular migrants who wanted to cross over to the United States (Cornelius 2001). According to the former Immigration and Naturalization Service (INS, now known as Department of Homeland Security or DHS), the goal of operation gatekeeper was to “restore integrity and safety to the rations busiest border” (Cornelius 2001).

An important question raised when discussing gatekeeper, is what does it entail? Researchers and scholars have differing opinions on this policy because of its complex nature. Bustamante (2001) and Michalowski (2007) agree that Operation Gatekeeper intended to reroute migrants from the urbanized areas of the San Diego border to more dangerous areas along the Arizona desert and Tecate Mountains, with hopes that they will not reach their destination, thus going back home, or dying in their journey. Gatekeeper began in the western area of the San Diego border and then spread towards Arizona in order to close off most of the border along those areas (Cornelius, 2001). Thus, as a counter-attack to irregular crossings, the United States government chose what Michalowski (2007) has argued is a harm-producing

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4 According to Dr. Raymond Michalowski, border militarization refers to treating the border as a conflict zone, by making undocumented crossings more difficult and deadly (Personal Communication, Raymond Michalowski, November 2010).
approach to dealing with irregular migrants. Even though border militarisation lowers arrest rates (Bustamante 2001; Portes 2007), it has increased the number of deaths by re-routing migrants to non-urbanized areas of the border, and has contributed to the enterprise of human smuggling, where irregular migrants are often victims of kidnapping, and other bodily harms during their journey (Michalowski 2007 see also Bustamante 2001).

This raises a significant question, is the militarization of the border via measures such as Operation Gatekeeper successful? The answer to this question is yes and no at the same time. Looking specifically at the intent of the policy and the increase of deaths by 25% each year for five years, then yes, militarization of the border via measures such as Operation Gatekeeper is successful. On the other hand, the United States General Accounting Office, did not have reliable data whether crossings had been deterred or not (Bustamante 2001). If one is takes the unreliable data on crossings, and increase in migrant deaths, Operation Gatekeeper failed, as migrants died but the crossings did not slow down, as one could argue that an increase in deaths reflect an increase in attempted crossings.

LOCAL-LEVEL IMMIGRATION ENFORCEMENT

Starting with California’s proposition 187 in 1994, state-level immigration enforcement has been guided by a doctrine of attrition through enforcement. The doctrine of attrition through enforcement is the brainchild of Mark Krikorian, Director of the Centre for Immigration Studies, a Washington D.C. conservative think tank. In his book *The New Case Against Immigration*, Krikorian proposes attrition through enforcement as the third, and only way to reduce the irregular population in the United States. This is to be achieved through “consistent, across-the-board enforcement of the immigration law” (Krikorian, 2008: 216). While the doctrine offers seven propositions my analysis only applies to 1 and 7, since those are propositions for state level enforcement, which Arizona has followed, the others are the federal level reforms.

1. End illegal aliens’ access to jobs
7. Pass state and local laws to discourage illegal settlement (Krikorian, 2008: 221).

In the end the objective of the approach is to make life so difficult for the irregular population, that they will self deport (Krikorian, 2008; See also Kobach 2008 and Olson and Fernandez 2011). This approach gave birth to Arizona’s SB 1070, which up to the year 2010 has been regarded as the ultimate effort of state immigration enforcement.

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6 Although, I must note that Arizona has been the first state to declare attrition through enforcement as their official approach to handle irregular migration in 2010 with SB 1070 (see Kobach 2010). Previous approaches have been framed under the same principle, without making it an official approach. See Esbenshade et al. (2010) for a more comprehensive study of local legislation.


8 The first two ways are mass legalisation (amnesty) or mass deportation (See Kikorian 2008; Kobach 2008).
“PROTECT OUR LAW ENFORCEMENT AND SAFE NEIGHBOURHOODS ACT” (SB 1070)

After leading the charge in state immigration involvement with proposition 200 in 2004, and other immigration related-bills and propositions. Arizona’s SB1070 creates a state crime of “failure to carry proof of legal presence in the United States,” allowing police officers to detain anyone they suspect of being in the country unlawfully. It further gives police officers discretion to arrest individuals if a “deportable offense has been committed” (Kobach 2010). In order to make sure these prohibitions are enforced, the act allows any person, who is lawfully present in the United States to bring legal action against any police officer, state or subdivision that does not enforce immigration law to the full extent of federal law. It also prohibits irregular migrants from seeking employment and/or blocking the flow of traffic to seek work (day labourers) (see Kobach 2010).

The local involvement shown by Arizona furthers the negative construction of irregular migrants as threats to the rule of law, which should be taken care of and an enforcement priority. In times where anti-immigration sentiment is high, a criminal act committed by an alleged undocumented migrant may push the sentiment further and will in turn lead to hard policy that will burden migrants (Costelloe 2009). The catalysts for SB 1070 were the deaths of police officers at the hands of irregular migrants, and the death of Rancher Robert Krentz.9

From criminalizing mere presence to seeking employment, Arizona’s SB 1070 is a prime example of attrition through enforcement at its full potential. Although, while the state of Arizona is mentioned in many media reports, it has been the involvement of FAIR, and the Centre for Immigration studies, as they are responsible for drafting the piece of legislation and assist in its promotion, just like many other Arizona immigration propositions. These interest groups control the rhetoric, and influence politicians in order to forward their agenda and support for their cause, from the general public ad state officials (Seif 2008). This leaves the state as nothing more than a proxy to interest groups and a facilitator in a restrictionist agenda, under a guise of protection for its citizens. By no means am I arguing that politics have nothing to do with the problem, as SB 1070 is said to have pulled Governor Jan Brewer from loosing her re-election bid in 2011 (Mora 2010), similar to Governor Pete Wilson in 1993 with proposition 187, and President Clinton’s operation gatekeeper. (See Nevins 2002). Thus, it is the mixed contributions of interest groups, politics and media representations that become essential in the fostering of exclusion and inclusion towards irregular migrants.

CONCLUSION

Based on this analysis, it becomes evident that the problem of irregular migration is a polarized one, and no amicable solutions have been proposed as of yet, then again the definition of amicable is also divided across party and rhetorical lines. The only attempts at fixing the problem, have taken a restrictionist approach, in which exclusion, criminalisation and harm production are deemed to be the only answers.

So, what is the difference between the “wetbacks,” and the “illegals?” The key difference is that wetbacks are considered to be brave individuals who took on a
journey to better their situation in Mexico. Such a batch of honour, will never come to those labelled as “illegal.” Illegs are individuals who have broken immigration law in the United States, or in the case of border militarisation are about to. Thus, based on their insubordination and disrespect, they become framed, on a negative light that warrants exclusion, criminalization and in Michalowski’s (2007) analysis, the equivalent to murder, due to their stigmatization. These approaches will safeguard society, and the “normals” from those who do not belong. Those who do not belong must then live their life in the shadows, will often lack basic liberties, such as being able to establish a bank account, receive medical services, work or travel out of fear of being detained (Guskin and Wilson 2007). This in turn creates an underclass of people, who are more prone to abuse and exploitation by others (ibid).

The current debate on irregular migration is being led by interests groups who have the means to further their cause, they can influence politicians and the media in order to make their cause a “just one.” As long as FAIR or the Centre for Immigration studies continue to influence and dictate the course of action towards irregular migration, an amicable solution will not be found. Exclusion, criminalisation and harm producing approaches will continue to be at the top of the list, “under the guise of legitimate causes,” such as homeland security and respect for the rule of law.

10 This is credited to Dr. Matthew Whitaker of Arizona State University, during his opening speech for Cornell West, October 10, 2010 in Phoenix, Arizona.
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Framing, Stigma, Wetbacks and Illegals


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