

**“THE PATH TO NATIONAL SUICIDE”: CHILDREN, FUTURITY AND  
EXCLUSIONARY CITIZENSHIP IN THE POST-1965 U.S.**

**by**

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**A Dissertation submitted to the**

**Graduate School-Newark**

**Rutgers, The State University of New Jersey**

**in partial fulfillment of the requirements**

**for the degree of**

**Master of Arts**

**Graduate Program in History**

**Written under the direction of**

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**and approved by**

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**Newark, New Jersey**

**May 2012**

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## **ABSTRACT OF THE DISSERTATION**

### **“The Path to National Suicide”: Children, Futurity and Exclusionary Citizenship in the Post-1965 U.S.**

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Professor Susan Carruthers**

This thesis is driven by a belief that the myriad discourses and mechanisms of control containing U.S. birthright citizenship are fundamentally underwritten by a logic that is constantly attentive to the future. Mindful of this, I will show in this project that a national legal, political, and cultural fixation on reproductivity and children, a mania only exaggerated when concerning migrants, figures citizenship as an educatory and exclusive process, constantly in flux and always precariously held. Futurity, then, serves not only as an analytic tool to explicate citizenship, but an element fundamental to its very contemporary and historical existence. I first seek to chart the rhetorical exploitation of ideologies of gender and childhood and their historical interactions with citizenship’s cultural, political, and legal discourses that have emerged and re-emerged as successful vehicles to attack and racialize domestic and immigrant populations. Second, I will demonstrate why birthright citizenship, as a coherent linguistic and political container, seems now to hold so much salience as a cultural and political call to arms, productive to, and informed by, formations of gender, race, and nation. To explicate these claims I will trace the historical genealogies seminal to contemporary dominant modes of immigration discourse, and in doing so evince a lineage resulting in the linguistic codification of future-oriented migrant exclusion in the “birth tourist” and “anchor baby.” “Birth tourists” and “anchor babies,” however, do not merely represent benign nomenclatures, but active discursive productions informed by hegemonies of gendered anti-migrant sentiment and perpetuated as dynamic vehicles of continued exclusion. These anxious and precarious futures detailed herein have profound historical affects, producing identities, dividing communities, and shaping lives.

## ACKNOWLEDGEMENTS

This thesis represents the culmination of a multi-year scholarly endeavor, an endpoint that began with a short paper on a single *New York Times* article and proved germane to an entire Master's thesis worth of theory and content. At the time I was intrigued by the absence of historical literature pertaining to the confusing phenomena of "anchor babies" and "birth tourists." Over a year later I am still fascinated by the manifold cultural discourses that couch "problematics" of reproduction, migration, and nationalism in an endless language of futurity. To find these discussions, diatribes, invectives, and attacks has meant a long and painful journey into the hateful productions of anti-migrant literature, a vitriolic causeway congested with violent tirades and abhorrent enunciations of overzealous racism, sexism, and nationalism. This detestable rhetoric has proved fruitful, however, in providing a means to attempt to explicate why and how birthright citizenship has become such an inflammatory discourse over the past several decades.

While the abstract idea of writing a thesis on this particular topic was emboldening and fascinating, the actual praxis proved somewhat more demanding. As someone affectively predisposed to infinite theorizations and an ever-growing list of thematics to address, I would have never approached the complexity, brevity, and groundedness that I believe this thesis now holds without the ardent intellectual and emotional support of my advisor, Professor Susan Carruthers. Our numerous meetings brought me out of the clouds, kept me on schedule, and helped to conceive of countless birth puns, some of which wound up in the final product while others were simply too ridiculous to utilize. I would also like to thank the numerous professors whose classes I took while this idea was developing, and whose reading lists provide the historiographic backbone for this thesis. Professor Chang, moderator of the incredible immigration class I originally wrote the article in and who first generated my interest in migration and childhood, Professor Krasovic whose class on urban space was an indelible resource, and Professors Strub and Stewart-Winter whose sexuality classes introduced entirely new modes of analysis that have been invaluable to this project. Lastly, and most importantly, I would like to thank my fiancée Jackie who has been for the past seven years unfathomably perfect as a friend, a partner, and understanding companion, and who has graciously put up with incoherent ramblings and angry diatribes extolling my temporary hatred for history, writing, and anything thesis-related.

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## I. Introduction: Fraudulent Citizens and Noxious Futures

In 1898 the U.S. Supreme Court ruled in favor of the defendant in *U.S. v. Wong Kim Ark*, Wong, who was the American born son of Chinese migrants. The court argued that the 14th Amendment's citizenship clause automatically granted citizenship to any person born on U.S. soil, effectively solidifying the right to birthright citizenship as legal precedent. Over a hundred years later, police officers in San Gabriel, California, along with a cohort of building inspectors and various city officials discovered a townhouse home to several Chinese women and their newly born children, described as "maternity tourists" (sometimes also referred to as "birth tourists"). Covering the story, a *New York Times* article stated that various neighbors "complained about noise and a lot of pregnant women coming and going" and the incident prompted one commentator from the Center for Immigration Studies, an advocacy group for stricter immigration control to argue, "if anything, it is worse than illegal immigrants delivering a baby here. Those kids are socialized as Americans. This phenomenon of coming to the U.S. and then leaving with people who have unlimited access to come back is just ridiculous."<sup>1</sup>

This particular article is demonstrative of a wider cultural occurrence, a fixation on the female migrant body as a site of discursive reproductivity. American fears of future demography, cultural change, and political action, in these figurations, are projected onto the migrant woman and the child of the migrant, linguistically contained in the "anchor baby" and the "birth tourist." The gendered language and hyperbolic coverage of 'birth tourism,' however, in addition to the cultural milieu surrounding the supposed "anchor baby" phenomenon, presupposes the discursive codification of a

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<sup>1</sup> Jennifer Medina, "Arriving as Pregnant Tourists, Leaving With American Babies," *New York Times*, March 29, 2011. <http://www.nytimes.com/2011/03/29/us/29babies.html?pagewanted=all>

challenge to birthright citizenship, supposedly settled in the *Wong* decision. These images, therefore, denote merely the most formulated demonstration of complex national anxieties over future U.S. demography and global political/economic standing. The language and cultural representations of “anchor babies” and “birth tourists” are actually part of a long genealogy of citizenship ideals, fixated on migration and reproductivity since (and before) 1898, but especially salient since 1965.

It is through the lens of futurity one can more easily recognize the gendered formation of citizenship ideology and in doing so construct scholarship attentive to particular source materials and bodies that otherwise might go uninterrogated, but are nevertheless integral to a history of migrant exclusion. This paper, cognizant of those lacunae in historical literature, will center on an analysis of the complex and seemingly dissonant cultural intersections of U.S. citizenship discourse, racialized migration and anxiety over a national future through a mapping of historical imagery/imaginings of children. I believe the re-emergence of popular challenges to birthright citizenship, beginning in the 1980s and gaining popularity through the 2000s in the media, in the courts, and in congressional legislation, in part derive from anxieties surrounding gender, childhood, and futurity emanating from the 1965 Immigration Act, which fundamentally altered U.S. immigration policy in overturning the former system of nation-based quotas, and its subsequent cultural effects. The 1965 Immigration Act, also known as the Hart-Cellar Act, however, should not be seen as an all-encompassing clarion call, instantly propagating apprehension amongst Americans over the future of the U.S. Instead, 1965 represents a junction in an extremely complex and enduring lineage of migrant exclusion,



subtle reclamations of a national whiteness, and the utilization of children as both representatives of national community and as harbingers of a national future.

1965 *is* important, however, for several reasons. The passage of the 1965 Immigration Act did drastically alter the ethnic and geographic composition of “legal” migrants entering the U.S., as well as effectively construct the “problem” of “illegal” migration.<sup>2</sup> This influx of non-white bodies threatened white political, cultural, and economic hegemony within the U.S. and abroad and was harnessed to rationalize a legal/political backlash against both migrant groups themselves and their perceived supporter, the U.S. welfare state. Tellingly, this was a repudiation emerging at the precise moment when civil rights activism was also insistently reclaiming citizenship rights on behalf of black Americans. Additionally, the act itself engendered deep debate over the value (or quality) of the migrants then allowed to legally enter the U.S. Each of these fears relied on and were subsequently reproduced through a racialized and gendered governance of the female migrant body, as well as productive of specific attitudes surrounding the normative and non-normative child.<sup>3</sup>

It is important, then, to articulate the two primary aims of this thesis. The first objective is to chart the rhetorical exploitation of ideologies of gender and childhood and their historical interactions with citizenship’s cultural, political, and legal discourses that have emerged and re-emerged as successful vehicles to attack and racialize domestic and immigrant populations. The second goal is to demonstrate why birthright citizenship, as a

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<sup>2</sup> Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004)

<sup>3</sup> Here it is useful here to think about the concept of Foucauldian biopolitics, something I will delve into much greater detail about in chapter 2, however, the question of valuation and a state investment in crafting a useful citizen intrinsically looks forward to the future.

coherent linguistic and political container, seems now to hold so much salience as a cultural and political call to arms, productive to, and informed by, formations of gender, race, and nation. “Birth tourists” and “anchor babies” do not merely represent benign nomenclatures, but active discursive productions informed by a lineage of gendered anti-migrant sentiment and perpetuated as dynamic vehicles of continued exclusion.

Furthermore, I believe birthright citizenship to be an understudied site of scholarly inquiry and that the myriad discourses and mechanisms of control containing U.S. birthright citizenship are fundamentally underwritten by a logic constantly mindful of the future. The national legal, political, and cultural fixation on reproductivity and children, a mania only exaggerated when concerning migrants, figures citizenship as an educatory and exclusive *process*, constantly in flux and always precariously held. Futurity, then, serves not only as an analytic tool to explicate citizenship, but an element fundamental to its very contemporary and historical existence.

Though other work has utilized futurity as a historical analytic, such as the formative scholarship of Lauren Berlant and numerous works of queer theory, my own project attempts to bridge a disciplinary gap, putting into conversation a methodology mindful of proactive futurities with a bountiful historiography of immigration. To do so I look especially to the child, which, as a point of national cathexis, has constantly been (re)imagined as the ambiguous future national citizen: always in flux, subject to a certain unknowability and uncertainty. This tenuousness has garnered numerous attempts at definition and has operated not only on the level of the individual child, but also projected onto the imagined U.S. national community. Operating symbolically, the child/infant/fetus serves as a “*stand-in*” for a complicated and contradictory set of

anxieties and desires about national identity...about whose citizenship--whose subjectivity, whose forms of intimacy and interest, whose bodies and identifications, whose heroic narratives--will direct America's future."<sup>4</sup>

The child, therefore, is one such coherent point of contestation over *national* identity, a battle that takes place not only in the realm of the legal/political, or even the discursive, but also the affective. There is a particular sentimentality attached to the figure of the child that on the surface eschews political motivation for a kind of inherent morality. As Lauren Berlant notes, "the abstract image of the future generated by the national culture machine also stands for a crisis in the present: what gets consolidated now as the future modal citizen provides an alibi or an inspiration for the moralized political rhetorics of the present and for reactionary legislation and juridical practice."<sup>5</sup>

This anxious language of futurity is often depicted in corporeal terms, saturated in the rhetoric of bodily comportment and obsessive in its management and defining of particular kinds of bodies, with embodiment and disembodiment dialectically situated. I will showcase multiple citizens, non-citizens, state legislations, and individual acts that have shaped these hegemonic perceptions of the migrant body and its relation to a national future. Notably, though, 'the child' and 'the migrant,' in embodied and disembodied forms, are not monolithic entities subject to equal pressures. Instead, figurations of the citizen child and the child of migrant parentage are differentially affected, subjected to disparate national pressures, and harbingers of oppositional futures. This project is built upon a structure of interdisciplinarity for these very reasons, to

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<sup>4</sup> Lauren Berlant, *The Queen of American Goes to Washington City* (Durham: Duke University Press, 1997), 6.

<sup>5</sup> Ibid.

demonstrate the constitutiveness of citizenship, futurity, and migration and the inadequacy of their separation.

Recognizing this, one of the most significant interventions this thesis attempts to make in migration scholarship is to address the inability of birthright citizenship research, such as the work of Otis L. Graham, Peter Schuck, and Robin Jacobson, to actually look at birth, to move beyond legal interrogations of constitutionality and study discourses of gender and sexuality as formative to a politics of perpetual exclusion. Following from the scholarship of Alicia Schmidt-Camacho, Iris Lopez, and Elena Gutiérrez I locate the specific means through which migrant women are subjected to violent and invasive managements of their reproductivity, physically as well as on a more imaginary cultural plane.<sup>6</sup> Likewise, while these scholars' works, as well as the numerous legal dissections of "birthright citizenship" and the 14<sup>th</sup> amendment, are informed by racial and gender analytics they lack the forward gaze that this project centralizes. These 'problems' of migration, and the debates over citizenship they have engendered cannot only be assessed through interrogations of the border, or the constitutionality of birthright citizenship, but must also be assessed through recognizing the power of imagined future births and the national repercussions therein. These reproductive and filial characterizations of racialized migrant women not only constrain migrant sexuality, but help to produce it as well. By differentially sexualizing Asian and Latina migrant women, their claims to

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<sup>6</sup> These works include, but are certainly not limited to: Iris López *Matters of Choice: Puerto Rican Women's Struggle for Reproductive Freedom* (New Brunswick, NJ: Rutgers University Press, 2008), Elena R. Gutiérrez *Fertile Matters: The Politics of Mexican-Origin Women's Reproduction*. (Austin: University of Texas Press, 2008), and Alicia Schmidt-Camacho, *Migrant Imaginaries: Latina Cultural Politics in the U.S.-Mexico Borderlands* (New York: NYU Press, 2008)

citizenship, incorporation in the national imaginary, transnational mobilities and “flexible citizenships” are further occluded.

By looking to and historicizing the encoded utterances of “anchor baby” and “birth tourist” one can make visible not only the most apparent and formulated recognitions of ethnic exclusion through their facile claims to a worrisome non-white national future, but the subtle processes that engender those exclusions. It is the uneven progression from pre-1965 legal exclusion, when racialized exclusion was embedded in immigration law, to the specifically named “threats” emerging in the 1990s that I aim to mine for meaning. These numerous manifestations of anti-migrant sentiment must be viewed as structural, yet also conditional; reliant on specific historical forces to be brought to fruition. The increase in migrations from South and Central America, East, Southeast, and South Asia following 1965, themselves resultant from numerous military, economic, cultural, and post-colonial impetuses, did not make subsequent disallocations of citizenship inevitable. The path was much more ambiguous and complex. Through the mutually constitutive modes of migration, nation building, and futurity (figured in the gendered image of the child/mother) the legacy of U.S. exclusionary citizenship pervaded, mutated, and proliferated well into the 2000s. The “anchor baby” and “birth tourist” have become related yet distinct culminations of a language of migrant racialization that valorizes the future contributions of white American children and demonizes the Latina and/or Asian migrant as antithetical to the practices and ideals of citizenship.

As Linda Bosniak writes, there is a “defining ambiguity at the heart of citizenship: citizenship represents both an engine of universality and a brake or limit upon it.” My

own utilization of citizenship as a conceptual frame follows from Bosniak's in that I view citizenship as a fluid and tenuous analytical and historical modality. Moreover, to this project, citizenship often serves as an implicit agreement between the state and the individual citizen, an accord based on mutual future benefit. With citizenship operating as an investment on behalf of the state, as well as the citizen for that matter, the "anchor baby" and "birth tourist" are charged with undermining the educatory and institutional structures that screen out and normalize a potential citizenry, thereby adversely affecting national prosperity and cohesion of the "imagined community".

As there is no naturalization process for the children of migrants, the only means through which that normative citizenry can be reproduced is through the assimilationist impulses and operations of U.S. culture and institutions of socialization. This begs a question that this thesis intends to contend with, and hopefully answer satisfactorily, if the American citizen is born, or if citizenship is an educatory process? Other formulations, such as historian Gary Gerstle's, see citizenship as a process and contend that civic and ethnic nationalisms represent differential "good" and "bad" articulations of citizenship. This thesis argues somewhat differently that though citizenship is often a procedural endeavor it is not as simple as civic vs. ethnic, or good vs. bad. Instead, citizenship is subject to multifarious local, national, and global tensions and torsions, infused with alternative temporalities, and constantly in flux. The dialectical relationship between the "anchor baby" and the birth 'tourist' evinces the complexity of citizenship, and emboldens the need for a scholarship mindful of the future.

Together, these local, global, and national forces of political and cultural economy have greatly shaped (and been shaped by) ideals and alternatives of what citizenship is,

the spaces it occupies, and to whom it is allocated. These identarian markers encoded with invisible gradations of citizenship, or alienage, are seminal to an imagined national identity that retains a white, male, heteronormative imagery. I aim to demonstrate that it is in the ambiguity of the racialized child (non)citizen and in imagined futures that the powerful influence of citizenship rhetoric is at its most visible and its most vulnerable.<sup>7</sup> This particular rhetoric is visible in that while constitutional law dictates that any child born on U.S. soil is a citizen, the strong pushback against that ideal showcases the limits of legal doctrine as all-encompassing. It is also becomes vulnerable through the extraordinarily anxious discussions about migrants and their racialized contributions, or detriments, to U.S. national society. Moreover, the strictly legal basis of understanding citizenship has likewise been upended in scholarship, instead giving way to a manifold congruence (or incongruence) of social, political, cultural, and economic factors *in addition to* a legal grounding.<sup>8</sup> By this logic, then, a resident of the U.S. may or may not benefit from implicit guarantees inherent in an ideology of citizenship, *regardless* of their legal status. The so-called “anchor baby,” though legally a U.S. citizen, has been derided as wielding a fraudulent citizenship, an ideology that has engendered calls for the end of birthright citizenship in the U.S.

Amongst the most culpable in facilitating these meanings were those driving a new nativist conservative revolution, encompassing libertarians, anti-migrant activists, and Republicans, who in the 1994 congressional elections made citizenship a central

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<sup>7</sup> Ibid.,

<sup>8</sup> Mae Ngai, Margaret Schmidt-Camacho, and Aihwa Ong, among others, have drawn on Foucauldian conceptions of discursive power and viewed citizenship as transnational, malleable, and a contested legal, national, and cultural framework for understanding belonging. See also: Linda Bosniak, “The Citizenship of Aliens” *Social Text*, No. 56 (Autumn, 1998), pp. 29-35

focus relying on a politics of denigration that capitalized on the female migrant body. The story of citizenship futurity and migrant reproductivity would be incomplete without a discussion of the mutually constitutive dialogues between conservative politicians and anti-migrant groups, with each championing a racially driven and gendered U.S. immigration policy. While a great deal of literature exists on the effects of New Right politics on the U.S. welfare state, significantly less intertwines the two historical modes with immigration. I argue that the child, and particularly the child of migrant parents, represented a vital site of contestation in the resurgence of conservative political and cultural power. Republicans and their conservative anti-migrant allies in the 1980s and '90s were able to wield specific racialized images incredibly well, generating significant populist antipathy towards those whom they deemed “unworthy,” “fraudulent,” or “non” citizens.

As I will argue, a heterogeneous population of Latin American and Asian inhabitants of the post-1965 U.S., were/are subject to exclusions from national citizenship, purveyors of alternative imagined communities, and integral to a discourse anxious over a national future. Therefore, I will harness futurity to demonstrate “the present as a transition that is consumed in the consciousness of a speeding up and in the expectation of the differences of the future.”<sup>9</sup> Through a racialized conflation of migrant/citizen and the apprehension over “birthright” as a sustainable modality of citizenship allocation, the aspiration to a national whiteness becomes blindingly apparent, reliant on a “normative” yet historically structured racial, gender, and sexual logic. The nineteenth century material and linguistic exclusions charged against Chinese migrants and their children serve as apt antecedents of post-1965 U.S immigration discourse. The gendered formations of supposed Chinese

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<sup>9</sup> Jurgen Habermas, *The Philosophical Discourse of Modernity* (Cambridge: Polity Press, 1985), 6.



threats to normative sexuality, domesticity, and labor are formative to a lineage in “protection” of national futurity, historically mutated, yet intact well into the 21st century. To demonstrate this genealogical process I will attempt to weave together the imagined ‘noxious’ and utopian futures envisioned by the congressional legislators, academics, concerned citizens, resistant migrants/citizens, and countless others who have produced and continue to produce meaning through their actions, writings, and ideas.<sup>10</sup>

In early 1866 Congress was deep into a debate over a sweeping new piece of legislation that aimed to solidify the citizenship rights of newly freed slaves and black freedmen alike, the results of which would become the Civil Rights Act of 1866. In turn, the Civil Rights Act provided the legislative and linguistic basis for the 14th amendment, which in 1868 codified in the constitution: formal citizenship rights, the right to due process, and equal protection under the law for ‘all persons born or naturalized in the United States.’<sup>11</sup> The subjects of birth and naturalization as purveyors of citizenship and all the benefits provided therein, however, were both ambiguous and subject to challenge, even in the nascent debates over the Civil Rights Act of 1866. Particularly, the question of how to situate ‘Asiatic’ peoples into the newly solidified construct of *jus soli* legal citizenship was especially troubling to several members of the committee involved in the debates.

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<sup>10</sup> In attempting to define the scope of culture Mary Renda in *Taking Haiti* asserts, “Cultures are continually constituted and reconstituted through relations of power...they are neither monolithic nor static. A national culture then, and in this case the culture of the United States, may be viewed as a contested terrain on which people identifying themselves as Americans formulate, dispute, and reformulate structures of meaning and power associated with various forms of difference” This contested terrain serves as the battleground on which myriad meanings of childhood, migration, and reproductivity are discursively embroiled, the affects of which are numerous racialized inclusions and exclusions from citizenship and the reification of the U.S. nation-state.

<sup>11</sup> <http://www.law.cornell.edu/constitution/amendmentxiv>, 14th amendment

*Jus Soli*, meaning “right of the soil” in Latin, was legally validated in the 14<sup>th</sup> amendment of the constitution, reading, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” However, from its inception the language of being subject to U.S. jurisdiction was used to exclude Native Americans from citizenship rights. Over time, the premise of birthright citizenship in coordination with migrant exclusion laws would be integral in denying the ability of migrants to enter the national community as well. *Jus Soli*, therefore, provided “a state-sponsored apparatus for handing down from generation to generation the invaluable security and opportunity that attach to membership in a stable, affluent, and rule-of-law society.”<sup>12</sup> This is not to say that the mere fact of “citizenship” assured equality and prosperity, as class, racial, gender, and sexual biases allocated a gradated citizenship. As the meek protections of post-Civil War reconstruction were continually stripped away, the supposed security of citizenship outlined in the 14<sup>th</sup> amendment was overcome by the structural racism of Jim Crow politics. Moreover, from the onset of debates over the nascent 14<sup>th</sup> amendment, legislators focused on the ability of those migrants already within the borders of the U.S. to reproduce and expressed concern over the citizenship status of those children.

In expressing their trepidation and frustration over the placement of Chinese migrants who might be able to naturalize under the new legislation, as well as the children of those migrants, who under the citizenship guarantees of the 1866 CRA and later the 14th amendment would be full U.S. citizens, these congressmen pictured a

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<sup>12</sup> Ayelet Shachar, *The Birthright Lottery: Citizenship and Global Inequality* (Cambridge: Harvard University Press, 2009), 2.

troubling national future. As congressmen Cowan articulated in his interpretation of the embryonic bill:

When we consider that it (California) is in proximity to an empire containing four hundred million people, very much given to emigrating, very rapacious in their character, and very astute in their dealings, if they are to be made citizens and to enjoy political power in California, then, Sir, the day may not be very far distant when California, instead of belonging to the Indo-European race, may belong to the Mongolian, may belong to the Chinese; because it certainly would not be difficult for that empire with her resources, with the means she has, to throw a population upon California and the mining districts of that country that would overwhelm our race and wrest from them the dominion of that country.<sup>13</sup>

Contained within the numerous misgivings that congressman Cowan had about the potentially negative possibilities of the Civil Rights Act are several enduring ideas of racial hierarchy and demography. These are discursively linked, not only through their fearful visions of the future, but also through their assertions of irreconcilable racial difference between white and Chinese people, an overwhelming outside population, outside threats to American economy, and the latent specter of gender, birthplace, and childhood possibly being borne out of liberalized immigration laws. While Mr. Cowan's fears are contained within a debate over the passage of the Civil Rights Act, his views express a wider presupposition of migrant racial inferiority, which thereby justified exclusion from citizenship.

The rhetoric surrounding the citizenship debates indicates not only the tumultuous nature of the post-Civil War era, but also shows the nation-state in construction, its modern forms made apparent in the focus on nationality and identity, as well as the discursive borders being drawn around an American nation whose central ideals were/are whiteness and masculinity. The Civil Rights Act of 1866 and its pre-formation debates, display an acute representation of racialized capacity for citizenship. This restrictive ideal

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<sup>13</sup> Congressional\_Globe, 1st\_Session, 39th\_Congress, pt. 1, p. 498, 499: Debates over the Civil Rights Act of 1866 eventual 14th amendment.

of citizenship capacity was not solely reliant on nationality, however, as is apparent in the discussion of children of migrants, who are seen by the legislature as generational continuations of their migrant forebears, lacking in the necessary racial characteristics to be productive members of American society and unworthy of the benefits of citizenship.

It is true that the colonists of this country...did open the door of these privileges wide to men of their own race from Europe...But where did they open it to the barbarian races of Asia or Africa? Nowhere. There may be no positive prohibition; but the courts have always administered the law upon the basis that it was only the freemen who established this government and those whom the freemen admitted with them to an enjoyment of political power that were entitled to it.<sup>14</sup>

After the passage of the 14<sup>th</sup> amendment, several cases such as *Elk v. Wilkins* (1884), *Gee Fook Sing v. U.S.* (1892), and *The Slaughterhouse Cases* (1873) questioned the language of birthright in the constitution, specifically the “jurisdiction” subjectivity clause. However, it was not until 1898 and *U.S. v. Wong Kim Ark* that the Supreme Court explicitly handed down a ruling on the legality of birthright citizenship. The court majority in a 6-2 decision opined, “the American citizenship which Wong Kim Ark acquired by birth within the United States has not been lost or taken away by anything happening since his birth.”<sup>15</sup> The *Wong Kim Ark* case would become legal precedent cited in numerous cases challenging the citizenship of children born to migrant parents on U.S. soil, yet always affirming the citizenship rights of those involved.

From the 1880’s onward, however, the question of birthright citizenship would be something of a non-starter, as national immigration laws, beginning in 1882 with the Chinese Exclusion Act began to bar migrants from entering the U.S. In 1891 Congress

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<sup>14</sup> Congressional Globe, 1st Session, 39th Congress, pt. 1, p. 498, 499 <http://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=073/llcg073.db&recNum=11>, Mr. Cowan

<sup>15</sup> American Society of International Law (1914). "Judicial Decisions Involving Questions of International Law". *American Journal of International Law* (New York: Baker, Voorhis & Co.) 8: 672.

established the first national agency for regulating immigration, not uncoincidentally just as the US had acquired Puerto Rico and the Philippines and was looking for ways in which to lay claim to those territories without "encompassing" their populations or affording these fertile, darker skinned (Catholic) people openings to lay claim to national inclusion. Additionally, the early 20<sup>th</sup> century saw a rapid increase in immigration legislation, most of which aimed to strongly limit, both numerically and racially, certain migrants from becoming U.S. citizens. The Immigration Act of 1917 denied entry to immigrants from the 'Asiatic Barred Zone' encompassing most of South Asia and reaching all the way to the Middle East, but it was the 1924 Johnson-Reed Act that drastically reduced immigration through a quota standard that would become the norm until the 1965 passage of the Hart-Cellar Act.

In 1952 the McCarran-Walter Act was passed, continuing the U.S. policy of exclusionary quotas. Speaking of the act, one of its sponsors Pat McCarran (D-NV) elucidated, "I believe that this nation is the last hope of Western civilization and if this oasis of the world shall be overrun, perverted, contaminated or destroyed, then the last flickering light of humanity will be extinguished."<sup>16</sup> McCarran's language signaled an adherence to an ideology of exclusion predicated on the 'survival' of the U.S. as a nation invested in 'civilization' and 'liberty' and cast the American citizenry as unique in its ability to ensure a progressive future. In 1965, however, many of the racial/national quotas in effect since 1882 were overturned, the anti-migrant rhetoric that emerged following its passage gestured to the sinister future that McCarran alludes to in fighting for the 1952 act, a discourse of being "overrun, perverted, contaminated, or destroyed." These apocryphal futures once again returned to the modes of migrant birth, assaulting

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<sup>16</sup> Senator Pat McCarran, Cong. Rec., March 2, 1953, p. 1518

the tenets of birthright citizenship and demonizing migrant women as purveyors of a slow national suicide.

Following the passage of the 1965 Immigration Act, the path that this thesis follows is a complicated one, grasping forwards and backwards in time to explicate the various modes of migrant reproductivity harnessed to construct a national ideal of the citizen. As a work focused on futurity I will not enact a straightforward or linear methodology to piece together the ambiguous components of this narrative. Instead I trace a chronologically exploded history of simultaneous futures alternatively envisioned by hegemon and subaltern, memories and anxieties projected forwards and backwards in time. That being said, this thesis does not seek to rely on anachronism or propound wayward chaos, instead I proceed genealogically, mindful of the historical contingency of aims and ideas, but dependent on a thematic roadmap.

With those prerequisites in mind, Chapter 1, “Birthright and (Post)modern Projects of Nation” begins with an analysis of the 1965 Hart-Cellar Act charting its effects on dominant conceptions of national identity and showcasing manifold anxieties surrounding migrant reproductivity. Chapter 2, “Gender, Biopolitics, and Valuation in Constructing Citizenship”, looks to the migrant body as a site of biopolitical cathexis in which the citizen and migrant are alternatively embodied as productive or detrimental contributors to a successful national future. Chapter 3, “‘Anchor Babies,’ Identity, and Economy” is an exploration of Latina fecundity and interactions with the state, with ‘anchor babies’ becoming the embodiment of discourses of U.S. economic standing and demonstrative of the tenuousness of U.S. citizenship. The final chapter, “‘Birth Tourism’ and the Commodification of American Citizenship,” looks to the rhetoric of ‘birth

tourism’ and highlights the racialization of transnational birth, evincing how disembodied East Asian women are depicted as stealing U.S. citizenship for and from their children, while defrauding the ideals of ‘pure’ American citizenship.

## II. Birthright and (Post)modern Projects of Nation

One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today. If we now begin our work in an appropriate manner, and if we continue to devote a considerable amount of attention and energy to this problem, then mankind will be able to surmount this challenge as it has surmounted so many during the long march of civilization.

--Richard Nixon  
July 18, 1969

### The Immigration Act of 1965

Looking back at the 1965 Hart-Cellar Act in the 1990s, author and vehemently anti-migrant scholar Peter Brimelow, in his work *Alien Nation*, envisioned the world of 1965 on the cusp of passing the act and in doing so expressed his considerable disgust. He anachronistically warned, "the American nation of 1965 is going to have to share its future, and its land, with a very large number of people who, as of that year were complete strangers. Foreigners. Aliens."<sup>17</sup> Brimelow's invective demonstrates a key part of the importance of the Immigration Act of 1965 is its discursive mobilization, even almost 50 years later, which has worked as a "source" of immigration woes in the U.S. Articles written for anti-migration groups like the Center for Immigration Studies (CIS), the Federation of Americans for Immigration Restriction (FAIR), and Brimelow's own V-DARE, as well as mainstream stories from NPR and MSNBC, whether positive or negative, have cited the centrality of Hart-Cellar to contemporary immigration discourse.<sup>18</sup> Those immigration critics, like Brimelow, who argue against a continuation of birthright citizenship, do so out of a yearning for an inaccessible and heavily

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<sup>17</sup> Peter Brimelow, *Alien Nation: Common Sense about America's Immigration Disaster* (New York: Random House, 1995), 48.

<sup>18</sup> [http://www.pbs.org/newshour/extra/video/blog/2009/08/1965\\_immigration\\_bill\\_changed.html](http://www.pbs.org/newshour/extra/video/blog/2009/08/1965_immigration_bill_changed.html) , <http://www.npr.org/templates/story/story.php?storyId=5391395>.



whitewashed migrant past. The memory of Hart-Cellar is just as central to formulations of migrant exclusion as its historical formation. Chiding the denizens (and possible future migrants) of what he terms the “primate cities” of Mexico City, Cairo, and Calcutta, Brimelow warns that “Poor, ignorant, desperate people are quite naturally more likely to deforest, overgraze, and overcultivate all the land they can get their hands on.”<sup>19</sup> To Brimelow, the 1965 act literally served to “open the floodgates,” eschewing a more “responsible” immigration policy, for one that assured the future racial, economic, and physical destruction of the United States.

Likewise, in the years immediately surrounding 1965, the question of immigration, specifically in reference to reproduction and demography, was a common cultural thread. In the debate about the bill even proponents of removing the national-quotas system always couched their arguments in assurances of weak migration from Asia and Africa, which could prove “devastating” to U.S. national interests. Rep. Emanuel Celler (D-NY), one of the sponsors of the bill asserted, “Since the people of Africa and Asia have very few relatives here, comparatively few could immigrate from those countries because they have no family ties in the U.S.”<sup>20</sup> Ironically, those “family ties” would eventually provide the backbone of arguments against birthright citizenship, with non-white migrant children charged with “anchoring” an influx of new migrants. Senator Ed Kennedy espoused a similar prediction, stating “The bill will not flood our cities with immigrants. It will not upset the ethnic mix of our society. It will not relax the standards of admission. It will not cause American workers to lose their jobs.”<sup>21</sup> Myra C.

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<sup>19</sup> Brimelow, 52.

<sup>20</sup> Congressional Record, Aug. 25, 1965, p. 21812.

<sup>21</sup> *U.S. Senate, Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, Washington, D.C., Feb. 10, 1965. pp. 1-3.*

Hacker, Vice President of the New Jersey Coalition who opposed the bills passage capitalized on the very same concerns Kennedy and Celler were attempting to assuage.

She states,

In light of our 5 percent unemployment rate, our worries over the so-called population explosion, and our menacingly mounting welfare costs, are we prepared to embrace so great a horde of the world's unfortunates? At the very least, the hidden mathematics of the bill should be made clear to the public so that they may tell their Congressmen how they feel about providing jobs, schools, homes, security against want, citizen education, and a brotherly welcome ... for an indeterminately enormous number of aliens from underprivileged lands.<sup>22</sup>

What the language of debate over the Hart-Cellar makes apparent is a focus on America's demographic future. Each participant cites the affects of abolishing immigration quotas, positively or negatively, but always attempts to linguistically preserve the homogeneous ideals of U.S. citizenship. Particularly telling are the filial identifications alluded to, that question (or protect) the preservation of citizenship rights of the family, i.e., work, schooling, domesticity, and community. To both its proponents and detractors, the question of the future affects of increased immigration to the U.S. was crucial to their decision.

The Hart-Cellar Act emerged out of a long lineage of U.S. immigration law reliant on and formative to a racial hierarchy of citizenship desirability. Though framed in a language of universality and multiculturalism, the act retained many racialized attributes that had characterized earlier immigration acts, and, in effect drastically increased "illegal" immigration and perpetuated a conflation of citizen/non-citizen amongst non-white peoples. The provisions of the 1965 act abolished the former nation-based quota system of legal immigration admittance, instead opting for an immigration ceiling by hemisphere. The Eastern Hemisphere, encompassing Africa, Europe and Asia,

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<sup>22</sup> Ibid., 681-687.

was allocated 170,000 possible immigrants at a maximum of 20,000 per country and hierarchies of preference for family members and nations of U.S. occupation. The Western Hemisphere was allocated 120,000 vacancies and no nation-specific quota. Importantly, though often seen as a victory for migrant groups, the act capped total migration and effectively retained racial/national preference through the occupational hierarchies outlined.<sup>23</sup> The act states,

No immigrant shall be admitted into the United States...for the purpose of performing skilled or unskilled labor unless the Secretary of Labor has determined...there are not sufficient workers in the United States...the unemployment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed.<sup>24</sup>

Essentially it was up to the discretion of the Secretary of Labor, in coordination with Attorney General and Secretary of State, to decide what migrants constituted a legitimate threat to U.S. economic security. This delegated responsibility to national immigration officials to determine who represented a migrant worthy of entry into the U.S., thereby discursively producing ideals of the future citizen.<sup>25</sup> Moreover, the 1965 act severely inhibited migration from Mexico and elsewhere in the Western Hemisphere, reducing legal migration by 40 percent compared to pre-1965 levels.<sup>26</sup>

More than the language and legal scope of the Hart-Cellar Act itself, the discourse surrounding a new “torrent” of racialized migrants coming into the U.S. was much more

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<sup>23</sup> SIDNEY E. ZION, ALIEN LABOR CURB AROUSES PROTEST New York Times, Dec 12, 1965; pg. 7

<sup>24</sup> Immigration and Naturalization Act of 1965 (66 Stat. 181; 8 U.S.C. 1181), SE. 9., Section 211, <http://library.uwb.edu/guides/USimmigration/79%20stat%20911.pdf>

<sup>25</sup> The productive affects of state bureaucracy, especially on ideals of community and identity have been well documented in historical scholarship. A particularly robust explication can be found in Peggy Pascoe’s *What Comes Naturally*, in which she argues miscegenation law, “not only condemned interracial sex in its casual and illicit forms but also turned long-term settled relationships...into illicit sex, thus in effect *producing* as well as condemning illicit sex.

<sup>26</sup> Ngai., 261.

germane to the rise of a newly refashioned anxiety over immigration and a national future. Here, the parallels to 1866 become much more apparent, in which a formerly legally protected national whiteness is challenged by a delegation of rights to a racialized population. Chinese migrants and black former slaves in the late-nineteenth century, represented a challenge to white hegemony, and in effect, to an idealistic national identity, and in doing so created a national anxiety that further codified racial hierarchy legally and culturally. The perceived threats to a monolithic American-ness were, in 1965, met with a similar trepidation to the new citizenship rights afforded blacks and native-born migrants in the 1870s, 80s, and 90s. After 1965 the future seemed an uncertain place to many Americans. Hart-Cellar and its cultural affects expanded and altered the concurrent groups of migrants, and, drawing on racialized and gendered imagery, differentiated them from previous generations, ascribing to Asian and Latina/o migrants connotations of hyper-reproductivity and threats to American labor that placed them outside the bounds of American national belonging.

As Benedict Anderson has claimed, the nation is “an imagined political community...a fraternity that makes it possible, over the last two centuries, for so many people, not so much to kill, as willingly to die for such limited imaginings.”<sup>27</sup> The ideological fervor surrounding the nation is such, that threats to its stability or sanctity, materialized in citizenship, are often met with fierce opposition. In fact, it is through the very mechanisms of exclusion that the “shared” ideologies binding together the imagined community are sustained. This chapter aims to evince the potency of “the nation” as an ideological frame and cultural/political motivator, harnessed to enact symbolic and actual

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<sup>27</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 2006), 7.

violence against migrant women and continually recreated through affective ties of racial similarity and difference.

Seemingly, therefore, a latent futurity inherent in a post-1965 citizenship discourse; one reliant on the imagery of the child and the pregnant mother is central to a contemporary understanding of the emergence of a birthright citizenship discourse. The migrant/citizen child and mother, in a way, have continuously been represented as outside the boundaries of normative or moral citizenship (the exclusion of Chinese women because of their fictive connections to prostitution and lasciviousness) *and* figured in connections to a national future (20th century eugenic concerns of racial fitness and demography). However, up until 1965 these concerns were only supplementary to a dominant frame of national border control that had explicit powers to exclude. With the passage of Hart-Cellar (though some language remains such as moral turpitude standards and capping total migrants), however, the ease of exclusion, specifically on racial grounds, that had categorized the past was much more strained. Instead, the state came to rely on an alternative means to both exclude unwanted migrants and normalize particular citizenship ideals. It was through cultural projections of hyper-reproductivity and the propagation of anxious future demographics that the citizen was reified as a white, responsibly reproductive entity.

### **Ideals of Family and Reproductivity**

Often these conversations, which centered on migrant and ethnic reproductivity, displayed a level of concern about not only the total growth of the U.S. population, which was slowing down after the initial post-WWII “baby boom,” but also more evasively regarding the quality of citizen being born. Both political and medical authorities were

increasingly concerned about child-rearing practices, with a plethora of new literature emerging on the subject. Furthermore, not only were individual families a subject of concern to the state, but this was linked to national and global populations, with ‘responsibility’ a coded term for reproductivity. The responsible parent, or nation, would replenish the national population, but sensibly.

Only recently and rarely has the concept of responsible parenthood been enlarged still further to include responsibility for determining the impact of parenthood decisions on the population today and in the future. More rare still is a concept of responsible parenthood that takes into account the optimum size of population, either for the present or the future, instead of the concept of maximum population size.<sup>28</sup>

The question of parental responsibility in the passage is presented not only as an individual or familial undertaking, but synecdochal and consequential for the nation as a whole. This conception was not limited to the U.S., however, and concerns about ‘third-world’ reproductivity and global population growth were also prolific.<sup>29</sup> The implication being that the responsible parent is constantly mindful of the future, so as not to endanger their family’s (or society’s) economic and social outcomes. The bad parent and the parallel bad citizen, seemingly incognizant of these distant possibilities, become unnecessarily draining of state resources. The connection bridged here between parent and citizen is also important for another reason. In rhetorically tying responsibility to citizenship and parentage, the non-citizen is automatically excluded from the realm of proficiency. With no investment in a state or national future, the non-citizen is perceived as being free to flaunt reproductive responsibility. The reality of the matter, however,

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<sup>28</sup> William F. Kenkel “Marriage and the Family in Modern Science Fiction,” *Journal of Marriage and Family*, Vol. 31, No. 1 (Feb., 1969), pp. 6-14

<sup>29</sup> Lyndon Johnson in his 1965 State of the Union Address even asserted, “The US will seek new ways to use our knowledge to help with the explosion in world population and the growing scarcity of world resources.”  
[http://healthandrights.ccnmtl.columbia.edu/human\\_rights/reproductive\\_health\\_and\\_human\\_rights.html](http://healthandrights.ccnmtl.columbia.edu/human_rights/reproductive_health_and_human_rights.html)

was/is often quite different, as migrant's bodies, privacy, and reproductive rights were/are highly surveilled and forcefully regulated.<sup>30</sup>

Historian Matthew Connelly has argued that “controlling how a nation reproduces itself has provided an alternative approach to policing a nation's borders, one measured in time as much as space.” The post-WWII U.S., therefore, managed not only to envision its own control of reproduction, but also supported programs throughout the world to slow population growth. The earliest and most prominent of these programs were enacted in the far-reaching post-colonial areas of U.S. power, including, but not limited to Puerto Rico, Taiwan, South Korea, and India. Seemingly, the struggle for a prominent U.S. national future was reliant on both domestic and global regimes of control over reproductivity. As American women in the 1960s and 70s were fighting for access to birth control, abortion rights, and legal control over their own bodies, women who were non-white, non-citizens, or those in regions affected by population control measures had significantly less control.<sup>31</sup>

Indicative of this racialized atmosphere of reproductive regulation was the persistence of mass sterilization programs into the 70s and 80s that specifically targeted low-income women, most often Black, Asian, or Latina. The myriad “benefits” of these programs, according to many doctors and legislators, were reliant upon a logic that constantly looked to the future. They argued, “reproductive surgery could serve as a techno-surgical fix that, in whatever instance, would save the state money, impede

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<sup>30</sup> See: Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico*; Peggy Pascoe, *What Comes Naturally*; Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America*

<sup>31</sup> Matthew Connelly, *Fatal Misconception* (Cambridge: Harvard University Press, 2008), 5.

irresponsible parents from having more children, and boost the well-being of society.”

The right to have or not have children was often dictated by class and racial parameters with the dominant perception being that white women could and should manage their own birth control and that minority and working-class women needed to be managed.<sup>32</sup>

These ideas of out-of-control reproduction amongst minority women, however, did not emerge out of nowhere. The sexualization of Black, Asian, and Latina women by the state, industrial capital, and at the personal level has consistently been a means to assert both gender and racial domination, propagating images such as the opium den sex-worker and the welfare queen. These images have historically worked to construct the racialized woman as both sexually available to white men and to display “inherently” non-normative gender roles. Whereas the white woman has been prefigured as an object of purity, cleanliness, and domesticity, the migrant and minority woman is construed as lascivious and sexually available, exhibiting a kind of sexual deviance that ‘justifies’ their subaltern status, but also questions their ability to manage their own sexualities.<sup>33</sup> Integral to these connotations was a plethora of cultural imagery depicting Black women and female migrants as sexually deviant, not only through literature, newspapers, music, and movies, but embedded in the language of legislation, court decisions, and congressional inquiries.

*Madrigal v Quilligan* (1979) was one such court case in which 10 Latina migrant women challenged the right of physicians to perform non-consensual sterilizations. The

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<sup>32</sup> Alexandra Minna-Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in America* (Berkeley: University of California Press, 2005), 203; Philip R. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore: Johns Hopkins University Press, 1991)

<sup>33</sup> Stephen McNulty, “From Deity to Demon: The Social Implications of Opiate Addiction in Late Nineteenth and Early Twentieth Century America”, *Rutgers Master’s Thesis*, 2009, 77. and Hamilton Wright. “Report from the United States of America.” *Report of the International Opium Commission*, (1909).



women charged that the obstetricians forcefully coerced them into getting the procedures and highlighted how Mexican, Black, and Native American women were subject to highly disproportionate non-consensual sterilizations. They eventually lost the case, but *Madrigal v Quilligan* proved to be a rallying cry for Chicana feminists and other women of color who argued against the clear national and racial biases of the head obstetrician and lead defendant, Dr Edward James Quilligan. Quilligan, according to witness Karen Benker, reportedly charged that “poor minority women in L.A. County were having too many babies; that it was a strain on society; and that it was good that they be sterilized.”<sup>34</sup> She also testified that he “boasted about a federal grant for over \$2 billion dollars he intended to use to show, in his words, ‘how low we can cut the birth rate of the Negro and Mexican populations in Los Angeles County.’”<sup>35</sup>

Quilligan’s concern with the rising populations of Black and Mexican migrants was not a unique one, however, and by the 1970s there was a rising level of apprehension about the possible decline of white Americans as the citizen majority. Feeding that racial paranoia, in 1972 the Rockefeller Commission Report was released, detailing the (then) current status of the U.S. population, as well as dictating numerous possibilities of an American National future in continuing the status quo. The report was quite comprehensive in cataloguing the effects of population on economy, public health, natural resources, and government policy, linking each to a need (or as the commission finds, no need) to sustain or bolster U.S. population. In the letter of transmittal, addressed

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<sup>34</sup> *Madrigal v. Quilligan*,” No. CV 74–2057-JWC, Report’s Transcript of Proceedings, Tuesday, May 30, 1978, SA 230–240, CGVI, SA, 5, CSL, UCLA, p. 802.

<sup>35</sup> *Ibid*, 797

to President Nixon, the commission chair John D. Rockefeller argued that the American nation no longer needed to maintain current birth rates. He states,

After two years of concentrated effort, we have concluded that, in the long run, no substantial benefits will result from further growth of the Nation's population, rather that the gradual *stabilization* of our population through voluntary means would contribute significantly to the Nation's ability to solve its problems. We have looked for, and have not found, any convincing economic argument for continued population growth. The health of our country does not depend on it, nor does the vitality of business nor the welfare of the average person.<sup>36</sup>

The commission, itself borne out of Nixon's call to address the possible future problems of population growth, served to both bolster Nixon's claims about an endangered future and to outline the specific affects of that increase on the nation. The commission was entrusted "to formulate policy for the future— policy designed to deal with the pervasive impact of population growth on every facet of American life."<sup>37</sup> Though charged with an expansive objective the commission whittled their ideas down to three different yet complimentary viewpoints of avenues that could be productive in slowing population growth: access to and education pertaining to birth control, an understanding of the ecological balance of humans and nature, and a recognition of gender and racial inequality, which would provide increased support and birth control for minority populations. Though the stratagems outlined by the commission certainly promoted programs of liberalization to economy, environmentalism, and civil rights, at the same time there were more inconspicuous assertions being made, namely, the reliance on sociological and statistical reporting, which served as the basis for these

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<sup>36</sup> United States. Commission on Population Growth and the American Future, and J.D. Rockefeller. 1972. *Population and the American Future - Report of the Commission on Population Growth and the American Future*. Emphasis mine. Interestingly, the most readily available copy of the report comes from an anti-Vatican website that critiques the numerous affects of Catholic pedagogy/policy on global population growth.

<sup>37</sup> Ibid.

recommendations, bolstered the characterization of low-income and minority families as hyper-reproductive.

Importantly, it was not only the literal birthrates that distorted the images of non-white women/children, but the discourses surrounding those numbers, particularly their incongruence with normative national ideals. This notion was borne out of the idea that “statistics are most usefully treated not so much as “wrong” or “right,” but as the result of a knowledge creation process with its own dynamics, one that can be told and understood as a story.”<sup>38</sup> As the commission argued repeatedly, “the family is our most revered institution,” but it is a very particular definition of family, one that must be protected. They continue, “The idea that our population growth is primarily fueled by the poor and the minorities having lots of babies is a myth. There is nonetheless a strong relationship between high fertility and the economic and social problems that afflict the 13 percent of our people who are poor, and we must address it.” Though the commissioners acknowledged the fiction of minority and working-family responsibility for overpopulation, in the very next sentence they enacted a discursive move that bound high fertility to specific classes of people. The proposed solutions, however, bred a form of racial erasure in which diversity and multiculturalism stood in for structural change and population threat was externalized onto those outside the boundaries of normative citizenship; minorities, low-income families, and migrants.

The commission suggested keeping immigration levels stable and not increasing them, citing among other reasons that “special attention to career advancement programs and promotion practices, as well as hiring, is needed to permit blacks to travel the same

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<sup>38</sup> Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002), 202.

economic path and have the same opportunities as immigrants.”<sup>39</sup> This quote illustrates the devious move that has often been made in explanations of data and policy suggestions, primarily in linking blacks and migrants in an oppositional form of non-citizenship. In this scenario, “some liberals blame immigrants for undercutting native born workers’ wages and for displacing African Americans from jobs in the lower strata of the workforce.”<sup>40</sup> In doing so, the stereotypical hard-working migrant is denied the benefits of citizenship and juxtaposed against “culture of poverty” stricken African Americans.

### **Anti-Immigration Literature and Deleterious Reproductive Futures**

In 1979, former ophthalmologist John Tanton founded the Federation for American Immigration Reform (FAIR), an organization dedicated to anti-migrant legislation and the stabilization of U.S. population growth. Interestingly, FAIR has its roots in environmental conservation, with founding members Tanton, his wife Mary Lou, Roy Beck, and Roger Conner, all formerly involved in the environmental rights movement in groups such as the Sierra Club and Zero Population Growth (ZPG). Their work was greatly influenced by those previous endeavors, drawing on works like Paul Ehrlich’s influential book *The Population Bomb* which cited population growth as “a major focus for groups interested in the problem of resource limits to the growing concern about ‘quality of life.’”<sup>41</sup> Since its inception, aided by organizations like the

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<sup>39</sup> Commission on Population Growth and the American Future

<sup>40</sup> Ngai, 268.

<sup>41</sup> Robert Gottlieb, *Forcing The Spring: The Transformation Of The American Environmental Movement* (Washington D.C.: Island Press, 2005), 256. Though it isn’t within the scope of this thesis to chart the mutually constitutive relationship between environmental activism and anti-migrant discourse, their interrelatedness is an extremely fascinating phenomenon, de-centering the “straightforward” political associations usually cited as driving anti-immigration policy. A useful work that demonstrates the eugenic ideals of many conservationist groups is Alexandra Minna Stern’s work *Eugenic Nation*.

American Immigration Control Foundation (AICF), Voices of Citizens

Together/American Patrol, the Commission on Immigration Studies (CIS), and V-DARE, FAIR has worked relentlessly to curb migrant rights through comparative analyses of reproductivity, starkly contrasting migrants and citizens.

Roy Beck, a former journalist and anti-immigration pundit has made similar racialized claims, arguing that the U.S. would not face numerous cultural and economic problems “If the nation’s demographic future had rested solely on the fertility choices of *American* women since 1970.”<sup>42</sup> Beck therefore projects responsibility for any number of social problems plaguing the U.S. squarely on the shoulders (or more aptly in the uterus) of migrant women. This forecast of national decay was not merely contained to the realm of the economic, however, and the formation of American citizenship as an emblem of individual identity was championed by numerous anti-migrant and population control activists. Samuel Huntington, also, alleged that unrestrained immigration and rampant multiculturalism could lead America to “lose its core culture,” become “bifurcated,” and “evolve into a loose confederation of ethnic, racial, cultural, and political groups with little or nothing in common apart from their location in the territory of what had been the United States of America.”<sup>43</sup> The migrant and child of the migrant are hereby viewed as antithetical to a “real” or “true” identity encapsulated by U.S.

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<sup>42</sup> Roy Beck, *Re-charting America's Future : Responses to Arguments Against Stabilizing U.S. Population and Limiting Immigration*. (Petoskey, Michigan: Social Contract Press, 1994), 4. In addition to blaming resource scarcity and a poor education system on increased immigration, Beck also claims that traffic congestion, pollution, urban decay, endangered species lists, and privacy concerns would all be assuaged as well.

<sup>43</sup> Samuel Huntington, *Who Are We?: The Challenges to America's National Identity* (New York: Simon & Schuster, 2004), 19.

citizenship. To these authors and commentators, the fabric of American citizenship was under siege from “fraudulent” citizens.

The specific “threat” of Latina reproduction, also, has been repeatedly manufactured as a racial and demographic assault on the American “nation.” In a 1977 issue of *U.S. News and World Report*, the cover story announced “TIME BOMB IN MEXICO: Why There’ll Be No End to the Invasion of Illegals.” The article cites fertility rates amongst Mexican women as being well above those of white American women and manages to simultaneously connect the language of reproductivity to explosive or violent consequences for the U.S. To *U.S. News*, the sanctity and national security of America is under threat from an overwhelming group of possible future migrants. These ideals were also used to racialize Latina/o migrants as antithetical to other tenets of U.S. citizenship as well. This sentiment is plainly characterized through what the former president of Zero Population Growth and founder of FAIR, John Tanton termed a

Latin onslaught...Will Latin American immigrants bring with them...the lack of involvement in public affairs...Will the present majority peaceably hand over its political power to a group that is simply more fertile?...Perhaps this is the first instance in which those with their pants up are going to get caught by those with their pants down!<sup>44</sup>

Besides the brazen language and the fatuous argument that Tanton presents, he also highlights a kind of cultural/national downfall in a coming demographic change in the U.S. He wrote in an Aug. 8, 1997, letter to Harvard professor Samuel Huntington, a fellow immigration critic, of the immigration “crisis” in the U.S., stating “The situation then is that the people who have been the carriers of Western Civilization are well on the

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<sup>44</sup><http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2002/summer/the-puppeteer/witan-memo-iii> Southern Poverty Law Center: Intelligence Report, Summer 2002, Issue Number: 106, WITAN Memo.

way toward resigning their commission to carry the culture into the future,”<sup>45</sup> He finishes in lamenting, “it begins to look as if the chances of Western Civilization passing into the history books are very good indeed.”<sup>46</sup>

Other news outlets and activists expressed similar concerns for the stability of the nation should immigration continue “unchecked,” penning immigration articles with titles like “The Coming Anarchy” and “Tired? Poor? Huddled” Tempest-Tossed? Try Australia. Rethinking Immigration.” Writer Peter Brimelow has argued that “Symptomatic of the American Anti-Idea is the emergence of a strange anti-nation inside the U.S.--the so-called Hispanics.”<sup>47</sup> Brimelow’s argument hinges on the supposed “anti-Americanness” of Latina/o migrants residing in the U.S. To him they pose a kind of insidious menace to the nation itself, eroding a longstanding white institutional hegemony. Scholar Leo R. Chavez similarly characterizes Brimelow and much of the media coverage of the immigration “problem” in the 80s and 90s in stating, “The alleged high fertility of Latinos informed an apocalyptic vision of the future.”<sup>48</sup> Samuel Huntington, author of the infamous *Clash of Civilizations*, wrote in *Foreign Policy* magazine, “the single most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico, and the fertility rates of these immigrants compared to black and white American natives.”<sup>49</sup> As Chavez has shown however, not only is the

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Peter Brimelow, “Time to Rethink Immigration?” *The National Review* June 22, 1992, 45.

<sup>48</sup> Leo R. Chavez, “A Glass Half Empty: Latina Reproduction and Public Discourse” *Women and Migration in the U.S.-Mexico Borderlands: A Reader* (Durham: Duke University Press, 2007), 73.

<sup>49</sup> Samuel Huntington, “The Hispanic Challenge” *Foreign Policy* March 1, 2004: [http://www.foreignpolicy.com/articles/2004/03/01/the\\_hispanic\\_challenge](http://www.foreignpolicy.com/articles/2004/03/01/the_hispanic_challenge)

image of the hyper-reproductive chicana migrant detrimental to Latina/o citizenship, but it is also wholly inaccurate with Latina women having on average a similar fertility rate to Anglo women. The figure of the overly fecund migrant woman, however, has become “common sense” and though the statistics may say otherwise, the rhetorical othering of migrants continues to shield a white hegemonic citizenship.

To “evince” the migrant assault on citizenship depended on highlighting the productive attributes of white men and simultaneously documenting the ‘violence’ done to the economy and the social fabric of the American nation by migrants.<sup>50</sup> This was an integral cultural/political tool that aided in the rise of the New Right and allowed for the “colorblind” dismantling of public assistance programs is also useful for its demographic implications. Just as politicians like Pat Buchanan and Newt Gingrich viciously attacked welfare programs for their economic drain on the nation, similar charges were leveled against ethnic population totals. One *Boston Herald* article lamented, “By 2020, whites will comprise less than 60 percent of the population of the nine largest states...Riots, cultural separatism, a racialized justice system...and demands for reparations will be among the more pleasant aspects of our growing Balkanization.”<sup>51</sup> Feder, the author of the column, symbolically connects the dwindling white population with a wholesale destruction of foundational American ideals. The mere idea of a white statistical minority is enough for Feder to assure certain anarchy. This viewpoint that is certainly not unique to Feder highlights a certain recognition of white privilege, that though unremarked upon, underscores much of the demographic anxiety. In more stark and apocalyptic terms

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<sup>50</sup> There is a wealth of historical and political scholarship not mentioned here on the affects of immigration on national culture, economy, and citizenship, including but certainly not limited to: Georgie Anne Geyer’s, *Americans No More: The Death of Citizenship*, Otis L. Graham Jr.’s, *Unguarded Gates* and *Immigration Reform and America’s Unchosen Future*, and Arthur Schlesinger’s, *The Disuniting of America*.

<sup>51</sup> Don Feder, “This Melting Pot is Boiling Over,” *Boston Herald*, Oct. 4, 1995, 33.



Lawrence Auster in *The Path to National Suicide* asserts that a continuation of “third world” immigration heralds “not some utopian, ‘equal’ society, but simply the end of American civilization.”<sup>52</sup>

Not only was the aftermath of 1965 characterized by governmental commissions, court cases, and congressional legislation pertaining to migrants, children, and citizenship, but it was also infused by numerous literary and academic works equally interested in those themes and their affects on contemporary national identity. After expounding upon the great character of 19th and early 20th century immigrants, Peter Schuck, writing a chapter in Nathan Glazer’s *Clamor at the Gates* (1985), argues that the late 20th century constitutes something different altogether. He states that “America, then, faces a poignant predicament...confronted by millions of individuals who, sociologically and legally speaking, have found community here only after flouting [the] law, American society cannot easily legitimate their presence.” He goes on to argue that the very premise of nationhood is based on requires “a coherence of shared, traditions, experiences and values--a national community...[that] defines itself in ways that are often parochial, exclusionary, and inward turning” which is in his words both “inevitable” and “desirable.” Schuck couches his adherence to exclusionary national citizenship in the language of individual liberty, an explication that provides the cornerstone for much of the discourse against birthright citizenship. In providing this explanation, however, Schuck provides a glimpse into the racialized character of anti-migrant rhetoric.<sup>53</sup>

Books like Glazer’s *Clamor at the Gates*, *Citizenship Without Consent*, Samuel Huntington’s, *Clash of Civilizations*, and Lawrence Auster’s, *The Path to National*

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<sup>52</sup> Auster, 63.

<sup>53</sup> *Clamor at the Gates*, 289.

*Suicide*, represent a few of the pseudo-academic works assailing the real and imagined challenges to U.S. power; nationally, locally, and globally. Most of these texts, with the exception of Auster's, are purposefully de-raced, and self-proclaimingly colorblind, instead opting to make racial assertions without actually utilizing the language of race. Each, however, is reliant upon an uncertain national future, in which, the U.S. under an internal or external threat must drastically alter its political, cultural, and economic course or risk certain demise. Most forceful in these apocalyptic proclamations, as well as least scholarly, is Auster's *Path to National Suicide*. In specifically citing the 1965 Immigration Act, Auster makes explicit what each of the other authors wholeheartedly avoid addressing, the "browning of America." Included within the pages of Auster's poorly written diatribe, is the core of his argument against the 1965 act and the immediate limitation of immigration, a section entitled "America's Destiny Revealed", in which he cites future predictions of U.S. ethnic make-up. He states that by 2080, "The pre-1880 population from Northern Europe--the original racial and cultural base of the U.S.--will have become a vanishing minority."<sup>54</sup> The depiction of the white population literally disappearing from the U.S. is certainly a hyperbolic one, but not out of the ordinary for literature surrounding ethnic composition/migration and U.S. national identity.

### **Explicit National Futurities**

In 1985, *Time* magazine ran a special issue entitled, *Immigrants: The Changing Face of America*, stating, "They come from everywhere, for all kinds of reason, and they are rapidly and permanently changing the face of America. They are altering the nation's

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<sup>54</sup> Lawrence Auster, *The Path to National Suicide: An Essay on Immigration and Multiculturalism* (Monterey, VA: The American Immigration Control Foundation, 1990), 25-26.

racial make-up, its cities, its tastes, its entire perception of itself and its way of life.”<sup>55</sup>

Though not as explicit in its denigration of contemporary immigration, the *Time* article stresses the quality and quantity of difference that is quickly altering American identity in its most basic visual form, the face. The authors also formulate a discursive divide in their repeated utilization of “they” throughout the passage and the whole issue. The immigrant “they” become exterior to a concrete community of “us” or “we,” in which the current stability of American nationality is becoming unknowable, or indecipherable. So through a combination of visual and rhetorical encodings and decodings, the whole of American life has suddenly been thrown into disarray.

Lauren Berlant details how the images within the *Time* article

“are like fetal sonograms or baby pictures. The specific bodies matter little. Their importance is in the ways they express how completely generic immigrant hopes and dreams might unfold from particular bodies, and they tell a secret story about a specific migrant’s odds for survival--by which *Time* means successful Americanization.”<sup>56</sup>

There is a kind of rebirth suggested, in which the former migrant self is extinguished and replaced by a new “American” self. There is also, however, an unmentioned underlying fiction in this transaction. *Time* suggests that this new American identity and community operates on an equal playing ground, where each “citizen” is a part of a diverse, yet coherent machine. What is implied, yet subsumed in *Immigrants*, is the racialization of citizenship and the different modalities of desirability, contingent on ethnic background.

The question of language, particularly, is accentuated not only in the *Time* article, but in much of the literature criticizing migrants in the U.S. Benedict Anderson has written that one of the major prerequisites of a “national consciousness” was the

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<sup>55</sup> *Time* 8 July 1985: 1.

<sup>56</sup> Berlant, 187.

mechanically reproduced grammars and syntaxes of print capital. He argues, “they [print-languages] created unified fields of exchange and communication...gave a new fixity to language...[and] created languages-of-power of a kind different from the older administrative vernaculars.”<sup>57</sup> Relatedly, the utilization of non-English languages (primarily Spanish, but also Chinese, Korean, etc.) has proved one of the most vehemently opposed “attacks” on American national identity. One such instance involved a Mexican migrant mother, In 2005, Felipa Berrera, who spoke Mixteca and no English, in court over a case of child neglect. The order read, “the court specially informs the mother that if she does not make the effort to learn English, she is running the risk of losing any connection legally, morally, and physically, with her daughter forever. If the mother is able to learn English, she will be able to speak to her daughter for the first time *in a substantive manner*.”<sup>58</sup> The ruling served to reinforce a notion of migrant unfitness for both parentage and citizenship, both of which, in his understanding, are reliant on a knowledge of the English language. In Schmidt Camacho’s interpretation of the case, “the court order inverted familial roles by casting the mother in a submissive role to the child; as a U.S. citizen, the girl was treated as her mother’s superior.”<sup>59</sup> This speaks to the somewhat arbitrary position the children of migrants occupy, at times maligned for their drain on state resources, but in other circumstances allocated a tenuous inclusion into the nation. In this instance, English acted as a barrier to the mother whilst absolving the child. Camacho continues in stating, “the non-English speaker was a person without

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<sup>57</sup> Anderson, 44-45.

<sup>58</sup> Ellen Barry, “Judge Orders a Woman to Learn English,” *Los Angeles Times*, February 14, 2005 <http://articles.latimes.com/2005/feb/14/nation/na-english14>

<sup>59</sup> Alicia Schmidt-Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* (New York: NYU Press, 2008), 228.

status, whose rights could be abridged in order for the state to meet its obligations to U.S. citizens.”<sup>60</sup>

This ethos is further reinforced by Nathan Glazer in *Clamor at the Gates*, in which he writes,

These three factors--that the United States is and expects to be a country of permanent immigrants who become citizens, that its history is not of growth through accretion of territories with a different culture and language<sup>61</sup>... and that as a country of immigration it is committed to the forging of people of many linguistic backgrounds and races into a common American people with a common loyalty and a common language and culture.<sup>62</sup>

Besides the vast moves of historical and cultural erasure Glazer has enacted in this one passage, it is also enlightening for its reliance on linguistic assimilation as a mode of engineering a national future. To “maintain home language” as Glazer articulates, would unbalance the delicate machinery of a cohesive national whole. Moreover, while his language is carefully couched in generalities of “language” and “culture” these are powerful discourses that are formative to a politics of exclusionary citizenship. It is in the realm of education, of the children of citizen’s and the children of migrants, that these issues must be addressed. As Glazer is arguing, English, and by extension, Western/American culture, should not be challenged or even diversified, so as to maintain the health and stability of the country, a stability predicated on the protection of the white body and the white voice. As John Tanton has argued, “It would be difficult for an effective democracy to maintain a lively and informative debate without the bond of a common language.”<sup>63</sup> It is not only through the demarcation of language barriers,

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<sup>60</sup> Ibid.

<sup>61</sup> Here he gestures to the annexation of territories from Mexico in 1845, but conveniently forgets the supplanting of Native American peoples, Hawaii, and the entirety of U.S. global colonial endeavors.

<sup>62</sup> Glazer, 225.

<sup>63</sup> John F. Rohe, *Mary Lou & John Tanton: A Journey Into American Conservation* (Washington D.C.: FAIR Horizon Press, 2002), 75

between the citizen and the migrant, however, but also the biopolitical mechanisms of the state that the racialized female migrant body has been re/produced as antithetical to productivity, unworthy of citizenship, and formative to apocryphal futures.

### III. Gender, Biopolitics, and Valuation in Constructing Citizenship

If the development of the great instruments of the state, as *institutions* of power, ensured the maintenance of production relations, the rudiments of anatomo- and bio-politics...as *techniques* of power present at every level of the social body and utilized by very diverse institutions (the family and the army, schools and police, individual medicine and the administration of collective bodies), operated in the sphere of economic processes, their development, and the forces working to sustain them.<sup>64</sup>

--Michel Foucault  
*The History of Sexuality*

#### A Brief Intro on Biopolitics

Michel Foucault wrote in his *History of Sexuality*, “The disciplines of the body and the regulations of the population constituted the two poles around which the organization of power over life was deployed.”<sup>65</sup> In his formulation, control over individual bodies and total populations, each representing discrete, yet mutually constitutive processes, was integral to the growth of the modern state as a communal and sovereign body. Additionally, this gives the state the ability not only to pass judgment on who dies and who is allowed to live via criminal proceedings and wars, but it also importantly grants the power to maintain and foster life. This mobilization of *biopower*, as Foucault terms it, takes the human body and through various institutions allocates or disallocates life. This is historically apparent in the contemporaneous rise of demography, health care, education, and incarceration as apparatuses of the modern state. More specific to the aims of this paper, the concept of biopower, or biopolitics (the politicization of the body by various modes of state/capital power) can be harnessed to explicate appropriations of citizenship, and, how the migrant *body* is mobilized as

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<sup>64</sup> Michel Foucault, *The History of Sexuality* (New York: Pantheon Books, 1978) 141.

<sup>65</sup> Foucault, 139.

unproductive or unvalued in contributions to a successful national future. This chapter will attempt to demonstrate the manifold means through which the migrant body is juxtaposed against the citizen body as differentially gendered and racialized. These particular differentiations not only work to exclude migrants from the benefits of citizenship, but also to construct distinct ideals of what embodies the archetypal citizen; a logic reliant on whiteness, masculinity, and heteronormativity. The citizen, therefore, becomes the primary mechanism of biopower, a subject desired for its contributions to the state and constructive of a successful national future. The migrant, however, racialized as both economically unproductive and overly reproductive becomes a harbinger of a more ominous future. It is through highly visible and sometimes more subtle appropriations of the migrant body, and especially the female migrant body, that exclusion is “justified” and the migrant is produced as embodying the anti-citizen.

To document these processes is not to take the migrant body, or the prototypical citizen body for that matter, as a static entity that can simply be categorized. What I aim to show, is just how these bodies come to be produced, over and over, in various iterations, as well as to highlight the mechanisms that drive these hegemonic images, and are in turn re/produced by them. As scholar Penelope Deutscher has contended “(reproductive) life is always already produced power, dividing against and fighting itself as laws, doctrines, practices and governmentality engage the vicissitudes of women’s reproductive life.”<sup>66</sup> To accomplish this requires an approach to power cognizant of just how contingent the supposedly stable categories of race, gender, and sexuality are. It is for these reasons that this chapter relies on the body as a mode of performance. Just as

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<sup>66</sup> Penelope Deutscher, “Reproductive Politics, Biopolitics and Auto-immunity: From Foucault to Esposito,” *Bioethical Inquiry* (2010) 7: 225–226.



Judith Butler has argued that gender is the tenuous culmination of "the stylized repetition of acts through time," so too will this project take into account the continuous need to recreate migrant fecundity, welfare reliance, and economic drain as essentialized traits of Asian and Latina/o migrants.<sup>67</sup>

These images, therefore, are the result of an enduring discursive lineage, highlighting racialized threats to national prosperity and formulating danger to an American future in the migrant woman and child. These performances articulating non-belonging are not limited to the body, however, and though largely reliant on modes of corporeality and comportment, they are also manifested through articulations of space. If there is, as Butler argues, a "reiterative power of discourse to produce the phenomena that it regulates and constrains," then seemingly, state mechanisms of power are not simply reacting to "crises" of migration, reproduction, and childhood, but productive of them.<sup>68</sup> Therefore, the rise in international migration and vociferous minority politics, which are "conventionally identified as source[s] of potential crisis provide the state with vital opportunities to reiterate its identity against these "threats" that the state itself reifies and regulates through law and public policy."<sup>69</sup> Moreover, the attention given to migrant hyper-fecundity, not only reifies migrant women as non-normative and draining to state resources, but also works to rhetorically bind women to motherhood, effacing queer identities, and reinforcing a logic of female domesticity.

## Vietnam

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<sup>67</sup> Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 141.

<sup>68</sup> Ibid.

<sup>69</sup> Gregory Feldman, "Essential Crises: A Performative Approach to Migrants, Minorities, and the European Nation-State" *Anthropological Quarterly*, Volume 78, No. 1, Winter 2005, 221.

Though a large amount of immigration scholarship covering the post-1965 time period has detailed the focus of U.S. policy/American attitudes towards Latina/o migrants, the “problem” of East and Southeast Asian refugees/migrants was just as pressing on the minds of many Americans.<sup>70</sup> Following the war, as over 100,000 refugee bodies entered the country, the public sympathy that had first led President Gerald Ford to ‘admit’ the refugees gave way to pronounced concerns over migrant reproductivity and ‘overuse’ of welfare benefits. The Vietnam War was rampaging by 1965 and would continue to loom large in American national memory for some time to come. It was the way the war was appropriated, however, as both a means to internationally absolve U.S. guilt/responsibility as an occupying, some would say imperial, power and to laud and eventually demonize Southeast Asian migrants that had longstanding effects on migrants and their children and was especially integral in orienting the Southeast Asian migrant body away from normative U.S. citizenship.<sup>71</sup>

The withdrawal of the U.S. from Vietnam was disastrous for many Vietnamese who had supported American forces during their long occupation and following the collapse of South Vietnam were forced to flee. From the month of April through December of 1975, the U.S. admitted over 130,000 refugees from Southeast Asia, the vast majority from Vietnam, a trend that would continue for the next several years eventually averaging 14,000 a month by 1979. However, to view the admittance of

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<sup>70</sup> Lisa Lowe, Aihwa Ong, Mae Ngai, David Eng, and others have written about the continued subordination and structural inequality many Asian migrants/Asian-Americans continued to suffer following 1965.

<sup>71</sup> Sara Ahmed’s brilliant exegesis on “Orientations,” is incredibly useful for alternatively figuring bodies and temporalities and their interactions with one another. As she writes, “Orientations allow us to take up space insofar as they take time. Even when orientations seem to be about which way we are facing in the present, they also point us toward the future (Ahmed 554).”

hundreds of thousands of Southeast Asian refugees, who came not only from Vietnam, but neighboring Cambodia and Laos as well, as a wholly humanitarian endeavor would be to ignore the international foreign policy aims of the U.S. government. Instead, the U.S. was making a calculated effort in its global anticommunist campaign to characterize itself as a safe haven for those “from communist regimes [that] had undergone great suffering as symbolic or literal ‘freedom fighters.’”<sup>72</sup>

The Vietnamese body could then become a vessel of exoneration and to incorporate international refugees worked domestically and internationally to showcase U.S. democratic ideals, something to redeem the taint of both intervening in Vietnam and the ‘embarrassing’ abandonment that followed. Therefore, those Vietnamese refugees admitted into the country were serving as emblems of U.S. immigration liberalism; a calculated kindness that Ford hoped would erase the divisiveness and suffering resultant from the newly ended war. This was short-lived, however, as after the first wave of refugees were admitted and supported under the Indochina Migration and Refugee Assistance Act of 1975 (P.L. 94-23)<sup>73</sup> “a more ethnically heterogeneous people consisting of ethnic Chinese from Vietnam, Kampuchians (Cambodians), lowland Lao, and highland Hmong--began settling in the United States, their presence and visibility stirred public concerns of cultural conflict and racist resentment over public assistance to foreigners.”<sup>74</sup> Soon many Southeast Asians were stigmatized as embodying a “welfare mentality” akin to native-born Blacks, with high levels of unemployment and disparately high dependence on federal aid. Some federal officials argued that “a result could be

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<sup>72</sup> Lynn Fujiwara, *Mothers Without Citizenship: Asian Immigrant Families and the Consequences of Welfare Reform* (Minneapolis: University of Minnesota Press, 2008), 58.

<sup>73</sup> The act authorized compensation for those fleeing Southeast Asia in urgent need of assistance.

<sup>74</sup> Ibid.

perpetual dependence on the welfare system for many refugees.”<sup>75</sup> As Aihwa Ong has asserted, “as refugees settled down to become long term residents, they lost their glow as freedom fighters.”<sup>76</sup> A similar fate befell the Cuban refugees of the Mariel Boatlift, a mass migration in which over 100,000 refugees came to the U.S. in 1980 and “Public sentiment gradually began to turn against the ‘boat peoples’ of the world arriving in a recession-slowed U.S.”<sup>77</sup> This transition, resultant from both the war and non-recognition of the needs of new migrants by the state, transformed the migrant refugee body from one of productivity, to an embodiment of present and future economic and cultural drain.

Southeast Asian women, however, were forced to bear the brunt of the criticisms and acts of violence that emerged out of their association with welfare benefits. As Lynn Fujiwara has documented, “by 1980, in the initial years of resettlement, 23 percent of the Southeast Asian population were single female heads of household, constituting 51 percent of all Southeast Asian families below the poverty level.”<sup>78</sup> Southeast Asian women also had significantly higher levels of unemployment than their male counterparts and a lower percentage held high school degrees. Each of these factors contributed to a great deal of reliance on the benefits provided by the state. However, in 1996 Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which limited welfare assistance and reduced the amount of aid allocated to migrants. In 1997, shortly after the passage of the act, Ye Vang a Hmong migrant and

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<sup>75</sup> *New York Times*, April 27, 1987, A10.

<sup>76</sup> Aihwa Ong, *Buddha is Hiding Refugees, Citizenship: The New America* (Berkeley: University of California Press, 2003), 81.

<sup>77</sup> *Ibid.*, 82.

<sup>78</sup> Fujiwara, 67.

refugee, committed suicide, “her relatives say[ing] Vang felt unwanted in the United States after the adoption of the federal welfare reform law in August 1996.”<sup>79</sup>

On January 17th, 1989 Patrick Purdy opened fire in a Stockton, California elementary school, “killing five children of Southeast Asian refugees” expressing his hatred for Vietnamese immigrants, believing “they were robbing native-born Americans of jobs.”<sup>80</sup> Though the Vietnam War had ended nearly 14 years before, the memory of American interference in Southeast Asia and the influx of migration from the region resultant from the war clearly still incited rage in America. Purdy’s rampage, however, is only the most obvious manifestation of American frustration with changing racial and cultural demographics. Though Purdy had been overheard “seething” when discussing Asian workers, specifically Vietnamese, his shooting spree was not directed at any former place of employment or somewhere he had been rejected from working, but at an elementary school in which “an estimated 600 of the 970 pupils at the school were from Southeast Asian families.”<sup>81</sup> The fact that Purdy’s violence was directed specifically at children represents the complexity with which anti-migrant anxiety has historically unfolded, in which those reasonings decrying purely economic justifications for opposing immigration are often fraught with racialized and gendered meanings. Specifically, Purdy, in attacking Southeast Asian children, is enacting a literal and violent repudiation of a multi-ethnic U.S. future. His horrific outburst demonstrates the power that increased

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<sup>79</sup> The Fresno Bee, Karen McAllister. “NO WELFARE, NO HOPE IMMIGRANT TAKES LIFE FEARING LOSS OF CHECK.” *Fresno Bee, The (CA)* 26 Oct. 1997, HOME, TELEGRAPH: A1. *NewsBank*. Web. 6 Mar. 2012.

<sup>80</sup> “Gunman ‘hated Vietnamese’” *The Prescott Courier*, January 19, 1989.

<sup>81</sup> Jay Mathews, Matt Lait “Gunman Kills Five Children, Injures Dozens” *The Washington Post*, January 18, 1989.

migration wielded over conceptions of American national futurity, particularly those affects affixed to “American” identity. The fact that Purdy seemed to have specifically sought out Asian children, as all of those who died were either of Cambodian or Vietnamese descent, also positions the shooting as a violent repudiation of a racialized ‘assault’ on citizenship.

Even the depictions of the horrific scene take on the imagery of a kind of Vietnam War-esque “battleground.” One account notes, “the recreation yard...was strewn with the bodies of dead children” and how Purdy began to “sweep the area back and forth with rifle fire.”<sup>82</sup> These scenes of chaos and confusion and eventually death spark both a memory of the Vietnam War and lead the reader towards feelings of empathy, but also of loss. The senseless murder of children is both an act of violence against the child body and against possibility for the future emblemized in the child. The loss, furthermore, is shown as being afflicted on the nation itself, more so than even the migrant parents of the victims, who are somewhat distanced and alienated from the tragedy, their inability to communicate in English analogized as an inability to truly understand trauma. When these grieving parents are finally introduced in the article we are foremost presented with their foreignness and their “inability to understand English well.” When they “rushed to the school...authorities *struggled* to explain what happened.”<sup>83</sup>

Migrant families too viewed their children as harbingers of the future and attempted to negotiate the dual terrains of culture their children faced at home and out in the world. Many families sought to retain the cultural traditions of their home countries, while their children were also often pressured by a more dominant strain of “American

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid. Emphasis mine.

culture.” Aihwa Ong argues that to the children of Cambodian migrants, “the parents home culture did not seem to have much relevance to their desires and problems and they complained that their parents could not help them understand or sort through their experiences of growing up in America.”<sup>84</sup> These articulations of generational difference often upended parental authority and what would have been routine practice in countries like Cambodia and Vietnam as, “parents were now unusually dependent on their children, and struggling desperately to hold onto them.”<sup>85</sup> This reversal threatened migrant parental authority at home, as well as in their depiction as incapable or unfit parents more broadly. Much like the depiction of the grieving parents of the school shooting victims, without the English and cultural skills of their children, many parents experienced a sense of alienation and subordination. Arguably, “children’s capacity to adjust rather quickly to American language, media, markets, streets, neighborhoods, and institutions increased their social power relative to their parents.”<sup>86</sup>

### **Masculinity, Family, and Productivity**

While migrant rights were being continuously stripped away during the Reagan administration and beyond, American cinema during the 1980s and early 1990s was deeply invested in a re-masculinization of the American man and the nation itself.<sup>87</sup> In the Post-Vietnam era the United States was foundering after the embarrassing premature withdrawal from Vietnam, the Iranian hostage crisis, and a flagging U.S. economy. Each of these travails were utilized, by Hollywood movies, New Right politicians, and anti-

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<sup>84</sup> Ong, 169.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid., 168.

<sup>87</sup> Susan Jeffords, *Hard Bodies: Hollywood Masculinity in the Reagan Era* (Rutgers University Press: New Brunswick, 1993)

migrant activists to construct a white crisis of masculinity, which asserted that domestic civil rights and women's liberation victories were threatening to white, male, heterosexual identity. Through the proliferation of action movies in the 1980s in which an overt American masculinity overcomes the imagery of a defeated U.S. memory of Vietnam, or racialized crime, or the welfare state, citizenship was defined against the oppositionally characterized migrant or foreign body. Therefore, it was through the myriad cultural images of the 80s and 90s, in forms as variant as action films, Congressional legislation, Reaganite assaults on public assistance programs, and even fashion that national identity was re-masculinized. As scholar Ana Maria Alonso has argued, "Because constructions of gender and sexuality have been key for the formation of ethnic and national subjectivities and collectivities, the technologies of bio-power wielded by the state have had different consequences for men and women, for heterosexuals and homosexuals, for ethnic minorities and majorities."<sup>88</sup> In the Post-Vietnam U.S., the subjugation (discursively or physically) of foreign peoples, migrants, minorities, and women became a means to assert power over identarian threats to American hegemony. For example, male mastery of the wilderness or over foreign populations can "become key signifiers of victory and defeat in conflicts that are imagined to be agons of heroic masculinity" or alternatively, "the rescue of 'other men's women' [can] be used to legitimate state deployments of force."<sup>89</sup>

Films like *Rambo: First Blood* and *The Deer Hunter* demonstrate cultural attempts to reconcile the past, with varying degrees of success in each, as well as to

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<sup>88</sup> Ana Maria Alonso, "The Politics of Space, Time, and Substance: State Formation, Nationalism, and Ethnicity," *Annual Review of Anthropology*, Vol. 23 (1994), 386.

<sup>89</sup> Ibid.



“question whether U.S. power...would be able to continue in the future” and upon discovering a waning power “what kind of ‘revolution’ would be needed to restore that power?”<sup>90</sup> Outside of the movies, Reagan too projected a masculine approach to domestic and foreign policy, purposefully feminizing and juxtaposing himself against former president Jimmy Carter, and lionized for his machismo. White, male voters articulated their reasons for liking Reagan in similar terms, describing him as, “tough” and “macho” someone “who when he says something, sticks to his guns...It’s a John Wayne type thing, you know, the Cavalry.” Others described that Reagan “comes off as a father figure” and “is strong and forceful.”<sup>91</sup> These images were positively reinforced during the Iranian hostage crisis, as well as in Reagan’s stance towards the Soviet Union. Moreover, figures like John Rambo in *First Blood*, also exuded masculine bravado and in turn, asserted their citizenship rights through violent repudiations of foreign bodies.

In *First Blood Part II*, John Rambo returns to Vietnam, where he had fought during the war, and attempts to rescue American POW’s that have been held there since. Throughout the film he kills countless Vietnamese and Soviet forces, demonstrating that the Vietnam War was a failure due to the lack of force and head-on assault. Rambo gets in contact with a Vietnamese woman, Co Bao, who aids Rambo and desperately wants to go the U.S. Over the course of the movie she pretends to be a prostitute in an attempt to rescue Rambo from his torture at the hands of Vietnamese and Soviet soldiers and eventually is killed, validating her assistance to Rambo, but ultimately repudiating her desire to migrate to the U.S. Importantly, Rambo withstands endless physical violence at

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<sup>90</sup> Susan Jeffords, *Hard Bodies: Hollywood Masculinity in the Reagan Era* (New Brunswick: Rutgers University Press, 1993), 87.

<sup>91</sup> James E. Combs, *The Reagan Range: The Nostalgic Myth in American Politics* (New York: Popular Press, 1993), 50-51.

the hands of the Vietnamese, Soviets, and his own American military. He embodies the stoic suffering of the ideal American citizen, constantly under siege from racialized foreign threats.

Though *First Blood* takes place in Vietnam, it would not be hard to transpose the assertions of American masculinity onto the immigration discussions of the early 1980s, in which migration was feminized to further distance the citizen and the migrant. Since the 1930s women have constituted the majority of migrants to the U.S. and more recently there has been an increase in the “feminization of the Mexican migrant flow, commencing in the early 1970s and accelerating sharply in the 1990s.”<sup>92</sup> In fact, from 1960 through 1979 women and children represented roughly 67% of all incoming “legal” migrants.<sup>93</sup> I mention these figures directly after a discussion of American citizenship masculinity, because *Rambo* and Reagan are in part reacting to the possibility of an assertive coalition of migrant and minority women and also contributory towards the production of those migrants as alien or un-American values. Returning briefly to the *Time* article mentioned in Chapter 1, we can see that the symbol they chose to represent “the future multi-ethnic face of America” was a “beguiling if mysterious” woman, “our new Eve,” the “offspring” of “morphing” a computer simulated production imagining the results of an inevitable “racial and ethnic miscegenation.”<sup>94</sup> This is the troubling future that the New Right would capitalize on and attempt to ward off, a multi-racial future, blamed on the sexual endeavors of citizen and non-citizen women. To say that this distant

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<sup>92</sup> Enrico A. Marcelli and Wayne A. Cornelius, “The Changing Profile of Mexican Migrants to the United States: New Evidence from California and Mexico,” *Latin American Research Review* 36 (2001): 111.

<sup>93</sup> Marion F. Houstoun, Roger G. Kramer, Joan Mackin Barrett, “Female Predominance in Immigration to the United States Since 1930: A First Look,” *International Migration Review*, Vol. 18, No. 4, Special Issue: Women in Migration (Winter, 1984), pp. 908-96

racial hybrid figure offers some Utopian aspiration, to academics or to the *Time* writers however, would be to miss the point. Instead the image purposefully plays on fears of miscegenation and highlights the sexual and racial threat that unpoliced immigration assures.

The hegemony this engenders allows for a double move of the American state and corporate transnational capital, it excludes migrant women from the benefits of citizenship whilst simultaneously exploiting them for monetary and identarian gain. U.S. corporate interests were increasingly reliant on migrant labor and formative tropes of 'American' identity, i.e, work-ethic, self-reliance, individualism, and pragmatism were perpetuated through their opposition to migrant hyper-fecundity and state-reliance. Lisa Lowe, in cataloguing the manipulation of migrant female garment workers in the U.S. argues, "Transnational industry's use of Asian and Latina women's labor-in Asia, Latin America, and the U.S. - is the contemporary site where the contradictions of the national and the international converge in an over determination of neocolonial capitalism, anti-immigrant racism, and patriarchal gender stratification."<sup>95</sup> Thus, whilst undoubtedly contributing to the economic success of the U.S. through their low-wage labor, Asian and Latina migrants are also culturally envisioned as unproductive, even detrimental to U.S. economy and a national future. It is precisely through figurations of the non-normative or hyper-reproductive migrant family that these contributions are obfuscated and the migrant woman is reduced to her fecundity, thereby denying her biopolitical contributions and invalidating any claims to rightful citizenship. Though the political

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<sup>94</sup> *Time*, 127.

<sup>95</sup> Lisa Lowe, "Work, Immigration, Gender: New Subjects of Cultural Politics" *Social Justice* 25 (Fall 1998) 31-49.

actions of migrant activists can often, “refuse the separation of the economic, the political, and the cultural spheres dictated by the modern state,” the Gramscian cultural hegemony of anti-migrant conservatism of the 1980s and 90s sought to portray migrant and minority women as detrimental to an American national future.<sup>96</sup>

### **Privatized Citizenship and the Rise of the New Right**

The 1980s and 90s gave rise to the so-called culture wars in the U.S., a time when the personal became political and when “the family” was bitterly battled over. After being thrown into turmoil by the racial and sexual politics of the 60s and 70s, the family as a social entity took on a new role as emblematic of national identity. Issues like birth control, welfare, immigration, abortion, and more recently gay marriage, have catalyzed conservative political action, and bred an idealized view of citizenship. The gains for feminist and civil rights activists that had been won in the previous decades were mobilized by the architects of the New Right to portray white, heterosexual men as victims, sufferers of a loss of their rights as citizens; the right to dictate the future. It was therefore through what Lauren Berlant has termed a “privatization of U.S. citizenship” that “condensed into the image/hieroglyph of the innocent of incipient American, these anxieties and desires are about whose citizenship--whose subjectivity, whose forms of intimacy and interest, whose bodies and identifications, whose heroic narratives--will direct America’s future.”<sup>97</sup> In harnessing the family, conservatives during the 80s and 90s were able to incite political action through debates over nominally depoliticized ideals. This effectively changed the conversation of American inequality from one of structural

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<sup>96</sup> Ibid.

<sup>97</sup> Berlant, 3,6.

racism and sexism to a modality wherein adherence to normative “family values” was a prerequisite to any political dialogue and straight, white, male identity became a position of victimization not hegemony.

Importantly to migrant families, these rhetorics have also often served to demonize East, Southeast Asian, and Latina/os, as either deviant from American values, or subject to the boundaries therein. In fact, it has been partially through a systematic assault on migrant groups in the U.S. that the New Right rose to power in the Reagan and Clinton years. Through documents like the Contract With America and the emergent support of anti-migrant groups like the Federation for American Immigration Reform (FAIR) and the California Coalition for Immigration Reform, migrants, and migrant families specifically, have been utilized to foment anger amongst American citizens. Peter Brimelow in his book *Alien Nation* does just this in marshalling the image of his own son to articulate white victimhood and the innocence of the child citizen. He states,

My son, Alexander, is a white male with blue eyes and blond hair. He has never discriminated against anyone in his little life...But public policy now discriminates against him. The sheer size of the so-called “protected classes” that are now politically favored, such as Hispanics, will be a matter of vital importance as long as he lives. And their size is basically determined by immigration.<sup>98</sup>

Note the corporealization of the future citizen in Brimelow’s description of his son’s “blue eyes and blond hair,” being juxtaposed against the “protected classes.” Brimelow’s personalization, even using his own son, asserts his maintenance of proper family values in opposition to the image of the disembodied faceless “immigrant.” This represents an alternative to the formulations of migrant incongruity with Americanness that has often taken on a bodily presence, yet still manages to assert a justification of migrant exclusion.

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<sup>98</sup> Peter Brimelow, *Alien Nation: Common Sense about America’s Immigration Disaster* (New York: Random House, 1995), 11.

The dialectics of embodiment and disembodiment have been alternatively exploited to promote normative citizenship and disallow migrant inclusion. Continually, Brimelow cites Alexander's "little life" as in jeopardy from both government action and the "sheer size" of the "protected classes." Brimelow is affecting the role of the concerned parent, whose child is in mortal danger from a growing problem that must be abated. The decay of the American family, therefore, as linked to an increase in racialized immigration, is also being metonymically bound to the overall health of the American nation. Brimelow tersely concludes by arguing, "Respect for the nation-state, perhaps, is the ultimate family value."<sup>99</sup> This statement summarizes much of the aforementioned manifestations of a kind of privatized citizenship embodying American nationhood.

Immigration discourse has also used specific metaphors for both the incoming migrant bodies and the phenomena of migration itself. Most common are representations of migrants as water or liquid, part of an indelible flow that saturates and decimates both the native population and the physical landscape. Tellingly author Peter Brimelow wrote in his book on the imminent "disaster" of U.S. immigration, "the United States has been engulfed by what seems likely to be the greatest wave of immigration it has ever faced."<sup>100</sup> Other symbols of immigration have also been deployed, each characterizing the migrant as somehow assaulting the national body or in certain instances, the nation as domestic space, infringed upon by immigration. During the campaign to enact Proposition 187, Ruth Coffey of Stop Immigration Now exclaimed, "I have no intention of being the object of 'conquest,' peaceful or otherwise, by Latinos, Asians, blacks, Arabs

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<sup>99</sup> Ibid., 250.

<sup>100</sup> Peter Brimelow, *Alien Nation: Common Sense About America's Immigration Disaster* (New York: Random House, 1995) 5.

or any other group of individuals who have claimed my country.”<sup>101</sup> The metaphor of military conquest is particularly prevalent and similarly implicated in the conservative crusade to cultivate a discourse of discrimination against Whites. Presidential candidate Pat Buchanan echoed this sentiment in arguing, “When you have one, two, three million people walking across your border every year, breaking your laws, you have an invasion.”<sup>102</sup> Each of these figurations or presuppositions infuses the migrant body with invasive or criminal intents. Every ensuing action of the migrant is thereby criminalized, tainted by the original “sin” of an illegal presence they are always already unlawful.

The continued reliance of political candidates and activists on a language of “deluge and attack” is integral to formulations of what Latina/o and Asian migrants “are” and seminal to the consequent strategies of exclusion. The thematic of “illegal” migrant entry into the U.S. operates as part of a systematic assault on the sanctity of the nation and its ideals. The demonization of immigration is not limited to the U.S., however, and similar tropes have been employed in other Western countries like Britain, Germany, and France. Jean Marie Le-Pen, leader of the National Front a French right wing extremist political faction, has repeatedly characterized migrants as a “plague” to France, further warning that, “the immigrants will be moving into your house, eating your food and sleeping with your wife, your daughter or your son.”<sup>103</sup> Particularly striking is Le-Pen’s citing of the danger to the French home, in which, not even the sexual sanctity of your family is safe from the incoming “hordes.” This sexualization of migrants portrays them

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<sup>101</sup> Timothy Christenfeld “The World: Alien Expressions; Wretched Refuse Is Just the Start” *New York Times* March 10, 1996

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

as bloodthirsty rapists and also works to racialize non-citizens as criminalistic, not worthy of French citizenship. These thematics and tropes will continually be utilized and recycled in the U.S. too, “justifying” exclusion through a discursive construction of the migrant body and being as “Other.”

### **Migration and Welfare**

Barbara Jordan, chair of, and testifying before, the Congressional Committee on Immigration Reform argued, “We believe that illegal aliens should be eligible for no public benefits other than those of an emergency nature.”<sup>104</sup> In doing so, Jordan is echoing the rhetoric that many conservatives were expounding the 1980s and 1990s, that the benefits of American citizenship should not be delegated to non-citizens as well. Even within the mechanisms of welfare institutionality, however, assertions of proper family values were being emphasized. Programs like Aid to Families with Dependent Children (AFDC) and its successor, Temporary Assistance to Needy Families (TANF) “have played a major role in shaping the discourses, policies, and practices for racializing and normalizing new urban immigrants.” Moreover the day-to-day operations of welfare programs often took on the role of improving the morals of those receiving aid, riddled with “preventative measures intended to thwart the development of unconventional families and dangerous classes.”<sup>105</sup>

After the 1994 congressional election, Republicans achieved a majority in Congress and set forth a plan to expand the attacks on public assistance programs that

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<sup>104</sup> Testimony of Barbara Jordan: Chair, U.S. Commission on Immigration Reform; Before the U.S. House of Representatives Committee on Appropriations, Subcommittee on Appropriations for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies, March 29, 1995, <http://www.utexas.edu/lbj/uscir/032995.html>

<sup>105</sup> Ong, 124.



had been undertaken by Reagan. This “Contract With America” outlined a series of strategies for conservative reform of the federal government. Among the proposed programs: The Fiscal Responsibility Act, The Personal Responsibility Act, and The American Dream Restoration Act all specifically centered around constructing and protecting the “American family.”<sup>106</sup> These acts together sought to scale back welfare programs that were thought to primarily benefit poor minority and migrant groups.<sup>107</sup> The “Contract With America” draws on a lineage of racialized attacks on low-income Black and other minority women that was made famous during Ronald Reagan’s 1976 Presidential campaign. Reagan asserted, “There’s a woman in Chicago...She has 80 names, 30 addresses, 12 Social Security cards...She’s got Medicaid, getting food stamps and she is collecting welfare under each of her names. Her tax-free cash income alone is over \$150,000.”<sup>108</sup> Though the actions of the particular woman Reagan was referring to were greatly hyperbolized and mostly fiction, the image has perpetuated to today, and has been formative to the destruction of numerous welfare programs. Furthermore, the image affected (and continues to affect) incredible vitriol from those “angry at ‘welfare chislers.’ Mr. Reagan had hit a nerve.”<sup>109</sup> By the early 1990s the welfare queen seemingly became “omnipresent in discussions about ‘America’s’ present or future even when unnamed.”<sup>110</sup> To scholar Wahneema Lubiano, the welfare queen was quickly becoming,

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<sup>106</sup> Obviously the programs’ ideal family to protect was saturated with gendered and racialized conceptions of what constituted the ideal family, what didn’t, and the means to protect those idealizations.

<sup>107</sup> The perception that minority “reliance” on welfare has been categorically disputed and though the dominant discourse and imagery of welfare allocation hinges on imagery such as the black welfare queen, “Of all WIC participants, 44.7 percent are Caucasian, 27.3 percent are African American, and 23.7 percent are Hispanic” (U.S. Department of Agriculture, 1993)

<sup>108</sup> “Welfare Queen’ Becomes Issue in Reagan Campaign” *New York Times*, Feb 15, 1976.

<sup>109</sup> Ibid.

<sup>110</sup> Wahneema Lubiano, Black ladies, welfare queens, and state minstrels. In *Race-ing justice, engendering power: Essays on Anita Hill, Clarence Thomas, and the construction of social reality*, ed. Toni Morrison. (New York: Pantheon Books. 1992) 332.

The synecdoche, the shortest possible shorthand, for the pathology of poor, urban, black culture. Responsible for creating and maintaining a family that can only be perceived as pathological compared to the normative (and thus allegedly 'healthy') family structure in the larger society, the welfare mother is the root of greater social pathology<sup>111</sup>

Just as the non-normativity of migrant families was highlighted to demonstrate their non-belonging in the American national family, so too were Black families viewed as abnormal. In addition to charges of Black/migrant similarity in their non-normative family structures, the economic and familial “successes” of migrants were also utilized to demonize Black “deficiencies.”

In November 1994 California voters passed Proposition 187, or the “Save our State” (SOS) initiative, which barred “illegal” aliens from using any state provided social services, such as health care and public education. The primary justification for the dis-allocation of state aid was the economic recession facing California, with many arguing that precious expenditures should not be wasted on non-citizens. This argument relied on and reified a logic of migrant unproductivity and tied future state economic success to the removal of non-citizens. At its core, this argument is a reproduction of a lineage of historical nativism that has characterized both California and the U.S. for the past several hundred years. The mobility and transnational character of these migrants clashed with the state’s enduring need to engender stability through normative family structures and employment. These characteristics were formative to the construction of a national identity, what “being American” was and came to mean. National identity was also defined through an opposition to outside ideals, namely, transnational modes of being and belonging. The language of disjuncture between citizens and non-citizens is apparent in the opening section of Proposition 187,

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<sup>111</sup> Ibid, 335.

The People of California find and declare as follows: That they have suffered and are suffering economic hardship caused by the presence of illegal immigrants in this state. That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal immigrants in this state. That they have a right to the protection of their government from any person or persons entering this country unlawfully.<sup>112</sup>

The entitlements of citizenship, as indicated by Prop. 187, guarantee economic prosperity and safety, both alleged under assault by an influx of increased immigration. The language of the act works to assert the victimization of the Californian people, both physically and economically. If the state were to continue the status quo, i.e., allowing state aid to go to migrants, the act implies that the future of California would be in jeopardy. One supporter of the act quipped, “illegal aliens are killing us in California...Those who support illegal immigration are, in effect, anti-American.”<sup>113</sup>

Proposition 187 was aided by numerous characterizations, in which the “racialized/gendered images of migrant Latinas crossing the border to have their children and receive medical care through their state-funded health care services played on working- and middle-class resentments over perceived misuse of their tax dollars.”<sup>114</sup> In combination with the dominant national ideals of language, education, and kinship structure, the association of migrants with welfare worked to sculpt a swelling public anger over immigration. In 1995 Representative Brian Bilbray introduced the Citizenship Reform Act of 1995 (H.R. 1363), which argued for the denial of “automatic citizenship at birth to children born in the United States to parents who are not citizens or permanent

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<sup>112</sup> Dick Mountjoy, Proposition 187: Save our State (SOS), CAL. INIT. REV., (Fall 1994)

<sup>113</sup> Patrick J. McDonnell, “Prop. 187 Turns up Heat in U.S. Immigration Debate,” *Los Angeles Times*, Aug. 10, 1994, at A1 (quoting Ron Prince)

<sup>114</sup> Fujiwara, 8.

resident aliens.”<sup>115</sup> Together with Proposition 187, the act represented the most blatant attack on migrants since the passage of the Hart-Cellar Act in 1965. It also locates women and children as the primary problems of “illegal” immigration, targeting them specifically. These two legislations (though the Citizenship Reform Act would not pass) were supplemented by conservative legislators, pundits, and authors who were similarly troubled by the possible racial future of America. Brimelow too supported this ethos, arguing that “the American nation has always had a specific ethnic core. And that core has been white.”<sup>116</sup> The goal was simple, to “keep America American” an ideology that having been reliant on an anxious politics of reproductive control, would now push forward and expand explicitly into direct assaults on birthright citizenship.<sup>117</sup>

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<sup>115</sup> Brian Bilbray, H.R. 1363: Citizenship Reform Act of 1995 *104th Congress: 1995-1996*

<sup>116</sup> Brimelow, 59.

<sup>117</sup> Ibid.

#### IV. “Anchor Babies,” Identity, and Economy

Birthright citizenship...has essentially robbed Americans of the power to determine who, and how many, can enter their national family, make claims on it and exert power over it.

--Peter Brimelow, *Alien Nation*<sup>118</sup>

In 1987 the *Los Angeles Times* ran a story about the “anchor children” of Vietnamese migrants, “saddled with the extra burden of having to attain a financial foothold in America to sponsor family members who remain in Vietnam.”<sup>119</sup> This represented one of the first utilizations of the “anchor” analogy to describe children of migrants. In the article they are charged with committing “robberies, car thefts and smaller crimes,” being unmoored and without any “intact family...wandering from town to town and living in motels.”<sup>120</sup> The “anchor child” of the *Times* story, however, is a strikingly different image compared to the 2000s “anchor baby.” There is no mention of birthright citizenship in the expose, and in fact the children being discussed were not even born in the U.S., but migrated themselves, occupying a liminal legal position in American society. They are characterized as criminalistic, impoverished, and educationally deficient, transients whose very presence in the U.S. is met with apathy. I cite this article not only for the seminal language of “anchor children” it contains, but also to showcase the historical transition I aim to depict between the two previous chapters and the next two chapters. While the first two chapters grounded this thesis in a historical genealogy of citizenship, gendered futurities, and migrant exclusion, my following discussions of “anchor babies” and “birth tourists” showcase the accelerated, yet

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<sup>118</sup> Peter Brimelow, *Alien Nation: Common Sense about America's Immigration Disaster* (New York: Random House, 1995), 4-5.

<sup>119</sup> “A Profile of a Lost Generation” *Los Angeles Times*, December 13, 1987

<http://articles.latimes.com/2011/feb/04/local/la-me-0204-tobar-20110204>

<sup>120</sup> Ibid.

differential discourses that have emerged since the 1990s, specifically targeting birthright citizenship.

The manifestation/mobilization of the “anchor baby” and the “birth tourist” represent cultural images that capitalize on gendered constructions of citizenship to exclude migrants and children of migrants from a national imagined community, instead posturing them as antithetical or parasitic to the U.S. As we have seen in the previous chapters these linguistic containers emerge from a lineage of racialized migration and citizenship discourse used to deny birthright citizenship claims and normalize whiteness. Similar to the utilization of the “welfare queen,” as a means to erode the biopolitical contributions of Black women, a discourse of “anchor babies” and “birth tourists” works to reify migrant families as threatening to a hegemonic ideal of citizenship. While each seeks to exclude, the “anchor baby” and “birth tourist” dialectics remain fundamentally different in their assertions and aims. While discourses of “anchoring” privilege the corporeal problematics of “alien” bodies, inharmonious with the tenets of “American” citizenship, the “birth tourist” is alternatively conceived. Disembodied, stealthy, and invisible, the “birth tourist” operates on an ethereal register deftly defrauding the nation as they pilfer child citizens and citizenships. These differentiations, however, much like the terms themselves, are resultant from a historical lineage of migrant exclusions, as both are contingent on public conceptions of migrancy, mobility, and the relevance of the “nation” in an increasingly global future.

From 1965 onwards these occlusions from national citizenship have been explicitly and more often implicitly reproduced through legal language, governmental policy, cultural works, and day-to-day individual interactions. The demographic changes

brought about by the 1965 act, subsequent immigration acts, and numerous transnational and postcolonial factors such as the Vietnam War and Neoliberal economic policy have engendered a particular anxiety over the tenuousness of white normative national citizenship; an anxiety that has fixated on migrant reproductivity. It has been through this long genealogy of migration discourse that a linguistics of gendered and racialized exclusion has culminated in the re-emergence of birthright citizenship rhetoric in the 1980s and has been codified in the terms “anchor baby” and “birth tourist.” These terms draw on distinct racialized threats (and in doing so reify those threats) that construct East and Southeast Asian migrants and their children as disembodied, latent threats to U.S. economy and culture. Latina/o migrants and their children, however, are re/produced through a language dripping with corporeality and are portrayed as weakening the national body through their hyper-reproductivity.

### **Congressional Committees on Birthright Citizenship**

In the midst of his testimonial to the House of Representatives in a hearing on the *Citizenship Reform Act of 1997*, representative Brian Bilbray (R-CA) argued that “to be a citizen of the United States by reason of birth, a person must not only be born within the territorial limits, but he also must be born “subject to the jurisdiction,” meaning the power and obedience of the United States.”<sup>121</sup> The *Citizenship Reform Act* would have several iterations, with Rep. Bilbray sponsoring the original proposed legislation in 1995 and other bills in 1999, 2003, 2005, and 2007. Each reappearance sought to fundamentally augment interpretations of the 14<sup>th</sup> amendment, to deny citizenship rights to children of

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<sup>121</sup> Brian Bilbray, CITIZENSHIP REFORM ACT OF 1997; AND VOTER ELIGIBILITY VERIFICATION ACT WEDNESDAY, JUNE 25, 1997 House of Representatives, Subcommittee on Immigration and Claims, Committee on the Judiciary, Washington, DC.

migrants. Bilbray's interpretation of birthright, as well as much of the anti-birthright rhetoric he and others espoused, hinged on several presuppositions. First, that *Jus Soli*, or birthright citizenship, is a deficient means to organize a citizenry, as the arbitrary location of birth is not enough to justify inclusion. What this belief occludes is the randomness of where 'native-born' citizens are born, such as Bilbray himself. Their inclusion in the nation is based on the very same haphazard circumstances as the children of migrants, yet they are demonized while 'American' children are valorized. Second, is the very purposeful language of jurisdiction, the boundedness of the citizen to the state, and the language of sovereignty, a theme that I will delve into more explicitly later. This is where, seemingly, a kind of symbolic confusion becomes apparent. While the token depiction of the "anchor baby" is quite literally the anchor, an unjust fixity in the U.S. on the part of the child, anti-birthright citizenship dialogue constantly obsesses over the out-of-place-ness of the 'anchor baby.' This aphasiac delineation of an unbound body, beyond the control of various state apparatus throws into disarray both the figurative anchor, as well as the sedentary interconnectivities of citizenship. In this way, the 'anchor baby,' much like the "birth tourist" is troubling to both citizens and the state in its transnational grasps and genealogies. He/she represents a figure of both envy and disdain, constructed as a villainous destructor of American institution and culture, both of which are formative to dominant conceptions of citizenship.

In September 2005 the Subcommittee on Immigration, Border Security, and Claims held a hearing entitled, *Dual Citizenship, Birthright Citizenship, and the Meaning of Sovereignty*, chaired by congressman John Hostettler (R-IN). Hostettler opened the hearing by arguing that United States citizenship "is a considerable privilege...[and] the



purpose of this hearing is to examine both birthright citizenship and dual citizenship and the effect that they have on our sovereignty as a Nation.”<sup>122</sup> The question of sovereignty is crucial to Hostettler and indicative of the larger anxieties driving the very existence of this particular hearing. He continues in articulating, “citizenship is largely based on notions of allegiance” and that immigration policy should find “ways to improve the likelihood that naturalized citizens will assimilate and show loyalty to the United States.”<sup>123</sup> Highlighted as antithetical to ideals of “allegiance” and “loyalty” are migrants who, according to Hostettler and the committee, seek to undermine a basic attribute of U.S. sovereignty. In Hostettler’s formulation U.S. sovereignty is not simply limited to the governance and protection of American lands, but something much more fluid crafted in the citizen his or herself, a preservation of American ideals. In response to Hostettler, Dr. Stanley Renshon, a professor at CUNY makes a similar claim arguing, “what we need are people who, on balance, are tilted toward their American nationality...what we want to do is bind people over time to the American political system. And I think what we do and what we don’t do helps to solidify those attachments.”<sup>124</sup>

The committee seems to agree, therefore, that citizenship is not singularly defined by one’s place of birth, or a piece of paper, but a set of widely held beliefs that are inculcated in an individual, in which they become a citizen. Representative Hostettler invokes the “anchor baby” in his argument against counterfeit citizenships, claiming “Many aliens come to the United States illegally to give birth, knowing that their citizen children will be eligible for a large array of benefits, and will some day be able to petition

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<sup>122</sup> House Subcommittee on Immigration, Border Security, and Claims, *Dual Citizenship, Birthright Citizenship, and the Meaning of Sovereignty*, 109th Cong., 1st session, 2005, 1.

<sup>123</sup> Ibid., 2.

<sup>124</sup> Ibid.,

on their behalf for them to become legal permanent residents.” Just as loyalty and allegiance are prerequisites to the fully embodied and imagined citizen, in Hostettler and Renshon’s formation, so too is the sovereignty of the nation invested in a reliable continuation of those ideals. It is for this reason that dual citizenship is being interrogated alongside birthright, there seems to be a recognition of a social constructedness of one’s citizenship that is conditioned by the various socio-cultural institutions of the state. The long-standing belief in America’s “melting-pot” immigration analogy connotes a similar belief, that assimilation is an integral prerequisite to migrant inclusion. The conjured image of the “anchor baby,” however, threatens the harmonious melting pot imagery, circumventing the pedagogical impositions of assimilation and envisioning an alternative national future, incongruent with a hegemonic whiteness.

### **Failed Citizens**

The alleged migrant assault on Hostettler’s formation of national sovereignty can be militaristic or violent in nature, though it is often referred to metaphorically in this language, but manifested through the act of reproduction. As Hostettler maintains, “Many aliens come to the United States illegally to give birth, knowing that their citizen children will be eligible for a large array of benefits, and will someday be able to petition on their behalf for them to become legal permanent residents.”<sup>125</sup> The benefits that Hostettler, and a great deal of anti- “anchor baby” or birth tourist’ advocates cite are typically state assistance programs, a lack of tax burdens, and the omnipresent valorization that seemingly accompanies ‘the American.’ Similarly, representative Lamar Smith (R-TX) quoting Peter Schuck stated it to be an “offense to common morality and common sense of conferring citizenship on children whose only connection to the United States is that

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<sup>125</sup> Ibid.

their mothers crossed the border in time to give birth here.”<sup>126</sup> But if this is true, what inherent relationship to the nation does the infant U.S. citizen hold? Smith and Schuck obscure the “accident” of birthplace, or in legal scholar Ayelet Shachar’s phrasing “the birthright lottery.”<sup>127</sup> Both the citizen child and the child of migrants are raised in the U.S. and subject to similar educatory processes. The non-citizenship of the “anchor baby,” then, emerges not from an unboundedness to U.S. territory, but from their destructive temporalities. It is in the intergenerational ties of the imagined “anchor baby”, both to a transnational community of their parents’ past, but also to a future of unarrived migrants, that an unassimilated takeover of U.S. citizenship is visualized.

Similarly at work in these two opening remarks is a rhetorical cleaving of migrant and citizen through a supposed incongruity between the two figures. In the logic of Smith and Hostettler, migrants do not share the same sets of values that Americans do, because they were not born and raised here. Their children, however, should not be entitled to the benefits of citizenship, even though they were born on American soil because they would only serve as anchors to allow in more migrants. The “anchor baby,” then, in addition to acting as a “revolving door” to citizenship temporarily dissolves or transcends the protections of the border through their transnational links. An action that to the Congressional Committee could possibly muddle or complicate American identity, as well as threaten the disciplinary mechanisms of the border. Therefore, Smith and Hostettler occlude an important piece of the puzzle, in which their resistance to

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<sup>126</sup> Ibid., 3.

<sup>127</sup> Ayelet Shachar, *The Birthright Lottery: Citizenship and Global Inequality*. (Cambridge: Harvard University Press, 2009).

immigration and birthright citizenship emerges from an implicit racial anxiety over the future demography of the U.S. that becomes apparent in the fixation on migrant children and the discourse of birthright citizenship itself.

The case of *Hamdi v. Rumsfeld*, in which Yusef Hamdi a U.S. citizen allegedly went to Afghanistan to fight for the Taliban, was captured, and subsequently classified as an enemy combatant, raises similar questions about the role of birthright in citizenship dialogue. Dr. John C. Eastman, in assessing the case, argued that birthright citizenship “I think, makes very clear that the prospect of potential terrorists coming across our border and giving birth to children once they’re here in order to specifically open up a Fifth Column on our shores is a very real possibility.”<sup>128</sup> Dr. Renshon, another panelist further asserted, “We’re also in a situation where schools are not really socializing students to become American. The level of information about what America stands for, what it is like, its history is by every measure abysmal.”<sup>129</sup> Renshon maintains that American citizenship is an educatory process in which one must be taught the principles of proper citizenship. A failure to properly do so, Renshon implies, results as in the case of Hamdi a failed citizenry, vehemently opposed to true Americanness and doomed to fail. Parents, politicians, teachers, and citizens, therefore share the burden of responsibility to sculpt the ideal citizen, to operate as engines of assimilation.

Both Hostettler and Renshon are viewing the benefits of one’s citizenship as conditional, bounded by the biopolitical contributions of the individual and in the *Hamdi* case, or in discussions of “anchor babies” a defective or fraudulent citizenship that undermines normative citizenship and U.S. sovereignty. As Russ Castronovo has argued,

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<sup>128</sup> Ibid., 57.

<sup>129</sup> Ibid., 86.

“the social contract” as the political agreement that prefigures and is implicit in the citizen-subject “immobilizes the radically contingent nature of political life by channeling subjects into pathways regulated by sovereign power.”<sup>130</sup> Not only is the citizen bound to national sovereignty, but is productive of its continued survival. Even those in support of preserving birthright citizenship express their justifications through “whether that person owes obedience to the United States.”<sup>131</sup>

An activist group Friends of Immigration Law Enforcement cited the case in 2002 as an opportunity to strike a serious blow against birthright citizenship. “When it was discovered that Hamdi was born in Louisiana, he was transferred to Guantanamo Bay...FILE has asked the Justice Department to reclassify Hamdi as a Saudi national and ‘not an American in any real sense of the word.’”<sup>132</sup> If the “terrorist” tendencies of Yaser Hamdi can undermine a public belief in the basis of birthright citizenship, then what does that say about the tenuousness of a “real American.” Hamdi’s violent rejection of the so-called virtues of U.S. citizenship can be transferred to the “anchor baby” or “birth tourist” as each is seen as embodying a fictive or fraudulent citizenship that may in the future undermine the status-quo.

### **The “Anchor Baby” and the National Community**

Journalist Al Knight wrote in the *Denver Post* in 2002 his own definition of the “anchor baby” phenomena, stating,

Put simply, an anchor baby is the offspring of an illegal immigrant who, under current legal interpretation, becomes a U.S. citizen at birth and, in turn, is the

<sup>130</sup> Russ Castronovo, *Necro Citizenship: Death, Eroticism, and the Public Sphere in the Nineteenth-Century United States* (Durham: Duke University Press, 2001), 7.

<sup>131</sup> Brian Bilbray, CITIZENSHIP REFORM ACT OF 1997; AND VOTER ELIGIBILITY VERIFICATION ACT

WEDNESDAY, JUNE 25, 1997 House of Representatives, Subcommittee on Immigration and Claims, Committee on the Judiciary, Washington, DC.

<sup>132</sup> Al Knight, “Track “anchor babies”” *The Denver Post*, September 11, 2002

means by which parents and relatives can also obtain citizenship for themselves by using the family reunification features of immigration law.<sup>133</sup> The article goes on to describe the tenets of birth tourism as well, carefully demarcating the racial compositions of each and citing the irreparable harm done to the economy and integrity of the U.S. as a result. Knight's analysis of the immigration situation of the U.S. in 2002 represents one of many articles, television programs, and political diatribes surrounding the "anchor baby." Interestingly, the object of scorn, apparent in the very name is the child itself, which serves as a means to bring in more migrants from Mexico or Central America. A 2010 *Time* article further grounds the "anchor" phenomenon arguing that the children of Mexican migrants were "the legal weights that anchor many undocumented aliens in the U.S."<sup>134</sup> This is unsurprising, however, as discussions surrounding migration and futurity have historically been couched in the figure of the "citizen" child, as evinced in the previous chapters. The legal citizenship status of a child of migrant parents, though, presents a problematic for the continuation of a white hegemonic national community.

The "anchor baby," legally speaking, shares the same rights as a child born to citizen parents, but it is in the language of and surrounding the "anchor baby" that the child's biopolitical contributions to the state are devalued. The child is never simply referred to as a child, or even as a citizen, but rather, inevitably with the symbolism of the anchor, a metaphorical caveat that occludes inclusion into the national community. Moreover the threats of "divided allegiances" characterize children of migrants as not truly American, but part of an invasion calculated to topple "American" culture and ideology, with writers such as Tom Dewese charging, "illegal aliens fill classrooms,

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<sup>133</sup> Ibid.

<sup>134</sup> Adam Klawonn, "Arizona's Next Immigration Target: Children of Illegals," *Time*, June 11, 2010

bloat budgets, and rob taxpayers of decent facilities for American children...this is our land, not Mexico's.”<sup>135</sup> It is the ‘real’ American citizen child, then, that suffers when “anchor babies” are born in the U.S., because the privileges afforded them by birth are squandered on migrant children. Looking back to Peter Brimelow’s description of his son Alexander affords us one instance of the “assault” on the white citizenry, in this case exemplified by a blonde, blue eyed, child. Just as “public policy now discriminates against him,” so too is the façade of American citizenship withering before Brimelow’s eyes, a product of inferior citizens cheapening national identity with their counterfeit claims.

Though not explicitly mentioning the “anchor baby” a Youtube video created by the anti-immigration activist group *FAIR (Federation for American Immigration Reform)* highlights the current problem of migrant reproductivity in stating, “If we continue our current immigration policy, by the year 2050 135 million additional people will be living in the U.S., that’s 135 million additional people needing schools, jobs, and housing, as well as water and other natural resources...If things don’t change we are headed for disaster.”<sup>136</sup> Though absent the vitriol of anti-migrant rhetoric that envelops the *FAIR* video, a *New York Times* interactive map, *figure 2* in the appendix, elicits similar fears about the racial future of America. The map allows you to “Select a foreign-born group to see how they settled across the United States” and depicts by color code from 1880-2000 both the percentage of population number of migrant residents throughout the U.S.

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<sup>135</sup> Tom Deweese, “The Mexican Fifth Column” January 27, 2003  
[http://www.newswithviews.com/your\\_govt/your\\_government50.htm](http://www.newswithviews.com/your_govt/your_government50.htm)

<sup>136</sup> FAIR, “Immigration Driven Population Growth is a Major Problem,” Youtube,  
<http://www.youtube.com/watch?v=zb-VKzLY33s&lr=1&feature=mhee> (accessed April 1, 2012)

Most troubling about the map are its color coordination and demographic displays. As you use the mouse slider to move through time, the cool greens, blues, and purples of Europe and Canada are ominously displaced by growing circles of yellow and red, for Asia and Latin America respectively, that eventually displace most of the map. By the year 2000 the red and yellow bubbles, which represent number of migrant residents, have completely overtaken California, Texas, Florida, and the Northeast. The symbolism of racialized demographic change is pronounced front and center in the *New York Times* map, part of a series called “Remade in America,” which details “the newest immigrants and their impact.”<sup>137</sup> Both *FAIR* and *New York Times* depict the urgency of immigration reform, viscerally signaled through their visual representations of migrant invasion and the tenuous future of American citizenship.

### **Alienations**

Though the metaphorical symbolism of the “anchor baby” directly attacks the children of migrants, often it is the migrant parents who bear the brunt of the criticism. A 2009 episode of *Law and Order: Special Victims Unit*, “Anchor,” in seeking to capture the contemporary immigration debate succeeds in reproducing migrant alienation, while envisioning the children as innocent to the “politics” of immigration. The episode begins with the murder of a West Indian girl of about 10, strangled by a chain and left in a pile of garbage to be found by a sex worker. The use of “the chain” is a motif that runs throughout the entire episode, undoubtedly connected to the title of the episode “Anchor” and the situation of children in the larger discourse of immigration policy. The chain therefore serves as an ironic instrument of death, in which the “links” to the parents’

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<sup>137</sup> Ibid.



home countries are forcibly erased, their citizenship occluded with the death of their children.

The serial murderer parroting a conservative commentator that plays a secondary villain in the episode echoes this sentiment in stating, “They get to stay forever...but what if their children are dead?”<sup>138</sup> In committing the murders, the legal anchor keeping migrants in the country is broken, also locating the responsibility for the children’s deaths at the hands of their migrant parents. Unsurprisingly, there is also prevalent within the episode a strong discursive linkage between migrant reproductivity and the uncertainty of an American future. The killer, who espouses unending diatribes against migrants and their children exclaims, “one dies and three more are born” and that they [migrants] “are giving our country away.”<sup>139</sup>

The three children who end up murdered, the West Indian American girl, A Latina girl, and an East Asian boy represent an innocent multiculturalism under assault and become a cause for the only Black detective Fin to take up. He seeks to “keep politics out of it” and instead champions the “innocence” of the children being murdered. When the killer is eventually caught, the trope of a race-less childhood innocence is again repeated by Fin in his accusation of the murderer as a “baby killer.” Through Fin’s fixation on the innocent children, the parents are largely obviated, an absence which demonstrates their inability to keep their children safe or navigate the boundaries of proper citizenship. When several children are brought in to the police station with their parents for safety, it is the pre-teen children who interact with the detectives, their parents unable to converse in English and must have the information translated to them, a reversal of the normative

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<sup>138</sup> *Law and Order: Special Victims Unit*, “Anchor,” Episode 234, (originally aired December 9, 2009)

<sup>139</sup> Ibid.

roles of parent and child. Moreover, when questioned about the interactions of their now murdered son, the Korean-born parents refer to him as their “anchor” literally and symbolically binding him to their ability to attain citizenship. The abhorrent attitudes expressed about the “anchor baby” phenomena harness this upending of parental responsibility as evidence of the fraudulent claims to citizenship that migrants supposedly wield.

### **Assimilation and Economy**

“Are ‘anchor babies’ Sinking the American Economy?” This is the question that Michealene Cristini Risley poses in her editorial of the same name. The article attempts to detail the numerous economic detriments of the “anchor baby” phenomena and to contrast the process with what she terms another “abuse” of citizenship, “birth tourism.” Risley begins, however, in citing the passage of the 14<sup>th</sup> amendment, which legally solidified birthright citizenship in the constitution, marking a “monumental step in the efforts to curtail systemic racism.”<sup>140</sup> The problem, according to Risley, is that the protections of the 14<sup>th</sup> amendment have been hijacked “with residents exploiting its language to facilitate their own residency” which has resulted in “creating serious cracks in the infrastructure of our country.”<sup>141</sup> Risley’s critique works to preserve the illusions of structural racial equality under the guise of the language of the 14<sup>th</sup> amendment, while simultaneously racializing supposed attacks on American citizenship. To Risley the “anchor baby” serves as an embodiment of the economic damage caused by the lax restrictions on contemporary migration. In this argument the valiant intent of the 14<sup>th</sup>

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<sup>140</sup> Michealene Cristini Risley, “Are ‘anchor babies’ Sinking the American Economy?,” *The Huffington Post*, THE BLOG, March 15, 2012. <http://www.huffingtonpost.com/michealene-cristini-risley/the-14th-b-1343158.html> (accessed April 5, 2012).

<sup>141</sup> Ibid.

amendment has been abused, defrauded, and perverted by migrants who “game the system.” These migrants are seen as specifically targeting U.S. citizenship as the object of their desire, a commodity to be forcefully taken and not ‘earned,’ “new Hispanic mothers in California border hospitals...crossed the border specifically to give birth...to ensure U.S. citizenship for their child.”<sup>142</sup>

Risley is certainly not alone in connecting migrant reproductivity with a failed national future, which has been foreshadowed by the numerous articles, books, and political diatribes prevalent throughout this thesis. Importantly, however, the crisis of the anchor baby is not simply relegated to the realm of U.S. economic security, but also embedded in standards of American identity allegedly under assault. An article written for the Center for Immigration Studies by Steven Camarota contends, “the dramatic increase in births...may make it much more difficult to assimilate these children.”<sup>143</sup> At stake to those at the CIS is not only America’s financial future, but its ability to mold incoming migrants and their children, to assimilate them to American morals and standards. Mark Krikorian, in a C-Span panel in 1996 asserted similar worries about the ability of migrants to assimilate, quoting Barbara Jordan’s claim that “naturalization is the most visible manifestation of Americanization” and should be a primary goal of U.S. immigration policy. Importantly, Krikorian goes on to “evince” the criteria most likely to result in citizenship, namely that Latin American migrants are less likely than their European counterparts, as are those who receive public assistance. Krikorian ends in suggesting that migration policy should be based on skills not family connections, further

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<sup>142</sup> Brimelow, 4.

<sup>143</sup> Steven A. Camarota, “Birth Rates Among Immigrants in America: Comparing Fertility in the U.S. and Home Countries,” *Center for Immigration Studies*, October 2005. <http://www.cis.org/ImmigrantBirthRates-FertilityUS> (accessed April 11, 2012)

implying that the problem of migration lies not only at the border, but also in the wombs of racialized migrant women within the U.S. As anti-migrant activist Barbara Coe has charged, “It's invasion by birth canal.”<sup>144</sup>

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<sup>144</sup> Connie Schultz “Attitude toward 'anchor babies' pulls anti-immigration crowd down to a new low” August 04, 2010 [http://www.cleveland.com/schultz/index.ssf/2010/08/attitude\\_toward\\_anchor\\_babies.html](http://www.cleveland.com/schultz/index.ssf/2010/08/attitude_toward_anchor_babies.html)

## V. “Birth Tourism” and the Commodification of American Citizenship

People come here to have babies...they come here to drop a child. It's called, 'drop and leave.' To have a child in America, they cross the border, they go to the emergency room, have a child, and that child's automatically an American citizen.

Sen. Lindsay Graham,  
*Fox News* July 28th, 2010<sup>145</sup>

“The building inspectors and police officers walked into the small row of connected townhouses here *knowing* something was amiss.”<sup>146</sup> A recent *New York Times* article, entitled “Arriving as Pregnant Tourists, Leaving With American Babies”, begins with this articulation of a looming, if yet undiscovered, misdeed. The culmination of their efforts is the identification of a home, housing “maternity tourists”; a moniker ascribed to pregnant women (almost exclusively discussed as Chinese or Asian) who allegedly come to the U.S. in order to have their children, thereby gaining them citizenship, and subsequently returning home. This particular article presents an opportunity to read a biopolitics of “birth tourism,” a site of contemporary contestation over the meanings of citizenship and who should be considered a citizen. Furthermore, the “birth tourist” provides an apt dialectical counter to the “anchor baby,” with each subject to differential, yet intersecting imageries of mobility and embodiment.

In order to properly assess the historical importance of the birth (or maternity) tourist, it is necessary to first answer a few questions: primarily, who is a “birth tourist” in popular cultural representation and what does the process of “birth tourism” entail, as

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<sup>145</sup> Interview with Senator Lindsey Graham on "On the Record" August 3, 2010  
[http://www.realclearpolitics.com/articles/2010/08/03/interview\\_with\\_senator\\_lindsey\\_on\\_on\\_the\\_record\\_106615.html](http://www.realclearpolitics.com/articles/2010/08/03/interview_with_senator_lindsey_on_on_the_record_106615.html)

<sup>146</sup> Jennifer Medina, “Arriving as Pregnant Tourists, Leaving With American Babies,” *New York Times*, March 28, 2011, accessed March 29, 2011,  
[http://www.nytimes.com/2011/03/29/us/29babies.html?pagewanted=2&\\_r=1](http://www.nytimes.com/2011/03/29/us/29babies.html?pagewanted=2&_r=1).

well as how discussions of “birth tourism” are implicated in, affected by, and constitutive of discourses of “anchor babies”? To begin with the former, “birth tourism” in its named form represents a relatively new occurrence, emerging only in the early 2000s as a cultural and political accusation. What by now should be evident, however, is that “birth tourism” is not merely a spontaneous discursive eruption, but the product of decades’ long genealogies of racialized and gendered attacks on East and Southeast women and children.

### **Flexible Citizenships, Transnational Mobilities**

According to a *Huffington Post* article, “birth tourism” has, “become [a] popular craze amongst upper class women... especially [in] China, Taiwan, and Hong Kong.” This alleged “craze,” the article continues, adversely affects American students as wealthy “Asian” citizen/alien students overtake American universities, creating a “drain [that] allows for less opportunities and higher costs for those who have lived their lives in America.”<sup>147</sup> The literal process of “birth tourism” entails the sojourn of primarily wealthy East Asian women, who arrive in the U.S. and are boarded at large homes with other “maternity tourists.” The women allegedly pay sums upwards of \$15,000 for housing, medical care, and their flights and to attain for their child a U.S. passport, upon which they fly back to their home countries. At first glance the “birth tourist” seems ill connected to the ‘anchor baby,’ apart from their mutual associations with migration. Upon closer inspection, however, discussions of “anchor babies” are usually juxtaposed with ‘birth tourism,’ with both serving as analytics that complicate ideas of mobility, commodification, and reproduction and their constitutive affects on citizenship.

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<sup>147</sup> Michealene Cristini Risley, “Are Anchor Babies Sinking the American Economy?,” *Huffington Post*, March 15, 2012 [http://www.huffingtonpost.com/michealene-cristini-risley/the-14th\\_b\\_1343158.html](http://www.huffingtonpost.com/michealene-cristini-risley/the-14th_b_1343158.html)

The 2011 *New York Times* article” details the discovery of a home catering to pregnant Asian women and their presumed desire for children with American citizenship. One need look no further than the title of the article (though I certainly will) to discover an expression of exclusionary citizenship that at once occludes Asian women from a collective national polity, produces Asian and American as mutually exclusive categories and constitutes the maternity tourist as a threat towards a “legitimate” American citizenry. Even the title phrase, “Leaving With American Babies”, conjures images of [white] “American” children being abducted from their homes and whisked off to China or Korea, where, presumably they will not be raised according to American ideals of morality. It is through this escape from the country that the most anxious outbursts derive. Contrary to the “anchor baby,” the “birth tourist” and her child leave the country affecting an insubstantial burden on the welfare state. What is lost, however, is the possible future child citizen, abducted and indoctrinated in an alternative national pedagogy. This makes evident, in light of the cultural treatment of the “anchor baby” in the previous chapter, the complex and confused logic of citizenship exclusion, wherein the “anchor baby’s” presence is demonized alongside the absence of the “birth tourist’s” child.

The article also elaborates on this threat to American citizenship in questioning, “whether it was a rare phenomenon or an indication that maternity tourism is entering a new, more institutionalized phase with more hospital-like facilities operating quietly around the country.”<sup>148</sup> Here the often cited image of the silent, unknowable, Asian threat<sup>149</sup> is reproduced in its assertion of the “possibility” that an industry of Asian

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<sup>148</sup> Medina, “Arriving as Pregnant Tourists.”

<sup>149</sup> A genealogy of the diverse deployment of the Asian “secret threat” can be seen in Nineteenth and Early

women as disembodied, vessels, reduced to reproductivity somehow seek to destroy American citizenship through their children. This notion is echoed by Craig Nelson, head of *Friends of Immigration Law Enforcement (FILE)* who argues, “There is a huge and growing industry in Asia that arranges tourist visas for pregnant woman [*sic*] so they can fly to the United States and give birth to an American.”<sup>150</sup> Each article is full of a language of subversion that not only stereotypes the “birth tourist” but also reifies the Asian/American as outside the realm of citizenship, or even threatening to its existence.

It is also important to note the racialized logic of the *New York Times* article, in which, exoticized Asian traits are deployed to demonstrate the otherness of the pregnant women and their threat to American values. This is most cogent in a conflation of: visiting Chinese nationals (the maternity tourists), Chinese and Vietnamese immigrants, and American citizens of Asian descent, all monolithically portrayed as existing outside the norms of a respectable citizenry. The article states, “It is not uncommon for a single residence to be home to as many as 40 people” followed by the statement, “for-sale signs in Chinese and Vietnamese are planted in front of several homes” and that these constituted “a kind of “semi-transient” community” apparently pervasive within the Asian/Asian-American community. The focus on transience, particularly, evokes a resistance to normative stasis, implicit in, and a cultural prerequisite to, citizenship. As Russ Castronovo argues, “What wards off the decay of the body politic is an ideology of citizenship that prefers the *immobile* and abstract identity of state citizenship over the

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Twentieth Century depictions of lascivious opium dens, WWII propaganda, the threat to the American worker in deindustrialization, and medical threats like Asian bird flu.

<sup>150</sup> Al Knight, “Track ‘anchor babies,’” *Denver Post*, September 11, 2002.  
<http://www.theamericanresistance.com/articles/art2002sep11.html>



dynamic condition of materially specific historical subjects.”<sup>151</sup> Akin to the “anchor baby’s” transnational circuitry that spatially and temporally challenges normative citizenship, the manifold mobilities of the “birth tourist” contest the protections of the border.

In demonstrating an unwillingness to conform to normative stasis or “proper” citizenship, the transnational Chinese “maternity tourists” and their “citizen” children exhibit what Aihwa Ong has termed “a flexible notion of citizenship and sovereignty.” Importantly, however, Ong states, and I am keen to agree, that there is a need, “to problematize the popular view that globalization [or the transnational subject] has weakened state power.”<sup>152</sup> Instead, the maternity tourist, as depicted in the *NYT* article becomes a kind of anti-citizen that reifies nationalist sentimentalities and the institutional apparatus of the nation-state, as well as constructs in its opposition an idealized form of American citizenship. Continually, the maternity tourist serves as a threat, an object of disdain, onto which class, racial, gender and sexual anxieties can be projected onto the migrant body as traumatic “losses” of white hegemony, a yearning for an explicitly exclusionary past.

If, to reassert Lauren Berlant’s suggestion that, “the nation’s value is figured not on behalf of an actually existing laboring adult, but of a future American...the American fetus and the American child,”<sup>153</sup> then the Chinese maternity tourist becomes a perverse denier of the future American citizen, aborting both the child’s possible phenomenological ties to Americanness and their biopolitical contributions to national

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<sup>151</sup> Emphasis mine. Castronovo, 7.

<sup>152</sup> Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham: Duke University Press, 1999), 6.

<sup>153</sup> Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham: Duke University Press, 1997), 6.

capital. Additionally, the national well being/future as embodied in the child/fetal subject, when removed to China or Korea, exhibits a perverse slow death of the American nation, drained of a future of usable citizens. There is, however, another figuration occurring in the discourse of “birth tourism,” one that proves adverse to the national impetus to quell spontaneity and mobility. The citizen serves as a grounded entity, a “state technology that kills nonnational cravings for more complexly lived subjects.”<sup>154</sup> The “birth tourist,” though, represents an altogether different mode, one that runs counter to the sedentary citizen-subject, a figure of hypermobility and flexibility.

While the “anchor baby” is discursively excluded from the realms of American imagined identity through both a devaluation of their contributions to the machinery of the state and an alleged ‘Otherness,’ a fictively grounded identarian weight, forcibly shackling American citizens to migrants and children of migrants, the “birth tourist” is alternatively envisioned. While Latina/o children are seen as dropping hefty anchors, “birth tourists” are symbolized almost oppositionally, through the trope of flight, of vacation, or of mobility. Articles on “birth tourism” often speak of “bogus pitches,” “travel packages,” and coming from “around the globe” to “grant their opportunistic offspring the boon of automatic American citizenship.”<sup>155</sup> These “parturient pilgrims,” as this particular commentary refers to pregnant Asian women, are derided as wealthy globetrotters, whose only reasoning for coming to America is to take advantage of the material benefits of U.S. citizenship. When described to a *Time* journalist, one recent “birth tourist” mother was told by her “agency,” “the return on investment is higher than

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<sup>154</sup> Castronovo, 6.

<sup>155</sup> Joe Wolverton, II, “‘Maternity Tourism’ Business Booming in California,” March 29, 2011 <http://thenewamerican.com/usnews/immigration/6899-qmaternity-tourismq-business-booming-in-california>

robbing a bank” further reifying the “birth tourist” as a commodifying and criminal force.<sup>156</sup>

### **Commodifying Citizenship**

Moreover, these depictions promote the “birth tourist” as a failed mother, risking the safety of their unborn child to traverse the globe for monetary gain. One mother, identified in the video as a former “birth tourist,” stated, “I was scared, at the entrance women’s shoes were piled up and it was a mess.” She further elaborated that by the time the ordeal was through she was “financially drained, emotionally drained, and physically drained” with the commentator adding “its not just the mothers who are drained, but also the taxpayers in the U.S. and even Asia.”<sup>157</sup>

It seems almost ironic that “birth tourists” are derided for their objectification of citizenship, while countless anti-migrant groups couch their opposition to new migrants in the very same language. What seems to be incredibly troubling to those writing (and presumably reading) these editorials, though, is less the cold-hard fiscal effects of ‘birth tourism,’ but instead the capitalization on ‘pure’ or ‘true’ American citizenships. A *Washington Post* article begins, “What can \$14,750 buy you in modern China? Not a Tiffany diamond or a mini-sedan, say Robert Zhou and Daisy Chao. But for that price, they guarantee you something more lasting, with unquestioned future benefits: a U.S. passport and citizenship for your new baby.”<sup>158</sup> It is therefore the commodity and ethereality of the “birth tourist” that make her so problematic, an oppositional force that

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<sup>156</sup> ZHANG YAN, “Pregnant and Bound for America: Why Chinese Moms Want to Give Birth on U.S. Soil” June 14, 2011 <http://www.time.com/time/world/article/0,8599,2077693,00.html>

<sup>157</sup> “Asian Mothers Boost California Maternity Tourism Business”, April 14, 2011 Station: KSCI -- LA 18 Los Angeles.

<sup>158</sup> Keith B. Richburg “For many pregnant Chinese, a U.S. passport for baby remains a powerful lure,” *The Washington Post* July 18, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/17/AR2010071701402.html>

grates against the static impetuses of normative citizenship. As Russ Castronovo writes, “the suturing of political subjectivity to the state is satisfying enough to obviate the need for other affiliations.”<sup>159</sup> When those other affiliations arise, in this case through the networks of transnational capital, a temporary migration of the “birth tourist” engenders a dissonance that runs counter to the professed benefits of state citizenship. It is worth noting that the benefits of global mobility disproportionately favor the Western traveler (a fact that unsurprisingly is never mentioned by anti-birthright advocates), the American citizen’s own commodification of the American passport, to harness the strength of the U.S. dollar or take advantage of less costly medical procedures abroad.

It is in the loss of control over the imagined citizen, or an inability to constrain their mobility that articulations of Asian otherness are most acerbically vocalized. Mark Krikorian, the executive director of the Center for Immigration Studies a contemporary anti-migrant hate group, states, “if anything, it is worse than illegal immigrants delivering a baby here. Those kids are socialized as Americans. This phenomenon of coming to the U.S. and then leaving with people who have unlimited access to come back is just ridiculous.”<sup>160</sup> At work in this statement, though not explicit, is the racially tinged logic of American exceptionalism, in which, the child *becomes* American through a fictively monolithic social pedagogy of Americanness. This, then, begs the question of when the unborn child becomes American? If, as much of the rhetoric of “anchor babies” seems to imply, even the child born within the boundaries of the U.S. is not *really* a citizen, then when does the citizen form? More importantly, how is the citizen created and what are the learned components that differentiate the ‘American’ from the ‘migrant?’ These are

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<sup>159</sup> Castronovo, 7.

<sup>160</sup> Medina, “Arriving as Pregnant Tourists.”

questions I pose not to attain monolithic ‘factual’ answers, but to evidence the profound ambiguities and complexities that surround both the “birth tourist” and “anchor baby” phenomena. Krikorian’s embittered statement demonstrates that ‘the citizen’ much as it is often discussed as a solid legal entity, is beholden, in the eyes of many Americans, to more affective and cultural registers, ideals that are dense with positive and negative racializations.

Attacks on birthright citizenship, therefore, serve not only to attack migrant populations, but to also generate American exceptionalism. In arguing that “birth tourists” and “anchor babies” commodify American citizenship, there is an implicit recognition of the high value of that citizenship, that being an American is desirable, a privilege that requires protection. Senator Lindsey Graham in an interview on *Fox News* articulated the sanctities of U.S. citizenship and the threats of fraudulent citizens on that purity. He argued, “I’m protecting the sovereignty of our country and I’m protecting something that’s very valuable to me. And I think...it shouldn’t be cheapened.”<sup>161</sup> Moreover, it is in the child that these speculations are of questionable meaning, because while the adult migrant, the parent of the “anchor baby” or the “birth tourist” herself, are often the mentioned objects of scorn, the child ‘citizen’ is the most prominent object of anxiety, both as a racialized symbol of future demographic change and the literal proxy for loaded ideals of what citizen means.

Continually, in organizing citizenship around the child, white heteronormative ideals of nuclear family are privileged, dislodging both queer and “non-Western” subjects from inclusion. It is similarly implied that the juridical and financial rights of American citizenship that can be attained at any time are in danger; evoking the faceless Asian-

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<sup>161</sup> “On the Record”

citizen masses returning, detached from American ideals of proper citizenship, to bleed the country dry of both fiscal and moral resources. Senate candidate Pete Hoekstra pronounces a similar message on his website [debbiespenditnow.com](http://debbiespenditnow.com) and the accompanying ad, which attack his opponent Debbie Stabenow. Hoekstra's ad features an Asian woman speaking in broken English, saying "Thank you, Michigan Sen. Debbie 'Spend-it-now.' Debbie spend so much American money, you borrow more and more from us. Your economy get very weak. Ours get very good. We take your jobs. Thank you, Debbie 'Spend-it-now.'"<sup>162</sup> The website, which has since been taken down, and the ad present Asian women as "stealing" hard-earned American money and envision a present/future in which the U.S. is economically subservient to China. These anxieties are reinforced and replicated through the depiction of birth tourism as a 'business,' an institution and foreign conspiracy that means to furtively assail the U.S. economically from within. This national "identity theft" is highlighted as further evidence of an affectless and fictive brand of citizenship that eschews loyalty and patriotism in the name of monetary gain. This language of "industry," "capitalization," and commodification engulfs articles and scholarship about birth tourism and reifies the stealthy Asian threat as continually and contemporarily relevant.

The business of 'birth tourism,' as it is often called elicits a sense of a foreign commodification of U.S. citizenship. The booming "maternity tourist" industry as one video refers to it acts as a cheapening agent, in which the high ideals of citizenship, embodied in the 'truly' American child, are shorn, reduced to the simple obtainment of the passport, a document that facilitates movement across borders. One "birth tourist"

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<sup>162</sup> Amy Nguyen, "Senate Candidate Can't Tell Difference Between Vietnam and China," <http://www.absolutelyfobulous.com/2012/02/06/senate-candidate-cant-tell-the-difference-between-vietnam-and-china/> (accessed March 30, 2012)

mother, cited in a *Los Angeles Times* article quips, “It’s easy. If you register the birth, it’s automatic that your baby can get an American passport”<sup>163</sup> Correspondingly, Mark Krikorian, CIS director, also argues “The whole point [of ‘birth tourism’] is to get the passport of convenience and then leave and move abroad.”<sup>164</sup> In the 2005 House Subcommittee on Immigration, one of the very real concerns addressed by the representatives and witnesses alike, was the “cheapening” of citizenship, coinciding with the questionable allegiances of dual citizenship holders and the children of migrants. Within the discourse on “birth tourism” similar tropes of children of migrants as fraudulent citizens are ubiquitous. One rather flowery depiction of “birth tourism”’s affects bemoans, “Can the fountain of liberty send forth the sweet water of citizenship at the same place as the bitter water of unlawful or fraudulent entry?”<sup>165</sup> A less absurdly rococo article about the proliferation of the Canadian “birth tourism” industry charges, “the privilege of Canadian citizenship is being compromised by crooked consultants” and emphasizes that Canada should follow the lead of countries such as Germany and Australia to “solve [the] immigration scam.”<sup>166</sup> In these examples, “even though it is not illegal immigration per se, it is exploiting a loophole,” whereby the Asian migrant is depicted as a ghastly apparition, quickly crossing into the U.S. or Canada and just as quickly leaving with their child, draining that country of both fiscal and embodied benefits of citizenship.

### **Disembodiments and National Security**

<sup>163</sup> Barbara Demick, “Korean moms want 'born in USA' babies” *Los Angeles Times*, May 2002.  
[http://file.uscis.gov/dept/citizenship/02-05-26-latimes-birth\\_tourism\\_asia.html](http://file.uscis.gov/dept/citizenship/02-05-26-latimes-birth_tourism_asia.html)

<sup>164</sup> Mark Krikorian Debates Birthright Citizenship Issues (CNN - 4/19/11)  
<http://www.veoh.com/watch/v20932476TP4kCANG>

<sup>165</sup> Joe Wolverton, II, “‘Maternity Tourism’ Business Booming in California,” March 29, 2011  
<http://thenewamerican.com/usnews/immigration/6899-qmaternity-tourismq-business-booming-in-california>

<sup>166</sup> “Editorial: Aborting Birth Tourism” *The Calgary Herald*, March 5, 2012  
<http://www.calgaryherald.com/opinion/Editorial+Aborting+birth+tourism/6250623/story.html>

With a camera surveying a quiet Los Angeles suburb street, the narrator quips, “they look like mini-mansions...a quiet sunny street, but spend some time in front of that pink stucco house with the white van out front and there are clues something unusual is going on here.” This news story which appeared on *Rock Center with Brian Williams* is a short story about the birth tourism industry, and much like the *New York Times* article, relies on a specific set of themes to highlight the “invisibility” of this industry going unnoticed by most Americans. The narrator continues, “We’re about to get a tour of what few Americans have ever seen” and presented with a room with 15 babies, the journalist Kate Snow meanders through the room, approaching each baby and commenting on how cute they are. She finishes the segment, however, with a voice-over stating how these parents have “no intention of staying” instead “spending 30,000 dollars...[for] instant American citizenship, sold by an industry called birth tourism”<sup>167</sup> Those who actually provide the services for the “birth tourists”

The seeming ease with which these proclaimed “birth tourists” acquire citizenship for their children works to produce the wealthy Chinese elite as threatening to U.S. national and economic power, while obviating the problematics of obtaining citizenship by less wealthy migrants. The accompanying article meanwhile charges that the high price paid to acquire citizenship is worth it, because “according to these women, it paves the way for easy access to American public schools, universities and jobs as the children get older and green cards for the whole family once the child turns 21.”<sup>168</sup> The ability to affordably enter American colleges is an often cited reason behind the proliferation of

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<sup>167</sup> Rock Center with Brian Williams “Born in the U.S.A.: Foreign Women Travel to America to Give Birth,” (air date October 27, 2011)

<sup>168</sup> Anna Schecter, “Born in the U.S.A.: Birth Tourists Get Instant U.S. Citizenship for Their Newborns,” October 28, 2011 <http://rockcenter.msnbc.msn.com/news/2011/10/28/8511587-born-in-the-usa-birth-tourists-get-instant-us-citizenship-for-their-newborns> (accessed March 30, 2012)



“birth tourism,” with the NBC News article stating, “some of the Web sites blatantly advertise the advantages of free public school in America [and] a chance to get grants to colleges like Harvard and Yale.”<sup>169</sup>

Representative Phil Gingrey argues that these particular wealthy migrants are “gaming the system...and people should be put in jail...They’re taking advantage of our country and they’re really not giving anything in return.”<sup>170</sup> The trope of misappropriation of American citizenship or a kind of affected theft of the lofty ideals attached to what the citizen should be are seemingly everywhere in the “birth tourist” discourse. Marshall Fitz, of the Center for American Progress calls “birth tourism” a “deeply objectionable practice” in which “the idea that you can buy U.S. citizenship offends the U.S. spirit of generosity.”<sup>171</sup> Contrary to the rhetoric of Latina/o “anchor babies,” the language of “birth tourism” is strikingly disembodied, a silent threat, no less powerful that forms an alternative anxiety over U.S. economic and racial futures.

A recent California ballot measure touted as the “California Taxpayer Protection Act” proposed additional measures to quell ‘birth tourism.’ Among the components of the planned legislation are regulations that would limit welfare payments to children of migrants, as well as the creation of an alternative birth certificate. This “Certificate of Live Birth With Foreign Parent” would entail the parents being “photographed, fingerprinted” and paying an “additional \$75 fee.”<sup>172</sup> These strict measures placed against the foreign ‘threat’ of “birth tourism” are especially salient when put in conversation with

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<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Marshall Fitz, “Mark Krikorian Debates Birthright Citizenship Issues” *American Morning* (CNN - 4/19/11)

<http://www.veoh.com/watch/v20932476TP4kCANG>

<sup>172</sup> Shane Goldmacher, “‘birth tourism’ is Target of Initiative – Group Refining Measure to Restrict Immigrant Services,” *The Sacramento Bee*, April 11, 2009.

the increased surveillance and securitization of the U.S. state following 9/11. The ballot measure called for severe governmental controls, stating “verification of affidavits by qualified aliens will be verified...by the Department of Homeland Security.”<sup>173</sup> Even the Patriot Act contains significant gestures to barring anyone who “is the spouse or child of an alien who is inadmissible” because of terrorist affiliations.<sup>174</sup> Similarly, “Louie Gohmert, a Texas congressman, had earlier warned of enemies sending mothers-to-be to America to have their babies who could then be ‘raised and coddled as future terrorists’ before being sent back.”<sup>175</sup> A lengthy editorial by the Center for Immigration Studies perhaps encapsulates all of these compounded fears of “anchor babies,” “birth tourists,” and birthright citizenship best in asserting,

Is it reasonable to assume that those individuals will share our societal values or our worldview, or appreciate the accident of birth that accords them the right to come and go through American borders and among American communities as they choose, as “one of us”? Or is doing so an example of American hubris and naiveté of the worst sort, one which may come back to bite us in the long run? And if so, will we then mistakenly view the terrorist acts and attempts committed by such persons to be “homegrown” when they were absolutely avoidable?<sup>176</sup>

Each of these figurations sees the danger of birth tourism, as not only productive of a rhetorical violence to U.S. citizenship ideals, but generative of the possibility for future physical violence in the terrorist act. The myriad discourses of assault on the child and pregnant mother continue to be pregnant with meaning, inciting dystopian and apocryphal futures and demarcating the boundaries of a threatened white citizenship. In a

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<sup>173</sup> Kimberly Dvorak, “California Protection Act of 2010” *San Diego Examiner* May 8, 2009

<sup>174</sup> H.R. 3162 Patriot Act, 195

<sup>175</sup> “Amending the amendment: A challenge to an American birthright” Aug 19th 2010

<http://www.economist.com/node/16846798> As abhorrent as the language utilized by political figures and anti-migrant activists is, it pales next to the comments of anonymous users opining on news websites. These comments alone provide detestable, yet fascinating insights into the power of national identity and the perceived threats of the “birth tourist” and “anchor baby.”

<sup>176</sup> W.D. Reasoner, “Birthright Citizenship for the Children of Visitors: A National Security Problem in the Making?” March 2011 <http://cis.org/birthright-citizenship-for-visitors>

2010 interview with Representative Debbie Riddle (R-TX) she claims that some “birth tourists” have U.S. citizen children “with the nefarious purpose of turning them into little terrorists who will then come back to the U.S. and do us harm.”<sup>177</sup> Referring to these children as “terror babies” Riddle continues, “I love children, but this is breaking the back of the taxpaying citizens of the U.S...this is about border security.”<sup>178</sup> This explicit correlation between migrant reproductivity and anti-American violence represents one further element of exclusionary citizenship, one that similar to dialectics of “anchor babies” and “birth tourists” couches its validity in an invented future in which America is an unrecognizable and frightening place.

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<sup>177</sup> “Terror Babies; Immigration Loophole - Birth Tourists” *ANDERSON COOPER 360 DEGREES*  
<http://transcripts.cnn.com/TRANSCRIPTS/100811/acd.02.html>

<sup>178</sup> Ibid.

## VI. Conclusion

“Who, then, can doubt that our country is destined to be the great nation of futurity?”

-John O’ Sullivan (1839)<sup>179</sup>

Throughout this thesis I have attempted to demonstrate the myriad discursive tendrils of citizenship ideology, specifically in its contingent interactions with a language or unconscious conception of national futurity. The historical dialogues of Congressional legislation, media coverage, and political rhetorics I have covered, infused with anxious citizenship ideologies, have generated a cultural setting in which “anchor babies” and “birth tourists” have come to dominate immigration discourse. Moreover, the rhetorical exploitation of ideologies of gender and childhood and their historical interactions with citizenship’s cultural, political, and legal registers have emerged and re-emerged as successful components of a series of assaults that have racialized domestic and immigrant populations and generated new inquiries into what exactly birthright citizenship *should* mean.

As both a political rhetoric and lived experience birthright citizenship is in an ambiguous place. As I have shown, “Birth tourists” and “anchor babies” do not merely represent vacuous nomenclatures, but frenzied discursive signifiers, informed by a lineage of gendered anti-migrant sentiment and perpetuated as dynamic vehicles of continued exclusion. But these assaults on birthright citizenship have not been straightforward or predictable and have frequently drawn on variable strategies of migrant demonization to affect exclusion and protect a normative national future. While the “anchor baby” has been conceived of as an embodied and grounded detriment to U.S.

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<sup>179</sup> John L. O’Sullivan “The Great Nation of Futurity” (1839)  
<http://web.utk.edu/~mfitzge1/docs/374/GNF1839.pdf>

economic and cultural interest, the “birth tourist” was/is alternatively produced as a ghostly apparition, stealthily traumatizing the U.S. national body. Together, however, each represents an unboundedness, operating beyond the control of various state apparatus, throwing into disarray both the figurative anchor, as well as the sedentary interconnectivities of citizenship. In this way, the “anchor baby,” much like the “birth tourist” is troubling to both citizens and the state in its transnational grasps and genealogies.

As much as these challenges are troubling to normative standards of citizenship we must remember the ontology of the re-emergent uproar over birthright citizenship that this thesis has sought to trace. “Anchor babies” and “birth tourists” are discursive productions, evaluations via a linguistics of hate, emergent formations that seek to differentiate those who otherwise would simply be called American children. These heinous phrases are not the creation of migrants, or their children, but languages of hegemony, identities forcefully produced as problematic and antithetical to “true” American citizenship. We must therefore differentiate the praxis of “having a child overseas” from the racialized figuring of “anchor babies” and “birth tourists.” The imagined latent reproductive and political possibilities of the East and Southeast Asian migrant, as well as the Latina migrant are marshaled as threats to the continuation of a hegemonic whiteness.

This thesis has at its core been about manifold deployments of citizenship, as a mechanism of discipline as well as an affective ideology of national community to be valued, valorized, and protected from perceived migrant exploitation. Reading endless iterations of anti-migrant literature, I was often initially predisposed to cast aside the

arguments and ideologies espoused within as moronic, insoluble, or inconsequential.

What I quickly recognized, however, was that to abandon these vapid arguments, would be to forsake the very discourses that were formative to dominant ideals of citizenship, those seminally driven by an attentiveness to anxious national futures. The national legal, political, and cultural approximation of the hyper-reproductive migrant, ethereal “birth tourist” and degenerative “anchor baby,” exaggerate and proliferate imagined apocryphal futures. Futurity, then, serves and has served, not only as an analytic tool to explicate citizenship, but an element fundamental to its very contemporary and historical existence, one that necessitates new histories that look forwards as well as backwards.

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## Appendix

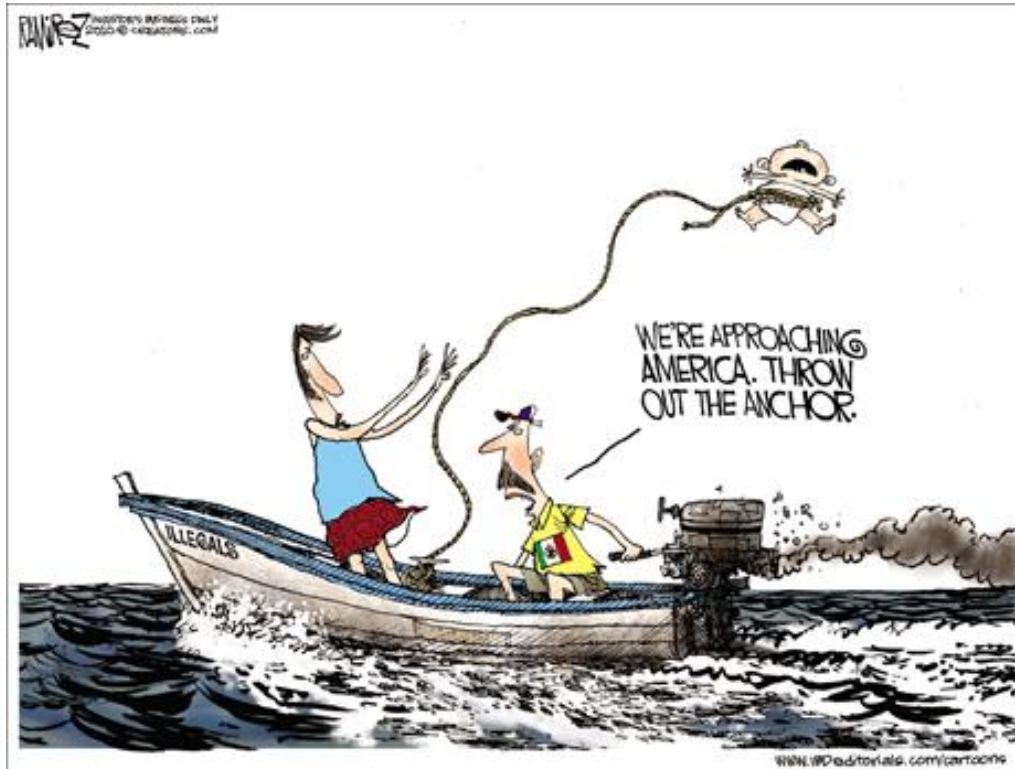


Figure 1: 'Anchoring'

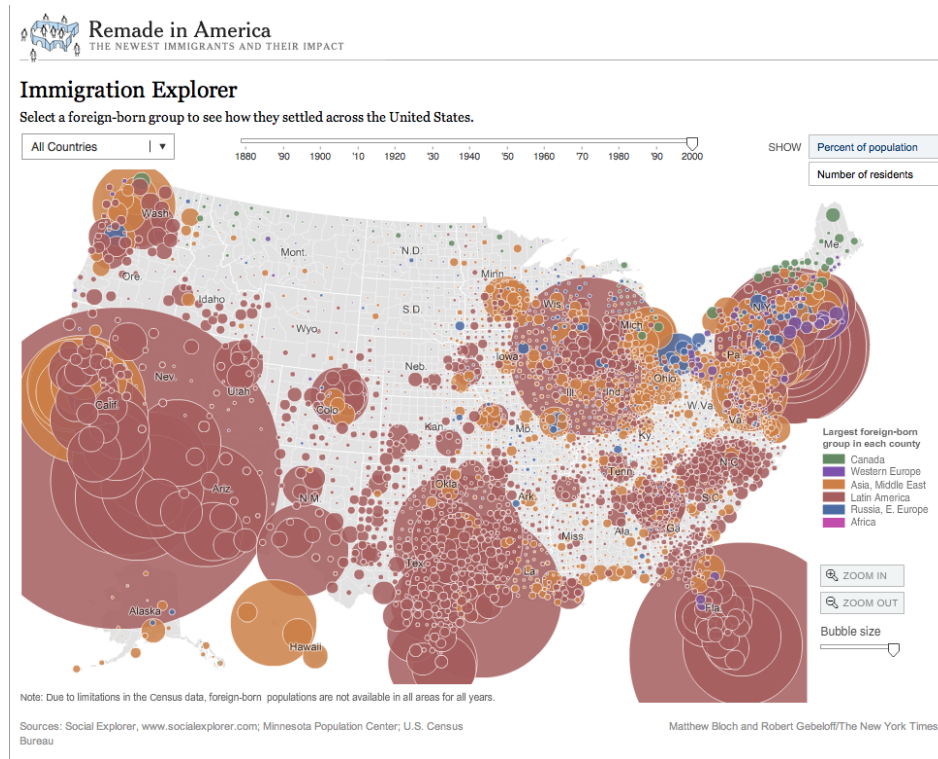


Figure 2: Interactive Migration Map from the *New York Times*.<sup>180</sup>



Figure 3: An “anchor baby” Political Cartoon by Kenny B

<sup>180</sup> “Remade in America: Immigration Explorer” *New York Times*, March 10, 2009  
<http://www.nytimes.com/interactive/2009/03/10/us/20090310-immigration-explorer.html>



Figure 4: A T-shirt For Sale Online<sup>181</sup>

<sup>181</sup>[http://www.printfection.com/customer/product\\_detail.php?productid=560439&mode=add&items=1&storeid=8202&show\\_invoptid=0&show\\_sideid=1067179&productsid=1067179&tab=1&show\\_option\\_num=1&keywords=france&id=&level=&product\\_location=0&store\\_page=&ga\\_event\\_category=Mall&color1=422&size1=0&qty1=1&color2=422&qty2=1&color3=422&qty3=1&color4=422&qty4=1&color5=422&qty5=1](http://www.printfection.com/customer/product_detail.php?productid=560439&mode=add&items=1&storeid=8202&show_invoptid=0&show_sideid=1067179&productsid=1067179&tab=1&show_option_num=1&keywords=france&id=&level=&product_location=0&store_page=&ga_event_category=Mall&color1=422&size1=0&qty1=1&color2=422&qty2=1&color3=422&qty3=1&color4=422&qty4=1&color5=422&qty5=1)



*Figure 5: Birthright Discussion Juxtaposed With Border-Crossing Migrants*<sup>182</sup>

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<sup>182</sup> “New Bill Seeks to Put a Stop to “Maternity Tourism”” *Fox News Insider* Apr 6, 2011  
<http://www.youtube.com/watch?v=DcRJE84AhME>



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## EDUCATION

**Rutgers University / Newark**

Masters of Arts in History (2012)

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## ACADEMIC POSITIONS

**Rutgers University / Newark**

Grader - Introduction to LGBT Studies (2011)

## CONFERENCE PAPERS, LECTURES, AND TALKS

*From Deity to Demon: The Societal Implications of Opiate Addiction in Late Nineteenth and Early Twentieth-Century America*  
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*The Path to National Suicide: Children, Futurity, and Exclusionary Citizenship in the Post-1965 U.S.*  
("Through the Looking Glass" - Rutgers University - 2012)

## AWARDS AND SPECIAL RECOGNITIONS

*Rutgers History Master's Scholarship Award* (Rutgers University; Spring 2011)

*Senior Thesis High Honors*, (Rutgers University; 2009)