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NINGÚN SER HUMANO ES ILEGAL: DECOLONIAL FEMINISMS &
IMMIGRANTS' RIGHTS GRASSROOTS ORGANIZING IN NEW JERSEY

by

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ABSTRACT OF THE DISSERTATION

No Human Being is Illegal:

Decolonial Feminisms & Immigrants' Rights Grassroots Organizing in New Jersey

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“Ningún Ser Humano es Ilegal: Decolonial Feminisms & Immigrants' Rights Grassroots Organizing in New Jersey is a feminist decolonial study of the immigrants' rights movement in Freehold Borough, NJ. As an interdisciplinary project, the dissertation draws on multiple methods –primarily archival research, oral history and four years of ethnographic fieldwork– and argues for the use of dehumanization rather than illegality as a framework for understanding the debate around undocumented immigration in the United States.

The first chapter, “‘Native’ Roots, Colonial Routes: Freehold Tenure and the Creation of the Citizen” historicizes the production of citizenship in New Jersey by covering the colonial period, particularly the Proprietary Era between 1664 and 1702. It explores the history of illegalization of Native Americans and African Americans through the analysis of the relation between freehold tenure (or landownership) and citizenship. It argues that the dehumanization of native peoples and of people of African origin and

descent played a key role in the emergence of Liberalism in New Jersey, which is in turn characterized by the emergence of the citizen as political subject invested with “natural rights” to the land. The chapter uncovers a history of systematic colonial exclusion of non-whites that has unequivocally contributed to the present-day exclusion of immigrant workers in Freehold Borough.

The second chapter, “A ‘Magical Coalition’: The Creation of Casa Freehold” addresses the efforts advanced by the Freehold Borough municipality in 2003 and 2004 to stop immigration through ordinances passed at the local level, and describes how a coalition of central New Jersey and Freehold residents joined forces to protect Freehold day laborers’ rights to congregate in public spaces and live without police harassment. In narrating the story of the creation of *Casa Freehold*—an immigrants’ right organization where immigrants can empower themselves—the chapter claims that in Freehold local ordinances were already used against citizens of color long before undocumented workers arrived in town, and it discusses the importance of forming “rainbow coalitions” in the immigrants’ rights movement.

The third chapter, “‘Antonia and Roberta: A Grassroots Approach to Ethnography’” explores my collaboration with Antonia and Roberta, two undocumented community leaders from *Casa Freehold* with whom I did ethnographic and organizing work for two years. I reflect upon my ethnographic practice, focusing on the lessons on organizing and on ethnographic methods I learned from working with them between September 2013 and August 2015. I argue that Antonia and Roberta’s background as women community leaders and activists shaped their understanding of what fieldwork entails, teaching us how ethnography can become a decolonial process in itself.

The conclusion examines the relation between ethnography, theater and community organizing through an exploration of the production of *Indocumentada con Derechos* [An Undocumented Woman with Rights], a play I co-wrote and performed together with other members of *Casa Freehold*.

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“Are you scared about Trump?” I ask Roberta.¹

It is December 2016. We are sitting in a Vietnamese restaurant in downtown New Brunswick sharing summer rolls after Roberta addressed my Latino Studies classes about her immigrants’ rights organizing work in Freehold, NJ. We are warm inside the restaurant but it is raining heavily outside.

Roberta looks at me for a long time without saying anything. Then she asks me, “Are *you* scared, nena?”

I am. And not just for myself, but for so many people I love. “Como tú,” I tell her.

She tells me she is not more afraid than she already had been. “I am here to stay. Ahora nos toca organizarnos aún más porque la ilegalidad no es sólo un problema de nosotros los indocumentados” [Now it’s time to organize even more because illegality doesn’t only affect us, undocumented immigrants]. She smiles at me and I find comfort in her kind eyes.

I did not think that it was going to happen. The day after Donald Trump was elected President of the United States, I stood in front of my class with a knot in my stomach, at a loss for words. Some of my students had written me telling me they felt afraid to go to class. I told the class that we were going to rethink the syllabus and start learning more about community organizing. I brought Roberta as a guest lecturer as part of that initiative.

Roberta talked to my class about her life as an undocumented woman organizer from Guatemala. She told them about coming to a new country with no papers, working long days, having a work accident, and becoming an ethnographer and activist in the

¹ The names of all undocumented people in this dissertation have been changed to protect their identities.

immigrants' rights movement. She told them about civil disobedience, being in jail, and about her work as a singer and songwriter. She sang one of her songs for the class, which talks about the need for immigration reform, and she told my students about the important relationship between art and activism.

When one of my students asked her how she convinces people to join the movement she responded that she tells people in her community to look at African Americans in Freehold: "We have much to learn from our *morenos* [black] brothers. They have been fighting for their rights for generations."

It was important for Roberta to go to my class and talk to my students because the debate around immigration was at the core of Donald Trump's presidential campaign and, as poet Nicholas Powers noted, "He won with a metaphor. He won with the image of a wall" (Powers 2016). We live in a time when an unprecedented percentage of taxpayers' money is being spent in the securitization of the U.S./Mexico border, resulting in an also unprecedented number of deaths of immigrants crossing the border into the United States. President Trump is promising to build "a great wall" between Mexico and the United States and to cut federal funding for sanctuary cities. All of this after the Obama Administration deported more immigrants than all other administrations combined.

As I write this, immigrants across the country are protesting the Trump Administration by having "Un Día Sin Inmigrantes" [A Day Without Immigrants]. Only two weeks ago the President signed the "Muslim Ban," rendering illegal the entry of thousands of visa holders, residents and refugees, and two days ago the police went to the home of an immigrant protected under the Deferred Action for Childhood Arrivals

(DACA), arrested him and threatened to deport him. A memo from the White House was leaked today and it proposes deploying the National Guard to round up undocumented immigrants in cities around the country, and an undocumented woman was just arrested in Texas after presenting herself to court as a victim of domestic violence.

Today the Department of Homeland Security released two memos, “Enforcement of the Immigration Laws to Serve the National Interest”² and “Implementing the President's Border Security and Immigration Enforcement Improvements Priorities.”³ DHS describes its planned next steps, including hiring thousands of new enforcement agents, accelerating the deportation process, expanding definitions within categories that enable immigrants to be fast-tracked for deportation, and recruiting local police and other law enforcement agencies to help federal agents track and arrest undocumented people. United States immigration policy is in the midst of a radical shift toward massively extended power and scope of enforcement against those who are deemed "illegal".

The first memo states that, “The Department no longer will exempt classes or categories of removable aliens from potential enforcement⁴ ... [and to ensure that this can be achieved] ICE will hire 10,000 officers and agents expeditiously.” The memo goes on: “Unless otherwise directed, Department personnel should initiate enforcement actions against removable aliens encountered during the performance of their official duties. This includes the arrest or apprehension of an alien whom an immigration officer has probable cause to believe is in violation of the immigration laws.”

² <http://www.mcclatchydc.com/news/politics-government/white-house/article133607784.ece/BINARY/DHS%20enforcement%20of%20immigration%20laws>

³ <http://www.mcclatchydc.com/news/politics-government/white-house/article133607789.ece/BINARY/DHS%20implementation%20border%20security%20policies>

⁴ The memo did not overwrite DACA, so for now there is still deferred action for childhood arrivals.

According to this memo any person can be arrested under the suspicion of being undocumented, and all undocumented people should be detained and deported. What this means is that immigrant illegality can be mobilized by the state against every person who may be under suspicion of being undocumented. And in this white supremacist settler colonial state it is people of color who are associated with immigrant illegality. All people of color thus become the targets of immigration officers. Roberta is right; immigrant illegality is not only the problem of the undocumented.

Now, local police will act as “immigration officers” in Donald Trump’s U.S.A. Both memos stress the importance of local enforcement agencies for the implementation of U.S. immigration law. The “Enforcement” memo restores Secure Communities (2008), the Obama administration’s signature immigration control policy, which ran until 2014, designed for local enforcement agencies to collaborate with Immigrations and Customs Enforcement (ICE).⁵ And the two memos address the 287(g) Program, which allows local and state police departments to partner with ICE essentially deputizing them as immigration officers within their own districts:

The § 287(g) Program has been a highly successful force multiplier that allows a qualified state or local law enforcement officer to be designated as an

⁵ Secure Communities allows ICE to penetrate the ordinary spaces of immigrant life, extending federal reach via technology into local policing jurisdictions (Coleman 2012). Under Secure Communities, all those arrested for any offense are biometrically screened for immigration violations; a positive “hit” for such a violation results in ICE issuing a detainer, a request to local authorities that the individual be held for up to forty-eight hours to allow ICE to determine if an order of removal should be issued (Kohli, Markowitz, and Chavez 2011). Secure Communities and its successor, the Priority Enforcement Program (PEP), provide ICE “a technological, not physical, presence in prisons and jails” (American Immigration Council 2011) and so is not tied to any one particular geographical location. Intended to target “removable aliens who have been arrested and booked for violations of criminal law” (ICE n.d.:1), in the past Secure Communities served to detain and deport hundreds of thousands of people guilty of no offense other than being in the country without authorization (Donohue 2012). Bodies of color were more likely to be detained: the Secure Communities strategy was widely criticized for encouraging racial profiling, in that 93 percent of individuals arrested under the program were Latinos, who comprise only 73 percent of the undocumented population of the United States (Kohli, Markowitz, and Chavez 2011). [What is written here was co-written with Dr. Daniel Goldstein for the article, “E-Terrify: Securitized Immigration and Biometric Surveillance in the Workplace.” *Human Organization* 76: 1 (Winter 2017).]

"immigration officer" for purposes of enforcing federal immigration law. Such officers have the authority to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, and conduct searches authorized under the INA, under the direction and supervision of the Department.

To the greatest extent practicable, the Director of ICE and Commissioner of CBP shall expand the 287(g) Program to include all qualified law enforcement agencies that request to participate and meet all program requirements.

The 287(g) Program is nothing new as it was part of the Immigration and Nationality Act of 1965 (added under section 133 of IIRIRA in 1996). However, these two memos' emphasis on the importance of expanding the Program, coupled with the restoration of Secure Communities, tell us that under the Trump Administration more and more local law enforcement agencies will be in charge of enforcing immigration law.

With immigration at the center of the national political debate and with local police departments acting as immigration agents, it is key that we understand how immigrant illegality is produced at the local level in the United States –that is, that we understand the socio-historical processes that result in the categorization of certain immigrants as “illegal.” At the same time, and especially today, it is crucial that we learn from those who have organized their communities against this production of immigrant illegality. Indeed, it is no coincidence that Roberta talked to me about organizing when I asked her if she was afraid of Donald Trump. Now is the time to stand together in solidarity against the power of the fascist state.

It is Mayday 2015. The stage is set on the back of a yellow pickup truck. A big yellow banner over it reads, “From Baltimore to Ayotzinapa No More Police Brutality!” Covering the front of the truck is a large hand-painted banner with bold black letters: “WE CAN’T BREATHE.” Under it, in red: “May 1st Coalition for Workers and

Immigrants' Rights." Uncle Sam is depicted on the banner in the shape of a giant gray octopus, his tentacles squeezing the bodies of various black and brown people. The crowd is as diverse as the banners. I glance around and see at least two dozen "Black Lives Matter" signs; I see "Ningún ser humano es ilegal" [No human being is illegal]; "Ayotzi: Fue el Estado! REPRESSION IN MEXICO MADE IN WASHINGTON"; "33 Years is Enough! Free Oscar López Rivera"; "NYC needs a raise – 15 dollars an hour minimum wage"; "From Baltimore to Palestine – End the Racist Occupation!"

The microphone is loud and my ears are ringing. I head behind the stage to look for Roberta, who is waiting under the tent where the sound equipment is located. She is wearing her white *Casa Freehold* T-shirt, her long, wavy black hair falling down her shoulders, her red lipstick matching the shirt's logo. Roberta is one of the leaders of *Casa Freehold*, the immigrants' rights organization I work with, and a member of the National Alliance of Domestic Workers. Today she will take the stage and sing her song *Sin Fronteras*. We hug and I ask if she is nervous. A little, she tells me, and laughs. A lot, her laughter says. I would certainly be nervous too. There are hundreds of people at New York City's Union Square today.

The rally starts and one of the members of the May 1st Coalition takes the microphone. In Spanish, with a woman translating to English by his side he says:

We are here to demand 15 dollars an hour for all the workers of the United States. We are here to demand the legalization of 20 million undocumented immigrants who live in North American land. We are here to condemn—to stop!—police brutality and the murders of people of African and Latin American descent. Today we call on all the workers, the poor people of the United States, and invite them to join the fight, which is becoming more and more radical, and for which we need to organize [...] That's our mandate, sisters and brothers: We must organize so we can defend ourselves against systematic repression. And it's not just the police; it's the Government, it's the State, it is the power of colonization

and capitalism, which we must battle against. And that capitalist power can only be defeated through the people's power, through an organized people. Let's organize so we can win this revolution, which belongs to us, fellow humans of this Earth.

We stand under the clear blue sky as this message is reiterated in the words and performances of each person taking the stage. From the Black Lives Matter movement to anti-imperialist movements in the Philippines, Puerto Rico, Palestine, Cuba and Mexico, from undocumented immigrants to minimum wage workers, the message delivered by every single speaker of the May 1st Coalition is crystal clear: their oppressions are connected by colonialism and dehumanization. In the words of the representative of the *Movimiento de Immigrantes Guatemaltecos en los Estados Unidos* (MIGUA) [Movement of Guatemalan Immigrants in the United States]: "It's time to connect our struggles. We're talking about Black Lives Matter because Black people are being killed. We're talking about making the connection between immigrant rights and the prison industrial complex. We're ending up in the same prisons, y'all! When we're talking about Palestine, the same people who are building the walls in the [U.S.] border are building the walls in Palestine. We're facing one common enemy and that common enemy is imperialism: The father of capitalism, the cousin of white supremacy."

Roberta is about to come up to the stage. I cheer and clap as loud as I can. She grabs the microphone and takes her time to start speaking. In Spanish she tells us she comes to represent *Casa Freehold* and all the workers of the world. She pauses for a moment and then her pure, melodic voice rises from the stage and fills the Square. Her song, *Sin Fronteras* (No Borders), reflects upon the similarities between the struggles for the recognition of the humanity of African Americans and undocumented immigrants in the United States. Singing "no pensemos en fronteras que los países hermanos y

afroamericanos han sufrido de ellas ... cómo poder instruirnos rompiendo fronteras y uniéndonos más” [don’t think of borders, they have made fellow countries and African Americans suffer ... how to educate ourselves by breaking the borders and being united], she invites her sisters and brothers who crossed the U.S. border (frontera) to challenge yet another border: that which separates them from each other, and from other oppressed peoples in the United States. She evokes Martin Luther King’s call for the unity of his people, she praises his willingness to risk his life for the human rights (derechos humanos) of his community, and she reminds us that united we can imagine a world “sin fronteras.” She ends her performance with a chant I have heard and repeated hundreds of times since becoming active in the immigrants’ rights movement:

¡Ningún ser humano es ilegal!
[No human being is illegal!]

This phrase, coined by Romanian-born Jewish writer and Holocaust survivor Eliezer Wiesel in his 1986 Nobel Peace Prize speech, has been a powerful motto for oppressed peoples around the world, and one of the most reiterated slogans in the immigrants’ rights movement in the United States, particularly during the legendary 2006 marches when hundreds of thousands of undocumented immigrants took the streets to reclaim their humanity under the banner “No Human Being is Illegal” (De Genova 2009, Lao-Montes 2008).

And while the terms of the debate regarding “illegal immigrants” have been centered primarily on the figure of the (male) undocumented immigrant, what the speakers from the Mayday Coalition are saying today is that illegality is mobilized by the state against not only immigrants, but also U.S. citizens. When Roberta sings her song and then affirms that no human being is illegal she affirms that illegality is

dehumanizing, and also that there is something about “humanness” that cannot be circumscribed by the law. From this perspective, the issue is not who is legal or illegal but rather who counts as *human* under the law.

INTRODUCTION DECOLONIAL FEMINISM AND THE STUDY OF UNDOCUMENTED IMMIGRATION

John worked as a day laborer in Freehold, NJ where he had recently moved. For people like him things were much better in the north, he'd heard. He traveled a long way from his town, at times on his own and at times with a group of people also migrating north. He took the train two times, but trains were dangerous for people like John, so during his journey he walked for the most part. He was originally heading to New York City, but once he got there he learned about New Jersey and its many job opportunities for working on farms, or doing domestic labor. John rapidly got a job as a day laborer in a farm in Freehold Township. He lived in the barracks at first but once he saved up enough money, he went to look for a place where he could settle down and start his new life in the north. John couldn't find a place; what he found were signs reading WHITE TENANTS ONLY. John returned to the barracks, and he eventually joined the Civil Rights Movement. It was the year 1938.

These events are by no means just “things of their time”. Twenty years before John's journey, and for three hundred years before that, it was rare to see free blacks in Freehold. Up until the American Revolution the town's entire black population consisted of slaves who were confined to the barracks, and this situation changed very little until Reconstruction (Hodges 1997: 54).⁶ Yet the obstacles John faced when he migrated to Freehold back in the 1930s are not only reminiscent of earlier times. Indeed, during the past twenty years new immigrants from Latin America arriving in Freehold have faced similar obstacles as the municipality uses housing and anti-loitering ordinances to

⁶ Scholars of African American history have extensively explored the historical continuities between Reconstruction and Jim Crow. For example see Du Bois 1935, Hahn 2005, Franklin 1961.

facilitate these immigrants' expulsion and prohibit their settlement.

In my dissertation I study these ordinances and the grassroots efforts that have emerged as a response. I argue that in introducing the language of decoloniality to the study of local anti-immigrant legislation we acquire a framework for approaching the relation between John's experience as a Black citizen and the current experience of undocumented immigrants in Freehold. This relation is not shaped by a discourse on "rights" (it is not related to the citizenship status of the first or the "illegal" status of the second), but by colonial processes of exploitation and racialization, which result in the negation of the humanity of both.⁷ In this way, by bringing together decolonial scholarship and immigration theory, I propose dehumanization rather than illegality as a lens for understanding the current debate around undocumented immigration in the United States.

This introductory chapter explores key concepts of immigration theory and decolonial thought, and argues that feminist decolonial thought directs our scholarship on undocumented immigration in two different routes: The first one is hermeneutical, in that immigration scholarship must in some way address the European colonial period as a key lens through which to understand our present; the second one is methodological, in that it

⁷ Other immigration scholars center their work on decolonial literature, though mainly for discussions that do not include immigrant illegality. Most notably (and very influential for this dissertation), in his 2003 book *Colonial Subjects: Puerto Ricans in a Global Perspective* Ramón Grosfoguel conceptualizes the different manners in which immigrants are racialized and homogenized in U.S. metropolitan societies according to ethno-racial colonial hierarchies. Furthermore, and even though they do not use the language of the decoloniality, others have theorized the racial character of "illegality" in the U.S. through an examination of the common historicity of colonized peoples in relation to the colonial and imperialist ventures of the United States (particularly, see Coutin 2000; De Genova 2002; Hagan 1994; Kanstroom 2007; Ngai 2004; and Walters 2010). For example, issues such as the US-Mexico War and the post-Jim Crow ethno-racial hierarchies in South Texas (e.g. De Genova and Ramos Zayas 2003), the Spanish-American War of 1898 and the subsequent expansion of the U.S. empire (e.g. see Erman 2008), the reduction through the "Bracero Program" of undocumented Mexicans to disposable labor-power (e.g. see Bustamante 1978, Mize and Swords 2011), and the plainly racist criminalization of Mexicans during the Great Depression (e.g. see Vélez-Ibáñez, 1996) are all histories of coloniality that have already been conceptualized within mainstream immigration studies.

presupposes particular forms of grassroots solidarity and coalition building with those categorized as “illegal.” The chapter first describes Freehold Borough and the work I did there, and proposes the town as an ideal place to study anti-immigration local ordinances and grassroots immigrants’ rights organizing. It then discusses contemporary debates within immigration studies on the so called “interiorization of the border,” focusing on how these discussions are informed by decolonial theory’s insights on the invention of Man and women of color solidarity. It argues that we must take African American and Native American history into consideration when studying the production of immigrant illegality; that the knowledge produced by undocumented women who organize their communities belongs to a long tradition of decolonial feminist thought and should be at the center of scholar discussions on immigrant illegality; and that any scholar of undocumented immigration must engage in activism at the grassroots level. The chapter concludes by relating these arguments to the three subsequent chapters of the dissertation.

FREEHOLD BOROUGH, NJ

Given its revolutionary history,⁸ and as the inspiration for native Freeholder Bruce Springsteen’s classic song, “My Hometown,” Freehold Borough is invested in its authenticity as an historic and emblematic “all-American”⁹ city. But Freehold is also all-American in less advertised ways; for instance, it was the last city in New Jersey to desegregate, forced to do so by the Federal Government. Several books have been published on Freehold, all arguing that there is much about the history of the United States in general that can be learned from studying this emblematic small town in the

⁸ This history is explored in depth in the next chapter.

⁹ I will abstain from referring to the United States as “America” in this dissertation. Even though for the imperialist vision of the United States of America the term “America” is just another name for that country, today it is the name of the territory that extends from Alaska in the North to Cape Horn in the South, including the Caribbean archipelago (see Quijano 2000: 574).

middle of New Jersey.¹⁰ In my work, I embrace this conception of Freehold. I approach it as an unexpected but productive site from which to appreciate important and unexplored linkages between the colonial past and present of the United States, and the current discussions around undocumented immigration in this country.

In his song “My Hometown” Bruce Springsteen sings of riding around town in the 50s with his father, looking around at the farmland of his hometown. He talks about being in high school in the 1965 when tensions ran high between Blacks and whites, and about the economic depression that followed the closure of the textile mill in 1961. The power of the song is that the same story could be told about hundreds of small towns in the United States. This dissertation tells a history of Freehold that is in some ways very specific to New Jersey, but especially in the context of the suburbanization of the United States –which began with the suburbanization of the Garden State (see Greason 2012)– is also a story that can be relatable to many towns across the U.S.

¹¹With a population of about 15,000 residents, Freehold Borough is a close-packed cluster of colorful wood-frame houses and stone storefronts centered around an old Town Hall, set amidst suburbs, farmlands, industrial parks, and shopping malls. There is a historic Main Street, a stately courthouse with white pillars fronting a trim green lawn, and many beautiful old homes with porch swings and U.S. American flags. Not far from the Jersey Turnpike and the Garden State Parkway, Freehold has emerged as an ideal place for the settlement of undocumented immigrants who live in the borough and work in the surrounding suburbs. Indeed, a predominantly white town where racial

10. See e.g. Blair 1993; Coyne 2003; Pepe 2003.

¹¹ From this point on and until the end of this section describing Freehold and New Jersey, what is written here was co-written with Dr. Daniel Goldstein for the article, “E-Terrify: Securitized Immigration and Biometric Surveillance in the Workplace.” *Human Organization* 76: 1 (Winter 2017).

minorities were almost exclusively African American until the mid-1990s, in the past twenty years Freehold has seen a so-called “illegal invasion” (Kelsey 2007) and is now about 50 percent Latino (mostly Mexicans, but also Peruvians, Guatemalans, and others).

Relations between Freehold residents and the newcomers have not historically been cozy. In December 2003, a group of local residents and Latin American immigrants filed a lawsuit in Federal Court against the Borough on behalf of its Latino day laborers. The suit argued that an anti-loitering ordinance passed in 2003 prohibiting workers from congregating in public spaces to wait for work was unlawful. In March 2004, a Federal Judge ruled in their favor, stating that the borough was violating Latin American workers’ right to seek employment. In the aftermath, Freehold Borough has become a relatively safe place for immigrants to reside. The people – Latino, Latin American, African American and white – who came together to fight the municipality subsequently formed *Casa Freehold*, an immigrant rights advocacy organization that offers various services to immigrant workers and their families in Central New Jersey. The police no longer harass workers in the muster zone, and the municipality has ceased for the most part its midnight “home inspections” intended to surprise people crowded into unauthorized housing. Many of the undocumented people in Freehold express a strong sense of security about living there. They try to avoid unnecessary contact with the police and with situations that might bring them unwanted exposure to the federal immigrant detection system, but many of them believe that “as long as you don’t go breaking the law, the police will leave you alone.”

My work in Freehold

I first arrived in Freehold with the idea to study undocumented immigration in

August 2011. In the summer of 2010 I had written my Masters thesis on Arizona's Senate Bill 1070¹² and had become very interested in the use of state and local legislation for purposes of immigration control. For this reason, in my first year of doctoral studies I was assigned as Teaching Assistant for Professors Robyn Rodriguez and Carlos Decena's class, *Immigrant States*, which focused on immigration in the State of New Jersey. In 2011 Dr. Rodriguez hired me as the research assistant for her and Dr. Daniel Goldstein's project on the securitization of migration in New Jersey. The 2-year project, which was to take place in Freehold Borough and was founded by the Russell Sage Foundation, looked to study local anti-immigration legislation in Freehold and its relation to securitization.

The project was housed in *Casa Freehold*, the immigrants' rights organization that was created as a response to local anti-immigrant laws in Freehold. As research assistant, from August 2011 to August 2013 I volunteered in *Casa Freehold* while conducting participant observation, and, along with Dr. Goldstein, I interviewed forty undocumented Latin American immigrants living in Central New Jersey, some of them activists.

In April 2013 we drafted an application together and Dr. Goldstein was awarded a National Science Foundation grant to continue our work in Freehold among the undocumented community¹³ for two more years, starting July 2013. With funding from the grant we continued paying *Casa Freehold* rent money to hold our office in their

¹² The Support Our Law Enforcement and Safe Neighborhoods Act was an anti-immigration law passed by the Arizona Senate which, among other things, made it a federal misdemeanor for immigrants in Arizona to not carry their immigration documents with them at all times. See Chin et al 2010.

¹³ By "Freehold's undocumented community" I refer to people whose settlement in Freehold was not authorized by immigration authorities, or is the result of their relationship to somebody who at any point had no authorized immigration status. I use the term because I find no better way to refer to those affected by the production of immigrant illegality in Freehold, and I find the term "mixed status" to be misleading and not representative of the very complex variation and intermingling of immigration statuses I have found among the Latin American community in Freehold.

premises (as Dr. Goldstein was already doing thanks to a Russell Sage Foundation grant), and we were able to hire two more research assistants. Women leaders from the Freehold Latin American community and volunteers from *Casa Freehold*, Antonia and Roberta joined our team in August 2013.

The focus of our ethnographic project was by then twofold: Inspired by the history of the creation of *Casa Freehold*, I was interested in the relationship between Latin Americans and African Americans in Freehold, specifically in terms of political organizing. Dr. Goldstein was interested in the rights that undocumented people have as workers in the United States, specifically how immigrants use the legal system after suffering a work accident or to defend themselves against wage theft. Following these two directives, Antonia, Roberta, Daniel and I worked together for 18 months, writing field notes from our participant observation, volunteering at *Casa Freehold* and conducting 40 interviews from within the wider Freehold Latin American community. We each chose our own interviewees, and we met every week to share our thoughts on the work and the topic of our field notes. We also organized an event on deportation, “Undocumented/Unafraid: Stopping Obama’s Deportation Machine,” which took place at Rutgers University in April 2014, and we co-authored a play on immigrants’ rights, “Indocumentada con Derechos” [Undocumented Woman with Rights], which we performed in front of the Latin American community in Freehold in August 2015.

During this time I also conducted archival research on the history of Freehold Borough—including town hall minutes, ordinances, newspapers, personal correspondence, secondary sources and photographs—in the Freehold Public Library, the Monmouth Public Library, the Monmouth County Historical Association, the Sand Hill Indian

Historical Association, the Rutgers University Library Special Collection, the Princeton University Library Special Collection and the New Jersey Historical Association.

Dr. Goldstein's project ended in December 2014, and Antonia, Roberta and I continued to work together until July 2015 under my direction. During this last stage of the project we brainstormed ideas based on our past research and decided to focus on exploring the different celebrations that immigrants bring with them when they migrate to the United States, including immigrants with indigenous heritage who bring their Native traditions. In January 2015 we were joined by Jamie King, a native Freeholder and undergraduate student from the Women's and Gender Studies department at Rutgers. The four of us continued our volunteer work in *Casa Freehold*, conducted participant observation and interviewed twenty more people from various segments of the Freehold community.

My dissertation is based on these four years of collaborative ethnographic, archival and organizing work.

IMMIGRATION STUDIES AND THE INTERIOR BORDER

To the extent that U.S. citizenship as an institution is generally assumed to differentiate between subjects in relation to the power of the nation-state, dissimilarities, divisions and inequalities between people are conceptualized in terms of what Nicholas De Genova and Ana Y. Ramos-Zayas call "the politics of citizenship" (2003:2). Debates on who is a U.S. citizen and who is an "alien" are framed by tensions between understandings of citizenship as participation –defined in multiple ways including a sense of belonging, political engagement, and participation in the welfare system (see Benhabib

2002; Brysk & Shafir 2004; Isin & Wood 1999; Karst 1989)– and citizenship defined as legal status.

Perhaps nowhere are these tensions more apparent in the U.S. than in debates regarding the so called “immigration problem:” the “illegal” entry and/or settlement of millions of people generally from the Global South (mainly Mexico and Central America, but also from South America, the Caribbean and The Philippines, among others) who come to the United States mostly in search of work, and in hopes of improving their quality of life and/or that of their families. Immigration scholars from across the disciplines have long studied the “immigration problem.” Many scholars have focused on what Nicholas De Genova calls “the production of immigrant illegality” (2002): a Foucauldian approach to illegality that explores the processes and techniques of power that produce [il]legal statuses and subjects. Some explore the precarious living conditions faced by the approximately 20 million undocumented immigrants who live in the U.S. and who interact on a daily basis with a legal regime that limits their mobility, residence and ability to work, while targeting them for detention and deportation;¹⁴¹⁵ and others examine the ways in which unauthorized immigrants navigate the legal system, strive to build vibrant communities, and attain economic and political visibility.¹⁶

¹⁴ Footnotes 15 and 16 were co-written with Dr. Daniel Goldstein and me for the grant proposal he presented to the National Science Foundation 2013.

¹⁵ For instance, previous studies (e.g., Bernhardt et al. 2005) have explored the obstacles faced by undocumented immigrants who perform low-wage work in the United States –jobs often characterized by the underpayment of wages (Greenhouse 2005; Orey 2007), violations of minimum wage and overtime statutes (Williams 2006), exposure to hazardous working conditions (Loh & Richardson 2004; Quandt et al. 2006; Nissen, et al 2008), and sexual harassment in the workplace (Vellos 1996). Others have shown the gender disparities in immigration law and its impacts on undocumented women on issues ranging from family reunification laws (Kofman et al 2000), vulnerability to domestic violence (Menjivar et al 2002), avoidance of the criminal justice system (Crenshaw 1991; Erez 2000), and difficulty to obtain social service assistance (Salcido 2000).

¹⁶ Coutin (1995; 2003; 2007), for example, has done important ethnographic work on undocumented Salvadorans’ and Guatemalans’ legalization strategies in California and Arizona; while Bloch, et al (2001) and Nyers (2003; 2010) have written about the legal maneuvers of undocumented

In the past 15 years, as anti-immigration legislation proliferates at the state and municipal levels in the United States, the study of undocumented immigration has shifted its emphasis away from the U.S. national borders, toward how these borders are “interiorized” through local legislation that affects immigrants’ rights to occupy public space, to seek work, to rent homes, or to access public services (Rodriguez 2013). Indeed, as the archetypal security menace of the “Islamic terrorist” has been joined with that of the Latino day laborer (Chavez 2008), the focus of immigration law enforcement has expanded from the nation’s borders to include the spaces within those borders in what Mat Coleman (2012) has termed the “local migration state.” Municipalities as well as states across the United States are utilizing land-use ordinances and other regulations to constrain the lives of their undocumented population, as housing codes have become an instrument for the expulsion of immigrants from towns and states (Oliveri 2008).

This phenomenon of the rescaling of the U.S. border has been attributed to the federal structure that during the 1980s and 90s transferred considerable responsibility for social welfare onto localities and states (see Decena & Gray 2006, Wilson 2008);¹⁷ to citizens’ concern with the federal authorities’ apparent failure to enforce national immigration restrictions (see Barry 2006); and to what has been termed the

asylum seekers in the U.K. and Canada, respectively. Scholars such as Jennifer Gordon (2007) and Bonnie Honig (2001) have pointed to undocumented immigrant workers’ collective political participation in campaigning and protesting as positive illustrations of democratic citizenship; and Nicholas De Genova (2009) has analyzed the Immigrant Workers Freedom Ride of 2003, as well as the unprecedented mobilizations of migrants throughout the United States in 2006. Similar research has been done on undocumented migrants’ collective protests and human rights advocacy in Israel (Kemp et al 2010) and France (McNevin 2006).

¹⁷ For instance, incarceration and education costs are now almost wholly borne by states and localities. Many welfare programs supported by the Federal Government, such as Temporary Aid for Needy Families (TANF), food stamps, and subsidized housing (some of which are not available for immigrants) are administered by states, and so are medical programs for the elderly and poor. In this context, local governments claim that they are effectively responsible for “hosting” immigrants while, according to the Naturalization Clause of the U.S. Constitution and to a series of Supreme Court cases decided in the late 19th century, the Federal Government has sole authority over the entry of those immigrants.

“securitization of migration,” an alteration in national security policy that “reconceptualizes security as the collective management of subnational or transnational threats and the policing of borders and the internal realm, rather than just the defense of territory against external attack” (Faist 2002: 9).

States and municipalities in the United States have long played a role in the immigration process, however. New York City, for example, imposed its own regulations to control and tax entry until the end of the nineteenth century (Neuman 1996). This duality between the federal plenary power over immigration policy and enforcement, and local control over immigrant integration continues to describe the U.S. approach. “This division of labor has allowed for cooperative relationships between local police and federal immigration authorities and, for some, local legislation that restricts immigrant opportunities” (Provine & Varsanyi 2012: 2).

¹⁸Indeed, as the United States/Mexico border has in recent years been increasingly militarized, with clandestine border crossings becoming ever more risky and deadly, the policing of daily life in the cities, suburbs, and small towns of the United States has also intensified, incorporating new programs and technologies of detection and screening that allow for greater policing of immigrant bodies and that recruit new segments of the citizen population to enforce immigration law.¹⁹

Border geopolitics represents a “hard” system of enforcement, involving the building of walls and detention centers and making the United States into a “zone of confinement” (Coutin 2010), contained by razor wire, metal fences, and concrete, and

¹⁸ From this point on and until the end of this section, the content was co-written with Dr. Daniel Goldstein for the article, “E-Terrify: Securitized Immigration and Biometric Surveillance in the Workplace.” *Human Organization* 76: 1 (Winter 2017).

¹⁹ Most notably in Arizona, Alabama, and Georgia but including 34 other states as well.

thus ever more difficult to enter (and re-enter). Interior biopolitics, on the other hand, include “soft” forms of immigrant regulation, unlocalized and immanent, which shape the behavior of undocumented people within the United States while dangling the continual threat of removal. “Soft” tactics of immigrant policing include hindering immigrants’ ability to drive to work or to transport their children to school, limiting their “automobility” and making their lives more difficult (Stuesse and Coleman 2014). Immigrants have to alter their behavior to accommodate these interventions; and while some may elect to “self deport” (see Kobach 2008), the majority remain in the shadows, ever more constrained in their options and liberties.

In the aftermath of 9/11, the expansion of immigrant regulation into the heartland of the United States intensified (Meissner et al. 2013), a process that Menjívar (2014) calls the “insourcing” of the border. This effort was framed by the Department of Homeland Security (DHS) in terms of securing the homeland against terror, which required “developing a ‘continuum of border security,’ treating the territorial boundaries of the USA and the interior as a seamless security space” (Inda 2013:299). The goal of securing the homeland from illegal immigration was expressed most clearly in the DHS’ (2010) strategic plan, published in 2003 with the foreboding title *Endgame*. In order to “keep America secure,” the plan called for a goal of removing 100 percent of the undocumented immigrants from United States national space by 2012, with a special focus on the “criminal alien.” This would require, once again, enhanced border security and enforcement; but significantly, the plan also called for an intensified internal policing of immigrants living within United States territory.

As we saw in the Preface, One mechanism for this already in place was section 287(g) of the Immigration and Nationality Act of 1965 (added under section 133 of IIRIRA in 1996), which allowed local and state police departments to partner with Immigration and Customs Enforcement (ICE), essentially deputizing them as immigration officers within their own districts. This was supplemented by the program called Secure Communities (2008), the Obama administration's signature immigration control policy, which ran until 2014.

New Jersey is an interesting state in which to study “soft” tactics of immigration policing, in part due to its history as a collection of autonomous municipalities, complicating any attempt to generalize about the state as a whole. In terms of immigration law, some New Jersey towns are highly securitized, with restrictive municipal ordinances that limit undocumented immigrants' ability to work, rent property, or own businesses, while others are “sanctuary cities” that exhibit a welcoming stance toward immigrants. The state is thus a patchwork of contiguous and sometimes overlapping political, legal, and social milieus through which immigrants move in the course of their daily rounds of work, school, socializing, and home. For immigrants, this patchwork is particularly critical in terms of immigration law. As discussed above, state and municipal laws operate in concert with federal law, and there is a substantial degree of variation across localities (Menjívar and Enchautequi 2015; Provine and Varsanyi 2012). New Jersey ranks among the top destinations for immigrants in the United States (only California and New York have larger non-native populations, and New Jersey ranks fourth in the nation [after Nevada, California, and Arizona] in the percentage of its workforce that is undocumented; Fine et al. 2014). As a whole, is a relatively tolerant

state as far as immigration law is concerned, but there is substantial variation across municipalities, a fact to which undocumented workers must attend as they travel between jobs or simply shop for groceries in an unfamiliar town.

Freehold is part of this patchwork of municipalities and –as a place that has used local ordinances against undocumented immigrants and where immigrants successfully organized against these regulations– it is a great case study for analyzing the interiorization of the border and the community organizing efforts that can emerge in response to such legislation. In what follows I propose coloniality as a lens through which we can understand these anti-immigrant regulations as well as the grassroots efforts that resulted in the creation of *Casa Freehold*.

DECOLONIAL THEORY & THE RECONCEPTUALIZATION OF THE IMMIGRANT SUBJECT

In his “Coloniality of Power, Eurocentrism, and Latin America” (2000), Aníbal Quijano places the colonization of the Americas as the first time/space model of power with global vocation, and the first identity of modernity. What we call globalization, Quijano writes, is the cultural process that began with the constitution of the Americas and modern Eurocentered capitalism as a new global power. Quijano points to two historical processes associated with the production of this new time/space, and constitutive of the two foundational axes of the new global model of power. On the one hand is the codification of race as an assemblage of specific biological differences between conqueror and conquered, and the positioning of the former in a naturally superior rank in relation to the later. On the other hand is a new structure of control of labor, its resources and its products through the articulation of all previous labor

structures (slavery, serfdom, small independent commodity production and reciprocity) upon the basis of capitalism and the world market –what he calls modernity.

Within this context, state formations in Europe and in the Americas are linked and distinguished by what he calls coloniality. Here, coloniality refers to the continuity and transformation of colonial forms of domination after the end of colonial administrations, and the continuous forms of hegemonic dominance produced by colonial technologies that result in the maintenance of “the colonial matrix of power.”²⁰ This matrix is established through the modern/colonial²¹ hierarchies of West/non-West, European/non-European, White/non-White, and it is further advanced through the creation of the nation-state and its institutions of citizenship and political democracy. With the expansion of European colonialism, the classification was imposed on the population of the planet. Since then, it has permeated every area of social existence and it constitutes the most effective form of material and inter-subjective social domination.

With the advancement of the Enlightenment in Western Europe in the seventeenth century, Francis Bacon’s model of scientific knowledge and Rene Descartes’ metaphysics formalized the hierarchical ordering of subject and object, and human and non-human (Mignolo 2000). Within this framework, contractualist theories emerged, and with them God, human, and nature were definitely separated; the body was now conceived as both property (even if property of the self was only for those who adhered to the normative constructions of the human) and as the very locus of capital labor

²⁰ After the conquest of the Americas, through colonial systems of management and control of natural resources and colonial subjects, a set of interconnected subject-differentiating techniques was created. These lines of differentiation –the sex/gender economy, the regulation of labor, and the production of Eurocentric subjectivities and intersubjectivities– are articulated in the colonial matrix of power, always already transversed by “race” as the fundamental criterion for the distribution of the world population into ranks, places, and roles (Quijano, 2000).

²¹ Walter Mignolo (2000, 2011) articulates coloniality as the “darker side” of modernity, therefore the use of the term modernity/coloniality.

(Cohen 2009). This liberal tradition, epitomized in the works of Thomas Hobbes, Jean Jacques Rousseau, and John Locke, conceptualized “humans” as “individuals;” individuals whose free will (their liberties and private property) was protected against the dangers of the many (Cohen 2009). The French and American Revolutions grew from these traditions and produced the citizen-subject before the law (a category reserved for the modern subject) with corresponding rights and responsibilities. In other words, the modern human citizen-subject emerged through the Cartesian cogito, the expansion of the European project of colonial modernity and the rise of the modern sciences, built upon the doctrines of the Enlightenment.

In “Unsettling the Coloniality of Being/Power/Truth/Freedom,” decolonial theorist Sylvia Wynter refers to this process as “The Invention of Man,” when she quotes from Michel Foucault’s 1966 *The Order of Things*:

Man is neither the oldest nor the most constant problem that has been posed for human knowledge. Taking a relatively short chronological sample within a restricted geographical area—European culture since the sixteenth century—one can be certain that man is a recent invention within it...If those arrangements were to disappear as they appeared... one can certainly wager that man would be erased (cf. Wynter 2003: 263).

This passage offers a provocative avenue for those of us studying the subjectivizing qualities of citizenship, understood as the institution that regulates the relation between individuals and the nation-state (De Genova and Ramos-Zayas 2003: 2). As expressed by Aimé Césaire in *Discourse on Colonialism*: “One of the values invented by the bourgeoisie in former times and launched throughout the world was *man*—and we have seen what has become of that. The other one was the nation” (1972: 74). If “Man” is an invention that accompanied the Western formation of the nation state, then so is the “Citizen” as the subject of such a state.

In “Unsettling,” Wynter contends that after the conquest of the Americas, the earlier distinctions upon which all human groups had grounded their descriptive/prescriptive statements of what it is to be a human (such as mortal and immortal, natural and supernatural, and human and the ancestors) were replaced by a human/subhuman distinction based upon the newly invented idea of race. According to Wynter, the physical referent of the first notion of “human otherness,” which opposed “Man” as the political subject of the forming nation-state, was opposed to the “Savage Irrational Other” represented by the indigenous population of the Americas. The African slave population, at first assimilated to the “Indian” category, was soon conceptualized as the most extreme form of non-humanness, non-evolution, and irrationality (2003: 264).

Here, Wynter interrogates the modes of governance that determine how bodies are included within the nation-state, and in doing so offers coloniality as a framework for thinking about the current production of immigrant illegality. In her work, Wynter examines three descriptive statements: The “Christian,” “Man1” and “Man2,” each one with “a specific axis of sameness and difference determining ontological privilege,” and a liminal space of otherness sustaining this distinction (Hantel 2015: 43). The Christian as descriptive/prescriptive statement of the human, ruled Europe throughout the Middle Ages, until the arrival of the Renaissance humanists’ epochal re-description outside the terms of the then theocentric, “sinful by nature” conception of humanity. The renaissance saw a transformation of the Christian subject into the “Rational Self of Man as political subject of the state,” or, in Wynter, as “Man 1,” which was to be constructed in opposition to the descendants of Ham²² and the American natives:

²² A popular belief during Christendom was that dark skinned people were descendent from one or several of Ham’s four sons. This comes from the story of the curse of Canaan, in Genesis 9 and 10, which

In the wake of the West's reinvention of its True Christian Self in the transumed terms of the Rational Self of Man¹ ... it was to be the peoples of the militarily expropriated New World territories (i.e., Indians), as well as the enslaved peoples of Black Africa (i.e., Negroes), that were made to reoccupy the matrix slot of Otherness—to be made into the physical referent of the idea of the irrational/subrational Human Other, to this first degodded (if still hybridly religio-secular) 'descriptive statement' of the human in history, as the descriptive statement that would be foundational to modernity (2003: 264).

In this modern reformulation of the human, the concept of enslavement was recoded as related to the "irrational" aspects of mankind's human nature, allowing the epoch's "plan of salvation" to be secularized in the political terms of the state: "Salvation/redemption could only be found by the subject able to subdue his private interests in order to adhere to the laws of the politically absolute state, and thereby to the 'common good.'" (Ibid: 272). The theocentric model of the human was to be replaced with an egocentric model centered on the nation-state where subjection to God was recoded as subjection to the state—a concept of particular importance to this dissertation's concern with the production of the citizen—and the figure of the Christian was to be replaced by the figure of the citizen.

Here I expand on Wynter and argue that, if coloniality still exercises its dominance in the greater part of the world, and certainly in the United States (see Mills 1997), and if coloniality is embodied in figures such as citizenship and the modern nation-state, then citizenship, as a right of the human granted by the state, rests on the racial axis at the center of the ontological difference between the human and the subhuman, and has a colonial source and character. The invention of Man and the invention of the Citizen are inherently colonial and mutually constituting processes, and

states that after the Flood, Ham looked upon his father Noah's nakedness as he lay drunk in his tent. When Noah awoke he cursed Canaan, son of Ham, saying that he would be a "servant of servants" unto his brothers (Jordan 1968).

citizenship as an institution is therefore always already the right of “Man.”

With this in mind, this dissertation asks what a decolonial approach to the study of immigrant illegality would look like. First, I argue, it recognizes that citizenship rests on the racial axis at the center of the ontological difference between the human and the subhuman. As we have seen from Wynter’s account of the invention of Man, this ontological difference was first established against people of African descent and Native peoples. This means that when studying the production of citizenship in the U.S. we must address African American and Native American history. I therefore argue that the exploration of the current production of immigrant illegality requires a radical reinterpretation of the immigrant subject, one that allows for the examination of the production of illegality against not only immigrants, but also U.S. citizens. Clear-cut distinctions between citizens and noncitizens not only ignore the changeable statuses immigrants can hold in this country (Morris 2002), but they also render invisible the countless ways in which the oppression of marginalized citizens is formalized through the law (Bell 1982).

Indeed, the production of human illegality is not a new phenomenon, and critical race scholarship has long explored the legal production of the subordinated citizen of color both at the national and local levels. Derrick Bell (1980) famously denounced the creation of a second tier of citizenship reserved for racial minorities, and others have emphasized the limitations of racialized national and local policies, and the practices that underlie the persistence of racial injustice in U.S. American society.²³ Critical legal theorists have discussed the role of local and national legislation in constructing race and

²³ See e.g. Alexander 2010; Crenshaw 1991; Delgado 1996; Gotanda 1991; Foster & Lenhardt 2007; Hernandez-Truyol 1994.

social categories, contending that the law, as well as extralegal regulations, serve not only to reflect but also to solidify social prejudice, and has been consequently a prime instrument of social subordination at the national and local levels, from the so-called American Revolution to the Prison Industrial Complex (see Delgado & Stefancic 2012).²⁴

Discussions on race and citizenship have traditionally been intimately intertwined, and have long been employed by various scholars to discuss immigration-related issues.²⁵ However, regarding African Americans and Native Americans, mainstream immigration scholarship arguably reflects the instinct that they are not immigrants, and thus that the concerns of their field are related to –though distinctly separate from– the exploration of African American and Native American history. Immigration scholars are well aware that large numbers of indigenous and black people have immigrated to the United States from the Caribbean, Latin America, and increasingly from Europe and Africa (see Grosfoguel 2003; De Genova & Ramos-Zayas 2003; Schuck 1998, West 1993, among others); but black U.S. Americans and Native Americans are often either explicitly or implicitly excluded from definitions and discussions of out-migration (Bucker Inniss 1999, Carbado 2005, Gordon & Lenhardt 2007, Parker 2001).

Specifically when talking about undocumented migration, more often than not it would seem like the histories of African Americans and those of undocumented

²⁴ For a discussion on African Americans see e.g., Bell 1980, Williams 1987; Asian Americans see e.g., Chang 1993; Latinos see e.g. Iglesias 1998; Malavet 2005; Padilla 2001; Revilla 2005.

²⁵ For the racialized preference systems of immigration law see e.g. Chin 1998; for assimilation see e.g. Martinez 1999; for racial profiling see e.g. Johnson 2000; for the prison industrial complex see e.g. Davis 2005; for California's Proposition 187 see e.g. Jacobson 2008; for the sources of anti-immigrant sentiment see e.g. Omi and Winant 1994; for the ways in which formal borders are informed by notions of race see e.g. Chang & Aoki 1997; for the intersection of race and gender in immigration law see e.g. Erez 2002; for the connection between domestic race relations and immigration see e.g. Grosfoguel 2003; for immigration and racial identity see e.g. Carbado 2005; for formal citizenship see e.g. Volpp 2012, Bosniak 2012; and for the meaning of race and citizenship in the aftermath of 9/11 2001 see e.g. Kaushal et al. 2004.

immigrants run in parallel, yet opposing paths. Take for example the argument that African Americans left behind during Hurricane Katrina were not refugees, but citizens unjustly abandoned by their government. This statement is supported by the notion that it is unacceptable for a government to leave its citizens to drown and starve, which derives from the rhetorical juxtaposition of deserving citizens who should be saved, and undeserving noncitizens who can be legitimately abandoned to their fate in the unforgiving waters of a massive flood (Harris 2006).²⁶ Consider also the common claims advanced by undocumented immigrants, such as "*We Are Not On Welfare*," or "*We Are Workers Not Criminals*," which highlight yet another false binary, this time of deserving working immigrants and stereotypical lazy, criminal African Americans (O'Donnell 2006).

What is evidenced by these juxtaposed modes of subjectivization is that there is something about the production of the subordination of citizens of color and the production of immigrant illegality that is mutually constituted. For example, in regards to Native Americans, because the objective of settler colonialism is to get rid of the native and supplant her cultural and political systems with those of the settler (Wolfe: 1998), native peoples are a permanent "present absence" in the US colonial imagination and thus are maintained as "the internal and largely invisible other" of the white U.S. citizen (Jackson 2012: 10-25). Additionally, it was African Americans who were first legally construed as internal noncitizens (Bosniak 2012) first through slavery –when they were in fact defined in law as nonhuman– then through the 1857 Dred Scott Supreme Court decision, which stated that people of African descent could never be citizens and had “no

²⁶ This is further complicated by the fact that much of the post-Katrina cleanup was carried out by undocumented workers, some of whom were later deported and 80% of whom experienced wage theft (Foley 2010).

rights that the white man was bound to respect.” Similar language of white supremacy has also been used in other Supreme Court decisions denying citizenship rights to various colonial subjects, including Native Americans and immigrants of color (Gordon 2004). As we can see, the black and the indigenous subject has often been included in the U.S. American juridical order solely in the form of her exclusion – that is, her capacity to be subordinated (Haney López 1996, Jordan 1968)– and this inclusive exclusion has historically positioned black and indigenous people both inside and outside U.S. America’s national imagination as a matter of law, politics, and social life (Gordon 2004, Roediger 1991, Ross 1998, West 1993).

The perpetual status of citizenship liminality occupied by African Americans has led some scholars to argue for the study of the production of the African American subject as a legitimate focus for U.S. immigration studies, arguing that the black American experience is relevant for understanding the immigrant experience, given that blackness has been legally construed as the always already other of the (white) citizen (Bucker Inniss 1999; Carbado 2005; Parker 2001).²⁷ ²⁸ In my research, I contribute to this scholarship and –using the insights of decolonial theory regarding the racial character of coloniality– I argue for the importance of African American *and* Native American history for understanding the social dynamics of inclusion and exclusion that pervade the politics of citizenship in the United States.

²⁷ Kunal Parker (2001) analyzes how black U.S. Americans were “produced as foreigners” who “belonged to Africa” through local legislation in 1830s Massachusetts. Devon Carbado (2005) brings this discussion over to the study of (un)documentation, analyzing the ways in which documentation has served as an important technology for policing physical and social boundary-crossings by black people in the U.S.

²⁸ Less relevant for my work but worth introducing in this literature review is what Linda Bosniak (2012) calls the “slavery analogy.” For instance, Garrett Epps has argued that “the repeal of birthright citizenship would create a self-perpetuating class of undocumented noncitizens, one, two, three, or more generations going forward” –a very “slavery-like” situation (2001: 24); and Orlando Patterson sustains that the “ever present threat of deportation” might be fairly termed the regime’s “whip” (1982: 47).

For instance, when addressing the ways in which people have been forced to migrate to the U.S. from nation-states subordinated politically and economically to "First World" capital and neoliberalism, we must account for their further settling Native American lands (Smith 2006). Very important for thinking about citizenship and immigration, in recognizing and studying Native American history and thought we “transform how we understand the project of sovereignty and nation-building” (Smith and Kauanui 2008: 241). This offers us an alternative framework from which to understand the production of immigrant illegality –one that does not depend on a discourse on the rights of the citizen but rather interrogates the very foundation of the U.S. nation-state.

DECOLONIAL FEMINISMS AND WOMEN OF COLOR SOLIDARITY

If the first conclusion when applying decolonial theory to the study of the production of immigrant illegality is the importance of including African American and Native American history in our considerations, in this section we will see that an imperative when applying decolonial feminist thought to immigration studies is recognizing the importance of the knowledge that immigrants –many of them indigenous themselves– bring with them when they migrate and produce as they survive in the United States. Moreover, it is also crucial that the scholar of immigrant illegality develops praxes of women of color solidarity with undocumented immigrants, particularly undocumented women.

Citizenship –the institution that regulates the relation between individuals and the nation-state– is colonial and, as we will see, also patriarchal. Indeed, for many decades feminist scholarship has examined and unpacked considerations of citizenship as a

fundamentally gendered institution. By excluding women and feminine labor and contributions from the historical record, the western patriarchal canon has erased the substantial roles that women played in the creation of modern nation-states.²⁹ In response to this flawed view of history, feminist theorists and researchers have sought to fill the gaps in the record by documenting and elevating women in their roles as leaders, activists, creators, artists and revolutionaries across a range of political movements.³⁰ While closing these gaps, scholars have also investigated the means and processes by which women's contributions were systematically excluded from public-sphere institutions and documentation in the first place, to better equip contemporary organizers and leaders to combat this form of erasure.³¹

One mechanism of erasure can be understood through the examination of the social contract model that underlies the structure of the Euro-American sociopolitical system. Carole Pateman (1988) and other scholars argue that civil society can be understood through the binary of the public versus private spheres. Women and children are situated within the private sphere and offered limited access to the public sphere, which was associated with political power and societal authority. This private domain is not valued or recognized for its essential character in creating conditions that allowed the public one to exist at all:

The public realm cannot be fully understood in the absence of the private sphere, and, similarly, the meaning of the original contract is misinterpreted without both, mutually dependent halves of the story. Civil freedom depends on patriarchal right. (Pateman 1988: 4).

²⁹ See Eisenstein 1985; MacKinnon 1989; Walby 1989; Enloe 1990; Davis, Leijenaar & Oldersma 1991; Brown, 1992.

³⁰ See Kaplan 1982; Alvarez 1990; Kennedy, Lubelska, and Walsh 1992; Augustin 1993; Salas 1994.

³¹ See Wollstonecraft 1792, Hearn 1987; Brown 1988; Davis, Leijenaar, and Oldersma 1991; Witt, Paget and Matthews 1994.

As citizenship and citizen rights have usually been discussed as part of the public, political sphere, women have been traditionally excluded from conceptions of citizenship.³² Building on Pateman's work, Rebecca Grant (1991) considers how gendered metaphors are used to imagine a journey from a natural state into one of civilized society, by thinkers such as Hobbes (vis-à-vis masculine aggression) and Rousseau (vis-à-vis the capacity for reason). As with the private versus public spheres, women within this binary are aligned with "nature"³³ rather than culture.

All of this is a reductionist narrative – nature and culture, public and private defy absolute distinction, inevitably intersecting in ways that are particular to gender, class, race, sexuality and ethnicity. In this manner citizenship can readily be wielded in an exclusionary manner against women, especially women of color, simply by denying their access to the associated universal rights attached to it (Yuval-Davis 1997) –access that they are unable to enforce due to a lack of sociopolitical agency (Bulbeck, 1998). Citizenship becomes self-reinforcing, upholding the hegemonic authority of those already in power (Benhabib & Cornell 1987; Marion-Young 1990).

Acknowledgement of their limited agency and denial of citizenship does not in any way mean that women of color lack the ability to play a fundamental role in ultimately undermining and unraveling this power structure. Rather, it simply means that embedded narratives within the discourse of "the citizen" are structured to support and describe men -- and to exclude and marginalize femininity in general, and women in

³² And example of this tendency is Seymour Martin Lipset's classic treatise on politics *Political Man* (1960), Ted Gurr's *Why Men Rebel* (1970), or for the ungendered, presumptively male discourse of T.H. Marshall's *Class, Citizenship, and Social Development* (1964).

³³ See Ortner (1974); Rosaldo (1974).

particular (Nagel 1998).³⁴

In “The Coloniality of Gender,” Maria Lugones (2008) helps us understand the relevance of the intersection between gender and race when discussing citizenship. While in Quijano’s (2000) account of gender, the “sex/gender economy” is (along with the regulation of labor and the production of Eurocentric subjectivities and intersubjectivities) always already transversed by “race” as the fundamental criterion for the distribution of the world population into ranks, places, and roles; in Lugones, gender is, along with race, one of the fundamental axes of coloniality and determines who counts as human under the epistemic paradigm of Western Modernity:

Gender does not need to organize social arrangements, including social sexual arrangements. [And] gender arrangements need not be either heterosexual or patriarchal. They need not be, that is, as a matter of history. Understanding these features of the organization of gender in the modern/colonial gender system--the biological dimorphism, the patriarchal and heterosexual organizations of relations--is crucial to an understanding of the differential gender arrangements along “racial” lines... Here I begin to provide a way of understanding the oppression of women who have been subalternized through the combined processes of racialization, colonization, capitalist exploitation, and heterosexualism for it is only when we perceive gender and race as intermeshed or fused that we actually see women of color. I call the analysis of racialized, capitalist, gender oppression “the coloniality of gender.” I call the possibility of overcoming the coloniality of gender “decolonial feminism.” (2008: 2)

Feminist decolonial critiques of gender oppression are simultaneously critiques of the logics of the nation state –therefore of citizenship— and of heteropatriarchy within the structures of colonialism and white supremacy. Here, Lugones provides us with an intersectional³⁵ understanding of gender oppression under coloniality, which she calls

³⁴ Thus, as we will see in Chapter Three, certain types of participation such as “informal” and/or local political participation in which women take the lead and can be valuable ways of expressing an alternative conception of citizenship (Lister 1997).

³⁵ It was building on the legacy of Black Feminist Thought that legal scholar Kimberlé Crenshaw wrote her groundbreaking piece “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics” (1989) which, along

“the coloniality of gender” and offers us decolonial feminism as a tool for working towards overcoming it:

The decolonial feminist’s task begins by seeing the colonial difference, emphatically resisting her epistemological habit of erasing it. Seeing it, she sees the world anew and then she requires herself to drop her enchantment with “woman,” the universal, and begins to learn about other resisters at the colonial difference... As I move methodologically to a decolonial feminism, I think about feminism from and at the grassroots, and from and at the colonial difference, with a strong emphasis on ground, on a historicized, incarnate intersubjectivity. (Lugones 2010: 753)

Here, “decolonial” stands for the disassembling of the conceptions of knowledge that generate the continuation of human hierarchies that came into being or found new forms of expression in the modern/colonial world; “the colonial difference” is the dichotomous hierarchy between the human and the non-human as the central dichotomy of colonial modernity; and “Woman,” like Man, is an invention of coloniality. Decolonial feminist praxis, argues Lugones, must thus begin with the recognition of the gendered and racialized dehumanizing qualities of coloniality and it must emerge in solidarity at the grassroots level.

In a wonderful depiction of decolonial feminist solidarity, Chela Sandoval (2000) uses the term “U.S. Third World Feminism” to refer to a deliberate political project that

with her 1991 text “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” went on to become the formative texts that solidified as a feminist heuristic the theorization of the intersections of differences. The term “intersectionality” was introduced through Crenshaw’s analysis of U.S. antidiscrimination legal doctrine. Crenshaw argued that labor antidiscrimination policies that protected both black men (via antidiscrimination rules) and white women (via seniority rules) left last hired, first fired Black women with no legal mechanism to prove that they had been discriminated against either as Blacks who were women or as women who were Black. In this account of Black women’s experiences and of their position as outsiders in both feminist and antiracist discourses, Crenshaw shed light on the limitations of single-axis accounts of oppression. Intersectionality thus appeared as an analytical tool that rejected the notion of independent identity categories, as it recognized that such categories are mutually constituted and cannot be added together or be separated out into discrete and pure strands. Multiple axes of differentiation – economic, political, cultural, psychic, subjective, phenomenological– intersect in historically specific contexts and are therefore always relational and (arguably) never fixed.

emerged in the United States in the 1970s and 80s. The very name U.S. Third World Feminism, argues Sandoval, signals a denunciation of geographic, economic, and cultural borders in the interests of the creation of a new feminist and internationalist consciousness and location; not just “the third world in the first world,” but a new global consciousness and terrain that challenges the distinctions imposed by the arbitrariness of the nation-state. Both despite and because they are located within different internally colonized communities, women of color in the U.S. generated a common discourse, a theoretical structure lingering in the outside limits of dominant (white, middle class) feminist theory –operating within it, but only as its “unimaginable.”

Sandoval’s *Methodology* engages with Frederic Jameson’s analysis of postmodernism, as he argues that contemporary forms of resistance, oppositional consciousness and social movement are no longer effective under the imperatives of neocolonial globalization. In Jameson, the previously centered (first world) modern citizen-subject is now absolutely disoriented and in need of a “new cognitive map,” a new inner/psychic and outer/social technologies capable of pinpointing her within postmodern globalizing cultural conditions. This decentered postmodern subject, Sandoval argues, finds herself in the position long occupied by the always already historically decentered subaltern citizen subject –“being a woman of color is an everyday battle against the state”(Sandoval 2000: 67)– and it is therefore relevant to turn to those historically oppressed peoples and analyze their forms of survival (and resistance) if one wants to grapple with Jameson’s “postmodern condition.”

A “differential” form of consciousness, much like Gloria Anzaldúa’s “mestiza consciousness,” emerges among women of color in the passing between and among

different oppositional ideologies. This praxis of border crossing and liminality provides a threshold for an alternative and unorthodox globalization that could take the place of the colonizing forces of postmodernism. Thus, the recognition of the many ways in which women of color negotiate day-to-day experience points to the always unfolding and in process practices deployed by oppressed peoples “that remain embedded in words, ideas, silences, chants, histories, and materiality” (Walia 2013: 8).

The knowledge produced by undocumented women who organize their communities belongs to this long tradition of decolonial feminist thought, and it should take center stage in scholarly discussions around undocumented immigration in the United States. The scholar of undocumented immigration must therefore organize with these women and follow their lead.

In a beautiful depiction of decolonial feminist solidarity, Poet Aurora Levins Morales writes, “This tribe called ‘Women of Color’ is not an ethnicity. It is one of the inventions of solidarity, an alliance, a political necessity that is not the given name of every female with dark skin and a colonized tongue, but rather a choice about how to resist and with whom”(2001: 22). From this point of view, women of color solidarities are based on more than identity. They are also based on the recognition that women of color subjectivities are the most impacted by coloniality and they embody the pathways necessary to concurrently disrupt overlapping systems of oppression. In this context, “facilitating space for other women of color warriors is an intentional political practice, an offering in the spirit of decolonization” (Walia 2014: 344-346).

Decolonization is therefore necessarily a praxical task. As such it “places the theorizer in the midst of people in a historical, peopled, subjective/intersubjective

understanding of the oppressing/resisting relation at the intersection of complex systems of oppression” (Lugones 2010: 746). Decolonial feminist theory is a historical and inter-subjective affair, not simply an analysis but also a commitment to a political practice of liberation that recognizes the interconnectedness of oppression in the colonial/modern world and works towards coalition building. When discussing matters of citizenship, this type of coalition building is not centered around a discourse on “legality” or “illegality” but rather on an understanding that the logic of coloniality dehumanizes all people of color, and particularly women, in different ways. The task of the feminist decolonial scholar of immigrant illegality is therefore to join efforts with undocumented women organizers and follow their lead, especially as they build interethnic and interracial grassroots coalitions.

Thus far I have argued that a decolonial approach to the study of immigrant illegality and immigrants’ rights organizing must take African American and Native American history into consideration. I have also claimed that the knowledge produced by undocumented women who organize their communities belongs to a long tradition of decolonial feminist thought, and that any scholar of undocumented immigration must engage with this thought through activism at the grassroots level. Below I relate these arguments to the three subsequent chapters of my dissertation.

CHAPTER DESCRIPTION

The first chapter of the dissertation, “‘Native’ Roots, Colonial Routes: Freehold Tenure and the Creation of the Citizen” historicizes the production of citizenship in New Jersey by covering the colonial period, particularly the Proprietary Era between 1664 and 1702. It explores the history of illegalization of Native Americans and African Americans

through the analysis of the relation between freehold tenure (or landownership) and citizenship. It argues that the dehumanization of native peoples and of people of African origin and descent played a key role in the emergence of Liberalism in New Jersey, which is in turn characterized by the emergence of the citizen as political subject invested with “natural rights” to the land. In following the processes that resulted in the creation of “citizenship” as a right of Man in proprietary New Jersey, the chapter uncovers a history of systematic colonial exclusion of non-whites that has unequivocally contributed to the present-day exclusion of immigrant workers in Freehold Borough.

The second chapter, “A ‘Magical Coalition’: The Creation of Casa Freehold” addresses the efforts advanced by the Freehold Borough municipality in 2003 and 2004 to stop immigration through ordinances passed at the local level, and describes how a coalition of central New Jersey and Freehold residents joined forces to protect Freehold day laborers’ rights to congregate in public spaces and live without police harassment. In narrating the story of the creation of *Casa Freehold*—a place where immigrants can empower themselves—the chapter discusses the importance of “rainbow coalitions” in the immigrants’ rights movement, and claims that the “interior border” is not simply a result of the post 9/11 paradigm of securitization, as local ordinances were used against citizens of color long before undocumented workers arrived in town. In order to better understand not only illegality but also grassroots organizing, this chapter builds on the previous one by historicizing immigrant illegality as a form of dehumanization.

The third chapter, “‘Antonia and Roberta: A Grassroots Approach to Ethnography” explores my collaboration with Antonia and Roberta, the two undocumented community leaders from *Casa Freehold* with whom I did ethnographic

and organizing work for two years. I reflect upon my ethnographic practice, focusing on the lessons on organizing and on ethnographic methods I learned from working with them between September 2013 and August 2015. I argue that Antonia and Roberta's background as women community leaders and activists shaped their understanding of what fieldwork entails, teaching us how ethnography can become a praxis of women of color solidarity and therefore be a decolonial process in itself.

Finally, the conclusion addresses the importance of the arts in the immigrants' rights movement. Specifically, it examines the relation between ethnography, theater and community organizing through an exploration of the production of *Indocumentada con Derechos* [An Undocumented Woman with Rights], the play I wrote and performed together with other members of *Casa Freehold*.

CHAPTER ONE

“NATIVE” ROOTS, COLONIAL ROUTES: FREEHOLD TENURE AND THE CREATION OF THE CITIZEN

He looked at me and told me to go back to my country. “You are not an American,” he said. I looked at him straight in the eye and told him I am more American than he is. “Look at my brown skin,” I told him, “and now look at your white skin and your blue eyes. American blood runs through my veins. European blood runs through yours.”

Silvia. Freehold Borough resident.

I was maybe in first grade. For some reason the teacher was explaining the meaning of the word “race.” She told to us that there are different kinds of people in the world. She pointed to the classroom and said, “We are all a people,” and then she pointed at me: “Not Tommy. Tommy is different. He’s a negro.”

Tom. Freehold Borough resident.

It is June 2014. Olde Freehold Day is not very different from many other New Jersey street fairs: one long street with vendor stands lined up on both sides of a road leads up to a big stage, with hundreds of smells and colors floating everywhere. The logo of the event is on the upper left corner of the stage. A full color version of the waving 1777 flag of the United States of America adorns the background of the logo. On the foreground, framed by a cloud of smoke coming out of the mouth of a cannon, the words OLDE FREEHOLD DAY in bold, red letters. “Lake Topanemus” is written above the flag in cursive blue. Below the flag, a promise, also in blue: “Olde Fashioned Fun.” It’s June 2014.

Antonia came with her daughter, and Roberta came with her husband and her sister. Daniel is here too. Roberta points out that the Freehold Fire Department stand, sponsored by Coors Light, is selling beer; we all think this is hilarious. Her husband is bored already, and her sister is hungry and wants Mexican but –in a borough whose

population is around 30% Mexican³⁶ – there is no Mexican food-stand. At the very end of the fair, past the paddleboats and rowboats, next to the parking lot and right across the main stage, is the Olde Freehold Day Welcome Tent, where Freehold lovers can buy tickets for the Olde Freehold Day raffle and maybe win a My Hometown Gift Box. Many items in the gift box render homage to Freehold native Bruce Springsteen, including *New York Times* Best Seller *Bruce*, and the photo book *Rock & Roll Tour of the Jersey Shore*. “This is all you need to have if you love Freehold,” one of the white women in the stand tells me, and smiles. I can tell she is not entirely serious. I smile back.

Soul music fills the air and the trees. The band is singing about the glory of Jesus Christ and people are clapping along. I am clapping along. The song ends and one of the singers, a tall Black man, grabs the microphone. He thanks the audience and invites people to, “think about what we have here today.” He says,

I feel safe here today, I feel covered. And it doesn’t have to be this way; in many countries your life is in your hands every time you walk out the door. The United States is a great, great country. [...] Go back and look at our Forefathers and the Constitution, and what happened here in Freehold, you go back and take a look at that.

Rich Kane, cofounder of the Olde Freehold Day tradition, takes the stage and thanks the sponsors of the event, the musicians and the volunteers. He tells us that Olde Freehold Day is a collective effort by a lot of people –it is a yearlong process: “Everybody you see in these blue ‘staff’ shirts are members of the Olde Freehold Day committee.” As far as I can see, of those wearing the blue shirt, everyone appears to be white except for one black woman. But if the event was organized mostly by white residents, the attendees are certainly not only white, and the crowd today is very

³⁶ This estimate was given to me by Rita Dentino, President of *Casa Freehold*.

ethnically diverse. Nevertheless, for a town where approximately 42% of the population is from Latin America or of Latin American descent, I don't observe many of the "Comunidad Hispana" I have grown used to seeing and working with in Freehold.

I saw signs advertising the event in downtown Freehold earlier in the day, and there is a free shuttle bus coming to the lake from the Court House. I wonder why other people are not here. I turn to Antonia and ask what she thinks. "This is not only for the *blanquitos* [whities], like perhaps we expected at first," she tells me, "there's a lot of *morenos* [African Americans] and other races, but I don't see much of the Hispanic community... maybe they didn't know." Antonia has lived in Freehold for 16 years and she never came to, or heard of, Olde Freehold Day before; neither has Roberta, who came to Freehold 4 years ago. They both appreciate the celebration, though, and like that people are all coming together to have fun at the lake.

Kane, a white man in his fifties whose voice denotes confidence and conviction, continues speaking from the stage: "We have been celebrating this day for many years now. To celebrate the great history of our town." In a nutshell, the history proudly proclaimed by Kane unfolds as follows: Freehold was created in 1693 as the southwestern section of Monmouth County in Proprietary East New Jersey. The Monmouth County Courthouse opened in Freehold in 1715, and the town became (and remains to this day) the officially designated seat of the Monmouth County government. The years immediately before and after the founding of Freehold Township were marked by repeated riots against the Lords Proprietors of the land, which culminated with the 1701-2 Freehold riots, when East New Jerseyans brought down the proprietary government for good (Pomfret 1962: 336-364). The conflicts continued under British rule

and culminated on June 28, 1778 with the famous “Battle of Monmouth,” celebrated with a monument in the middle of town and reenacted in Freehold to this day. During the Battle of Monmouth, the largest land battle of the Revolutionary War, “Founding Fathers” George Washington, Alexander Hamilton, and the Continental Army attacked the rear of the British Army column as they left the Monmouth Court House in Freehold, achieving a key victory for U.S. independence (Adelberg 2010).

Kane points to the crowd and continues, “We have been gathering for years here at... the ‘Freehold pond.’ The former name is ‘Lake Topanemus,’ but most people in Freehold refer to it as the pond, and I am sure if you ask around long enough everybody here has a story about that lake, from when they were younger.” Kane is home here. This is where he grew up; he has fond memories of this very lake. He doesn’t mention that, back when the Europeans arrived and when “freehold” was nothing but a British common law proprietary concept, this lake was named Topanemus after the word used by the Lenape natives to refer to the land he is standing on today.

In this chapter I take the Lenape bands as a point of departure to retell the glorified colonial history of “Olde Freehold.” I analyze a constellation of events that led to the founding of the town through the concurrent enslavement of Africans, and the displacement and genocide of the Lenape bands of the area. In doing so I turn away from the idea of Olde Freehold as an origin myth that legitimizes “native” white Freeholders’ claim to the land, and instead propose that we understand it as part of a colonial process that continues to this day.

In my last chapter I located the current political debate around immigrant illegality in the United States at the center of burgeoning discussions concerning coloniality, the human, and Humanism in gender and ethnic studies today. I argued that the study of immigrant illegality must take into account the dehumanizing technologies mobilized by the European settlers during the colonial era against African Americans and Native Americans. Covering the colonial period in New Jersey, and focusing on the East New Jersey Proprietary Era (1664-1702), this chapter explores the colonial history of Freehold, NJ, through the analysis of the relation between “freehold tenure” (land ownership) and citizenship – two cornerstones of the foundational myth of the United States imported to the Americas through the European colonial project. Combining historical records, archival material, and decolonial feminist theory, I uncover a history of systematic exclusion of non-whites that, I argue, has unequivocally contributed to the present-day systematic exclusion of immigrant workers in this country.

I open the chapter with the history of the dehumanization of Lenape Tribes and Blacks that took place during the early colonial period in New Jersey (1609-1664), and argue that the Dutch and British colonial projects depended on the distinction between European Man and his others based upon a particular statement of the human from which African slaves and native peoples were excluded. I move on to examine the British settlement of Lenapehoking after 1664 and the concurrent importation of the common-law figure of the “Freeholder”: the free owner of land. Through an analysis of John Locke’s *Two Treatises of Government* and its relationship with the dispossession of the Native Americans and the enslavement of Africans, I explore the conjunction of the human (overrepresented as “Man”), the freeholder and the citizen in the founding of

Monmouth County, NJ.

LENAPEHOKING, THE LAND OF THE LENAPE

The first known written account of an encounter between the Europeans and the native peoples of what is now New Jersey comes from a letter written by Giovanni da Verrazano to Francis I in 1524: “These people are the most beautiful and have the most civil customs that we have found in this voyage. Their manner is sweet and gentle, very like the manner of the ancients” (Verrazano 1979: 285).

This was one among a few other sporadic transatlantic encounters that took place before the seventeenth century in the New Jersey area (Becker 1984: 23-24). It wasn’t until September 3rd 1609 that the colonial project started in the northeastern United States. On that morning, the Navasink band witnessed the vessel *Half Moon* arriving on the shores of what is today Sandy Hook in Monmouth County, commanded by Henry Hudson—an Englishman by birth, but then in the service of the Dutch East India Company.

The writings of Robert Juet, a member of Hudson’s crew, seemed at first to coincide with Verrazano’s account of the native inhabitants of the Northeastern coast of what is today the United States. He described the Navasinks as “prosperous,” “well dressed” and “very civil.” He writes, “our men went on land there, and saw great store of men, women and children, who gave them tobacco at their coming on land. So they went up into the woods, and saw great store of very goodly oaks, and some currants. For one of them came aboard and brought some dried, and gave me some, which were sweet and good... The people coming aboard shewed us great friendship, but we could not trust them” (1841: 323-4). The friendly, if mistrusting, initial impression of the inhabitants of

the area turned sour when Hudson sent a small crew to sail up the (now Hudson) river to explore the surroundings. The expedition resulted in a confrontation with the Canarsee band. Juet wrote, “With twelve men and Muskets, and two stone Pieces ... [we] drave the Salvages from their Houses, and tooke the spoyle of them” (Ibid: 326). The incident resulted in a full-scale battle between the Canarsee and Hudson’s crew in early October 1609, an event that marked the beginning of the bloodshed and destruction that was to come for the native inhabitants of the New Jersey area.

Hudson had originally sailed from Europe to find a northwest passage to Cathay. In this he failed, but his Dutch merchant backers were impressed with the potential for a lucrative trade in the skins of beaver and otter, which, according to Hudson’s crew, the natives were eager to hunt, process and sell for “trifles” (Ibid: 328). Furs were in great demand in Europe, especially among the nobility, and so in the years after 1609, Dutch merchants made annual trading voyages to what are now the New York and New Jersey areas. These informal trade relations, with no purpose of settlement, changed in 1621 with the creation of the Dutch West India Company. The company was interested in settlement and, by 1623 it sent the first contingent of colonists, some thirty families and a few traders, to live on New Amsterdam (now Manhattan Island). The company claimed the property of what is today New York, New Jersey, Delaware and Connecticut, and named the area “New Netherlands” (Small and Hira 2014: 8).

After the creation of New Netherlands, the Dutch felt a great threat from the expanding New England colonies in the form of legal claims made by England based on John Cabot’s 1498 “discovery” of the northeastern American continent. To stimulate settlement growth and thus gain the needed manpower to defend the land, the Dutch West

India Company issued a charter of “Privileges and Exemptions for Patroons, Masters and Private Individuals who will Settle any Colonies and Cattle in New Netherland.” This agreement, drafted in 1630, enabled charter members to have their choice of “unoccupied land” anywhere in the territory except Manhattan Island, which the company reserved for its own use, and –as I will discuss at length in the latter part of this chapter– it encouraged slave holding (Jameson 1909: 90-91).

The first European settlers, many of whom migrated to the “New World” to escape religious persecution, encountered various native bands which, though loosely related culturally and linguistically, spoke multiple languages and had distinct geographical and group identities. In the aftermath of European colonization, the survivors of these various bands were forced to combine with remnant populations to form new unions, which in the late seventeenth century took on the name “Lenape” after a word from the Unami native language (spoken in what is today central New Jersey, including Freehold) meaning “common,” “ordinary,” or “real people” (Kraft 1986: xi). There is no term that easily embraces all of the native groups that lived in New Jersey by 1609, and “Delaware Indians” is one of the most commonly used denominators. However, following the lead of Lenape historian John “Love Bear” Revey (1984), the name “Lenape” is used throughout this dissertation to refer to the collective groups of indigenous peoples who spoke the various dialects of the Delaware language, and who occupied all of New Jersey, eastern Pennsylvania, southeastern New York State and northern Delaware before European colonization. In a similar move, the Unami word “Lenapehoking” (*lanape haki-nk*), meaning “in the land of the Lenape,” will be used to refer to the lands inhabited by these peoples.

Archaeological and historical records indicate that between ten and twenty-five thousand people lived in New Jersey and the surrounding areas by the time Hudson arrived to Sandy Hook (the largest native populations were located in what are now Monmouth and Burlington counties –Revey 1984: 72-73), and their ancestors had lived in the area for at least 12,000 years (Kraft 1986: 4).³⁷ Yet, because of the utter and rapid destruction of their way of life brought about by the Europeans, few details of their life before colonization are known (Becker 1984: 19). Furthermore, due to the multiplicity of bands and customs of the Lenape, few generalizations can be made about their way of life prior to colonization, and even these vary greatly from one archeological or historical source to the next. However, scholars of Lenape history agree on some general aspects of the Lenape way of life, which give us an idea of what the Europeans found when they first arrived in present-day New Jersey.

Archaeological evidence suggests that the Lenape—and specifically the Navasinks and the Raritans who inhabited Monmouth County, where Freehold, NJ is located—lived in nucleated semi-permanent horticultural settlements that were not enclosed and which they abandoned every 10 years or so when game and firewood became scarce. People were organized in small family units or bands, rather than in nations or tribes, and affiliations were matrilineal. There were no hereditary leaders, and all serious matters were discussed and decided by mutual agreement. They lived in dome-shaped barked lodges, usually occupied by several families, all related through the female line (Becker

³⁷ Contemporary scholarship in the thirty years since Revey, Kraft, etc. has rekindled an ongoing debate about the pre-European contact population, and settlement timeframe, of indigenous peoples throughout the Americas, with some North American population estimates revised upward by an entire order of magnitude -- it is therefore possible that the pre-Hudson native population of New Jersey was considerably higher than these estimates, though there is not yet a clear consensus on what that figure might be.

1984, Kraft and Kraft 1991, Price 1979). Corn, their primary food, was supplemented with beans, pumpkins, squash (cultivated mainly by women and children), and any fish and game the (male) hunters could kill. Tobacco was also grown in small quantities for family and ceremonial use. The Lenape travelled between settlements and communities extensively using river travel, in dugout canoes; there was also a substantial network of trails throughout Lenapehoking, connecting areas through mountain passes, across wetlands, and between and around rivers and lakes (Becker 1984, Cross 1965, Kraft 1986, Pryce 1979). Many of these trails would become colonial routes and, in time, streets and highways.³⁸

The Lenape Other

The Lenape were categorized as savage heathen others from the very beginning of the Dutch colonial enterprise. Instructions drafted by the company in 1624 reveal its expectations as it undertook a permanent settlement program. Prospective settlers were encouraged to “seek to draw the Indians and other blind people to the knowledge of God” (Ronda 1984: 12). By 1630, Dutch writer Johan de Laet charged the Lenape with worshipping the devil. Dressed in the skins of animals “sewed together in the manner of savages, wandering with no settled homes, ignorant of both money and government” and deficient in matters of faith, the Lenape were pictured as a people truly lost. “Revengeful and very suspicious,” constantly at war among themselves, the natives had only one hope: through Christianization they “might be civilized and brought under better regulation” (Laet 1909: 50).

38. For instance, Main Street, which today crosses Freehold from North to South—a road portrayed in Bruce Springsteen’s 1984 all-American classic “My Hometown”—was built during the colonial era on a Lenape trail.

De Laet was preaching to the choir, and he was not the only one. Among many other examples throughout Europe and in the Netherlands (importantly Adrieen Van der Donck's 1655 *Description of New Netherland* and David Peterson de Vries' 1655 *Voyages from Holland to America* –two books widely read in eighteenth century Holland), a 1628 letter from Rev. Jonas Michaëlius, a Dutch pastor in New Netherland sums up what they believed about the Lenape: "I find them entirely savage and wild, strangers to all decency ... uncivil and stupid as garden poles, proficient in all wickedness and godlessness; devilish men who serve nobody but the Devil ... thievish and treacherous, and in cruelty they are altogether inhuman, more than barbarous, far exceeding Africans" (1909: 126-27). These ideas exploded into violence directed at the Lenape tribes, from the Raritan to the Wappinger. For instance, Dutch Governor Willem Kieft warmly congratulated the Dutch soldiers and their English captain after they massacred entire Lenape villages near Pavonia and Poundridge in 1643 and 1644 (Ronda 1984: 13). Another example of this utter disregard for the lives of the Lenape is the 1638 Swedish settlement of Fort Christina along the Delaware River in present-day western New Jersey. At the end of his 1647 report to the Swedish crown, Fort Christina's Governor, Johan Printz recommended that "Nothing would be better than that a couple of hundred soldiers should be sent here and kept here until we broke the necks of all of [the natives] in the river" (1912: 103).

The justification of the genocide of native peoples was nothing new. In London, Anglican clergyman Samuel Purchas published *Purchas his Pilgrimage* (1613) compiling over 700 voyage memoirs, including Hudson's. Never having left England in his life, Purchas describes the nonperson-nonland qualities of the "savages" and the world they

lived in, and in the 1625 edition, he suggests that the Virginians' slaughter of indigenous peoples was justified by arguing that God had intended the land to be cultivated and not to be left in the condition of “that unmanned wild Countrey, which they [the natives] range rather than inhabitate” (Purchas 1625: IV, 1814). Indeed, and as we will see later on in the section regarding property rights to the land, the argument that native tribes had no right to their “uncultivated and vacant land” was a cornerstone of the foundational myth of the United States.

The Dutch, English and Swedes waged war against the Lenape and decimated their numbers within a decade of the initial settlement of the Dutch West India Company, but war was not the only reason for the rapid extinction of the Lenape ways. Historic records and archeological evidence suggest that after 1600, intensified hunting and trapping for trade with Europeans transitioned the Lenape economic system from one based on horticulture to one based on hunting and gathering (Becker 1984: 21). The beaver and other animal populations declined fast and, without furs, the Lenape were severely restricted in negotiating for trade goods. To satisfy the demand for fur, the Lenape had to look beyond their own traditional hunting grounds, bringing them into frequently deadly conflict with other, sometimes more powerful natives from the north and west (Kraft & Kraft 1991: 38). By 1644 the situation had worsened; Printz observed, “we have no beaver trade with them, but only the maize trade. They are poor rascals” (1912: 103).

Other than wars and a transitioning economy, a well-known consequence of European trade and settlement was the rapid introduction of virulent diseases against which the Lenape had no natural immunity. The Europeans transmitted measles,

smallpox, typhus, tuberculosis, influenza, and venereal diseases among native groups that had never before been exposed (Kraft 1984: 211, Cross 1965: 66). Europeans often regarded such epidemics as acts of divine intervention showing that their God favored their efforts to colonize and develop the land. Englishman Daniel Danton noted in 1670 how few natives remained on Manhattan Island:

It is to be admired how strangely they have decreast by the Hand of God, since the English first settling of those parts; for since my time, where there six towns, they are reduced to two small Villages, and it hath been generally observed, that where the English come to settle, a big Divine Hand makes way for them by removing or cutting off the Indians either by Wars, one with the other, or by some raging moral Disease (Danton 1670: 6-7).

As we can see, and following the argument made in the previous chapter, within the theocentric model of Christians who ruled Europe during the early colonial period, a key axis of difference shaping ontological privilege was that between Spirit and Flesh, marking the Lenape bands as an "other" to divine eternal truth (Wynter 2003: 276). However, had the Europeans sought to understand the religious beliefs of the natives, they might have been as surprised as Jasper Dankers and Peter Sluyter, who in 1679 questioned an 80-year old Ahakinsack (Hackensack) native about his beliefs:

[He] took a piece of coal out of the fire where he sat and began to write upon the floor. He first drew a circle, a little oval, to which he made four paws, or feet, a head, and a tail. This, said he, is a tortoise lying in the water around it... This was or is all water, and so at first was the world or Earth when the tortoise gradually raised its back up high and the water ran off it and thus the Earth became dry... and there grew a tree in the middle of the Earth, and the root of this tree sent forth a sprout beside it, and there grew upon it a man, the first man (Dankers and Sluyter 1867: 150-51).³⁹

³⁹ This is the earliest recorded creation myth of the Lenape. There are many others, preserved through oral traditions by the surviving Lenape (the Lenape had no system of writing), recorded by missionaries and other colonists, and cited by European travellers of the seventeenth and eighteenth century (Kraft & Kraft 1991: 29-31, Cross 1965: 48-56), however, it is now impossible to know which myths belong to which specific Lenape bands. Moreover, there are heated debates around some of these myths among archeologists and also among Lenape descendants as to which of these predate European contact, and which are the result of the sociopolitical needs of the subsequent displacement and colonization (Kraft

Despite the existence of these alternative epistemologies, the European colonial process sought to extinguish all non-Christian (and later, all non-state centered) forms of knowledge. By the early 1700s, less than a hundred years after Hudson first arrived in what is today New Jersey, colonial wars, epidemic diseases, rum and intimidation had forced the Lenape to leave their land and move west. Some of the Lenape adopted European ways and clothing, learning English and becoming farmers and craftsmen. Some adopted European names as well, especially those baptized into Christianity, who received first names from the Bible and last names from prominent Presbyterians and Quakers—names that have been carried into the present (Revey 1984: 73). But many Lenape preferred the old ways and moved continually further west in an attempt to stay away from the colonial settlements (Ibid). In 1702, there were already more than 1,500 Europeans living in New Jersey and it is estimated (using European records) that only about two to three thousand Lenape had survived the combined assaults of European colonization (Kraft 1986: 212). By the year 1710, most of the Lenape land in New Jersey had been sold or bartered away to European colonists and land speculators (Revey 1984: 72). By 1726 the number of settlers had reached 32,442—including 2,559 black slaves. By 1745 the colonial population had almost doubled to 61,383 whites and 4,605 black slaves, and the remaining native peoples were impoverished and largely landless.

Fur-bearing animals and deer had been hunted and trapped to the verge of extinction and the trade in their pelts was past. In 1758, through the Treaty of Easton, the Brotherton Reservation was created in New Jersey and the Lenape relinquished all claims

1986: 4-9). Nonetheless, in the creational myth of “Grandmother Turtle” is also common among the Iroquois and Seneca natives (Gunn Allen 1986: 6).

to their New Jersey lands. According to official records there were about a hundred Lenape living in East New Jersey by then (Ibid: 73). To this regard, Lenape Chief Pachgantschihilas summed up his concerns in 1787:

I admit that there are good white men, but they bear no proportion to the bad; the bad must be the strongest, for they rule. They do what they please ... They enslave those who are not of their colour marking them as lesser beings, although they are created by the same Great Spirit who created us. They would make slaves of us if they could, but as they cannot do it, they kill us! There is no faith to be placed in their words. They are not like Indians, who are only enemies while at war, and are friends in peace... They will take [the native] by his hand and at the same time destroy him. (Pachgantschihilas 1988: 35).

Chief Pachgantschihilas' words point to the argument at the very heart of this chapter: the European colonial project was based on the very distinction between European Man and his others—a distinction based upon a particular prescriptive/descriptive statement of the human from which African slaves and native peoples were excluded.

The Dispossession of Lenape Lands

As we saw in the previous chapter, to analyze the production of the citizen as subject of the nation-state in New Jersey (or, as Sylvia Wynter would have it, “the Invention of Man”), it is necessary to explore the place of gender in Lenape societies, and the nature and scope of changes in their social structure that resulted from the Dutch and British colonial projects –what María Lugones calls “the coloniality of gender” (2008). Those changes, introduced through “slow, discontinuous, and heterogeneous processes” (Ibid) that violently dehumanized indigenous peoples, rendering them inherently rapable, their lands inherently invadable, and their resources inherently extractable (Smith 2005). Below I explore the European colonial venture in what is now New Jersey, and examine how the imposition of patriarchy was intimately linked with the appropriation of Lenape

land.

Three Indian deeds cover the section of New Jersey that is today known as Monmouth County. They were dated in January and April 1665, and were duly acknowledged before Governor Nicholls of New York. The signatories were all male: sixteen Lenape, thirteen Europeans, the governor and his executives. By then, the Dutch Army had just been defeated in Manhattan Island, and King Charles II had granted a vast tract of North America—from what is now Delaware to Martha's Vineyard, including all of New Jersey—to his brother, the Duke of York. The document grants the Duke “all the lands, islands, soils, rivers, harbors, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings and fowling; and all estate, light, title, interest, benefit, advantage, claim and demand of the said lands and premises” (King Charles II: 1881). The Duke sent Richard Nicholls as his governor, who immediately distributed a charter offering grant patents to British subjects, particularly New England and Dutch settlers emigrating from Long Island and Manhattan Island. The Nicholls patent required settlers to buy the land from the Lenape bands and register the purchase with the governor, granted freedom for the settlers to create their own laws and choose their own religion, offered larger tracts of land for those who brought servants or slaves with them, and exempted them from paying rents on the land for seven years (Ellis, 1885). It was on October 28 of 1664 that a coalition of Quakers and Baptists from Long Island and Rhode Island purchased from the Lenape a tract of land reaching from Sandy Hook westward to the Raritan River and southward from that line for twelve miles. Six months later Governor Nicholls sanctioned the purchase and granted them the “Monmouth Patent.”

The Lenape did not generally sell their lands individually, for decisions about accepting land purchase offers were made as a community. When a large tract of land was to be sold, as in the case of the Monmouth Patent, several natives usually transferred their rights simultaneously under the same deed, without specifying which part had belonged to whom. From the very beginning of the colonial period, administrators who sought rapid decisions on sales of goods, lands, war alliances and similar “urgent” problems did not accept the deliberate procedures of the Lenape, whereby a council mulled over a question for a protracted length of time. Dutch and English traders and settlers preferred to deal with a single Lenape group representative, and imposed their own hierarchical organization upon their trade customers (Kraft 1986). They believed they could exercise greater control over the natives if a single leader was made responsible for the activities of the group. To promote this relationship, English and Dutch traders selected a man whom they judged to be respected, and presented him with a decorated coat and hat marking him as “captain” or “chief” (Ibid: 201), signifying that he was in charge of signing all contracts on behalf of his community (Ibid: 227).

The near-exclusive trading through male representatives for fur and land during the first half of the 1600s began to nourish a patriarchal system, to the detriment of the traditional matrilineal structure of Lenape society. Moreover, using trade or exchange with the Europeans as a food reserve mechanism, Lenape bands increasingly developed interdependence with the settlers, and relied increasingly on colonial supplies (Becker 1984: 26). This doubtless further served to dispossess women of the important societal role they played as food providers, and made the Lenape more vulnerable to European intervention. With European encroachment, the Lenape were forced to realize that their

loose matrilineal confederate system of social and political organization was not ideal to deal with the hostilities of the centrally-organized settlers, and that forming a united force might be to their advantage. Thus, very gradually, they consolidated into tribal units. In these new confederations, the paternal family became more important, gradually replacing the matrilineal system (Cross 1965: 77-78).

We can see how the imposition of patriarchy onto the Lenape tribes went hand in hand with the appropriation of Lenape lands and the building of the U.S. nation-state. In the next section I further analyze this relation by examining the British settlement of Lenapehoking and the concurrent importation of the common-law figure of the “Freeholder”: the free owner of land.

REVISITING FREEHOLD

When Freehold, NJ was founded in 1693 under proprietary government as the southwestern section of Monmouth County, its name “Freehold” signified that the land was the property of landowners who, except for the obligation to pay tribute to the colonial proprietors, could autonomously administer their own land.

The legal concept of freehold tenure developed out of English feudal institutions which developed after the Norman Conquest in 1066. In feudal England, most land was held in common by feudal residents who owed obligations to land Lords in exchange for the right to work those lands. The Lords ultimately controlled the land in the name of the king. Early tenures would be classified as free or unfree, and the tenure type established the tenant's social status. Unfree, or servile, tenure was assigned to "villeins" who performed menial services and could reside on these lands only at the lord's behest. Free tenure, in contrast, lasted through a tenant's entire life and was in some cases inheritable.

Types of free tenure in feudal England included knight tenure, for members of the military; frankalmoign tenure, granting lands in charity to religious bodies; serjeanty tenure, for the officials and aids of the king; and socage tenure, granting lands for cultivation wherever villeinage was not in use. Socage tenure later diversified into freehold and nonfreehold types. Nonfreehold estates were temporary, inalienable and non-inheritable tenures, while freehold tenures could be “simple,” with complete freedom of alienation and, since 1540, of bestowing by will; “tail,” bestowed as a gift to the donee and to a prescribed line of succession; and “life,” which lasted for the lifetime of the grantee, who had no power of sale (Cruise 1835).

After the dawn of the Renaissance, capitalism flourished in England and the economic organization of feudal society evolved. The forces set in motion by the rise of modern capitalism, the spirit of the Renaissance and the Protestant Reformation –which were fused by and woven into the European colonial project– allowed for a reconceptualization of freehold tenure in Britain and gave it a new individualizing dimension (Macpherson 1962). In this dynamic social context, freehold tenure took on new meaning: a free land holder became a master in his own right, able to negotiate and succeed in a free market. Migration to the New World enabled these new freeholders to exploit their land in accordance with their individual desires and capacities.

Thus, under the British settler mentality, a man achieved status in society and economic security as a consequence of owning land; with a stake in society he could rightfully participate in the affairs of government. In time, as I will further discuss in this chapter, the freeholder became the prototypical “American” citizen in the United States. For colonial settlers and their descendants, land was simultaneously a commodity and a

value system. As a commodity it was symbolized by the search of generation after generation for a “freehold estate,” the tangible form of permanent wealth that might be willed to subsequent generations. Land as value system meant a rural world in which land and land ownership were the dominant economic, social and political values to which all (men) aspired, whether in the colonies or, after 1776, in the new U.S. American nation (Rohrbough 1988).

But freehold tenure was not only a signifier of individual status; in the English parliamentary practice it was also a requisite for participation in government (Cruise 1835). Indeed, in the aftermath of the Magna Carta, De Montfort’s Parliament (1265) initiated the tradition of allowing each county to send two Knights of the Shire as members of Parliament to represent the interests of their fellowmen. Only free inhabitant householders could vote for representatives or be elected (this is known as the “freehold franchise”), which meant that those who had no land tenure (including all women) were excluded from Parliament. This restriction became even more exclusive in 1430 when, under the reign of Henry VI, the franchise was limited to only those who owned the freehold of land that brought in an annual rent of at least 40 shillings (“Forty Shilling Freeholders”). The qualification of the freehold franchise changed throughout the years, as inflation devalued the restriction and as parliament passed new laws, but it wasn’t until 1950 that all voter qualification on the basis of landownership was eliminated in England (Mcphearson 1962).

The English and Scots who first came from England to the so-called New World did so in the context described above, and also in the midst of the English Civil Wars, when the Levellers and other opposition groups radically resisted the freehold franchise

in the aftermath of the sixteenth century enclosure movement, which continually reduced the number of landowning farmers (Ibid). Thus, Englishmen and Scots were accustomed to a social system that increasingly excluded men from land ownership while equating it with respectable gentility, and which fixed a man's standing in the community and his political power in accordance with the number of acres he possessed. Unlike the case in England, where there were all kinds of land tenure, in the British colonies a man who owned his land in freehold owned that land outright; he had to pay taxes on it, but he could dispose of the produce and of the land itself in any manner he chose. This was true as long as it was in accordance with the Proprietors' charters, which in the case of New Jersey, as I will discuss below, allowed many freedoms for freeholders. Freedom and independence went hand in hand with land ownership in the "New" World, and the promise of freehold tenure became the doctrine under which the British colonial administration and the proprietary governments lured European settlers to travel the Atlantic (Eisinger 1947). The settler achieved status in society and economic security as a consequence of owning property. With a stake in society he could rightfully take an interest in the affairs of government. With time, as we will see, the freeholder became the prototypical American citizen and the epitome of democracy (Ibid).

Freehold as Natural Right

For the English colonial project, the ideological construct behind the institution of freehold tenure is supported by one proposition, central to the rise of Western Modernity and to the concomitant emergence of property as the main frame for making sense of the relationship between humans and the world (Macpherson, 1962), and between the self and the body (Cohen, 2009). That proposition is the Locke-ian assertion that every man

has a natural right to the land.

Indeed, under John Locke's Liberalism land could be claimed by Europeans not only because of the law of God, as had been previously argued, but also because one has the inherent right through labor to do so. Every rational man is naturally the sole proprietor of his own person and capacities, and especially the absolute proprietor of his capacity to labor. And it is through his labor, defined as cultivation and enclosure, that man can appropriate land.

The relationship between this "natural right" to property and the British colonial project is impossible to miss, and it is beyond scholarly doubt that John Locke's contractualism was used in the colonial period and the early years of the United States to justify U.S. Americans taking over lands claimed by aboriginal peoples (see Arneil 1996; Becker 1958). Conversely, important tenets of Locke's political theory, such as the idea of vacant land and God's commitment to multiplicity, are directly taken from previous arguments defending England's right to American land (Arneil 1996: 170). For a country whose constitution is based on the idea of rights, Locke's development of the colonial argument was both original and very effective. Preachers, legal theorists, and politicians all used Locke's theory of property to define the cultivation of land by U.S. American citizens as the only legitimate means to claim property. Prior claims based on indigenous occupancy for thousands of years were abruptly invalidated and marginalized by Locke's argument of labor as the basis for landholding.

Locke's theory of property was influenced by his involvement in colonial administration –as the secretary to the Lord Proprietors of Carolina, as an investor in the plantations in the Bahamas, and as a Commissioner on the British Board of Trade (Ibid:

41). Indeed, in his “Two Treatises of Government,” Locke’s natural man, the predecessor of liberal civilization, is constantly equated to the figure of the “Indian” and is considered to be inferior to the Englishman because his reason has not yet fully developed (Locke 1988: 115-125). One important assumption made in *The Treatises* is that America could be considered *vacuum domicilium* or vacant land, open to all for appropriation. The land could be considered vacant because the natives, in their lower rationality, were actively neglecting the land by not enclosing it properly or cultivating it adequately (Ibid).

Now, this argument about vacant land was mobilized by other colonial powers, not just the English, and before Locke’s time. Indeed, occupancy as the foundation of property had a long history in natural-law theory. From the time of Cicero it was argued that any unoccupied area only had to be occupied in order for it to be considered one's own (Arneil 1996: 170). Furthermore, as early as 1329 Pope John XXII promulgated the bull *Quia vir reprobis*, affirming the principle of natural property by claiming that human *dominium* over earthly possessions was analogous to divine *dominium* over creation. This papal assertion of men as natural proprietors “anticipated the defense of individual property, competition and colonial expansion articulated in the seventeenth century by generations of conservative scholars who contributed to the development of natural rights theory, including Locke, who fully articulated a theory of property based on the enclosure of land and individual labor” (Tola n.d: 54).

In Locke, *vacuum domicilium* or vacant land takes on a pejorative connotation, for it is the inhabitants of America who are actively neglecting the land by not enclosing it properly or cultivating it adequately. Land without signs of private ownership can in this manner be claimed to be "vacant". As expressed by Locke himself: “A man who violates

the law of nature becomes degenerate, and declares himself to quit the Principles of Human Nature, and to be a noxious Creature” (Locke 1988: 109). The core of Locke’s individualism is the assertion that every man is naturally the sole proprietor of his own person and capacities, the absolute proprietor in the sense that he owes nothing to society for them, and especially the absolute proprietor of his capacity to labor. Every man is therefore free to alienate his own capacity to labor. Through this individualist postulate Locke transforms the mass of equal individuals into two classes with very different rights: those with property and those without. To put it another way, the man without property loses that full proprietorship of his own person, which was the basis of his equal natural rights (Macpherson 1962).

To Locke everyone, whether or not he has property in the ordinary sense, is included in civil society, as having an interest in preserving his life and liberty. At the same time only those with “estate” (or freehold) can be full members of civil society for two reasons: only they have a full interest in the preservation of property, and only they are fully capable of a rational life –that voluntary obligation to the law of reason, which is the necessary basis of full participation in civil society. On the other hand, the obligation to be bound by law and subject to the lawful government is fixed on all men whether or not they have property in the sense of estate, and indeed whether or not they have made an express contract (Arneil 1996). In this way, “Locke has generalized the assumption of a class differential in rights in his own society, into an implicit assumption of differential natural rights” (Ibid 193). Furthermore, Locke's concern with the taking-up of too much ground, again rooted in his experience of the colonies (where too often land was appropriated in vast quantities and even enclosed without having the number of people

necessary to cultivate the land) led to the principle of limiting the appropriation of land to that which can be cultivated (Locke 1823). This principle was then used to justify the use of slave labor in the colonies –and certainly in New Jersey– where more land was granted to those who brought slaves and servants with them.

Freehold as Foundational Myth

The dehumanization of native peoples and of people of African origin and descent played a key role in the emergence of Liberalism, which is in turn characterized by the emergence of the U.S. citizen as a political subject invested with “natural rights” to the land. Locke-ian discourses on “natural rights” advocate for neutrality and universality only for those who count as human under the ethnocentric epistemic paradigm of European Humanism. As argued in the Introduction, if immigrant illegality is precisely the negation of this so-called “right,” it is then crucial that we address colonial history when studying immigrant illegality today. Below I examine the conjunction of the human (overrepresented as “Man” as discussed in Chapter One), the freeholder and the citizen in the founding of Monmouth County.⁴⁰ This relation between the freeholder and the citizen is, I argue, a cornerstone of the foundational myth of “Immigrant America,” and very much determines the conditions under which immigrant illegality is lived–and discussed– in New Jersey and the United States today.

Many scholars of U.S. American history have written about the relation between landownership and the foundational myth of the United States (see Eisinger 1947; Macpherson 1962; Rohrbough, 1988). In 1782, in “What is an American?” Hector St.

⁴⁰A contemporary example of this relationship can be found in the 2015 movie *Freeheld*. Based on the 2007 documentary of the same name about police officer Laurel Hester’s fight against the New Jersey Board of Chosen Freeholders to allow her pension benefits to be transferred to her domestic partner after being diagnosed with terminal cancer, the movie equates freeholding (or being “freeheld”) with U.S. American citizen rights.

John de Crèveceour described a European man who, arriving in this country and saving some money, is enabled to purchase land and therefore acquire citizenship:

He is now possessed of the deed, conveying to him and his posterity the fee simple and absolute property of two hundred acres of land, situated on such a river. What an epocha in this man's life! He is become a freeholder, from perhaps a German boor -he is now an American, a Pennsylvanian, an English subject. He is naturalised, his name is enrolled with that of other citizens of the province (1912: 59).

These words, part of his classic *Letters from An American Farmer*, evidence that in the newly founded U.S. American nation, much of life revolved around the search for a “freehold estate.” Freehold tenure, or landownership, went hand in hand with the right to U.S. American citizenship, a common goal for those departing the scarcity of the Old World for the promised land of opportunity in the “New.” Here, patriotism is embedded in the concept of the freeholder. The “American” farmer could measure his freedom in terms of his independence from the obligations of European social and political life - independence achieved through freehold tenure, possible because of the seemingly limitless American frontier.

As exemplified by the passage above, thinking about freehold tenure was stimulated by the democratic ideas set in motion during the Revolutionary War, and during the Revolutionary period a vigorous literature on the subject was produced (Einsinger 1947: 57). The specific type of nationalism the Revolution engendered was often expressed in terms of Locke-ian liberalism, particularly as the farmer came to be looked upon as the prototypical American, different from the European and more fortunate.

Locke-ian ideas were disseminated through various channels during the Revolutionary era, including by preachers and politicians (Arneil 1996). As in the case of

the first settlements during the colonial era, Revolutionary thought often interwove the Locke-ian argument for land appropriation with the idea of Manifest Destiny. For instance, in 1783 preacher Ezra Stiles linked God's bequest to European settlers of continental America to a similar gift of the European continent to Japhet, Noah's son: "Heaven hath provided this country, not indeed derelict but only partially settled, and consequently open, for the reception of a new enlargement of Japhet; America is settling from Europe" (Stiles 1783, cf. Arneil 1996: 182).

In particular, Jeffersonians made freehold tenure the basis of their position, arguing that political and economic democracy depended on every man being a property holder with all the rights enjoyed by citizens with a stake in society (Ibid). As argued by Chester Einsinger, "an analysis of the concept [of freehold tenure] illuminates the Jeffersonian idea of democracy, serving to clarify the meaning and source of those ideas ancillary to it: independence and individualism" (1947: 57). Indeed, in the Jeffersonian tradition, many American preachers, legal theorists, and politicians used Locke's theory of property to define the cultivation of land by U.S. American citizens as the only legitimate means to claim property –in order to challenge the view that property in America belonged by virtue of divine right to the King of England.

For instance, in "A Summary View of the Rights of British America," Thomas Jefferson adopts the Locke-ian argument that property is based on natural right. He claims that those who migrated to America acquired rights to the land through their labor, lands that had previously been vacant. It is up to the people in America –not to the King of England– to create a government and decide among themselves how property will be governed: "It is time therefore for us to lay this matter before his Majesty and to declare

that he has no right to grant lands of himself” (Jefferson 1774). Furthermore, for the soon-to-be author of the Declaration of Independence and third president of the United States, one could only be considered a citizen of the country after having adopted individual ownership of property as a way of life. As he makes clear to a group of Cherokees: “You propose...that your part...shall be placed under the government of the United States, become citizens thereof and be ruled by our laws ... Are you prepared for this ... to leave off hunting for your living, to lay off a farm for each family to itself, to live by industry?” (cf. Arneil 1996: 192). Jefferson, as President, used Locke's theory to legitimize further appropriation of territory claimed by native bands by virtue of occupancy and also for encouraging the transformation of natives into U.S. American citizens; a transformation that was seen as both inevitable and good, and which could happen only if the natives committed to becoming freeholding farmers themselves (Ibid).

If, as I argue in the previous section, during the colonial era the invention of Man excluded non Europeans from the category of the human in New Jersey, by the early 1800s freehold tenure as “natural right of Man” laid at the heart of civil society and citizenship in the newly founded United States. How then did this process take place in New Jersey?

THE BIRTH OF NEW JERSEY

As we have seen, on October 28, 1664, a coalition of Quakers and Baptists from Long Island and Rhode Island purchased a large tract of land from the Lenape. Richard Nicholls, who had been initially assigned by the Duke of York as the governor of his lands in the Americas, granted them the Monmouth Patent, which includes the present day Middlesex, Ocean and Monmouth Counties in New Jersey. The settlers immediately

established two towns, Middletown and Shrewsbury, and a hundred families lived in the area by 1670. Over a period of four decades under Dutch rule, the Long Islander patentees had become increasingly dependent on slave labor. Indeed, the Dutch used slave labor to clear forests or build roads and fortifications in what is now New York and New Jersey, developing a viable infrastructure (Hodges 1997).

A diverse group of people of various origins and denominations joined the first Quaker and Baptist Monmouth patentees. In the late 1660s, English, Dutch, and Scots-Irish immigrants competed for land with Long Islanders and New Englanders. White Barbadians, who brought their slaves with them secure in the knowledge that the Duke's Laws recognized slavery, soon followed. Huguenots and Presbyterians escaping religious prosecution joined these immigrants from the West Indies. The servants brought by the settlers were some African, some Native American, some European. Spanish, Germans, and French were among the "Dutch" who came from Holland. Blacks arriving in Monmouth County in the late seventeenth century originated from a vast spectrum of cultures along Africa's western coast or from the West Indies, all of which made Monmouth County the most heterogeneous British colony in the seventeenth century (Ibid: 62).

Under English rule, slavery was formally recognized in New Jersey through the Duke's Laws, promulgated on February 10, 1665 to govern the colonies. "If the Duke's Laws encouraged servitude, the Monmouth Patent virtually dictated it. Key among its features were clauses that mandated settlers to have 'an able Man servant or two such weaker Servants' granting additional land to masters with more servants. Another clause permitted land grants only to 'Christian Servants,' obstructing acquisitions by free blacks

and natives who had not converted” (Ibid: 123). In other words, the Locke-ian equation of liberty and property, and of property and land, which fueled so much political rhetoric in pre-Revolutionary New Jersey, already excluded Africans and Native Americans. Being property themselves, bondspeople were well defined under the law as having the right to nothing. Being defined as “natural men,” the natives did not have the sufficient rationality to appropriate the land through their labor.

The examples of the dehumanization of Lenape and African peoples in colonial New Jersey are too many to count. After the arrival of the Dutch and through a varied and bewildering succession of governments (described below), legislators instituted, statute by statute, what historian Clement Alexander Price describes as “the most repressive legal system in the North” (Price 1980).

The slave codes, which lasted throughout the colonial period, were amplified by other legislation statutorily defining more extreme punishments for slaves caught breaking the law. For instance, a statute forbidding all New Jersey residents the use of large steel traps for muskrats or foxes, established that free persons were to be fined but slaves were to be whipped for violating the code. New Jersey's colonial government took increasing interest in the discipline of slaves, and gave slaveholders the option of having the state whip their chattel in their place. In 1714, an eerily prescient law required that all slaves travel with documentation, and another law established that any master wanting to manumit his slave had to pay £20 annually for the slave's maintenance (Hodges 1997).

Beginning in 1683, the East New Jersey assembly also enacted several statutes aimed at restraining independent black activities in the colony (Ibid: 305). Because slaves could not be citizens of East New Jersey, the assembly could not regulate them directly,

so it chose to emphasize the responsibility of citizens to assert their authority over servants and slaves. For instance, if a white man found a black person more than five miles away from his master's house he was required to whip and imprison her or him as a fugitive. In an act of February 28, 1683, harboring escaped servants also became a crime.⁴¹

By the 1680s, 13 percent of East Jersey's population was enslaved, a figure that placed the colony fourth in British North America (Wright 1988). On March 7, 1683, Monmouth County was created by the British proprietors, following the English tradition of forming counties as the local unit of government. During the 1680s Monmouth County settlers drafted their own laws and established county courts (Lurie 2011). In Monmouth County, restrictive legislation and economic obstacles made free blacks a rarity, despite it having one of the largest rural black populations in the mid-Atlantic region (Hodges 1997), and slavery in Monmouth fostered a brutal and unyielding racial hierarchy.

The Rebellious Province

In "Whiteness as Property," Cheryl Harris contends that white people have a property interest in the preservation of whiteness, and seek to deprive those who are "tainted" by Black or Native blood from these same white property interests (1993). The question dealt with here is of the broader notion of "property" understood beyond its narrower meaning as a ground for judicial rights. Rather, "property" refers to the use and ownership of space as a mechanism of power. Having established the relation between landownership and slavery in Monmouth County, below I examine how property understood in this broader sense was mobilized by European settlers during the colonial

⁴¹ This legislation, as will be discussed in detail in Chapter Two of this dissertation, resonates with present-day local anti-immigration legislation, which for example sanctions citizens for hiring undocumented immigrants or for transporting them in their vehicles.

period in Monmouth County in conjunction with the notion of citizenship, to the detriment of peoples of African origin and descent.

In 1664, before Governor Nicholls arrived in the “New” World as the representative of the Duke of York, the Duke granted part of the territory he had just granted to Nicholls, called “New Jersey,” to Sir George Carteret and John Lord Berkeley, two Englishmen who had stayed loyal to the monarchy in the mid 17th century English Civil War. Thus, the Duke of York granted New Jersey to two separate parties: Nicholls, on the one hand, and Berkeley and Carteret, on the other. Berkeley and Carteret sent a string of documents to the colony presenting their plans for land settlement and government. Interestingly, the “Concessions and Agreements for the Settlers of New Jersey” were based on the plan for the settlement of the Carolina proprietary colony, where both Berkeley and Carteret were proprietary owners and where John Locke worked as proprietary secretary. The 1664 Concessions, and all the later plans for settlement were generous in granting religious tolerance and freedom. The land terms were also meant as an attraction –come to settle and receive 150 acres of land; bring slaves with you and get even more. An assembly was to be established, and the colonists could elect and send two freeholder representatives to it (Berkeley and Carteret 1881a).

Despite the favorable terms of the new grants, most of those who had Nicholls’ grants, and, notably for our case those with the Monmouth Patent, tenaciously held to their claims. The Nicholls Patent granted settlers land without the obligation to pay quitrents for seven years, and the Monmouth Patentees refused to pay quitrents to the Lords Proprietors or recognize their government, given that when they received their grant neither they nor Nicholls knew about the existence of the Lords Proprietors. They

even claimed the right to their own local assembly. Establishing a clear relationship between the freeholder and the citizen, on March 17, 1669, in what has been labeled the “Monmouth Declaration of Independence,” the Monmouth patent settlers wrote to the Lords Proprietors saying they would submit to the King, but they added, quote, “Wee Freeholders declare that ... Neither the Lords proprietors nor the General Assembly can in the least break our liberties and privileges... *as Monmouth citizens*” (Ellis 1885: 96–my italics).

In 1672 the Lords Proprietors responded to this declaration by issuing a document for all the settlers of New Jersey stating that, “No person or persons whatsoever shall be counted a freeholder of the said province, nor have any vote in electing nor be capable of being elected for any other Office of Trust, until he don’t actually hold his lands from us, the Lords Proprietors” (Berkeley and Carteret 1881b: 36). This approach was validated in 1677 by the King’s Council, which found that the property of the land under the Monmouth grant did not derive from its purchase from Lenape bands, but from the recognition of the purchase by the New Jersey legitimate governor, in this case, Governor Carteret. But the Nicholls patent holders never gave in. They continued to assert their rights as freeholders of the land, and refused to pay quitrents or swear loyalty to the Lords Proprietors.

In July 1673 the Dutch returned, equipped with twenty armed ships and 1600 soldiers, and the English surrendered. But Dutch authority ended in November 1674, and by the peace treaty signed between Holland and England in 1674 British rule on the region was restored. Charles II gave a re-grant of New York and New Jersey to the Duke of York, who in turn gave a re-grant to Berkeley and Carteret. Lord Berkeley sold off his

half of New Jersey. In practice it meant there were now two Jerseys, East and West, though our interest is in the eastern section (Lurie 2011).

Due to the difficulty of raising rent money from the colonists, East New Jersey came to be known to the British crown as the “rebellious province” (Pomfret 1962). As we have seen, when Phillip Carteret –the Proprietary Government’s appointed Governor– arrived in East New Jersey and tried to collect quitrents, those settled under the Monmouth Patent responded that the proprietors lacked rights to establish laws for the patentees’ part of the colony. They also refused to send an official delegation to Carteret’s first Perth Amboy assembly, and they defiantly held New Jersey’s first assembly at Portland Point in June 1677 and in so doing set a precedent they hoped would protect their independence from the Lords Proprietors.

Through the second half of the seventeenth century this dispute continued and the Monmouth Patentees refused to pay quitrents or send delegations to the assemblies. Due to these difficulties, East New Jersey was sold in auction in 1682 and it saw one anti-proprietary riot after the next –many of them in the town of Freehold, founded in 1693. The riots reached their climax on March 25, 1701, when Governor Alexander Hamilton and several members of his council attempted to hold court in Middletown. On that day the people of Monmouth refused to allow him to assert that the proprietors had established legal authority and control within the Monmouth Patent, and proceeded to capture and hold the governor and the members of his council. They wrote a letter to England stating that the proprietors had flouted the Crown’s laws and lacked the trust of the colony’s people (Eisenring 1994: 3). In response, the British Crown took the matter into its own hands, merged East and West New Jersey and created the colony of New

Jersey in 1702. However, the Nicholls patentees' "rebelliousness" persisted throughout the colonial era and it eventually led to their joining the Revolutionary cause.

As we can see, New Jersey was created through the denial of the humanity of both native peoples and peoples of African origin and descent –a denial that is embedded in the relation between freehold tenure and citizenship (understood as the right to participate in government). It is in this relationship between freeholding and citizenship that the European settlers of Monmouth County found the basis of their legal claim to the Nicholls patent.

CONCLUSION

The tradition of holding an "Olde Freehold Day" in Freehold Borough began in 1976 as a commemoration of the bicentennial. The event ran annually for three years, disappeared, and made a comeback in 2003. Rich Kane, one of the co-founders of the event, told a local news blog in 2011 that the idea for the event came from a scene in *The Adventures of Tom Sawyer*, in which "small town life was celebrated with a day in the park... It was such a joyous scene and reminded me of Freehold Borough" (Corley 2011).

I have often wondered about Olde Freehold Day – its Tom Sawyer-inspired theme with its implicit nostalgic celebration of nineteenth century segregated U.S. society and settler colonialism. And I've also wondered about its 2003 comeback. As I will discuss further in the next chapter, it was in 2003 that, faced with the increasing settlement in the borough of undocumented immigrants from Latin America, the municipality started utilizing land-use ordinances and other local regulations to rigorously constrain the lives of its undocumented population. It is significant that in 2003, the tradition of celebrating

the good olde days of (white) Freehold was restored.

I am not alone in thinking that celebrating “Olde Freehold” is, at the very least, a problematic choice. In the comments section of an article in the newsletter *Freehold Patch*, Freehold resident Thomas Baldwin wrote: “I am again protesting the name ‘Olde Freehold Day’...I will state again that ‘Olde Freehold’ practiced segregation and bigotry and was condoned by the town government and the majority of the residents” (2014). This is not the only time that Baldwin protested the event: in 2013 he drew connections between the celebration and “all the negative things that happened here in a not too distant past... and, as late as 2004, certain civil rights violations” (Freehold Patch, 2011). With this assertion, Baldwin anticipates a main argument of this dissertation: he recognizes the relationship between Olde Freehold’s exploitation and marginalization of African Americans, including himself,⁴² and present-day efforts to expel the undocumented from the borough.

Baldwin received online heat for his comments, mostly from proud supporters of the Freehold colonial heritage. William Davidson, for example, a self-proclaimed descendant of “a band of Scots who built the area and fought the British” responded in 2012 to one of Baldwin’s comments: “Mr. Baldwin, feel free to come up to me personally [and] tell me how shameful it is to celebrate the history of a town my ancestors fought and died for... I see so many historical families, the Higgins, Voorhees, Perrines, Throckmortons, etc. You have my vote to NOT change the name, I love Olde Freehold Day!!” (Ibid).

In this chapter I addressed “Olde Freehold” from the standpoint of the history of

42. Interview with Tom Baldwin, March 25, 2015.

segregation and bigotry to which Baldwin refers, and which allows Kane and Davidson to proudly claim their belonging to the Freehold colonial heritage. As an introduction to the discussion on immigrant illegality in Freehold that is the topic of the next chapter, I historicized the production of citizenship in New Jersey. I explored the colonial history of illegalization of non-European people through the analysis of the relation between freehold tenure and citizenship. I argued that the dehumanization of native peoples and of people of African origin and descent played a key role in the emergence of Liberalism in New Jersey, which is in turn characterized by the emergence of the citizen as political subject invested with “natural rights” to the land.

A main argument of this dissertation, fleshed out in this chapter, is that if immigrant illegality is precisely the negation of these rights, then it is crucial that we address colonial history when studying its production. In doing so we uncover a history of systematic exclusion of non-whites that has unequivocally contributed to the present-day systematic exclusion of immigrant workers of color in this country.

Indeed, when we are talking about anti-immigration local legislation it is important that we consider the colonial history of Native Americans and African Americans for two reasons. The first one is that, as we will see in more detail in the next chapter, there is a very pervasive “nativist” anti-immigration sentiment in the U.S. based on the argument that white people arrived in this country “legally.” This mythical past when Europeans came to the United States “in the proper way” has served for white people to feel entitled to this land, and to justify discrimination against brown immigrants. In exposing the colonial history of genocide and dispossession of Native Americans –which is imagined to be “legal” immigration from Europe– this chapter

reveals the hypocrisy of this nativist point of view.

Second, the colonial history of African Americans and Native Americans is relevant for understanding how illegality and citizenship are produced in the United States. Indeed, the Dutch and British colonial projects were based on the distinction between European Man and his others. And that distinction depended upon a particular statement of the human from which African slaves and native peoples were excluded. Illegality and dehumanization are two sides of the same colonial weapon, and this weapon was first mobilized against Black and indigenous people in this country. For example, insistence that people of color have documentation with them at all times –as the Trump Administration intends with the two memos cited in the Preface– is not a new thing. We have seen how during the Proprietary Era Blacks could not walk around in Monmouth County without their papers.

The law has been used as a tool of dehumanization against non whites in this country since the very beginning of the European colonial project, and if we are to analyze how it is used against undocumented immigrants today we must take into consideration this long history of dehumanization that includes not only immigrants but also citizens of color, Blacks and indigenous folk. We cannot understand illegality in the U.S. without thinking about African Americans and Native Americans. We also cannot examine the discourse on citizenship and rights in the United States without considering the Locke-ian theory of natural rights to the land, which is the very backbone of the U.S. Liberal doctrine, and which, as shown in this chapter, went hand in hand with the dispossession of Native Americans and the enslavement of Africans.

The invitation to consider African American and Native American history as

relevant subjects for immigration studies is one of my dissertation's contributions to the field.

In the next chapter I continue to tell the story of the use of local legislation against minorities in Freehold Borough. Specifically, I explore anti-immigration ordinances enforced in Freehold in the early 2000s. The chapter follows the formation of a “rainbow coalition” that emerged in response to the enforcement of these various anti-loitering and housing ordinances targeting immigrants from Latin America, and argues that African Americans and Latinxs⁴³ in Freehold have shared experiences of illegalization that open up space for inter-ethnic immigrants' rights organizing.

⁴³ Up until this point I have used the term “Latin Americans” to refer to the immigrants affected by immigrant illegality in Freehold. Here I use the term “Latinx” to also include people of all genders who were born in the U.S.A. and are descended from Latin America. On the term “Latinx” see Scharrón-Del Río & Aja 2015.

CHAPTER TWO

A “MAGICAL COALITION:” THE CREATION OF CASA FREEHOLD

Freehold Borough became a destination point for illegal immigration and unlawful employment practices. Our quality of life came under assault from absentee landlords who provided substandard housing conditions for the sole purpose of quick and easy profit; from contractors who often exploit the circumstances of their cheap, short-term employees; and from the transporters who carry these individuals to the false promise of a prosperous new life. Slowly but distinctively, Freehold Borough is attempting to reverse these conditions. We have implemented stricter code enforcement controls: we have hired additional code enforcement personnel; we have hired four additional patrol officers; we have employed strict landlord controls; and we have even added a special session of the municipal court to deal with all these issues.

Freehold Borough Mayor Michael Wilson, January 1st 2004.

You ask me about rights. This is not about rights for me. This is about humanity, my humanity. So, to respond to your question: I am undocumented so I am told that I have no rights, but I am a human being and as such I deserve to be treated with dignity and respect.

Lorenzo. Freehold Borough resident.

It's March 2012. We arrive at *La Vía* at 9 in the morning. Rita is already there.

Everybody is already there. Life at *La Vía* starts at 5:30 in the morning, every morning.

There are maybe ten men sitting around two plastic white tables. There is juice and lots of pastries, coffee and a box full of tomatoes; everybody shares.

I move up to the train tracks and talk to Ricardo for a while. He tells me he found a job with the *patrono* [employer] who hires him every summer to do landscape and paving. He's going to start in May and he will continue until October. Down by the road Pablo is sitting on a red office chair –*el trono* [the throne], they call it. He is in his forties and has been in the U.S. for four years. He comes from Mexico City and has a wife and three kids of whom he is very proud. His kids are in high school and high school is expensive in Mexico. Pablo works very hard. He came through the desert when he

realized it was impossible for him to send his kids to school with the money he made in Mexico City: “En México no te dan trabajo si no estás limpio y con buena ropa. Tampoco te dan trabajo si no terminaste la secundaria. Yo me tuve que ir y dejar a mis hijos para darles un futuro en México” [In Mexico you can’t get a job unless you have nice clothes. You also can’t get a job if you didn’t finish high school. I had to leave my kids behind to give them a future in Mexico.] Here it is hard too. Some *patrones* are very impatient with *jornaleros* [day laborers] who don’t understand the instructions being given to them: “Nos dicen cosas como ‘acá se habla inglés fucking Mexican’” [They tell us things like, ‘we speak English here you fucking Mexican’”].]

While we are talking, a truck pulls over on the side of the road asking to hire a day laborer. People do not want to get in the car because the person is offering less than \$10 an hour. “We agreed [among ourselves] to work only for 10 dollars or more,” Ricardo tells me. Ricardo wishes he had a car. He would be able to work more. He has a bike. A car will get you stopped by the police, but they don’t stop bicyclists: “Somos demasiados y por eso ya no nos paran” [There’s too many of us so the police don’t stop us anymore]. Bikers used to be stopped and fined all the time, Ricardo tells me, but that has changed. Cars, though, “well that’s a different thing.” I ask him how many hours a week he works. “It depends.” There are good and bad weeks. When it rains there is no work. “And when it snows? What do you do then?” People used to go back to Mexico for the cold months, he tells me, because it is hard to find work. People can no longer go back to Mexico for the cold months; it is simply no longer possible to go back and forth because the border has become so hard to cross.

Roman is 28 years old. He has been here for five years and has a son in Mexico. He was in the desert for four days with no food or water because they got lost, he thought he was going to die and be left for the animals. He also prefers to bike. They all make fun of him for being *un galán* [a don juan]. He likes *rancheras* and shares a room with one other person. He goes to bed at 11 every night, wakes up at 5am. He speaks English and knows it is an advantage he has over most of the other immigrants. He will take no shit from any *patrón*: “They disrespect me, I leave.” He says he will take any job for any amount of hours because “something is better than nothing, we are here to work, you can’t be picky.” He thinks my job as an ethnographer is not a real job.

It is 10am. Time to call *la lista*. José explains how “the list” works: Day laborers write down their name when they get to *La Vía* (by 6 in the morning). The list establishes the order in which they go with the *patrones* (they also write the plate numbers of the cars that pick them up). Everybody pays \$1 when they get picked up by a *patrón* and the money goes towards helping pay the rent at *Casa Freehold*. By 10am, whoever is still on the list (and present at that moment) will remain on the list for the next day. The person who is first on the list takes it home and brings it back at 5:30 the next morning. Roman is the first name on the list today, so they all call attendance and he gets to take the list home. Most of the *jornaleros* leave. Some stay. Two more people come after 10. They sit on the chairs and stare at the road.

La Vía, or the muster zone as non-Latino Freehold Borough residents call it, is located on Throckmorton Street, along the railroad tracks. *Jornaleros* in Freehold Borough stand at *La Vía* and wait for work every day, but they had to fight the

municipality for their right to do so. In December 2003, a group of local residents, Latin American immigrants and immigrants' rights organizations filed a class action lawsuit in Federal Court against the Borough on behalf of its Latin American day laborers. The suit argued that an anti-loitering ordinance passed in 2003 prohibiting workers from congregating at the muster zone was unlawful. In March 2004, a Federal Judge ruled in their favor, stating that the borough was violating Latino workers' right to seek employment. The people – Latino, Latin American, African American, and white – who came together to fight the municipality subsequently formed *Casa Freehold*, the immigrant rights advocacy organization where I did my ethnographic work. Today, *Casa Freehold* offers various services to immigrant workers and their families in Central New Jersey.

This chapter tells the story of the fight for *La Vía* and the subsequent creation of *Casa Freehold*. It addresses the efforts by the municipality in Freehold Borough to stop immigration through ordinances passed at the local level, and the organizing efforts that emerged in response to these laws. Specifically, the chapter describes how a coalition of central New Jersey and Freehold residents joined forces with national and local immigrants' rights organizations to protect Freehold day laborers' rights to congregate in public spaces and live without police harassment. Through the analysis of Town Hall Council Meeting records from 2003 and 2004, news articles, and interviews, I flesh out the history of the establishment of *La Vía* as a rightful place for undocumented workers to organize and empower themselves.

As argued in the Introduction, the U.S. national border is being “interiorized” through the use of local legislation (Rodriguez 2014). Today, municipalities as well as

states are utilizing land-use ordinances and other regulations to rigorously constrain the lives of their undocumented population, and anti-loitering and housing codes have become an instrument for expelling immigrants from towns and states. This chapter addresses the phenomenon of the “interiorization of the U.S. border” as described in the Introduction, and proposes Freehold Borough’s anti-loitering and housing overcrowding ordinances as examples of this “frontera portátil.”⁴⁴ It argues that the “interior border” is not simply a result of the post 9/11 paradigm of securitization, as this local legislation was already on the books long before Latin Americans arrived in town. In narrating the events that led to the creation of *Casa Freehold*, the chapter tells a story of the long use of local legislation against minorities in Freehold Borough, and reiterates the argument for the relevance of African American history for the analysis of immigration legislation. Finally, in telling the story of the coalition that defeated the Borough and won back *La Vía* for the Freehold *jornaleros*, the chapter points to the importance of forming “rainbow coalitions”⁴⁵—multiracial and multiethnic organizations fighting for shared interests, rights, and recognition—within the immigrants’ rights movement.

“IN THE BEGINNING”

Undocumented immigrants from Latin America began arriving in Freehold as early as the mid 1980s. These workers were not the first Latinos to arrive in town, and they found a Puerto Rican community that had existed in Freehold since WWII. At first there was only a handful of the new immigrants but soon after the passage of NAFTA more and more workers, mainly from Puebla and Oaxaca, Mexico, arrived in town. That

⁴⁴ Dean & Lucero (2005)

⁴⁵ In talking about rainbow coalitions, I am referencing the Rainbow Coalition active in the late 1960s and early 1970s, founded in Chicago by Black Panther Fred Hampton, along with William "Preacherman" Fesperman, Jack Boykin, Bobby Joe McGinnis and Hy Thurman of the Young Patriots Organization, and José Cha Cha Jimenez one of the founders of the Young Lords.

early wave of Latin American immigration consisted mostly of men coming from the Mexican countryside to work the farmland and in construction during the warm months, returning to Mexico during the cold months. After 9/11, with the rising securitization of the U.S./Mexico border, these trips back and forth became increasingly difficult and immigrant workers settled in town in greater numbers, bringing their families to join them. Many worked as day laborers, standing on the street to wait for work; some of them stood by the bus station, some by the grocery store called “6-12,” some by *La Vía*.

The reasons why Freehold Borough became an immigration hub are economic and geographic: As Lazaro Cárdenas, a long-time Latino resident said, “We call Freehold Borough a donut hole because all the towns around it are affluent towns, and they don’t want ‘the help’ living in their neighborhoods. So a town like Freehold, which is affordable and has a good public transportation system, gets all the immigrants. People come and establish themselves here and so their friends and family come too.”⁴⁶ Lazaro’s donut hole metaphor is one used by many in Freehold and it is very useful to understand the economic topography of this particular part of New Jersey.

Indeed,⁴⁷ Freehold Borough is an island in the sea of Freehold Township, the neighboring, wealthy town that completely surrounds the Borough of the same name, and the two places couldn’t be more different. Whereas Freehold Borough (in the aftermath of the federal lawsuit and the changing demographics that followed) is now relatively tolerant of immigrants and is less than 40 percent white, Freehold Township is 85 percent white, and immigrants are only welcome insofar as they are present as contracted

⁴⁶ Interview with Lázaro Cárdenas, March 18 2015.

⁴⁷ The rest of this paragraph was co-written with Dr. Daniel Goldstein for the article, “E-Terrify: Securitized Immigration and Biometric Surveillance in the Workplace.” *Human Organization* 76: 1 (Winter 2017).

laborers. Immigrant residents of the Borough do not like to enter the Township on their own for fear of being stopped by the police on any imaginable pretext, and instead they only go when hired to work as day laborers.

However, despite the relative tolerance of Latin Americans in Freehold Borough, Lázaro tells me that many longtime residents of the town did not welcome the newcomers (even though the arrival of these immigrants brought an economic boom to Freehold⁴⁸): “Latinos are fine only as long as they are invisible, and there’s an old white community in Freehold Borough that ruled the town for many years who didn’t appreciate all the Latinos standing around on the streets.”⁴⁹

“It all started with the Mexicans” Linda tells me.⁵⁰ She is a white resident of Freehold who has lived there her whole life. She will turn 70 next year:

When I grew up here in Freehold there were Blacks and there were whites. There were Puerto Ricans but that’s its own thing. In the beginning, during the 1990s we saw the men. I don’t truly understand how they became very comfortable here. And then gradually they would send for the women, for their wives. It was so gradual. In the beginning there were a lot of farms, especially in the areas surrounding the Borough. The Puerto Rican men came first to work on the farms. They would stay here and go back home. Then the Mexicans came here to work the farms and went back home. It was only until the early 2000s that people began staying and I noticed the difference. When women started coming we used to call them “the stroller brigade.” You would see the moms with their strollers walking up and down the street. So that has been a big change. And I know that it is a financial burden for Freehold Borough.

For Linda it is the women coming to town what really marked the end of the time when the Latinos in Freehold were the Puerto Ricans. When “there were only Blacks and whites in town.” Despite the fact that the menace of the illegal immigrant is often

⁴⁸ “When the Latinos had just started to arrive in town a lot of the businesses in the borough were boarded up. From the mid 1990s and early 2000s we saw a boom in businesses in Freehold, and the majority of those new businesses were Latino.” Interview with Lázaro Cárdenas, March 18 2015.

⁴⁹ Ibid.

⁵⁰ Interview, March 8 2015.

associated with men –consider for instance Donald Trump accusing Mexicans of being rapists— in Linda’s mind it is the women who are more threatening. She uses a military metaphor to refer to Latin American mothers; for her, they represent the “invasion” with their “stroller brigade.”⁵¹

Linda has had mixed feelings about this influx of immigrants from the beginning. She thinks the United States cannot save the world. Freehold Borough has always been a diverse town; the problem, she says, is that not everyone pays taxes now. Growing up she lived in an integrated neighborhood: “There was a Black family, a Puerto Rican family and a Chinese family and the rest was white. We all played together. I was raised well. I was not aware that the difference in skin color meant anything until one time in high school when I was walking with my Black friend and the owner of a store pulled me aside and told me that I was not to hang out with that negro. I was shocked.” But schools are 90% Hispanic now... “Maybe as a white person I feel intimidated. I hope I’m not prejudiced but I think I sound like I am.”

Another longtime Freehold resident agrees with Linda: “We educate their children even though the State is forced to cut local school aid due to a shortage of money. That increases the cost of property taxes for everyone. If they are sick or injured or give birth, they are cared for at the area hospital and because they can’t and don’t pay the bill, the rest of us end up paying the bill in higher and higher medical costs.”⁵²

⁵¹ However, according to longtime Latino resident Frank Freyre, immigrant men are more visible than immigrant women in Freehold. He tells me, “The issue with *La Vía* was mostly a male dominated situation. Mostly because the women who came were dealing with their families at home and were seen as less threatening by people in town. So it was the men who were mostly targeted. The men became the most visible manifestation of the tensions in town” (Interview with Frank Freyre, May 5, 2015).

⁵² Town Hall Council Meeting, January 20, 2004.

Kevin Coyne, the Council-appointed Borough historian and a Councilman at the time of the closure of the muster zone, tells a similar story.⁵³ His family has been in Freehold since the Civil War. He raised his kids there and plans on dying there. He loves Freehold because of its history and also because it has always been a diverse community: “Freehold used to be the only town around and it was surrounded by farmland. There were many Black migrant laborers from the South who would come here and follow the crops and some settled here. In the 1950s Puerto Rican laborers started replacing Black laborers and their descendants live in Freehold still. There were always Black and Brown people in town.”

But the situation with the new immigrants is different. Freehold is the only place in Monmouth County where you can live without a car and also where you can find a cluster of rental housing. It is also a Democratic island in a Republican County. “That’s why people are coming here, and we, the people who live in this town are subsidizing cheap labor for everyone else around us, for wealthy towns, because the immigrants who live here predominantly work elsewhere. The towns around us are getting cheap workers and we are educating these workers’ children and no one is giving us money for it. The Borough is carrying the weight of it alone.” “The tension is not about race, it’s about economics.”

Indeed, at first glance the reasons behind the tensions between the new immigrants and the (mostly white) older residents appear to be economic rather than racial and, while arguing for the need to implement legislative measures against undocumented immigrants, many refer to Freehold’s history as a diverse town. For instance, Linda tells the story about being harassed with her Black friend and says she

⁵³ Interview, May 17, 2015.

was not even conscious of the difference between races until she was 18 years old—a privilege that her friend certainly did not share. Kevin Coyne also talks about diversity and refers to previous waves of legal immigrants who have arrived in Freehold. He believes that new people of all colors have always been welcome in his small town.

The fact that Freehold is the hole in the suburban donut has attracted great numbers of undocumented immigrants to town, and this immigration has created expenses for the borough. This is at the heart of the issue for many white residents in Freehold. The problem is not the fact that these Latin Americans are mostly brown immigrants from the Global South; the problem is that these people are not contributing with their taxes.⁵⁴ The other problem is that there is a “legal” way to come into this country and these people are not coming through the proper channels. That is the official story.

As another resident says, “The issue is not one of morality but of legality. The legal immigrants living here have every right to live and work here and no one is denying that. They are not the problem. This is a nation of immigrants and the descendants of immigrants, but it is also a nation of law and our laws must be respected.”⁵⁵ This seems to be the issue for many in Freehold: the problem is not immigration per se (after all “we all come from immigrants”) the problem is illegality. Councilman Michael Toubin says, “My father came here at 11 years old as an immigrant through Ellis Island with his father, my grandfather. My father came here and could speak Russian and Italian. He learned

⁵⁴ In spite of this common belief about undocumented workers and families not paying taxes on their earnings in the United States, the Immigration Policy Center (2011) has documented that workers pay substantial income taxes using false or other people's documents, including taxes that support the US social safety net for which they cannot access the benefits. Ultimately, billions of dollars are paid annually by undocumented people, including workers with Individual Taxpayer Identification Numbers (ITIN) received from the state.

⁵⁵ Town Hall Council Meeting, January 20 2004.

English in school. I welcome everybody who comes to this country to better themselves and come through the appropriate channels so that they can contribute.”⁵⁶

The problem, many conclude, is that there is a difference between deserving legal immigrants who came “through the appropriate channels” and undeserving illegal ones. As noted by a Freehold resident, “Mexico is a country that has been in existence far longer than our country. It is about time they got their act together, started taking care of their own people and stopped exporting them up here. Eight million illegal immigrants in our country (mostly Mexicans) is not immigration –it’s an invasion. If they desire to come to our country they should wait their turn, do it legally and be documented when they cross the border as our ancestors did.”⁵⁷ “Some of the citizens of this town are people who have been here their entire lives,” another resident adds. “Their parents lived here and their grandparents lived here. They built this town, worked hard to raise their families, maintain their property, pay their taxes and be good citizens. They’ll be damned if they’ll see this town taken over by illegal immigrants.”⁵⁸

This difference between deserving and undeserving immigrants is frequently referenced in debates around undocumented immigration. Those who argue that the problem is people crossing into the United States illegally point to a mythical past when their ancestors came to the United States “legally” and, as seen in the previous chapter, erase four hundred plus years of violent dispossession of Native Americans. Another form of colonialism that is often rendered invisible in debates around undocumented immigration, as we see exemplified above, is the colonial relation between the U.S. and Latin America. Indeed, blaming Mexico for the mass migration coming from Latin

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

America to the United States negates the two hundred years of U.S. foreign policy in the area, that has created the conditions under which people are forced to migrate in the first place (see Gonzalez 2001).

THE QUALITY OF LIFE CAMPAIGN

In response to the influx of Latin American immigrants, in 2002 the Council of Freehold Borough created the Quality of Life Enforcement Team. The team was also created to respond to the perceived failure of the Federal Government to address undocumented immigration. As stated by Freehold's then-Mayor Michael Wilson:

I realize that a big part of contention with many of our citizens is that a significant number of immigrants are here illegally. We have to get beyond this if we are going to find solutions to the quality of life issues that face us here in Freehold. The federal government has sole jurisdiction over the immigration issues and they have made it clear, pretty much to all of us, that they have no intention of enforcing these laws. We can and we should rail against this abdication of duty. Then we need to get down to the business of protecting the quality of life in our community. We are and will continue to vigilantly enforce every law, code and regulation within our jurisdiction and authority.⁵⁹

The mission of the team was to enforce Borough Ordinances, New Jersey Statutes and other rules and regulations, including those on Weed, Bush and Debris Removal; the Property Maintenance Code; Littering; Noise; Offenses Against Public Peace and Decency; Consumption of Alcohol in Public; Unsafe Vehicles/Excessive Passengers; Abandoned Vehicles; and Obstruction of Traffic.⁶⁰ The team was created “to combat the day to day nuisances evident throughout our town that have literally plagued our quality of life.”⁶¹ Additional police officers and code enforcement officers were hired to operate this program, and by January 2003 the team had already issued more than a hundred

⁵⁹ Town Hall Council Meeting, February 2 2004.

⁶⁰ Quality of Life Report 2003.

⁶¹ Town Hall Council Meeting, January 5 2003.

summonses for infractions of the various codes.⁶² The Council and the Mayor saw the Quality of Life Campaign as the cornerstone of their mission as elected officials. Mayor Michael Wilson said to the Council in March 2003:

Never before has a quality of life nationally and locally come under the assault that we have recently witnessed. Here in Freehold we have found the source and we have found the cure. Nuisance complaints that have not only violated municipal codes and ordinances, but have also threatened the very fiber of our way of life are being aggressively addressed.

Aggressively addressed, indeed. As part of the Quality of Life Campaign the code enforcement officers would arrive at immigrants' houses in the middle of the night in order to conduct "house inspections." Rent is high in Freehold (a room in a house goes for 500 dollars) so immigrants share houses and rooms, sometimes sleeping in shifts. The municipality was aware of these residential practices and so it targeted immigrants through their house inspections: "They would pull up in front of a house, the code enforcer would go in to check how many people lived in the house. Ask, how many people sleep in this bed? They would count shoes and toothbrushes, count medicines in the medicine cabinet, count glasses, count everything."⁶³ Meanwhile a police car waited outside and if people were found to be living in an overcrowded house they would be arrested or fined. When a day laborer tried to bring these issues to the Council meeting he was shut down by someone yelling, "pay your taxes then you can talk about what is legal and not legal. Pay some taxes in town."⁶⁴

And it wasn't only the code enforcement officers doing the inspections. As told by a Freehold resident: "The subcontractor came to my home to do a reassessment. I was outside in my yard when he came. We spoke outside while he asked me some questions

⁶² Ibid.

⁶³ Interview with Rita Dentino. February 25, 2015.

⁶⁴ Town Hall Council Meeting, July 19, 2003.

about my home, obviously. He then asked me if he could look at my basement and attic. I said, ‘now why do you want to look at my attic and basement,’ and he replied to me that he wanted to check and see if there was evidence of anyone living in those spaces, to make certain that homes in the Borough were not using spaces that shouldn’t be rented as illegal rentals. He told me that he had been instructed to do that as part of his home re-evaluation or reassessment.”⁶⁵

Other than overcrowding, a big issue addressed as part of the Quality of Life Campaign was *La Via* and the fact that Latin Americans used the space as a hiring hall. In 2002 the Council created a Human Relations Committee, and one of the first things tackled by the Committee was the muster zone. Frank Freyre, a Freehold resident of Cuban descent who has lived in town since 1989, remembers, “I was asked to sit on the Human Relations Committee established in the Borough because there had been some stress between the Latino and white populations. It was clear that they wanted a Latino voice in the Committee. The issue of the muster zone came up. They formed a subcommittee with two white people and myself. Should we close it? Should we put bathrooms there?”⁶⁶ Frank, at the time a grad student at Rutgers and a journalist for 10 years, said they should study the issue. They took a trip to Morristown, NJ to interview people from Wind of the Spirit, an immigrants’ rights organization, to see what their solution to the problem was.

“Our studies began in early 2003, by October the Mayor was tired of waiting for a recommendation from the Human Relations Committee. He wanted the Committee to recommend the closure of the muster zone and he wanted to have a Latino vouch for it.

⁶⁵ Ibid.

⁶⁶ Interview, May 5 2015.

By October the mayor was just like, ‘I will close it. Starting January 1st, 2004 I will close the muster zone.’” The decision was made to close *La Via*. Starting January 1st 2004 anyone waiting for work along the railroad would be arrested. Various pro-immigrants groups, as well as the day laborers themselves tried to meet with the Council and the Mayor to discuss the closure of the muster zone, “but the people of this town were so used to having the immigrants under their thumbs that they thought they could do whatever they wanted and no one would stop them.”⁶⁷

We can see from the Quality of Life Campaign how immigrant illegality was produced in Freehold in the early 2000s. The campaign, with its housing inspections and the closure of the muster zone, is a significant example of the interiorization of the border. Indeed, the border was brought to the very homes of these immigrants, in the middle of the night. What is noteworthy about the campaign is that it was not so much designed to create new laws as it was meant to *enforce* existing ordinances. In this case the border was not being “interiorized” through the creation of new legislation, because the legislation was already in place. As Mayor Wilson said himself, nuisance complaints and code enforcement are “the cure” to the problem—here framed implicitly as a disease—of undocumented immigration. The campaign was not about creating new laws, but rather about creating the position of Code Enforcement Official and hiring more police officers to enforce already existing local laws.⁶⁸

Another thing worthy of attention is the process of the closure of *La Via*. The “Human Relations” Committee was created, apparently to sooth tensions between Latin Americans and whites, so the Council thought it would be convenient to have one Latino

⁶⁷ Interview with Rita Dentino. February 25, 2015.

⁶⁸ Sometimes through *illegal* means, such as the subcontractor being instructed to assess how many people live in a house as part of his reassessment, or the house inspector showing up with the police.

on the committee. It is important to point out that they invited Frank Freyre, a long-time resident of Cuban descent, and not a day laborer. They went through the process of doing an investigation about the muster zone but they still expected Freyre –perhaps because he is a U.S.-born, lighter-skinned Latino– to okay its closure. This is not surprising; as we will see later in this chapter, there is a big divide within the Latinx community in Freehold between older immigrants and more recent undocumented immigrants. Sometimes Puerto Ricans are even hired as housing inspectors and police officers. But Freyre did not okay the closure of *La Vía*; on the contrary, he organized against it as part of *Casa Freehold's* rainbow coalition.

THE LAWSUIT

On December 30, 2003 the Monmouth County Residents for Immigrants' Rights (MCRIR), El Comité de Trabajadores por el Progreso y Bienestar Social [The Workers' Committee for Progress and Social Welfare], the National Day Laborer Organizing Network (NDLON), and six individuals filed a class-action lawsuit against Freehold Borough (Alexander 2006). The plaintiffs alleged that day laborers were denied the right to solicit employment in public places in Freehold and were subjected to discriminatory law enforcement and housing code enforcement (Celano 2006b).

Specifically, the lawsuit stated that the order to close the muster zone "prohibited the laborers from expressing their availability for employment, violating their right to freedom of speech." The action also alleged that the borough "threatened to fine the laborers hundreds of dollars for such offenses at 'officer's discretion' in an attempt to intimidate the laborers." The lawsuit stated that a violation known as "officer's discretion" does not exist in federal, state or local law, and if it did it would be "patently

unconstitutional." Finally, the federal lawsuit alleged that borough code enforcement officials inappropriately "raided" private homes in Latino neighborhoods late at night to evict unauthorized occupants (Celano 2006a). Alan Levine of the Puerto Rican Legal Defense and Education Fund was lead counsel representing the plaintiffs along with attorney Renee Steinhagen of New Jersey Appleseed and Julio Gomez of Latham and Watkins. U.S. District Judge Anne Thompson presided over the lawsuit.

"I filed a lawsuit against Freehold and was one of the founding members of *Casa Freehold*," Tom Baldwin told me.⁶⁹ "I became involved in October of 2003 one day when I was walking home and heard a demonstration. Demonstrations take me back to my great old student days when I was part of the sit-ins and marches in North Carolina and Mississippi. My ears perked up so I decided to go." He found a group of day laborers and white people protesting the closure of the muster zone in front of the 6-12, a grocery store known as a gathering place among the *jornaleros* in Freehold. Tom went home and told his wife Fidela about it. A Spanish woman who was a university student during Franco's administration, she didn't hesitate to join the protest. "I told her there was a protest at the 6-12 and she responded, 'Let's go!'" Soon after that, a group of four Monmouth county residents –including white residents Rita Dentino and Stan Organek– along with Fidela and Tom formed the Monmouth County Residents for Immigrants' Rights (MCRIR).

Tom grew up in Matawan, NJ (12 miles from Freehold), and he arrived in Freehold Borough in 1974: "I moved here to please my wife despite the fact that I knew what Freehold is all about. Freehold has a very sad history when it comes to race relations and how it treats its minorities. Goes back to when it was originated." Tom

⁶⁹ Interview with Tom Baldwin. March 25, 2015.

knew what Freehold is all about from his parents and friends who lived in Freehold before he did: “My friend told me that everybody in his school was colored. I later asked my mom about it and she said ‘Thank God we don’t live in Freehold because they treat people differently down there. You can’t go to school with white kids.’ And she said it’s not that way in Matawan and other towns, only in Freehold.” It was in Freehold that Tom really found out about segregation firsthand:

Freehold was in our league and when we went to play them all the Blacks hung out with the Blacks and the whites with the whites. This city was as segregated as a town you would find in the deep South. Even churches were segregated. If you was black you couldn’t be a police officer or a councilman for city government. These things have changed, but the sentiments persist under the surface. If you scratch the surface in this town you don’t have to try too hard to find it there. You saw it with the closure of the muster zone.

These stories of racial segregation stand in stark contrast with Linda and Kevin Coyne’s rosier versions of Freehold as a happy and diverse town, especially given that both of them point to African Americans as proof of this happy diversity. And it is not just Coyne and Linda; in the literature on Freehold⁷⁰ –including a book written by Coyne about six young men, one of them black, returning to Freehold after WWII– the town is portrayed as a fairly diverse and integrated small community.

However, other residents of Freehold also associated the closure of *La Via* with Freehold’s history of racial discrimination. Rita Dentino, current director and founding member of *Casa Freehold*, remembers, “When these issues began to come up in the Council meetings wonderful African Americans in this town who have suffered discrimination for generations began to speak up. And they stood up and said, ‘this town

⁷⁰ See e.g. Blair 1993; Coyne 2003; Pepe 2003.

treated me, and my father and grandfather, how you are treating these immigrants. My father stood looking for work in the *Vía*. This is not new at all.”⁷¹

The anti-loitering laws that the municipality was using to fine and arrest *jornaleros* are not a new phenomenon. Lázaro Cárdenas, from the Monmouth County Latino Coalition tells me, “Some of the laws used against Latinos were already in the books but they were never enforced. They were used during the Civil Rights Movement against African Americans. The Borough started to use these same loitering laws against Latinos. I mean they were arresting people for standing at the bus station. They were giving tickets to people for all sorts of things. The Latino Leadership Alliance did a report and discovered that 92% of tickets were given to Latinos.”⁷²

Cárdenas’ statement is important as it points to what I argued in the Introduction and Chapter One of this dissertation: immigration scholars must address African American history when discussing anti-immigration legislation. Indeed, in the case of Freehold we cannot understand the Quality of Life Campaign without considering the fact that the legislation being enforced had already been utilized against African Americans in town. And we cannot understand the rainbow coalition that emerged in response to the campaign without taking into account these shared histories of dehumanization.

A RAINBOW COALITION

With the demonstrations organized in town by the MCRIR, publicity began to grow around the lawsuit locally, statewide and then internationally in the immigrant rights community:

⁷¹ Interview with Rita Dentino. February 25, 2015.

⁷² Interview with Lázaro Cárdenas, March 18 2015.

This is how the MCRIR got in contact with the National Day Laborer Organizing Network (NDLON), with ACLU, with the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense and Education Fund. It was the people from the Puerto Rican Legal Defense that were the lead attorneys in the case. We had an African American woman Federal Judge who was appointed by President Jimmy Carter. She really understood where we were coming from. She said ‘I want all of the day laborers in my court in Trenton,’ and we filled up her court!⁷³

The lawsuit was not the only part of this coalition. Frank Freyre remembers,

When the muster zone closed I tried to figure out with some of my friends and allies what to do. I had become very friendly with Reverend Andre McGuire from the Second Baptist Church, which is just up the street right near the muster zone. In October when the Mayor announced the closure of the muster zone I was a member of the Latino Leadership Alliance, which is a statewide organization, and we wanted to find a temporary solution for the problem. After meeting with Reverend McGuire he agreed to let us use the church as a hiring center from January 1st to March 31st.⁷⁴

“People in this town don’t want Black people here either,” said Reverend McGuire,⁷⁵ whose congregation was 90% African American in 2004. The Second Baptist Church voted as a congregation to allow the immigrants to use their space as a hiring hall, giving them the building adjacent to the church with a kitchen and a bathroom.⁷⁶ Meanwhile the Latino Leadership Alliance (LLA) worked to defend the church legally: “The President of the LLA became the Reverend’s attorney and the attorney for the church.”⁷⁷ So while one group, including MCRIR and NDLON, worked on the Federal Lawsuit, the LLA and the Second Baptist Church worked on establishing the hiring hall and defending it.

Reverend McGuire knew that in giving the undocumented a space to work and organize he and his congregation were fighting the same type of structural racism that

⁷³ Interview with Rita Dentino. February 25, 2015.

⁷⁴ Interview with Frank Freyre, May 5 2015.

⁷⁵ Ibid.

⁷⁶ Interview with Rita Dentino. February 25, 2015.

⁷⁷ Interview with Frank Freyre, May 5 2015.

oppresses them as Black U.S. Americans.⁷⁸ But this coalition, successful as it was, was not as obvious or effortless as this might suggest: “Relations between African Americans and Latin Americans are not good. A lot of the poor Blacks figure ‘well, the Mexicans are worse off than we are’ and they blame their economic situation on the Mexicans,” Baldwin tells me.⁷⁹ “I have lost some friends who think that by helping the Latin Americans I forgot where I came from.”⁸⁰ Juan, a *jornalero* who arrived in town in 1991 tells me how there are a lot of hostilities between African Americans and Latin Americans, “back in the day *los morenos* knew that *jornaleros* had money on them after the work day, so sometimes they would jump us and take our money.”⁸¹

Whites in town also played a role in these tense relations:

The African American population in Freehold had started to decline with the arrival of the new immigrants and in the Town Hall meetings the whites said it was because of the Latinos coming in. So they were trying to get the African Americans mad at the Latinos too. And some of them were. Saying rental units are getting more expensive because of the Latinos, and African American neighborhoods are now becoming Latino neighborhoods and there are no jobs anymore.⁸²

Freehold also has a reputation of tense relations between Blacks and whites (Greason 2013), and there were confrontations between the black community and the police in the 1960s and 1980s.⁸³ Tensions ran high between Puerto Ricans and other earlier Latino immigrants and the new immigrants as well. Frank remembers, “That is something I had to work with because some of the guys simply didn’t trust me [as a Cuban]. They thought I wasn’t invested enough in this struggle.”⁸⁴ Mariana, a *jornalera*

⁷⁸ Ibid.

⁷⁹ Interview with Tom Baldwin. March 25, 2015.

⁸⁰ Ibid.

⁸¹ Interview with Juan, May 18 2015.

⁸² Interview with Frank Freyre, May 5 2015.

⁸³ Interview with Tom Baldwin. March 25, 2015. Interview with Linda, March 8 2015.

⁸⁴ Interview with Frank Freyre, May 5 2015.

who has lived in Freehold since 1995 recounts, “Some Boricuas [Puerto Ricans] are good and some are bad. A Boricua woman taught me English and I am obviously very grateful for that, but other Boricuas are mean to us and exploit us just like whites do.”⁸⁵

However, as Cárdenas reminds me, “Latinos and African Americans are the two larger minorities in this country and together we are invincible. That was the magic of the Freehold coalition.”⁸⁶ Indeed, despite all the differences and tensions between African Americans, Latinos and Latin Americans, the magical coalition worked. The law closing the muster zone went into effect on January 1st 2004. Immigrants were to be arrested if found on the streets waiting for work. “We didn’t go through any zoning process or anything [for the hiring hall in the church] so on January 1st we didn’t know if the Mayor was going to send the cops to close the hiring hall.”⁸⁷ Despite their fear, on that day the *jornaleros* came into the little white building the church offered them. Mahonrry Hidalgo and Alejandro Abarca, two undocumented immigrants who were working with the MCRIR talked to other *jornaleros* and convinced them to go to the hiring hall.⁸⁸

Many Freehold residents were not happy about the new muster zone. For instance, one resident asked the Council at the Town Hall Meeting if the new muster zone at the Second Baptist Church fell under Quality of Life. She stated that everyone should have to live under the same rules, and she added, “black people were brought here years ago, but the Mexicans are coming here and are not even legal.”⁸⁹ Another resident said that Reverend McGuire was “doing what he wanted.” He added, “The Borough is being sued by a bunch of rabble rousers and I offer to go to court as a witness and state that the

⁸⁵ Interview with Mariana, May 18 2015.

⁸⁶ Interview with Lázaro Cárdenas, March 18 2015.

⁸⁷ Interview with Frank Freyre, May 5 2015.

⁸⁸ Ibid.

⁸⁹ Town Hall Council Meeting, January 20 2004.

lifestyle in the Borough is being jeopardized with the immigrants and illegals.”⁹⁰ As argued by another resident: “There are illegal aliens running around everywhere and we now have an illegal alien hiring center.”⁹¹

These responses by white residents to the opening of a hiring center in a Black church expose the relation between anti-Black racism and xenophobia. When a resident says, “black people where brought here years ago, but the Mexicans are coming here and are not even legal,” she is drawing a parallel between African Americans and Latin Americans, and making a clear statement: We do not want Blacks and we do not want “Mexicans.” The remark also implies that African Americans, while they do not really belong in Freehold, are not immigrants. Rather, they were “brought” there. However, most African Americans in Freehold migrated there during the Great Migration⁹² (and many of them waited for work at the muster zone).

Despite the reaction from the town, Reverend McGuire and his congregation kept their promise and let the day laborers use the Church as a hiring hall. They worked in the little white house for three months, and it was the first time that the day laborers in Freehold were organizing. NDLON helped them do it, and they chose their leadership when they elected Alejandro Abarca as their representative. Other than using the hiring hall, during those months the *jornaleros* along with the members of the MCRIR went house by house in Freehold and interviewed people: “Through these interviews we found

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² The local population of Black residents was stable near 200 until around 1920, but by 1950 had grown steadily to about 1100 people (Greason 2013: 67), motivated both by job opportunities connected to the local rural economy as well as larger socioeconomic forces driving the Great Migration (Ibid.). New and expanded Black churches and community organizations emerged during this period –including the Second Baptist Church.

such horrible things about the house inspections because there was such invasive police presence.”⁹³

As it turned out those three months were all the day laborers needed. In her ruling on March 8, 2004 Judge Thompson gave the day laborers the right to stand on public property along *La Vía* to seek labor, and appointed former New Jersey Supreme Court Justice Daniel O'Hern to facilitate an agreement between the parties (Alexander 2006). On April 5, then-Councilman Kevin Coyne echoed the belief of other residents who thought the justice system and the media were undeservingly portraying Freehold, a very diverse and welcoming place in his opinion, as a racist town:

“Since I’ve been serving, the overwhelming issue that we as a council, that we as a community, have faced, has been the impact of illegal immigration on our town. The federal government has apparently decided that our town, alone among all the towns around us –our town, with its centuries long history of diversity; our town, with its welcoming, generous, unpretentious ways; our small town with such large heart and such modest means –that our town should be the one town that is a haven for people who enter this country illegally, because of the failed economic policies of their country, and the failed immigration policy of our nation. And then when we, on our own, try to ensure the simplest of things that all of our residents are living in a safe, legal housing, and working in safe, legal jobs, that everybody is playing by the same set of rules –we’re told that we’ve gone too far, that we are racist and we are discriminatory. As if this modest and diverse community –this town that was among the only towns in this county where Jesse Jackson topped the ticket in the Democratic presidential primary in 1988—were some cartoon bastion of white privilege.”⁹⁴

Here Coyne refers again to his rosy version of race relations in Freehold to argue that the town is being unjustly qualified as racist. He makes the argument that a town that voted for a black man to be President in 1988 cannot be a bastion of white privilege. And here again he makes the argument that this is about illegality and not racism; it is about playing with the same set of rules. The problem with this argument is that, as discussed in

⁹³ Interview with Rita Dentino. February 25, 2015.

⁹⁴ Town Hall Council Meeting, April 5 2004.

the previous chapter –given this country’s history of using the law against people of color– we have never been playing with the same set of rules. Illegality per se is a racist institution, and there is no separating illegality from racism.

On April 1st 2004, after winning the right to stand on *La Via*, the members of the coalition marched with at least 100 people from the Church out to the muster zone, now under the banner of “Casa Freehold.” *Casa Freehold* continued to function from the muster zone, working by the rules established by the day laborers. They voted on and established “the list,” a system to ensure that people are organized when picked up to go work, and they established a donation of 1 dollar per day with the idea of one day being able to rent a space. Other day labor groups in New Jersey started calling them and asking them how to organize.⁹⁵ The triumph over *La Via* meant a lot to day laborers in Freehold: “It shows that we are human beings who deserve an opportunity just like the ancestors of those who live here had.”⁹⁶

The agreement for the lawsuit, reached in October of 2006 has consequences that go beyond *Casa Freehold* and the *jornaleros* of Freehold Borough. According to its terms, the Borough agreed not to interfere with the lawful use of public property including the pick-up and discharge of day laborers, and not to unlawfully hinder the exercise of free speech including the solicitation of employment by day laborers. It was also agreed that no residential code enforcement inspections could take place without a resident being advised of her rights in Spanish and without informed consent being given by the resident, and that no police officer would accompany code enforcers on inspections. Finally, the borough agreed to reimburse the fines of those Latinos who were

⁹⁵ Interview with Juan, May 18 2015.

⁹⁶ Ibid.

convicted of loitering and/or “officer's discretion” dating back to Jan. 1, 2002, and to reimburse the fines for convictions made on the basis of anonymous complaints not founded on articulable suspicion. Freehold Borough established a Latino Persons Fund for \$33,000 for fine reimbursement, and paid the plaintiffs' attorney fees of \$245,000, in addition to its own attorney's legal fees (Celano 2006b). On January 29, 2007 Judge Thompson approved the settlement in the class action lawsuit.

After the unanimous Freehold Borough Council vote that sealed the deal, councilman Marc LeVine said he was “reviled” by the vote he cast and “got nauseous” thinking about the action the council had to take to resolve the litigation. LeVine said residents were going to take a stand to make sure the borough would not become “some depot for people who come in here to take advantage of the town basically for their own good, so they can hire \$5 and \$6-an-hour employees or house eight or twelve or thirteen people in a house and profit from it.” “That doesn't help any of us,” LeVine said. “We will win this war by using property as our tool”⁹⁷ (Alexander 2006). An unrepentant Mayor Wilson vowed to continue enforcing the housing codes and laws of the borough: “A little respect for the law-abiding citizens of Freehold would go a long way toward making our residents more understanding of how we can resolve these hard questions that are caused by national immigration policy” (Spoto 2006).

However, as argued by Alan Levine of the Puerto Rican Legal Defense and Education Fund, lead counsel representing the plaintiffs, “Given the fact that many communities around the country have sought to prohibit day laborers from gathering in

⁹⁷ It is interesting that LeVine said that they will win this war against undocumented immigration using property as a tool. As we saw in Chapter One, property was used as a tool by the colonists to dispossess Lenape natives and to enslave Africans, and property is still being used as a tool against Black Americans and Native Americans (see Harris 1993).

public places, it is especially important to have a community like Freehold, where the dispute was so highly visible, to agree that day laborers have that right” (Alexander 2006). New Jersey Appleseed’s Executive Director, Renee Steinhagen, said, “This case sets the parameters for other communities across the nation facing challenges posed by immigration. It’s about the lawful treatment of people in this country, regardless of their documentation status” (Appleseed 2007). Court appointed mediator for the case Daniel J. O’Hern, former New Jersey Supreme Court Justice, echoed: “Persons who have entered this country without documentation are nonetheless persons entitled to the protections of the Constitution and laws of the United States and this State” (Ibid). “It’s a victory for the rights of people,” said Mahonry Hidalgo one of the representatives of the *jornaleros*. “At the same time it’s sad that tax payers, including Latinos who live here, will have to deal with this expense. There are better ways to solve this and we hope the next town in New Jersey that wants to do this will think twice” (Spoto 2006).

The story of the Freehold rainbow coalition, which succeeded in establishing a legal precedent against the use of local legislation to harass undocumented immigrants, shows us something very important about grassroots immigrants’ rights organizing: The power that African Americans and Latinxs have when they stand together in solidarity. Indeed, despite the opposition of white residents, of the Mayor and of the Council, the Second Baptist Church was able to provide safe haven for *jornaleros* for the time they needed to win their lawsuit.⁹⁸ And in those few months, having their own space for the first time, the *jornaleros* organized “la lista,” interviewed their community, received

⁹⁸ African American churches have been very important in Freehold for the empowering of Black people and, as New Jersey historian Walter Greason (2012: 67) argues: “Freehold experienced one of the more successful applications of the church-led Black Freedom Movement.”

training from the National Day Laborer Organizing Network, and created a donation system that would eventually allow them to have a place of their own.

Despite the many differences that exist between Latin American undocumented immigrants and African Americans in Freehold, the rainbow coalition became possible because Black people in town recognized that their fathers had gone to *La Vía* to look for work, and they remembered anti-loitering and housing legislation being enforced against them too. This shared experience of illegalization between different minorities opened a space for an inter-ethnic immigrants' rights grassroots movement to emerge, which then resulted in the creation of an organization that advocates for the immigrant community to this day.

CONCLUSION

My ethnography is at the center of my project and of this chapter. It was through volunteering at *Casa Freehold* that I first arrived at *La Vía* and learned about the rainbow coalition, which made me interested in writing about the town. And it was through volunteering at *Casa Freehold* that I got to know the people I interview for the chapter.

Indeed, when I first heard that *Casa Freehold* was founded in an African American church after the closure of the muster zone, I decided I would write my dissertation about it. As an organizer, I wanted to understand why African Americans would stand up for Latin Americans and go against their own town government to protect undocumented immigrants. At the time, I was reading Chela Sandoval's *The Methodology of the Oppressed* (2000), and had found her term U.S. Third World Feminism very useful for thinking about the relation between coloniality and inter-ethnic solidarity. As we saw in the Introduction, the term U.S. Third World Feminism signals a

denunciation of geographic, economic, and cultural borders in the interests of the creation of a new feminist and internationalist consciousness and location that challenges the distinctions imposed by the arbitrariness of the nation-state. Without distinguishing between documented and undocumented women, Sandoval writes that the everyday lives of women of color in this country are battles against the dehumanizing power of the nation-state. From the standpoint of U.S. Third World Feminism, illegality is one form of dehumanization and, because all people of color are dehumanized under coloniality, undocumented immigrants can stand in solidarity with other dehumanized peoples. Sandoval's book, coupled with the story of the creation of *Casa Freehold*, made me very interested in the relation between grassroots solidarity and the various (and different) forms of dehumanization faced by African Americans and undocumented immigrants in this country.⁹⁹

So the story of the rainbow coalition made me realize the importance of African American history for understanding the dehumanization faced by undocumented immigrants, and this recognition made me look at the colonial history of Freehold, since the history of African Americans goes back to colonial times. When researching slavery in the Proprietary Era and the relevance of freehold tenure for the European colonial project in the United States, I discovered the relevance of the dispossession and genocide of Native Americans for the production of rights to the land in the U.S. I found Sylvia Wynter and she helped me see that the exclusion of Africans and native peoples from the category of the human is at the very heart of formation of the U.S. nation-state –and therefore also at the heart of illegality. I wrote my first chapter about this history of

⁹⁹ Of course, as argued by Devon Carbado (2005), Black undocumented immigrants find themselves at the intersection of these different forms of dehumanization.

dehumanization and argued that it is very relevant when considering the production of immigrant illegality today.

In this chapter I continue exploring the importance of African American history for the current debate around undocumented immigration, this time by focusing on how immigrant illegality is produced at the local level through the enforcement of ordinances, and on how African Americans and Latinxs organized together along with white residents to fight these ordinances. I argue that the interiorization of the border is not a new phenomenon, as local legislation has been used in the past against African Americans. I also argue that what is magic about the rainbow coalition was that it was an inter-ethnic coalition that emerged from a shared history of dehumanization.

The origin story of *Casa Freehold* that I tell in this chapter is a story mostly populated by men for various reasons. While, the MCRIR had three women members and their participation was key for the success of their efforts, it was [male] *jornaleros* who originally organized against the Borough. No *jornalera* is remembered as part of the story. (However, as we will see in the next chapter, the creation of *Casa Freehold* empowered immigrant women as well as men, and the organization is now run mostly by women.) The other reason is that *La Vía* itself is a men-dominated space. I did ethnographic work at the muster zone for two years between 2011 and 2013 and never encountered a *jornalera* waiting for work there. “When I first arrived in this town I wanted to go to *La Vía* but was told women don’t go there,” my friend Antonia told me once. Women immigrants in Freehold do domestic work, which they find through word of mouth, or work in restaurants and factories but they do not stand at the *Vía* or the 6-12

to wait for work. As we will see in the next chapter, this trend has made it more difficult for women to organize, as they do not have a space for public gathering like men do.

If this chapter tells a story mostly of *jornaleros*, the next and final chapter is a story of women. In it I follow the stories of Antonia and Roberta, two women leaders from *Casa Freehold*, as they become ethnographers and organize their community. It is a chapter about the fruits of the rainbow coalition, and it is also a reflection on the ethnographic work I did in Freehold.

CHAPTER THREE

ANTONIA & ROBERTA: A GRASSROOTS APPROACH TO ETHNOGRAPHY

Being an ethnographer and being an organizer are not separate for me.
Roberta. Freehold Borough resident.

We, undocumented women, understand what living in the shadows really means.
Antonia. Freehold Borough resident.

It is September 2013. Daniel and I are officially starting our new 2-year project with Antonia and Roberta. We are meeting for the first time today, seated around a table in *Casa Freehold*. We face a painting of a *jornalero* standing in front of the Statue of Liberty holding a sign that reads “The Job Dignify the Man.” This painting is the logo of the organization. The room, which is used for the English classes offered by *Casa Freehold*, is spacious and full of art reflecting on the theme of undocumentedness: Depictions of brown women and men, of walls, and denunciations of U.S. American Imperialism. It smells like fresh coffee. I am very excited to be launching our project.

Antonia and Roberta are a little nervous; even though they have known us for two years they have never participated in an ethnographic project before. We start by telling them that both Daniel and I have individual projects that we will be working on. Daniel says he is interested in studying how immigrants use the law to protect themselves. I say I’m interested in understanding the relation between the colonial history of New Jersey and present-day conceptions of so-called immigrant “illegality.” We want them to tell us what they are interested in researching during our time together. We want to come up with an agenda as a team. Roberta says she is interested in forming a women’s coop. The *jornaleros* have *La Vía* where they find work and organize, Roberta wants *jornaleras* to

also have a space where they can gather and pool their resources. Antonia says she is interested in understanding domestic violence within her community and in teaching people about their rights.

We tell Antonia and Roberta that during the first month or two we will be conducting the interviews together so they can get comfortable doing their own interviews. Daniel and I will be training them in other ethnographic methods as well, and we'll get them certified by the Internal Review Board. They will become ethnographers and will be able to participate in other research projects or create their own. They are excited.

We give Antonia and Roberta their new iPads and voice recorders, which they will be using to record their interviews and field notes. I set the gadgets up and teach Antonia and Roberta how to use them while Daniel talks to Rita about a meeting with the Board of Directors. I think about my position in this project. Even though we wrote the NSF grant together, Daniel is the P.I. of the grant and he is the one in charge of the money. He is also a well-established professor and people in Freehold refer to him as *el maestro* [the teacher]. I'm seen as his student. Antonia and Roberta see Daniel as a figure of authority, but after years of sharing with them and volunteering together in *Casa Freehold*, I am hoping that they will see me as their peer.¹⁰⁰ I have a lot of privilege they do not have, though; my skin is white, I am documented, I am proficient in English and I am getting a PhD. I stop messing with the iPads and tell Antonia and Roberta that I don't want our relationship to change now that we are paying them to be research assistants for the project. They say it will not.

¹⁰⁰ I soon discovered that this was not the case when Roberta wrote in her field notes: "When we did the first interview I was really nervous, but I knew I had my beautiful *maestros* [teachers] and my *compañera de batalla* [companion in battle] by my side."

When Daniel comes back we talk about a new idea, of integrating arts into our organizing efforts through theater. I have been reading about theater and activism for one of my classes in Caribbean Philosophy and I'm very interested in the emancipatory potential of community theater. So I tell them I want us to write a play as part of the project. Roberta tells us she had actually been thinking about writing a play too because one of her *jornalero* friends had mentioned the idea. It is decided: we will work together as ethnographers and volunteers at *Casa Freehold*, and we will write a play together.

In the introductory chapter I argued that the knowledge produced by undocumented women who organize their communities belongs to a long tradition of decolonial feminist thought and it should be at the center of scholarship regarding the production of immigrant illegality. As a consequence, I also argued, the scholar of undocumented immigration must organize with undocumented women and follow their lead. Following these two guidelines, this is my chapter on ethnographic methods. Here, I reflect upon my ethnographic and activist practice, focusing on the lessons on organizing and on ethnographic methods I learned from collaborating with Antonia and Roberta between September 2013 and August 2015. I do so through an analysis of their field notes and interviews; three separate interviews I did with each of them; and a discussion on ethnographic methods that we had together, which I recorded.¹⁰¹

I first tell Antonia and Roberta's life stories in order to situate their experience and then I analyze their approach to doing ethnography as a form of activism. I argue that Antonia and Roberta's background as women community leaders and organizers shaped

¹⁰¹ As with other sections of this dissertation where I cite *jornaleros* and *jornaleras*, all translations are mine.

their understanding of what fieldwork entails, teaching us how ethnography can become a praxis of women of color solidarity as defined in the Introduction, and therefore be a decolonial process in itself.

ROBERTA

I met Roberta on a snowy morning in February 2012. I was with Daniel at the muster zone talking to the *jornaleros* when Rita's car pulled over. A woman with long black hair exited from the passenger side and greeted us in Spanish. She had a calm way about her, a soothing voice and graceful movements. I liked her immediately. She told us she had come to Freehold a few days ago after working somewhere else in New Jersey for three years. She was looking for help after having an accident at work and a friend told her about *Casa Freehold* and the services it provides to the immigrant community. She was still in a lot of pain but had found hope in Freehold.

The ninth of thirteen children, Roberta was born on a ranch in a small town called Santa María Ixhuatan, in Guatemala. Her parents were peasants who raised horses and cattle, and her father was a “comisionado,” in charge of keeping order in a town with no police presence. At age six she started school in a town nearby and by 20 she had graduated as an accountant. By then her family no longer lived in Santa María Ixhuatan; in the midst of the civil war the guerrillas had arrived looking for her father so he had sold their horses and cattle and moved away. So Roberta also moved after school and ended up in Ciudad de Guatemala where she studied the healing qualities of plants. She soon met a handsome young man who she married and with whom she had two children. He liked to drink and beat her and her son. She eventually left him and moved back home.

Her four brothers lived at her parents' ranch at the time of her return, but soon afterward one of them was disappeared so Roberta moved again, this time to Santa Catalina Pinula, a small rural enclave of mud houses close to her hometown. When she arrived she was struck by the poverty she saw. Many of the men had migrated to the United States leaving mostly children, women and elders in town, where the women made long trips on foot to the nearest city to sell their produce. Roberta decided to organize and, along with 32 women from town, she created the cooperative business *Cooperativa Integral Agrícola Xincali*, a collective bakery where everyone rotated tasks. It was a big success and Roberta worked there for 8 years before migrating to the United States.

In 2008 she had the opportunity to go to California to accompany her son to a cycling competition where he was representing the Guatemalan national team. Being outside of Guatemala made her realize how afraid she had been her whole life: fear of her ex-husband, who continued to harass her over the years, fear of being disappeared by the guerrillas or the army like her brother. After returning home to Guatemala she kept yearning for the sense of safety she felt in the United States, but after one of her brothers was killed trying to cross the border she became aware of the dangers of crossing illegally. Roberta decided to try to renew her U.S. visa and let God decide what was to happen to her. Her visa was renewed and she went back to the United States, this time for good.

At first she was terrified to be in the United States with the intention to stay. When she entered the country the Immigrations Officer asked her many questions and looked at her suspiciously, but eventually let her go. She thought every cop was going to

recognize her and stop her so she changed her appearance by cutting her long black hair. She went to New Jersey where her new partner was living. Once there she tried going to a lawyer to get help applying for asylum for herself and her children, but the lawyer was not helpful at all. He asked, “Why if it is so dangerous did you leave your kids there?” insinuating that she was a bad mother. Roberta gave up and started working in the ranch for racehorses where her partner worked. Her sister, who had migrated to the United States before her, joined her there.

The Accident

Roberta would later compare working at the ranch with being in prison. The entrance and exit gates were chained when not in use and there were cameras everywhere. For three years she worked seven days a week, making \$300, and living in a small trailer with no running water with her partner and her sister. Along with 10 other people, they took care of 92 horses. Their manager –an undocumented Mexican man– was strict with the rules: “No leaving the ranch for any reason or we will think that you no longer want your job.” The owner of the ranch, a white man who lived in New York City, would buy groceries and sell them to his workers in the ranch, so he imagined they had no other reason to leave. Roberta didn’t mind the rules at first: “I was so afraid to be outside the ranch and get caught by the police.” She had to be at work every day at 5am to walk the horses, after which she would clean the main house, then walk the horses again. She was free by 3pm. Then lunch and downtime. She liked to read with her sister after work.

The day she had her accident was like any other day. She headed to the stables early in the morning and started walking the horses. She had walked that particular horse

many times before and never had a problem, but this morning he got scared and threw her to the ground. She covered her face in fear and the horse stepped on her right leg. She felt the world stop for a minute as the weight of the horse tore through her clothes and skin. The horse ran away and she just lay on the floor, crying. One of the other employers took her to the hospital. A doctor gave her a shot. That was that.

The very next day she was called back to work. At 5am she was ready to walk the horses, but she felt a bolt of lightning surge from her foot to her head whenever she stepped on the injured leg. She simply could not walk. Her sister walked her horses for her but the manager had no patience for that: "Either you work or you leave." Five days later she left the ranch to have dinner with a woman she knew. The woman saw her leg and decided Roberta had to go to the ER as soon as possible, so her husband drove her there. This time she was given antibiotics. When she was asked what happened to her Roberta told the truth. The nurse then asked for the phone number and address of her employer, which she provided for the hospital. The nurse came back shortly after and told Roberta that he called the number she provided but the owner of the ranch denied having any knowledge of Roberta or her accident. The owner even claimed he had no female employees.

Roberta went back to the ranch to find the horse trainer waiting for her. A big Cuban guy, he scolded Roberta for going to the hospital on her own, and especially for giving out the ranch's contact information. A few days later a nurse sent by the hospital came to the ranch to clean Roberta's wound. No one opened the doors for her so she had to leave. A couple of Roberta's friends also came to visit her, but the trainer wouldn't let them in: "This is not a hotel. This is private property and I will call the cops." The trainer

called the owner, who came to see Roberta. “You are really screwing up by attracting so much attention to the ranch. You should have told people you fell off your bicycle.”

Roberta responded that she cannot ride a bike.

A week went by and she had to be rushed to the hospital again. This time she was sweating profusely and throwing up. In the hospital they cleaned her wound again and sent her back home. The trainer was waiting for her again: “Do you understand how badly you’ve hurt us?” Roberta didn’t understand. “*El patrón* [the owner] is furious. He would rather spend \$100,000 to make you disappear than let you tarnish his record with the insurance company.” Roberta started fearing for her life again. That day the owner came looking for her but the other workers helped her hide in the stables. The same night she escaped.

She went to a friend’s house and hid for two days. Her friend told her about *Casa Freehold* and the aid it provides to undocumented folks. So she went and met with Rita Dentino, the director of *Casa Freehold*, and with Seema, one of the organization’s lawyers. After hearing Roberta’s story and seeing the wound on her leg, Seema found that Roberta “had a case,” and could sue her employer to force him to pay for her medical bills. They signed the power of attorney immediately. Rita and Roberta hit it off right away and, after hearing about the threats, Rita offered to let Roberta stay in her home for a little while. Roberta felt safe in Freehold.

For the next two years Roberta was in and out of the hospital due to her accident, and she remains in pain to this day. At first she was in physical therapy for the leg and her right arm, which she couldn’t lift past her shoulder. The pain persisted and she went to see the doctor, who was a direct referral from the insurance company, but he refused to

give her a “can’t work” letter or an MRI. Six months after arriving in Freehold Roberta had a new symptom: horrible headaches. She visited the ER multiple times, sometimes after vomiting all night or finding blood in her urine. She was never given a straight answer as to what was wrong with her. Finally, almost a year after her accident she got an MRI which revealed that she had a fracture on the fourth disc of the spinal column. They operated on her twice in a matter of months.

She had left her kids with her mother near Guatemala City and she missed them terribly. She bought a calling card and called them every day. Her son was studying to become an engineer and her daughter was in high school. After Roberta’s accident her son decided to also migrate to the United States and joined her in Freehold in November 2012. He now works there as a day laborer.

ANTONIA

I met Antonia in September 2011, on my first day in the field. Daniel and I spent the morning sitting in *Casa Freehold*, people flowing in steadily while the door was open, Rita attending to them, frequently stopping to explain to us what was going on. Antonia walked in and Rita explained that her husband had a Washington state driver’s license, and when it expired he returned to Washington to get it renewed. On the way back he was stopped by a cop in North Dakota. Now Antonia’s husband, Lolo was in jail so she went to *Casa Freehold* to get help.

Antonia and Lolo met in Santo Tomás Mazaltepec, Oaxaca. Antonia had moved there from Mexico City when she was eight years old. Her mom took care of the land while she went to school. She was studying to get her BA in Business Administration when Lolo came into her life. He had been living in Freehold for a couple years and he

was in town on vacation when he asked her to marry him. “Not until I finish my degree,” she said. “Ok,” he replied, “I’ll come back in a year and marry you then.” He did. She was twenty years old and had just finished her degree. It was February 1999. Antonia jokes and says they spent their honeymoon crossing the desert.

Before they got married Lolo had promised Antonia he was done with his American dreams. She was very clear that she wanted to live near her mom and never wanted to move North. But right after the wedding Lolo changed his tune. He explained to Antonia that there were no opportunities for peasants in Mexico and asked that they go say goodbye to Antonia’s family before crossing the desert into the United States. She went home and asked her mom to take her back, but her mom said she was married now and must follow her husband. Besides, she reasoned, Lolo had crossed many times now, “He knows the way.” So Antonia followed Lolo across the desert.

They went to Tijuana and crossed into California. They were caught the first time around but they tried to cross again the very next day. They were lucky; of their entire group they were the only ones who were not caught. They walked for nine hours in the desert, feeling totally lost, and throwing themselves on the ground when they heard the police helicopters above them. They finally made it to a Dunkin Donuts where someone helped them find a *coyote* who took them to Los Angeles, laying down on the back of a truck. From there they took a flight to Newark airport and then a bus to Freehold, where Lolo had family and where he had been working in the past. Antonia has not been back home since then.

Life in Freehold

“Freehold is a tranquil but strict town,” Antonia explains. “You don’t mix with the American community and they don’t mix with you.”

When Antonia first arrived in town there were not many Latin Americans living there, and most of the Latin Americans were men. On her first day she planned on going to *La Vía* with Lolo. *La Vía* (the railroad) is a place where *jornaleros* go and wait to be picked up by people who need day laborers.¹⁰² Antonia had heard about it and was excited to go but Lolo explained that it is a place only for men. “You should stay home,” Lolo said. And Antonia did just that. She had two kids soon after, and spent the next ten years caring for them and occasionally also caring for other kids whose moms had to go to work. She would later describe this period as her time being asleep: “I was sleeping until I found *Casa Freehold*. I had my routine as a housewife, taking my kids to kindergarten and taking care of my home. I thought as long as my husband had a job there would be no need for me to leave the house.”

Her wakeup call came the day when Lolo was arrested in 2011. She had started volunteering at *Casa Freehold* a couple years before that but she did not think much about the problems faced by her community. She would come to *Casa Freehold* and sort out the donation clothes, sometimes fill in an intake form. Nothing too serious. But Lolo’s arrest made her realize that there was a shared experience of vulnerability among undocumented immigrants: the constant fear of deportation. She set her mind to helping her husband get out of jail and learning as much as possible in the process so she could help others in the future.

¹⁰² For more on *La Vía* see Chapter Two.

Lolo was arrested in North Dakota when he was traveling back to Freehold after renewing his driver's license in Washington State. Driver's licenses are very important for people in Freehold, both for their work and lives, but the State of New Jersey requires valid documentation to acquire a driver's license. Lolo was originally planning on flying back and forth but heard of someone who had been detained at the airport, so he decided to go with his friend by car instead. The cop stopped them without reason. When he saw their driver's licenses the officer asked why they had a Washington driver's license while driving a car with New Jersey plates. This suspicion was enough to get them arrested. Lolo was not given his call in jail. He said it was his right to get a call and he was told he had no rights. For two days Antonia did not know what had happened to Lolo. She was terrified. She could not go to the police to report his disappearance. She was forced to wait. When Antonia finally heard from her husband her worst fears came to life. He was detained in a foreign state and was at risk of being deported.

Antonia immediately went to *Casa Freehold* to ask for help. They referred her to a lawyer who works with the community and who helped get Lolo out of jail. Before Lolo could be freed, there were many steps left to be taken, most importantly to come up with bail bond money. Another step was finding someone with papers to sign the bond for Lolo. Antonia asked a Puerto Rican woman from Freehold whom she barely knew and to her surprise the woman agreed to sign. "That's one of the most difficult parts about getting out of jail when you are undocumented," Antonia says, "coming up with a person willing to sign the bond and put themselves on the line is not easy and many people are deported for failing to find someone."

At first, Lolo's detention made Antonia even more afraid of the police and brought up something that many undocumented immigrants have to deal with: how to talk about these things with their kids. When Lolo was detained it was very difficult for Antonia's two children, who were 9 and 7 at the time, to understand the situation. She did not know how to tell them that their father was in jail. "Our main preoccupation in life is our immigration status, not so much for us but for our kids. Lolo's immigration process is not just his but also ours, the entire family's." She has tried to explain Lolo's situation to the kids, noting that she and Lolo came to the United States walking so if things go south with their dad's process they will all have to literally go South (Lolo disagrees and tells her that she should stay with the kids and he will find a way back). The children have never been to Mexico and have no desire to move there. They tell Antonia to just go get a passport if she needs one.

Lolo's detention opened Antonia's eyes: "I was sleeping for ten years. Now I know the law and what to do in case of trouble. I know how the system works and what to do in case someone is detained. All of that has made me useful for my community. I want to keep getting prepared and I want to work with my community towards an immigration reform." Today Antonia works at a fast food restaurant and takes care of her house while volunteering at *Casa Freehold*. She feels safe in her town. As long as she keeps fighting for her community nothing can touch her because she knows immigrants have the right to be respected and treated with dignity.

A DIFFERENT APPROACH TO ETHNOGRAPHY

When we first asked Roberta and Antonia to join us in our ethnographic project they did not know what ethnography was. We explained that Daniel and I were interested

in the lives of undocumented people in Freehold. We said that after two years of working on our own we were ready to have them join our team and asked them to let us know what aspects of their community they would be interested in studying.

Roberta had a neck brace when Daniel and I asked her to work with us as a research assistant in July 2013. She had already been in Freehold for a year and a half, and in that time she had been volunteering in *Casa Freehold* and serving on its Board of Directors. She was in constant pain and could not work. She had won her case in court and her employers' insurance was paying for her treatment and recovery. Despite her pain, she was undeniably an organizer in her community, leading the monthly meetings held by the *jornaleros* in *Casa Freehold*, and creating support groups and informative workshops for victims of work accidents. She had also started writing her own songs about her conditions as an undocumented woman and singing them at public events.

Antonia had been in Freehold for fourteen years and she was also a member of the Board of Directors of *Casa Freehold*. Daniel and I asked her to join our project after seeing how she mobilized her community in preparation for a meeting between the Red Cross and the members of *Casa Freehold* six months after Hurricane Sandy hit New Jersey. The Red Cross had come to visit Freehold to learn about the needs of the community and Antonia came ready for the meeting after having done a survey asking forty families what their needs were after the hurricane.¹⁰³ She made a big impression on us at that meeting, so we asked her to work with us.

¹⁰³ She concluded that people needed help covering the financial burden of having had to buy an overpriced generator, and they needed better preparation for when a new storm hits New Jersey. She also concluded that people in Freehold were affected by the hurricane even if they were not on the coast because many day laborers worked tirelessly for Sandy aftermath and recovery efforts. She said the everyday problems they always face (wage theft, abuse, work accidents) worsened in the context of Sandy. The

In the two years that we worked together Roberta rose as a public figure and community leader, not only in Freehold but also nationally. In September 2013 she answered an invitation by the National Alliance of Domestic Workers to go to Washington, D.C. and take a course on self-sufficient cooperatives. In Washington she joined other women and they fasted for 9 days in support of immigration reform. She became a member of the National Alliance and in 2015 she walked 100 miles to Washington, along with 99 more women, as part of the Alliance's 100 Miles 100 Women campaign to ask Pope Francis to support immigration reform in the United States. She spent twelve hours in jail after the group blocked an intersection near Congress in an act of civil disobedience, but Roberta is no longer afraid of being deported: "I am good for this country," she says. In September 2015 she went to Dallas invited by the National Day Laborer Organizing Network (NDLON) to attend a course on training organizers. She spent a month in Texas and learned about the struggles of undocumented women there, writing field notes and songs about it. She has been to many NDLON workshops in New Jersey and New York learning how to organize day laborers and how to inform people about work accidents.

With other members of *Casa Freehold* she has fasted multiple times to demand immigration reform. Along with Antonia, she is currently in the process of forming a cooperative with other women in Freehold; they are interested in creating a source of employment for immigrant women so they can work for themselves instead of for others. She has also been at the forefront of the campaign to expand the local public school,¹⁰⁴

meeting did not go as she expected: the Red Cross was only interested in helping homeowners whose homes were damaged by the hurricane, and undocumented people are not homeowners for the most part.

¹⁰⁴ The Freehold Learning Center was built for 400 students but enrolling nearly 600 and a bond issued to build additional classrooms was rejected twice by voters (70% of the students are Hispanic and

and as part of the *Ni Uno Más* [Not One More] national campaign to stop deportation she organizes events for the children of the undocumented where she teaches them songs she wrote asking Congress and the President to stop deporting their parents.

Antonia is also a leader in her community (even though she dislikes the word “leader” and prefers the term organizer). Through the years she has helped organize many of *Casa Freehold’s* events, including the famous *polladas*, where members cook chicken and sell it to raise funds. She also participates in marches and immigration workshops. She is a volunteer at the Church Santa Rosa de Lima (which helps newly arrived immigrants), and is a member of the Board of Directors of *Casa Freehold*. But her work as an immigrants rights activist is not the only organizing that Antonia does; for many years now she has also used her faith to organize her community.

The miraculous Juquila Virgin is located in Santa Catarina Juquila in Oaxaca and is venerated by many in the state, including people from Santo Tomás Mazaltepec, where Antonia and 300 other people in Freehold are from. Right before crossing the desert Antonia went to visit the Virgin asking for her blessing for their trip and promised her to come back to see her in five years. She could not fulfill the promise –because she has no papers she cannot go back to Mexico– but has always been a devout believer in the Virgin, so she decided to venerate her in Freehold instead. The celebration of the Juquila Virgin started ten years ago when a married couple in Freehold held a mass on her day, December 8. Two years after that Antonia and Lolo joined the couple and together they

many of their parents are immigrants and therefore cannot vote). A coalition was formed to collect letters asking for a larger school to send them to the State Education Commissioner. *Casa Freehold*, under Roberta’s leadership, collected more than 300 letters. (See <http://www.app.com/story/news/investigations/watchdog/education/2015/06/03/freehold-nj-schools-fight-rejected-bond-issue/28406033/>)

started throwing a big party after the mass. Antonia soon invited many of her *comadres* to join the group and so the Virgin's committee extended from four people to over a dozen.

All year long the group venerates a big painting of the Juquila Virgin (her dark face and long black hair adorned with a golden crown, her body covered by a magnificent white and gold tunic), brought directly from Mexico. Every year someone in the committee is designated as the guardian of the Virgin and keeps the painting in her house. Year round people from the community can come see the shrine of the Virgin –adorned with the painting, Christmas lights and multiple little statues of her—leaving donations and gifts that are later used for the December 8 party, or to help people in the community.¹⁰⁵

The committee meets once a month and then, as the big day approaches, they meet once a week. They raise funds throughout the year for the mass and the party, which is attended by over 250 people and includes dinner, a band, and traditional dances. The committee invites people to participate in the event by going door to door.¹⁰⁶ People (mainly from Oaxaca but also from other communities) come to the celebration and bring gifts and flowers for the Virgin, thanking her for her favors, and asking for her help with their problems and in resolving their immigration status.

Antonia sees this work as a form of activism and community organizing: “This is one of the freedoms that immigrants have in this country. It is a way to reaffirm our culture and our roots, and take our place in this town.” The Juquila Virgin committee has

¹⁰⁵ The celebration of the Juquila Virgin is not the only one carried out by the Latin Americans in Freehold. There is a celebration for the Guadalupe Virgin and another one for *El Señor de los Milagros* [The Lord of Miracles], also organized by the community. In both cases the organizers feel that their presence in this country is legitimized by their celebrations. Celebrating is thus not only a means for political organizing, as it also serves to reaffirm the presence of Latin American immigrants in Freehold.

¹⁰⁶ They would like to have the party somewhere outside so more people can join the celebration, but they would need a permit for that and to obtain a permit they would need to have papers.

created a network that can be mobilized for other purposes as well: “Whenever we need people to march or to protest we can always tap into our Oaxaca community because we are in constant contact thanks to the Virgin.” Antonia’s approach to grassroots organizing points to the importance of celebrating together as a way of building political solidarity. It also points to the importance of faith for political activism.¹⁰⁷

Grassroots Ethnography

Roberta and Antonia’s approach to ethnography is very much informed by their experiences as undocumented women and by their work as organizers. Not only are their field notes detailed recollections of the collective actions they participate in, but their ethnography is also influenced by their desire to educate members of their community about their rights.

As she discusses in one of her more reflexive field notes, Roberta’s approach to ethnography was to let people come to her and learn about their lives and problems:

When doing fieldwork you find different problems within the community and it is beautiful that people need to find a person to talk to about their problems. And people know me so they don’t hesitate to tell me confidential things. Even though there are people who don’t want to share much about their personal lives. But above all you learn more about the injustices committed against undocumented people. It is also beautiful to learn the motives that led some people to come to this country, and their experiences as they crossed the border.

¹⁰⁷In reflecting about faith as a means for political organizing, I want to share one of Antonia’s field notes. This one is titled “Different Races in the Same Community.”

In this field note I want to talk with you about an experience I had. We were invited to celebrate Pentecost at *Santa Rosa de Lima* Church by the pastor, who made an express invitation to the Hispanic community to be present on that day. He asked that we all wear red, which symbolizes love, because we are all human. Once I got there I was happy to see so many different people and so many Hispanics, and we were mixed *todos con todos* [together]. Mass was bilingual, and everyone participated. A Hispanic woman read first, and American woman read after her, and then an African American woman went. At the end the pastor, who is Hispanic, said that he has been organizing the community for four years now and that we all need to unite. I was happy to have shared holy mass with everyone because for God we are all the same and there is no race and no superior skin color.

Faith, as we can see in this note, and as we learned from the previous chapter, can be a means of forming rainbow coalitions.

We can see that for Roberta doing fieldwork is a way to learn about the problems facing her community. Because she is known around town as a *Casa Freehold* leader, many people volunteer stories about their lives. She also brings up *Casa Freehold* with people she meets on the bus or around town. People like talking to Roberta; they feel at ease with her. After talking to people for a while she asks them for an interview if she finds their story to be something she is interested in:

For me an interview is a mix of talking to people and doing activism. I tell people about their rights as I conduct my questions so they know this is a two way street and they can benefit from my interviews. It's the same for me when I am observing things to write in my field notes. I don't just observe people, I interact with them, ask about their problems and give them advice based on my experience.

For Roberta interviews are much more than a chance to record the stories of her subjects. She sees her interviews as chances to educate people about their rights and tell them about *Casa Freehold*, always inviting them to come. Roberta also believes that interviews are an opportunity to learn about different people and create community networks:

This is the story of a man I met on the bus to New York City. I asked him for an interview and he gave me his number. We ended up not doing the interview but later on when my brother in law came to Freehold I called that man to ask if he knew of any available rooms. He told me there was an empty room in his house for \$400 plus bills. I went to see the room and told my son about it because he is paying \$700 to live in a place where the water smells bad. I'm glad I met this man on the bus. I later invited him to *Casa Freehold* and he came.

In this field note we see how for Roberta her fieldwork and her everyday life as an organizer are one and the same. When she gets people's information to do an interview, she sees this information as part of her big network of collaborators in Freehold, and uses the information to connect people to each other and to *Casa Freehold*. In this way, she is always organizing, even as she sets up interviews.

Antonia found it hard to do interviews at first: “People asked me why I wanted to record them; sometimes they didn’t trust me not to use their real names. Sometimes they would ask me again and again who I work for and what the data is for.” Here Antonia identifies some of the difficulties of doing ethnographic work, which become more prominent when working among communities categorized as “illegal:” many times people are distrustful of the researcher and do not want any information about them to be recorded.¹⁰⁸

Antonia overcame this issue by not asking for interviews right away after meeting people: “I learned to talk to people two or three times before asking them to give me an interview.” Like Roberta, Antonia used the interviews to advise people: “When people told me about wage theft or work accidents I would tell them to go to another lawyer, or go to this lawyer, or go to the hospital.” She also used the interviews to put people in touch with each other: “I would tell them, go talk to such and such, they had your same problem.” Doing the interviews Antonia discovered how uninformed people are in regards to their legal rights. The interviews helped her better understand the different problems that people have in her community, and they helped her manage her situation as undocumented because now she knows much better what types of problems she and her family could face.

Antonia sees her field notes as an opportunity to tell stories about the immigrant community and she writes them with her reader in mind. She begins her writings with

¹⁰⁸ I learned this lesson the hard way when we first began our ethnographic work in Freehold. In the beginning, Daniel and I would just go to *La Via* in the mornings to hang out with people. After a few mornings like this we decided to ask some of the *jornaleros* to come into *Casa Freehold* for a group interview. To our surprise not one person was interested. They were not even persuaded by the fact that we were giving fifty-dollar gift cards to our interviewees. That day we learned that it was going to take a lot more than a few shared mornings to gain the trust of the *jornaleros*.

statements like this one: “Hello once more. We continue to work hard compiling the histories of our immigrant community.” This reference to the reader, and this understanding of what ethnography is are important to note for various reasons. Only in collaborative ethnographic projects does the ethnographer share her field notes. When we wrote our field notes we wrote them for each other, and in some way we all made stories, each of us in our different styles. Ethnography was –as Antonia described it– about telling stories.

Antonia uses some of her stories –which have titles such as “American Dream?” “False Promises” or “Hard Lesson”– to denounce different situations of exploitation that she learns about in her daily life, and she tells us how she uses these situations to educate people about their rights and the importance of organizing: “Today I will tell you about Camilo, who threw his back out carrying heavy objects for his job. He told me he needed some days off to recover but his *patrón* said no. So I told him to go back to his *patrón* and demand the days off with pay.”

Roberta has a similar approach. She tells us stories of abuse that she encounters and reflects upon the problems she faces when trying to organize her community:

“A man came to *Casa Freehold* with tickets issued by the housing inspector. He told me the police came to his house late at night with the housing inspector. When he found 13 people in the house the inspector said the house was only meant for 7 people, so he gave them a \$500 fine for every extra person living in the house.

I told him that this is what happens when people don’t come to our *Casa Freehold* workshops to learn about their rights. The housing inspector and the police can’t come into your home unless you allow them to. That is the problem with some people... They only come to *Casa Freehold* when they have a problem and then they disappear.”

This story is relevant for two reasons. First, from it we can infer that the late night housing inspections that immigrants fought against in 2004, as addressed in the previous

chapter, still take place in Freehold Borough even though a Federal Judge declared these practices to be unconstitutional. Second, in this story we see how Roberta uses her field notes to record her impressions about the challenges of organizing her community. She does this often in her field notes. For example, on another occasion she wrote:

“Organizing women is much more difficult than organizing men in Freehold. Women have so many domestic duties that it is hard to get them to attend a meeting.”

Indeed, Roberta and Antonia discovered that a difference between undocumented men and undocumented women is that men congregate more in places like *La Vía* thanks to their work as day laborers. Life for undocumented women is harder. Antonia says, “We are in the shadows and we have no place to congregate and talk about our work like *jornaleros* do. We tried to create a women’s collective but women have to tend to their houses and their jobs and they have no time to organize.”

It is also more dangerous for undocumented women to do day labor, especially domestic work. Antonia, who regularly does domestic work, tells me, “*Patrones* can be dangerous and women find themselves alone with them at home. Being a domestic worker implies a lot of risk. Whenever I do domestic work I always have my phone close to me in case something comes up.” Indeed, domestic day laborers find themselves alone in strange houses with strange people, which is more risky for women than it is for men. In my ethnographic work I never encountered a *jornalero* who was afraid to do day labor, while I found many *jornaleras* who expressed fear of going to unknown people’s houses.

Despite all these difficulties, Roberta believes that being an undocumented woman gives her a better vantage point to talk about rights in the United States:

“Undocumented women know what we are talking about when we demand our rights.

We are the most vulnerable, so we know what we mean when we say we are human and we deserve dignity.” As we saw in the Introduction, women of color’s subjectivities are especially deeply impacted by coloniality and as a result women of color can especially embody the strategies and actions needed to concurrently disrupt overlapping injustices. In this way, through their embodied existence undocumented women –particularly women of color– disrupt the Liberal rights discourse that excludes them in this country. When they work together to organize the *jornaleras* in Freehold, Roberta and Antonia are creating the pathways necessary to unsettle the white supremacist, patriarchal discourse on citizen rights in the United States.

Roberta is very well respected in her community by both men and women, but she has found it easier to organize the men: “It is harder to organize women because many of them have children and it’s hard for them to go to meetings, so what I do is I organize art events for children where I educate them through my music. That opens the space for the mothers to talk to each other and to participate in our *Casa Freehold* events.” Roberta has found that her music is a powerful means for organizing and she sees singing as a form of militancy.

She started singing with her dad when she was very young and she was always praised for her voice when she was in school, but she found her calling after arriving in Freehold. It was May Day 2012 and *Casa Freehold* was invited to participate in the celebration at Union Square in New York City. Roberta decided she would sing a song but she could not find a song that articulated what she wanted to convey, so she went ahead and wrote her first song. In it she talks about the “*Casa Freehold* family” and visits a theme that was to show up in many of her songs: The humanity of the undocumented.

She tells us that “immigrants are human beings who work hard for the country’s economy” and she urges Congress and the President to give rights to the undocumented.

In the four years that have passed since then, she has written 35 songs, which she performs at local and national events. “What I want with my songs is for people to realize that we are all human. Singing for me is a release of all the things I have inside, and, because everybody has a relationship with music, it is a form of reaching out to people maybe more powerful than organizing is.” Art is a phenomenal way to reach a large range of people. When she is singing, Roberta is the decolonial theorist calling attention to the dehumanizing qualities of our immigration system and inviting her fellow humans to stand and act in solidarity with each other.

Roberta sees singing as part of her ethnography. She often recounts instances when she sang at events in her field notes, and sometimes her field notes are themselves songs:

Yo soy la que canto al viento
Y lo digo muy de adentro
Me gusta la buena vida
Sin alborotarme tanto

Pues la vida es muy valiosa
Hay que disfrutarla bien
Nomás cantando canciones
Y andarme paseando en tren

Los caminos de este mundo
Yo los quiero recorrer
Cantándoles mis canciones
Y disfrutarlas muy bien

No les doy la despedida
Porque siempre volveré
Y les cantare canciones
Escúchenlas donde estén

Sólo quiero ser su amiga
 Y pasarla muy alegres
 No necesitamos nada
 Ni vino ni borracheras.

[I am she who sings to the wind
 And I speak from deep within
 I love the good life
 Without too many disturbances

Because life is very precious
 We must enjoy it every day
 I just want to sing my songs
 And travel around by train

I want to amble along
 The paths of this world
 Singing you my songs
 And enjoying them in full

I do not say goodbye
 Because I will always be back
 Singing you my songs
 You can hear them wherever you are

I just want to be your friend
 And pass this joyful time together
 We need nothing more,
 Not booze nor drunkenness]

Here, Roberta reflects upon her life as a singer and claims poetry as a form of ethnographic knowledge production. She joins a large cohort of women of color poets who have redefined our Western understandings of knowledge and truth.

A thread that runs through Antonia's field notes is the American Dream. She often asks people if they feel they have reached the dream or not. She herself thinks that the dream is to give her kids a better future, and she is interested in knowing what others dream of when they come to the United States. Writing her field notes, Antonia runs her

own research on the different meanings of the American Dream and shares it with the rest of the team. For example, in a note titled *Sin Alivio* [No Relief], Antonia writes:

In this field note I want to share with you the life story of immigrant José, who came to this country in search of an American Dream and left his family behind. José has been here for 10 years and has missed a lot of his kids' lives. I asked him if the sacrifice was worth it and he said it isn't. That's why he's planning on returning to his country, because he has been waiting for too long for an immigration reform that allows him to fix his papers. I was saddened when he told me he has given much to this country since he arrived. He said he only came to find a better future but now it's time to go back. I said I'm glad he will see his family again. Then I asked, "what about the American Dream? *Lo consiguió?*" He replied that his dream was to have a work permit and be here legally, but it has already been 10 years. But he accomplished part of the dream, which was to build a house in Mexico.

"For many people building a house in their home country is part of the American Dream," writes Antonia in another note. "For many it's about dreaming for their kids. For me it's also about getting my papers one day." In her work, Antonia reclaims the American Dream as something that is accessible for undocumented immigrants, even those who end up getting deported or leaving.

When we first started our research Antonia knew anthropology as the science that studies human behavior, but she didn't know what ethnography was. At first she wasn't sure how she was going to be able to "do fieldwork," but as time went by, she wasn't afraid anymore. Now, after two years, she thinks she and Roberta are ready for the title of anthropologists. She now understands that ethnography is "putting yourself in the shoes of someone else." This has been easy for her in some ways because, for example, Lolo has an immigration case, so she knows what fear of deportation feels like.

Also, thanks to her experience, she can help people figure out what to do with their immigration cases: "It's a beautiful experience, knowing you can help people

through your fieldwork.” Like Roberta, being a member of *Casa Freehold* has helped Antonia do the fieldwork because the community knows her.

Roberta uses her field notes to reflect upon different grassroots actions and events organized by *Casa Freehold*. She writes about a membership meeting where they raffled a 40-inch TV and offered a workshop on immigration law. She writes about a meeting with a real estate agent who says it is possible to buy a house and to get loans even when people are undocumented. She writes about a meeting to organize a fundraiser party; fasting for immigration reform; going door to door to collect signatures to expand the school. She also writes about events organized outside of *Casa Freehold*, where she goes as a representative of her organization:

March in Lakewood with an organization called New Laborers. Approximately ninety women and ten men came to the march. It was a march for domestic workers. They were demanding higher salaries, lunch and not to be forced to work on their knees. We marched to the house of a woman who pays her *jornaleras* with checks that bounce. Once we were there someone used a megaphone to say that in that house lives a woman who doesn't pay her domestic workers. We started shouting, “What do we want? – No more wage theft!!” After that we went to the house of a woman who made a *jornalera* clean on her knees for 8 years, and now refuses to pay for her knee treatment. We shouted and marched around town for an hour and a half. I wish *jornaleras* in Freehold were organized like that.

In this note we see one of the tactics used by grassroots immigrants' rights organizations to force employers to pay their workers: marching to the employer's house and yelling that she is mistreating her workers. In many cases, the employer feels ashamed and pays her workers rather than stand another round of shouting. Wage theft is one of the most common work problems faced by undocumented people. Employers think that because immigrants have no papers they also deserve no respect and refuse to pay their workers at the end of the day. *Casa Freehold* organizes workshops where they

educate people about their rights as workers in the United States; that indeed, an undocumented immigrant can bring her employer to court for wage theft or a work accident.

Roberta's note also points to the fact that domestic *jornaleras* in Lakewood are organized and are demanding better treatment from their employers. Roberta's dream is to organize the Freehold *jornaleras* and create a "colectivo de mujeres" [women's collective]. She has not succeeded in her dream. Even though women do go to *Casa Freehold* to help organize, and they have expressed interest in building "un negocito" [a small business], Roberta has found it hard to keep women coming to the meetings. She thinks it is because so many of the women have children to tend to at home, and she has addressed the issue by creating events geared toward children in *Casa Freehold*.

Both Antonia and Roberta chose the topics they were interested in, and they conducted their fieldwork accordingly. For a period of time Antonia focused on domestic violence:

I'm looking to write field notes about domestic violence, so I have been asking women from the community who I see every day on my way to my kids' school. I haven't gotten any results by just asking people. I think it is an issue that, when it affects you, you don't want to talk about it for fear of being judged or for fear that people will judge your partner.

Antonia learned that it is hard to talk about domestic violence, but this did not discourage her. She called her *comadres* and asked them who they knew that suffered domestic violence. After getting a few names Antonia called the women and asked to go see them. Some of them agreed to see her, even though no one agreed to give her an interview, and she was able to write field notes about their stories. "With our project I learned a lot about domestic violence. I know things are difficult for women in Mexico,

because many times their partners abuse them and there is no support for them from the state. But I thought things would be different in the United States because there is more protection for women.” But for undocumented women that is not the case, as Antonia would find out. Women are afraid of getting their partners deported and being left alone to fend for their children and themselves, so they often don’t report the abuse they endure to the police. “I would talk to women and encourage them to get help, if not from the police at least from *Casa Freehold*.”

Roberta and Antonia discovered that most people do not think of bringing their *patrones* to court before going to *Casa Freehold*. Roberta says, “Once they come here we tell them that they have the right to go to court and that is a very profound discovery for many people. Being undocumented doesn’t mean having no rights, and people don’t know that.” Indeed, as exemplified by the discussion about immigrants’ rights of the previous chapter, undocumented people are protected in this country under the Constitution and under labor law. However, the idea that undocumented people “have no rights” is so pervasive in the United States that sometimes immigrants themselves believe it. That is why *Casa Freehold*, and Antonia and Roberta’s work is so important –it empowers people by educating them about their rights in this country.

Antonia also learned to see how different communities live in Freehold, for example the African American community or the Puerto Rican community: “Each community has different traditions and now I am more able to see those traditions without passing judgment.” Furthermore, the project brought her closer to different people around town, especially African Americans: “relations between Latin Americans and African Americans have always been very tense here in Freehold, but after

interviewing a few of them and observing them for my field notes I now wave to people and they wave back.” Roberta shares this experience: “Ever since we took interest in African Americans for this project I started inviting them to *Casa Freehold* and some of them have actually accepted my invitation and come to visit us.”

Roberta and Antonia wrote many field notes about their encounters with “los morenos” [blacks], and even interviewed some African Americans for the project:

I took a taxi and the driver was an African American who could speak Spanish. I told him I belong to an organization that helps immigrants and I asked him if he would like to come and take part in our meetings. When I got to the bus station an African American opened the door for me and I was very grateful. These are the surprises life gives us. Because many Latinos say Blacks are violent, but I think it depends on the person. Blond people can be violent too. In my personal experience with *morenos* no one has ever looked down on me. I have found blacks to be kind and generous. Once I was at a flea market and got very sick and the people who helped me were a group of African American women, who found a chair and ice for me. I am grateful to God for all of humanity.

Here we observe that Roberta sees the importance of organizing in solidarity with African Americans in Freehold. We can also see that, even if there certainly exists tension between Latin Americans and African Americans in town, there are also instances of mutual respect and solidarity. Roberta and Antonia eventually interviewed the taxi driver mentioned above and Roberta wrote a field note about it:

Today we had the privilege of interviewing an African American and it was so good for me to learn about his way of seeing life. We did it in Spanish and English because he knows a little Spanish and Antonia and I know a little English. He was born in Florida and his parents moved to Freehold when he was a boy. He told me that back when he moved here there were no Latinos in town, and there was no movement on the street or in stores because there was no commerce. He said that Black people lived in all Black neighborhoods, and if a Black person moved to a white part of town whites would move away. He said that twenty years ago Latinos started coming to Freehold and you could see a change in town because stores started working again, and the town was lively again because businesses were flourishing. But then the *gringos* [whites] started leaving town. He told us that once a Latino or a *moreno* lives next to a *gringo*, the land is worth

less money automatically, and he also told us that land is worth more money where only *gringos* live.

This story is my one of my favorite parts of this dissertation. In it many of the themes that I am exploring intersect. First, relevant to my narration of the creation of the rainbow coalition and my examination of shared experiences of illegalization, this excerpt highlights a shared history of dehumanization between Latinxs and Blacks. Second, supporting my discussion on whiteness, freeholding and the creation of citizen rights, the story describes the relation between the discrimination faced by Blacks and Latinxs in town and the white ownership of land. Third, the interview itself is a story of solidarity. Willie is an African American who has been in Freehold for a long time and he is communicating with difficulty with two Latin American undocumented women, giving them an interview for their ethnographic work. And the story that Willie had for Antonia and Roberta was one not only of shared oppression, but also one of gratitude for the Latin American population. Indeed, he tells them a part of the history of Freehold that is overlooked by all the residents quoted in the previous chapter who complain about the presence of Latin American immigrants in their town: Freehold was an economically depressed town before the Latin Americans arrived. I also love this field note because, as seen in the previous chapter, relations are very tense in Freehold Borough between African Americans and Latin Americans, and in this account of an ethnographic encounter between Willie, Roberta and Antonia, we can see that there is space for instances of friendship and solidarity to emerge.

In a note titled “Inocencia sin Racismos” [Innocence without Racism], Antonia refers to these tensions but also to instances of friendship:

In this story I want to tell you about how the children of the Hispanic community share with their little African American friends. I went to a birthday party in a residential area where there are *gueros* [whites], *morenos* and Hispanics. I was very happy to see the Hispanic children playing with their African American friends. I liked that party where everyone shared and there was no discrimination. I went to another party, though, in central Freehold and it was the complete opposite. A couple African American little boys came near the party and they clearly wanted to be invited in, but adults at the party only had bad things to say: “Qué quieren esos mollos aquí. De seguro ya vienen a ver qué se llevan” [What do these *mollos* want here? I bet they are here to see what they can steal].

We can see from this story that there is intense racism towards African Americans in some Latin American families. But we can also see from this field note and from the other notes shared in this section that this is not always the case, and there are also shared spaces where Latin Americans and African Americans interact and even become friends. This is important for thinking about community building and rainbow coalitions in Freehold.

All in all Roberta and Antonia are happy to have had the opportunity to work with Daniel and me, and they think they have learned new skills through this project. Roberta says, “Now I have the confidence required to walk up to a person, introduce myself and ask them to come to *Casa Freehold*. For example the other day I saw a person being stopped by the police. I simply walked up to him and gave him the *Casa Freehold* card. In the old days I would have ran away.” She also says, “I learned to be observant and to write down my observations, which has helped me in writing my songs. Thinking about other people’s work accidents helped me realize how many people suffer accidents here in Freehold and helped me overcome my own accident; and writing a play about my fear of the police and of my old boss also helped me overcome that fear, and I am not afraid anymore.” When reflecting upon the two years we worked together Antonia says that doing ethnography empowered her: “[Ethnographic work] gave me the opportunity to

think about what I wanted to do and what I wanted to learn about. I learned about my own people and other communities, and I learned how to identify the needs of my community. I also learned about myself.”

Antonia and Roberta have much to teach us about the value of ethnographic work, both in terms of the techniques that they used in the field and the personal benefit that one can achieve through the process of research. Their ethnographic practice changed them, empowering them as community organizers. In the same way, their background as women community organizers shaped their understanding of what fieldwork entails, and they created their own version of doing ethnography in and for their community.

CONCLUSION

It is May 2015. After the interview Daniel dropped Antonia, Roberta and me off at *Casa Freehold*. There we met Lázaro who has the letters for the school expansion campaign. The school in question is 500 kids overcrowded and Freehold Borough residents have voted twice against a referendum to fund its enlargement. Now, the Superintendent is pushing for the State Department of Education to pass an administrative decision to expand the school. While the decision is under consideration there is a 30-day period for comments. The issue is that 70% of the kids in school are Latinx and many of their parents cannot vote because they are not legal residents. So Lázaro drafted different versions of support for the administrative decision, some for parents and some for students, and the plan is to collect signatures today.

Collecting signatures is a great experience. I always learn so much from Roberta. We go to the *New City* [a grocery store on Main Street that many Latin Americans go to] and ask the Latin American attendants if we can collect signatures as people walk out.

They say okay. Roberta talks to everyone, in Spanish and in English and tells them that we need bigger schools. Most of the Latin Americans we ask, sign –Roberta makes them! If they say they have no kids and therefore cannot sign (since the commentaries should come from students and parents) she says, “No importa! Si todos somos Latinos y todos tenemos que ayudarnos entre nosotros” [It doesn’t matter! We are all Latinos and we must help each other]. She not only encourages people to sign, she also wants them to add to the comments already in the letters and use their own words to request the expansion.

We collect letters rapidly. I feel very aware of my white skin and I do not see anyone I know here. I let Roberta do most of the talking. We do not ask whites for signatures because no white people arrive during the couple hours we spend there. Two African American men sign. Roberta explains the situation to them in her English and I help her. They are happy to sign. One of them is really old and is clearly not the parent of a kid in school but he signs anyway. I chase him down the street and ask if he has lived in Freehold for a long time. Maybe he would want to give me an interview? He tells me he has only been here for four years.

A Black man (the only other Black person that we see exiting the store) grouses about the Latin American woman with a stroller and two young kids blocking his way. He looks at them and says, “Too many kids. Stop having so many kids.” He looks disgusted. Roberta looks at him and lets him go without asking for a signature. But he is not alone in his assessment. A Latin American woman who Roberta knows tells us, “yo voy a firmar pero en realidad que la gente debe no tener tantos hijos” [I will sign but people shouldn’t have so many kids], she points at another woman who is signing who

has a stroller and a couple young kids with her, “Mira eso. La gente tiene muchos hijos” [Look at that, people have too many kids]. Roberta responds that kids are beautiful and they represent the future of Freehold.

The Freehold Borough school expansion was approved by the New Jersey Department of Education later that year. It was a big victory for *Casa Freehold* and the Latino Coalition (where Lázaro Cárdenas and Frank Freyre work today), the two organizations that collaborated in the school expansion campaign. It was a victory particularly for Roberta, who collected more than 300 letters to send to the Department of Education. And, as one of the organizers that participated in the campaign, it was a victory for me.

I share this field note as a conclusion to this chapter on grassroots ethnography because it portrays how our ethnography and activism intersected during the time we worked together, and I include it as a window into the work I did as a community organizer in Freehold. There is much about community organizing that cannot be contained in writing a dissertation. I can describe the history of Freehold, the immigrants’ rights movement in town, and the lessons I learned from Antonia and Roberta on organizing and on ethnographic practice. However, the hours spent organizing together – and the material fruits of that activism – are beyond this monograph. I had the opportunity to assist immigrants in overcoming the obstacles they encountered in this country, and, as is the case with the school expansion campaign, I spent many hours strategizing and collaborating with other members of *Casa Freehold*. There is something about that work

that cannot be quantified or qualified, and doing it changed who I am and how I see myself in the world.

In this chapter I discussed how both Antonia and Roberta practiced women of color solidarity through their ethnography. They identified the obstacles faced by women in their community –such as domestic abuse and lack of time to organize– and they used their time in the field to address these obstacles. They understood that as undocumented women they have much to teach us about immigrants’ rights organizing, given that undocumented women are the ones most affected by the production of immigrant illegality. They also identified their strengths as organizers –singing in the case of Roberta and faith in the case of Antonia– and mobilized them through their ethnographic work.

The knowledge they produced while working as ethnographers of their community belongs to a long tradition of decolonial feminist thought, and in this chapter I did my best to recount the lessons I learned from our collaboration. Through this intentional political practice, I am facilitating space for other women of color warriors to enter the scholarly discourse on immigrant illegality.

CONCLUSION

ETHNOGRAPHY, ART AND RESISTANCE IN THE IMMIGRANTS' RIGHTS MOVEMENT

It is August 2015. Today we are celebrating the closure of our Freehold project and we are finally performing our *obra* [play], “Indocumentada con Derechos” (An Undocumented Woman with Rights). Roberta brought fried chicken and rice and we all ate before the performance. I also played music to get folks to come into *Casa Freehold* in this sunny day and join our celebration. Many people from the Latin American community showed up, seated in rows of chairs looking expectantly at us. Our stage is very modest. Two chairs and a table, and a colorful backdrop image of a horse and the word “Stable.” I am wearing boots and jeans in my role as “Julia,” a *jornalera* who is helping “Mirian,” the main character, escape from the stables after her work accident so she can go to the hospital. Roberta, who is playing Mirian and is a great actor, is crying as she tells me she is afraid for her life.

During my first year of graduate school I went to see a play in New York City written by the Pinay Collective. The play was in Tagalog and English and it narrated the story of a Filipina domestic worker. The writers and performers were Filipino domestic workers themselves, and as part of the play they all gave testimonies of their personal struggles and activism. It was amazing. I had never seen anything like it before. Over time, as I read about collective theater for my Caribbean Philosophy class, I became more and more excited about theater as a form of political activism. As part of our Freehold project Roberta, Antonia, Daniel and I, along with other members of the Freehold undocumented community, wrote and performed a play together, *Indocumentada Con*

Derechos [An Undocumented Woman With Rights] (see Appendix). To conclude my dissertation I want to reflect on our experience of doing ethnography through theater.

This coming semester I will teach a new class called “Art & Resistance in the Trump Era” in the Rutgers University Latino and Caribbean Studies Department. In it I will invite different art-ivists –including Roberta– to come to class and discuss with my students about the roles that art can play in resisting the Trump Administration. I will invite a comic book artist, a writer, a singer, a visual artist, a performance artist, and a musician. I created this class because after all my research, and especially after getting to know Roberta and her music, I have come to understand that the arts are critical means of political organizing. The arts allow us to discuss our political present and to imagine other possible worlds. That is why when I write my book I intend to examine the arts in the immigrants’ rights movement, specifically focusing on “undocumented theater” or *teatro sin papeles*¹⁰⁹ in the U.S. This concluding chapter of my dissertation about our experience doing collective theater is a point of departure for that book.

WRITING THE *OBRA*

After we secured the National Science Foundation grant that enabled us to add Roberta and Antonia to the research project, I knew that I wanted our team to go beyond traditional engaged ethnography¹¹⁰ and write a theatrical piece together. Daniel agreed, and we brought the idea to Antonia and Roberta during our first meeting. It turned out

¹⁰⁹ “Teatro sin papeles” is the name of the collective that wrote and produced the *obra*.

¹¹⁰ Across the literature there are a variety of interpretations and ways of framing “engagement” (Hale 2008; Low and Merry 2010), but for my purposes within this dissertation, engaged ethnography can be understood as an approach to conducting research that is explicitly collaborative (see also Conquergood 1991; Thomas 1993), participatory, and in which local communities benefit directly from the fruits of the research (see also Kirsch 2002; Low 2011; Speed 2006; Susser 2010).

that Roberta had been thinking similarly, due to a recent conversation with a *jornalero* friend of hers who wanted to collaboratively write a play.

The process was very slow. Many people, including Roberta's *jornalero* friend, participated in the writing and preparation of the *obra*; some stayed until the end and some moved on to other projects, but their imprint remained. Antonia, Roberta, Daniel and I facilitated the process from beginning to end, and we made the play a central part of our research. We met regularly over two years to write it and, later, to practice our performance.

In our play we tell the story of "Mirian," a Guatemalan *jornalera* who suffered a work accident when a horse stepped on her leg. Mirian has three daughters in Ciudad de Guatemala who are going to school, and she suddenly finds herself unable to send money home. When she is at the hospital she meets "Manuela" a Mexican *jornalera* who also had a work accident. The play follows Mirian and Manuela after their accidents. Roberta plays the main character. She wrote two songs for the play, one of them about the fear of being undocumented and the other about work accidents.

None of the people involved in the project had any experience doing theater. Our guide was *Lionheart Gal*, a Jamaican book written by the Sistren Collective¹¹¹ that explores the empowering possibilities of collective theater. We followed the same methodological steps of their theatrical process, that is, of taking from women through testimony and shaping it into a final product (*Lionheart Gal* xxvii).

Early on we distributed fliers among the community inviting people to participate in the project. Five people initially responded to our call and we all met together to

¹¹¹ A theater collective of Jamaican women.

discuss possible themes for our play. We based our discussion on the questions, “when did you first become aware of the fact that you were oppressed?” and “what are common struggles faced by undocumented people today?” After some discussion we decided to focus on work accidents, and we also decided to loosely base our story on Roberta’s accident at the ranch. We also identified other subthemes we wanted to touch upon, including fear of deportation and separation from one’s family. We wanted people to learn that under U.S. law everyone has rights as workers regardless of their immigration status. We wanted to show that an undocumented immigrant has the right to bring her employer to court if her rights are violated, and that an undocumented woman can in fact win back her rights if she stays strong and united with her community.

With themes and topics in hand we set to work writing. Roberta drafted her whole story first and then we met to decide how to break it into scenes. We ultimately created a one-act play in Spanish with three different themes, the first dealing with the accident, the second addressing Mirian’s family back in Guatemala, and the final one exploring the aftermath of the accident. We also decided to create “Manuela,” a fictional character who meets Mirian in the hospital. Unlike Mirian, Manuela decides to return to Mexico after her accident. We created this character to embody the dilemma that many immigrants face after their accidents, where they feel hopeless, with no money and no jobs, and have to decide between returning home and staying in the United States.

Varied people wrote the different scenes. At first we followed Roberta’s true story very closely, but as we became more comfortable with the material we deviated from the story. Each time a new scene was written we all met and discussed it, practicing the lines to make sure they made sense and rewriting as necessary.

For the first six months we worked sporadically, but after January 2014 we wrote and practiced the play almost every week for a year. The four of us would meet at a cafe in the morning to discuss our field notes and our interviews, and then meet at *Casa Freehold* in the afternoon with our other collaborators to practice the scenes. We finally performed our play in August 2015.

COMMUNITY THEATER AS ETHNOGRAPHIC METHOD

I plan to write a book about Community Theater in undocumented communities. My ethnographic work has shown me that there are other groups of immigrants writing and performing plays in the United States. I have not yet fully engaged the research or literature in depth about the long tradition of the use of theater as a means for social transformation, but I am excited about pursuing that work once I graduate. In this Conclusion I open an initial door of inquiry by reflecting upon my own experience doing Community Theater as an ethnographer.

In the words of Michael Rodd (1988: 4), “Community Theatre allows us to converse with our souls – to passionately pursue and discover ways of living with ourselves and others. We are all artists, and theatre is a language. We have no better way to work together, to learn about each other’s differences, to heal and to grow.”¹¹²

Many theater techniques and movements –participatory theatre, interactive theatre, theatre in education, theatre of the oppressed, outreach theatre, theatre for development– engage reflectively with performers and audience alike, inviting all to participate in an active dialogue about identity, politics and the human condition. Like

¹¹² For Roberta our *obra* was a healing exercise. In recounting and replaying her story and her experience of abuse, she came to terms with her work accident: “the play helped me understand what happened to me. When we started the project I was in a lot of physical pain and I was angry about how I was treated and about my situation, but replaying the accident again and again made it better. And now my experience can be useful to educate our community.”

these other forms, Community Theater's storytelling focus lends itself to collective healing and to pedagogical opportunities for everyone to be both teacher and student.

According to Philip Taylor (2003:1), Community Theatre is "an applied theatre form in which individuals connect with and support one another and where opportunities are provided for groups to voice who they are and what they aspire to become."

Community Theater is therefore a way to relate to one another as we imagine alternative futures –a "medium through which storytellers can step into the perspectives of others and gain entry points to different worldviews" (Ibid). Echoing Antonia's definition of ethnography as "putting yourself in someone else's shoes," we may see theater as an ethnographic method.

Indeed, there is something to be said about the importance that roleplaying can have in the ethnographic practice as an embodied experience of being an other: All the hours that I spent surrounded by *jornaleras* and practicing for the play, imagining I was Julia, an undocumented immigrant working in a ranch, certainly helped me gain an entry point into the perspective of a *jornalera*. For example, Roberta was afraid for her life in the ranch, and I understood that feeling better as we replayed that scene (see Appendix, Scene Three), wherein my character Julia helps Mirian escape. The experience of roleplaying when doing our *obra* –be it practicing or performing the play– was for me an embodied way of doing ethnography. It was about relating to the other and learning about the other through performance.

Roleplaying is also a great way to break the ice. In my years working in Freehold as an ethnographer and organizer I learned about the importance of helping interview subjects or community members relax and build trust. As a white skinned middle-class

Latin American, it was challenging for me to approach people in Freehold and ask them about their lives. Working at *Casa Freehold* helped because people came to us and trusted us with their problems of their own volition, but walking up to *jornaleros* at *La Vía* and gaining their trust always required a lot of time and patience. We worked at *La Vía* for two years and sometimes people still were distrustful of us and our intentions. Doing theater with people made it easier to break the ice. We shared many laughs while practicing for and writing our *obra*. We were all equals there, creating something new. It was not about hierarchies or about extracting knowledge from the community, it was about connecting to one another and writing something that would empower immigrants in Freehold. We all knew that we were telling these stories to connect with the broader community and talk about an intersection of issues that many immigrant workers deal with in the United States today. And I learned a lot about the life of undocumented immigrants in Freehold just from hanging out together and preparing our play.

Community Theater was also about learning each other's deep views through the experience of brainstorming, writing and rewriting together. This is exemplified in one of my field notes discussing our process (see Appendix, Scene One and Scene Two):

It is April 2014. We meet in *Casa Freehold* at 3pm. Roberta and Antonia are here, and so are Leonel and Angelina. Daniel is traveling and Efraín had to work. We all agree with our previous comments on our draft of scene one, which I recount. So Mirian and Manuela will now meet in the waiting room at the hospital. We will also emphasize the Biú story more, say that Mirian refused to take the pill. We will say that Manuela used a fake name when she went to the hospital, and we will say that Mirian's *patrón* said that she doesn't work for him when the hospital called him. Roberta says it is important for her that we talk about what happened when she returned to the ranch and was threatened by her *patrón*. So Mirian will not be fired at the hospital like we originally wrote, but she will return to the ranch and scene two will pick up from there. Finally, we decide that we want to have someone talk about the rights of the worker between scenes.

As we wrote our play, we learned about what undocumented women themselves felt was important to portray about their own situation, and we followed their directive as we went through the different iterations of our script. What we represent in the play is what the people who participated in the project thought was important to represent in a message to the Freehold undocumented community. Apart from Daniel, Antonia's daughter and me, all of the participants were *jornaleras* and *jornaleros*, and their voices are represented in this play.

Below I will examine the story of the *obra* and explore its many intersectional themes as it narrates the story of "Mirian," an undocumented woman who suffers a work accident and becomes a community organizer. It highlights the experience of women, particularly *jornaleras* (only one of the characters, William, the boss, is a man), and it stresses the importance of organizing with the community and educating people about their rights.

The first scene (see Appendix, Scene One) deals with Mirian's accident at the ranch. The narrative at this point is identical to Roberta's life story, described in Chapter Three. This scene deals with work accidents, which Antonia, Roberta, Daniel and I studied as part of our Freehold project.¹¹³ We identified work accidents as one of the main problems within the immigrant community in Freehold. As exemplified in the first scene of the *obra*, many times immigrants do not receive proper training or safety equipment in their jobs and this results in a large number of work accidents. Once people have an accident they are usually not taken to the hospital. We found this to be the case for many of the people who came to *Casa Freehold* after a work accident.

¹¹³ This was one of Daniel's research topics. We did dozens of interviews with people who suffered accidents, and also some with lawyers and immigrant advocates.

The scene also portrays the way in which many immigrant workers are treated in their jobs. We interviewed over a hundred *jornaleras* and *jornaleros* for our project; we heard many stories of abuse on the part of employers. That reality is represented in the play: Mirian is expected to work despite her injury and she is given medicine usually provided for horses, sickening her further. The fact that this is all coming straight from Roberta's recount of her accident makes it all the more powerful. The scene speaks to the dehumanization of immigrant workers –particularly women– in this country.

The second scene (see Appendix, Scene Two) is set in the hospital. Once Mirian finally makes it there, she meets Manuela who also had a work accident and is considering giving a fake name at the hospital as instructed by her *patrón*. This is a real concern for undocumented immigrants who have work accidents: if they are taken to see a doctor they are told to give fake information to the attendants. Mirian and Manuela also talk about the reasons why they came to the United States, leaving their children behind, and pursuing the American Dream. Finally, the scene describes how Mirian's boss denies that she works there when the hospital calls him. This is also not an uncommon practice: as we saw in Chapter Two many people in this country think that undocumented immigrants have no rights and act accordingly.

Talking about the American Dream in this part of the *obra* was important to Antonia. As we saw in the previous chapter, in her ethnographic practice she asked people to talk about their American Dream, and she discovered that for many people the dream is about providing a better life for a family that is far away. Here we also bring up the fact that both Manuela and Mirian are single mothers, and even though one of them is from Guatemala and the other from Mexico they share the pain of being separated from

their children. They also both had work accidents, so they share the risks associated with working as *jornaleras*.

In the third scene (see Appendix, Scene Three) Mirian escapes from the ranch. It comes directly from Roberta's account of her own escape. In it William, the *patrón*, tells Mirian that she is nothing but a mosquito and he threatens her life because he does not want her to go to his insurance company. In the end, Mirian escapes with the help of Julia, another *jornalera* while she sings a song that Roberta wrote especially for the part:

Le doy gracias al Señor que está en el cielo
Que me dio otra oportunidad
De estar siempre en esta tierra linda
Aunque soy discriminada de verdad
De estar siempre en esta tierra linda
Aunque soy discriminada de verdad

Inmigrante así soy y así he sido
Pero siempre así he de luchar
Y aunque sufra yo un día triunfare
Con mi Dios al frente yo voy a ganar
Sí, yo soy inmigrante, pero tengo mi valor
Sí, yo soy inmigrante, pero tengo mi valor

Caminé yo por el desierto
Diez días yo no comí.
Atravesé las fronteras y me escapé de morir
Atravesé las fronteras y me escapé de morir
Sólo Dios que esté en el cielo
Un ángel mandó por mí

Sólo Dios que esté en el cielo
Un ángel mandó por mí
Sólo Dios que esté en el cielo
Un ángel mandó por mí
Sólo Dios que esté en el cielo
Un ángel mandó por mí

[I thank the Lord who is in heaven
Who gave me the opportunity
To be in this beautiful land
Though it's true I'm discriminated against

To be in this beautiful land
 Though it's true I'm discriminated against

An immigrant, who I am and always will be
 That's how I'll always fight
 Though I suffer someday I'll triumph
 With God leading the way I will win
 Yes, I'm an immigrant but I have value
 I'm an immigrant but I am brave

I walked across the desert
 For ten days and didn't eat
 I crossed borders and escaped death
 I crossed borders and escaped death
 Only God who is in heaven
 Sent an angel for me

Only God who is in heaven
 Sent an angel for me
 Only God who is in heaven
 Sent an angel for me
 Only God who is in heaven
 Sent an angel for me]

In this song Mirian expresses gratitude to God to be in this country, despite the discrimination she is subjected to every day. Singing that yes, she is an immigrant but she is valuable and she is brave, Mirian reclaims her humanity in the face of dehumanization and death. By drawing attention to the other time she faced death, when she was crossing the border, Mirian makes a connection between her work accident and her experience as an undocumented woman. Only God saved her when she crossed and only God will save her now. This faith in God –be it within the Catholic or Protestant churches– is something that I encountered every day in Freehold. Many immigrants believe that it was God who helped them cross the desert, and that it is God who is keeping them from being deported and, as we saw in the previous chapter, faith has been an important channel for their organizing.

Scene four (see Appendix, Scene Four) is a window into Mirian's life in Guatemala. In it we meet her three daughters living in Ciudad de Guatemala, who all of the sudden find themselves with no means of subsistence because their mother had a work accident and can no longer send money home. The scene deals with the pain of separation that so many immigrants go through every day because they leave their children or their loved ones behind. In a jacket that Mirian sends home, too small for her youngest daughter to wear, the play symbolizes all the important moments that immigrants miss with their children when they come to work in the United States. The scene deals with an invisible part of work accidents: how many times they affect immigrants' families back in their homeland. When Jenny, Mirian's older daughter considers dropping out of school and coming to the United States, the play speaks to the reality experienced by millions of people across Latin America who feel that their only chance of successfully providing for their family is to migrate here.

In scene five (see Appendix, Scene Five) we follow Mirian as she goes to *Casa Santa Rita*, an immigrants' rights organization and discovers she can sue her employer. We also learn in this scene that Mirian needs an operation that she cannot access because her employer is still denying that she ever worked at the ranch, so his insurance will not cover the operation. Eventually Mirian starts working at *Casa Santa Rita* as a volunteer and Manuela comes to say goodbye. She has decided to go back to México after her *patrón* offered her \$1,000 cash to leave the United States. In this scene the play portrays a dilemma that many injured immigrants face in the United States: should they stay and try to access the healthcare system or should they return home? Many of them, like Manuela, cannot even work anymore, so at some point staying becomes unaffordable. Mirian was

lucky because Lucinda, the director of *Casa Santa Rita* let her stay at her place. She is also lucky because, unlike Manuela, she gave her real information at the hospital so now she has a legal case against her employer.

This is when the educational aspect of the play really starts to shine through. As discussed previously, many immigrants are surprised when they come to *Casa Freehold* and discover that they can sue their employers for things like wage theft or work accidents. Many immigrants buy into the mainstream belief that undocumented people have no rights in this country, when the reality is that as workers they do have rights and can go to the courts to fight for these rights regardless of their immigration status.¹¹⁴

Another takeaway from this scene is that it is key to give one's real information to the hospital after having a work accident; otherwise no legal procedure is possible afterwards. This is tricky because many undocumented immigrants use fake names to work –either because they have fake papers, because they are using someone else's real papers, or because they want to protect their identity, immigrants may use more than one name. As a result, arguing that they should use their real information when attending an institution such as a hospital is controversial.¹¹⁵ However, because our play is about the rights that undocumented people have as workers, and because to access those rights people must give their real information, we decided to include that in our *obra*.

Scene six (see Appendix, Scene Six) takes place in front of the court where Mirian's case is being decided. There is a crowd supporting Mirian and she wins her case. Her employer has to pay for her treatment and also for her lost wages until she

¹¹⁴ Since as I write this undocumented immigrants are now being arrested in court when presenting themselves for non-immigration related matters, this advice may necessarily change in Donald Trump's U.S.A.

¹¹⁵ This too is feedback that is likely to change under Donald Trump.

recovers. Mirian sings a song about Manuela who has died in Mexico due to complications related to her injury (we were not planning to kill Manuela in the story until Roberta wrote the song). Lucinda summarizes the rights that immigrants have as workers in the United States, and the curtain falls on a crowd chanting, “Indocumentados sin miedo!” [Undocumented, Unafraid!]. This is when we used our imagination to portray a future we wished to see. In real life Roberta did defeat her *patrón* in court, and did get her operation as well as monetary compensation from her employer’s insurance company, but there was no demonstration in front of the Court House. There have been other similar demonstrations, though, and we drew from them, especially the chant *indocumentados sin miedo!* [undocumented, unafraid!], which is how we close the *obra*.

This last scene speaks to the importance of community organizing for immigrants’ rights. As Mirian and Lucinda both say in the play, united we are stronger and united we can stand for our rights. That for me is a major lesson of my dissertation. Over the course of this journey I came to understand how the whole discourse on Liberal rights is white supremacist and patriarchal, but I also learned that when people fight for their rights they are fighting for their humanity. So their version of “human rights” is ultimately not the Liberal one.

All in all, what I learned about being in solidarity with undocumented immigrants through the writing and production of our play, I would not have been able to learn through traditional methods of scholarship or research. We implemented other types of ethnographic work on the topic of work accidents and around the undocumented immigrant experience generally, and we also learned much through that exercise. But through artistic collaboration with various members of the community, I contacted a

different part of myself, one that allowed me to relate to others from a standpoint of equality, empathy and better understanding.

FINAL THOUGHTS

Under President Trump the definition of "criminal alien" has been expanded such that almost anyone who is undocumented can be considered a criminal. Undocumented parents who fear deportation are flooding immigration advocates with requests for help in securing care for their children in the event they are deported from the country, and stories about ICE raids fill immigrants' rights organizations' social media. Three days ago, Daniela Vargas, a 22-year-old undocumented immigrant who came to this country at age 7 and was protected under DACA before her deferral expired last November, was arrested by ICE in Mississippi, after speaking to the media about her family's detention. She is set to be deported without a court hearing. Two days ago, immigration agents deported José Escobar, a father of two U.S. American children who has been here since he was 15 and had a temporary reprieve from deportation and no other criminal record. These arrests are part of a wave of detentions across the country after the Trump administration released the new guidelines for immigration enforcement discussed in the Preface, making people like Escobar and Vargas, who had a provisional protection from deportation, eligible for removal.

Times are changing. It was bad under Obama but it is worse under Trump.

I believe that the presidency of Donald Trump changes my work in two important ways: First, through the resurrection of Secure Communities and the expansion of the 287(g) Program (as explained in the Preface), local law enforcement agencies are likely to increase their enforcement of federal immigration law. As a result, immigrant

illegality will increasingly be produced at the local level through the use of federal laws. Local police will detain people for the offense of being a suspected undocumented immigrant, not just for riding a bicycle on the wrong side of the street. What is more, through Secure Communities local and federal law enforcement are conflated: The local police officer stops the Latin American-looking person for riding a bike on the wrong side of the street and then runs her information through the ICE database; if she is a “hit” then she is detained and turned over to ICE. So immigrant illegality is still mostly being produced at the local level through the enforcement of ordinances, but now there is an increasingly direct link between immigration officers and local police.

Second, one of the main conclusions that we reached in our Freehold project with Antonia, Daniel and Roberta is that undocumented people have rights and can go to court to demand those rights if they decide to do so. However, under Trump, undocumented immigrants have been detained by ICE when attending court for non-immigration related matters. The risk of being detained when using the legal system was always there, but in the era of Donald Trump that risk has heightened. What that means for the immigrants’ rights movement in the United States remains to be seen, but I know that many undocumented immigrants in this country –including Roberta and Antonia– will refuse to be pushed into the shadows. And (as shown by the protests that erupted across the U.S. after the “Muslim Ban”) the unmistakable anti-immigrant doctrine of this administration will call on many Trump resisters to join the immigrants’ rights movement.

When I first arrived in Freehold in 2011 I was planning to study the law. I wanted to write about biopower, specifically about the interiorization of the border and the increasing surveillance of Latin Americans in this country. After all the coursework, the

exams, the many iterations of this monograph, I have indeed come to a better understanding of the interior border and of the production of immigrant illegality. I have also become an immigrants' rights organizer, and there is no better time to be an organizer than today.

APPENDIX

AN UNDOCUMENTED WOMAN WITH RIGHTS¹¹⁶

Produced by Casa Freehold and Teatro Sin Papeles

Scene One

On stage there's a sign that reads "STABLE" and two chairs. The curtain is closed and we hear a horse whinny. Then, JULIA screams in the dark

JULIA: Let goooo of the horse! Release it!!!!

MIRIAN: Ayyyyyyy!!!!

The curtain opens and we see MIRIAN on the floor and hear a horse galloping away. JULIA runs to MIRIAN

MIRIAN: Aaaaayyyyyyyy!!!!!!!!!! It hurts so much, I can't get up!!!!

JULIA: Doña Mirian!! Are you okay?? I saw when the horse stepped on you. Let me help you. Sit on this bench.

They walk together to the bench

MIRIAN: Julia, look at my leg! Somebody please call a doctor.

WILLIAM enters with AUDELINA

WILLIAM: Everyone back to work! This is nothing. This is what happens when you're careless! How many times have I told you to hold the horse tight? All of you are really useless!

He touches MIRIAN's leg.

WILLIAM: There's no fracture. Worse things have happened to me working with horses. No need to go to the hospital.

Looking significantly toward JULIA and AUDELINA

WILLIAM: And we certainly don't need to call an ambulance, you hear me? You know that if the ambulance comes, they will send you to *the migra*. And no one wants *the migra* to come.

WILLIAM leaves with JULIA. MIRIAN stays on the bench with AUDELINA

¹¹⁶ This play was originally written and performed in Spanish. I translated it for a book on decolonial ethnography that I am writing in collaboration with Daniel, Antonia and Roberta.

AUDELINA: Stay calm Doña Mirian, accidents like this happen here all the time. Everything's gonna be fine.

MIRIAN: And if not? We are totally isolated on this ranch, and you heard Don William say that it's forbidden to call for an ambulance.

JULIA enters

JULIA: Don William says that you should put this ice on it and swallow these pills to take away the pain.

She gives some pills and a bag of ice to MIRIAN

MIRIAN: ¿What kind of medicine is that?

JULIA: It's for horses. It's called Biú. Take two. This will take away the pain.

MIRIAN refuses to take the pills

AUDELINA: I have taken Biú sometimes. Don't worry. It will help.

MIRIAN: *(Taking the Biú)* I would like to go to the hospital...

WILLIAM: *(From afar)* Julia !! Audelina !! Back to work now. This isn't break time!

JULIA: *(Looking at MIRIAN)* Everything's gonna be fine Doña Mirian. Just sit here until I come back for you.

MIRIAN: Where will I go? I can't move.

JULIA and AUDELINA leave the stage. The curtain falls

LUCINDA comes to the stage and reads:

These are the worker's rights: First. Every worker, regardless of immigration status, must be paid at least the federal minimum wage. Anyone who works overtime must be paid at least one-and-one-half-times the regular rate of pay.

LUCINDA leaves the stage

We hear a horse whinny. The curtain opens and we see William. MIRIAN enters with JULIA

WILLIAM: Mirian you're late! You have to be here at 5 am and it's almost 6!

MIRIAN: This horse medicine makes me sleepy Don William. Besides, the effect only lasts a moment. I can't remain standing for long. I've been trying to work for days, but I can't do it!

WILLIAM: You have to exercise! That's what you're missing. It's been five days since you fell and you only go around complaining. You know that if you can't work there are many others who would want your place.

JULIA: But don't you see her leg all swollen and inflamed? She can barely keep up!

WILLIAM: This happens when you work with horses. Mirian, people have come to visit you. I already told you that no one can come. You understand me? NO ONE. We let the workers live on the farm here, but we are not a hotel.

WILLIAM leaves the stable. JULIA touches MIRIAN's forehead

JULIA: Doña Mirian, you have a fever, look! You're trembling all over. Let me look at your leg.

MIRIAN rolls up her pants and JULIA looks at MIRIAN's leg

JULIA: Doña Mirian, you have an open wound! It looks like a bad infection! I think your life is in danger. I don't care what Don William says, I'm taking you to the hospital.

The curtain closes

LUCINDA comes to the stage and reads:

These are the worker's rights: Second. All employers must comply with OSHA, the Occupational Safety and Health Act, which requires employers to provide their employees with work free from health and safety hazards. Employers must ensure a safe workplace for all of their employees, regardless of immigration status.

LUCINDA leaves the stage

Scene Two

The curtain opens. MANUELA and MIRIAN are sitting side by side. There is a sign with a red cross, which tells us we are at the hospital

MIRIAN: This pain... My God. I don't know what to do... and I'm afraid *the migra* may come for me.

MANUELA: Please keep your voice down, I saw the police outside a while ago and I don't want problems with Immigration.

MIRIAN: What am I going to do?...

MANUELA: Tell me about your life. What is your name? Do you have family?

MIRIAN: Yes. My name is Mirian. I have three daughters, now alone in Guatemala. I worked there making natural medicines, but the money wasn't enough to afford the home, school, plus the cost of college. My oldest daughter Jenny wants to be an engineer. What's your name?

MANUELA: I'm Manuela. I'm from Mexico. I left my five children there. Like you, I came here to earn more so they'd have a better life.

MIRIAN: How long have you been here?

MANUELA: Ten years, you?

MIRIAN: I arrived here in New Jersey four years ago, and I worked for three years on the horse farm before my accident.

MANUELA: So terrible. Where does it hurt?

MIRIAN: The whole left side of my body hurts... from my neck to my leg ... This is the second time I've been to the hospital. The first time a friend brought me and I got an injection. They also prescribed pain medication. But it hasn't helped me. I can't work!

MANUELA: And your boss, what does he say?

MIRIAN: Ha! He's a terrible boss. He wasn't even going to let me go to the hospital! If I were to tell you...

MANUELA: I can imagine...

MIRIAN: I'm waiting for my friend to take me back to work. Why are you here?

MANUELA: I had an accident too. I was working in a factory and some shelves fell on my back. I think I broke my leg. It hurts a lot. My employer brought me to the hospital this afternoon and went home. He told me to give a false name and to say that I fell in my house. I did so because I'm afraid that they'll ask for my papers otherwise.

MIRIAN: What are you going to do?

MANUELA: I think I'll go to the Casa Santa Rita. It's a place near here where they help people like us.

MIRIAN: Casa Santa Rita. Hm, it sounds familiar ...

A DOCTOR enters with JULIA and interrupts them

DOCTOR: Mrs. Mirian, we have a problem. We called the phone number you gave us for where you work, and there they tell us they do not know who you are. They say that no women work there. We need someone to pay your bill at the hospital. As your accident was at work, your employer insurance should cover your expenses. But if you have no employer, you yourself have to cover the expenses.

MIRIAN: How could I not work there?? Of course I work there. How else would a horse step on me? Let me talk to my boss. Hopefully it's a misunderstanding.

DOCTOR: It's okay. But you need treatment and we cannot treat you until the misunderstanding is resolved.

The DOCTOR leaves. Manuela puts her hand in MIRIAN's hand

MANUELA: Good luck Doña Mirian.

MIRIAN: Good luck Doña Manuela.

The curtain closes

LUCINDA comes to the stage and reads:

These are the worker's rights: Third. All employers must provide workers with safety equipment for hazards faced in their jobs. Employers can be fined for not providing proper equipment to all workers, regardless of immigration status.

LUCINDA leaves the stage

Scene Three

A horse whinnies. The curtain opens. There is the "STABLE" sign and the two chairs. MIRIAN enters with crutches. WILLIAM is in the barn

WILLIAM: MIRIAN! What are you thinking? How could you give my name and this phone number at the hospital? Do you know the terrible damage that you've caused me? I told you clearly not to give my name at the hospital.

MIRIAN: *Patrón* forgive me, but when they asked how the accident happened I had to answer. And then they asked your name so your insurance could cover my expenses.

WILLIAM: Show me your green card and I cover your expenses! Or do you want me to call *the migra*? Look Mirian: I will not allow you to slander me. I absolutely forbid you from talking to anyone, receiving visits, or leaving this farm. You're nobody. I could kill you like you were a mosquito, you understand me? You're nobody.

WILLIAM storms out. JULIA enters

JULIA: Mirian, Don William is furious! I heard what he told you just now, I believe your life is in danger. The patron wants to kill you. You have to escape

MIRIAN: My God, what am I going to do? I can't even walk.

JULIA: Hide in the back barn. I'll distract Don William. In a few minutes, I'll smuggle you out of here.

MIRIAN sits next to the benches. JULIA leaves the barn

MIRIAN: The *patrón* says I'm nobody, that I'm worthless. But I have my dreams, I have my music...

A track plays. MIRIAN sings her song "I Thank the Lord Who Is in Heaven"

I thank the Lord who is in heaven
Who gave me the opportunity
To be in this beautiful land
Though it's true I'm discriminated against
To be in this beautiful land
Though it's true I'm discriminated against

An immigrant, who I am and always will be
That's how I'll always fight
Though I suffer someday I'll triumph
With God leading the way I will win
Yes, I'm an immigrant but I have value
I'm an immigrant but I am brave

I walked across the desert
For ten days and didn't eat
I crossed borders and escaped death

I crossed borders and escaped death
 Only God who is in heaven
 Sent an angel for me

Only God who is in heaven
 Sent an angel for me
 Only God who is in heaven
 Sent an angel for me
 Only God who is in heaven
 Sent an angel for me

JULIA enters silently

JULIA: *Lifting her fingers to her lips Shhhhh.*

JULIA helps MIRIAN get up and they both leave the stable silently. The curtain closes.

LUCINDA comes to the stage and reads:

These are the worker's rights: Fourth. All employers must provide workers with proper training for any job they are asked to perform. Training must be provided in a language that you understand. Employers can be fined for not providing proper training to all workers, regardless of immigration status.

LUCINDA leaves the stage

Scene Four

The curtain opens on a house in Guatemala City. ADRIANA (8 years old) and LUCY (15 years old) are sitting at the dining room table. A sign reads "GUATEMALA CITY." JENNY (18 years old) enters the house carrying a medium cardboard box

JENNY: I was finally able to talk to mom today.

DAISY: What happened?

JENNY: She had an accident at work. She told me not to say anything so you wouldn't worry. But we've got to stick together and support our mom.

DAISY: And what did she say? Is she okay?

JENNY: She has a lot of pain in her back and leg, and now she needs to find a place to live. She can't stay on the farm where she was working...

DAISY: What is she going to do?

JENNY: We'll talk about that later. Today we got this! *Notes box* Christmas gifts from mom!!

ADRIANA: Yesss!! Presents!! But Christmas was a while ago!

DAISY: I'd told Mommy not to send gifts for us and to buy things for herself...

JENNY: You know how it is, Daisy, she's in the United States to give us a better life.

They put the box on the table and open it

ADRIANA *Taking out a cell* A cell phone!

JENNY: Yes. It has a screen so we can talk to her and see her! Do you like it Adriana?

ADRIANA: Yesss!!!

ADRIANA *Taking out a jacket from the box and trying it on* This is very small for me...

JENNY *Helping her take off the jacket* Yes, it is small... that's because you're a big girl now! You've grown a lot since mom left. Give me your jacket, we can give it to the daughter of Doña Aurelia.

ADRIANA: Mommy doesn't know how big I am now? *Taking a doll from the box*

DAISY: Of course she does! But when she left you were very small, and children grow fast. When talking with her next we'll ask for a bigger jacket so she'll know how much you've grown.

ADRIANA *Looking the doll* Nah, don't say anything about the jacket. I don't want her to be sad. Can I go play with my doll??

JENNY: Go play!

ADRIANA exits through a door into another room of the house. JENNY and DAISY continue talking at the table.

DAISY: So what happened to Mom?

JENNY: Actually, I didn't quite understand. The connection was bad. I know she can't work, Daisy. She says maybe she'll return here...

DAISY: But who's going to cure her here? They must help her at work.

JENNY: So I told her... But she is very worried. Not for her, for us, Daisy. Mommy is not going to be able to keep sending us money. Not for a long time until she can work again.

DAISY: What are we going to do?

JENNY: Tomorrow I will go to college and withdraw my tuition. I'll talk with Doña Aurelia and I will ask her to give me work.

DAISY: You're going to leave college and go work as a seamstress?

JENNY: There's nothing else to be done. We have to pay for the house, your and Adriana's school. You know we have to maintain a stable home for her. I've been thinking... If it takes a long time and mom can't work, maybe I can go to the United States... so I could have a job that pays me in dollars and send enough money for home and school for you both.

DAISY: And I'd stay alone with Adriana?

JENNY: There are times when the only thing left to do is to go to the North...

ADRIANA enters the dining room with the doll

ADRIANA: I love my doll! Come play!!

JENNY hugs ADRIANA

JENNY: Let's play then!

The three leave the dining room. On a chair, the too-small jacket remains. The curtain closes

LUCINDA comes to the stage and reads:

These are the worker's rights: Fifth. All workers, regardless of immigration status, are entitled to receive workers compensation benefits in case of an injury or death on the job. In the state of New Jersey, the employer or its insurance company must pay for the workers' medical treatment, temporary disability benefits in place of wages lost, and benefits for permanent disability.

LUCINDA leaves the stage

Scene Five

The curtain opens. There is a desk with a chair in front, and a sign on the wall that says "CASA SANTA RITA". LUCINDA sits at the desk. MIRIAN sits on the chair in front.

MIRIAN: Thank you very much for seeing me, Doña Lucinda! I met Doña Manuela in the hospital and she sent me here. She said that maybe you can help me.

LUCINDA: Yes, that's what we're here for! To help each other in the immigrant community. I remember when I came to this country, I had nothing. It was thanks to the community that I could overcome my struggles. United we achieve more. *She gets a desktop folder and opens it*

LUCINDA: When we talked on the phone you told me you had a work accident a few weeks ago and had to flee. Have you spoken to a lawyer yet?

MIRIAN: My friend took me to a lawyer, but the lawyer wants to charge me \$500 before doing anything. I don't have money. But my back still hurts a lot. At first it was my leg, but now it especially hurts here. *She touches her left shoulder*

LUCINDA: We're going to take you back to the doctor then. You can also consult a good lawyer who works with us. You have rights in this country, even without papers. Where are you living?

MIRIAN: I had to flee from the farm. I don't have a house. I'm staying at a friend's place in Lakewood. But she shares her home with two other families, so I don't know how long I can stay there.

LUCINDA: Everything will be OK now. You can stay at my house until you find something.

Curtain closes.

LUCINDA comes to the stage and reads:

These are the worker's rights: Sixth. All workers, regardless of immigration status, are entitled to receive workers compensation benefits in case of an injury or death on the job. In the state of New Jersey, the employer or its insurance company must pay for the workers' medical treatment, temporary disability benefits in place of wages lost, and benefits for permanent disability.

LUCINDA leaves the stage

Curtain opens. We can see two chairs and the red cross hospital sign. MIRIAN is seated in one chair. The doctor is at her side.

MIRIAN: Doctor, please tell me what I have. It's been eight months since my accident, but my back hurts so much that I can't walk.

DOCTOR: We now know what happened to you Mirian. You're injured in your spine. You need a transplant of the fourth disc.

MIRIAN: They're going to operate? When can I work? I can't send money to my daughters, and my elder one wants to come over here.

DOCTOR: Yes, we will schedule surgery. It will take you several months to be able to walk properly. But your employer still denies that you previously worked on his farm. He will not pay any expenses. You also have a debt to the hospital from the first time you came when the horse stepped on you. We can't move forward until you pay your debt. You can go home in between.

MIRIAN: But I do not even have enough to live! I've survived on Doña Lucinda's charity for months now, and I've only been able to save a small amount of the money they give me singing songs out there on the streets.

DOCTOR: There is Charity Care for those who cannot pay, but it does not cover everything. I don't know what else to tell you....

Curtain closes

Curtain opens again on the sign on the wall for "CASA SANTA RITA"

MIRIAN is sitting at the desk with a neck brace. She can barely move. MANUELA is sitting across from her next to a pair of crutches. She also has trouble moving and her leg is immobilized. LUCINDA is behind them on the phone.

MIRIAN: But what are you going to do in Mexico Doña Manuela! Your leg is still not right!

MANUELA: Doña Mirian I'm tired. Tired of fighting. The lawyer says he can't keep helping me because I gave a false name when I arrived at the hospital and now the judge does not believe anything I say about my accident. My employer has offered to pay the return ticket to Mexico plus about \$1,000 in cash.

MIRIAN: But that's just why you should stay! He's offering the ticket and cash because he knows that in the end he'll pay you a lot more for the accident.

MANUELA: But unlike yours, my employer was uninsured.

MIRIAN: It does not matter that he has no insurance! That's his problem. The law says that any employer must have insurance and if he does not then he will personally have to pay you. Be patient Doña Manuela... Who will heal you in Mexico? The state? Ha! What will you do if you cannot work because of your leg? If you go, your case will be closed and all will be lost.

MANUELA: I cannot bear this situation any longer. I have spent almost a year without work and my family needs me to send money. This afternoon I leave for Mexico. I came to say goodbye to you and wish you luck in your recovery.

MIRIAN gets up with great effort and MANUELA also stands with effort. MIRIAN walks over to her and hugs her. LUCINDA approaches and hugs them too

MIRIAN: Go with God Doña Manuela.

Manuela leaves

LUCINDA: Mirian, I spoke again with your lawyer. Finally the court has accepted the case, and there will be a trial against your former employer.

MIRIAN: It is possible that the U.S. court will support me? I have no papers or visa, would they support me against a citizen, white and rich, who speaks good English?

LUCINDA: It shouldn't matter, Mirian. Everyone has rights in this country. However, to pressure the judge, prior to trial we will organize a demonstration in front of the court.

MIRIAN: Hopefully the judge will be fair.

Curtain closes

LUCINDA comes to the stage and reads:

These are the worker's rights: Seventh. A worker cannot be fired for reporting a safety violation or workplace hazard to OSHA. All workers, regardless of immigration status, have the right to request an OSHA inspection when facing a danger at work.

LUCINDA leaves the stage

Scene Six

The curtain rises. Several people are demonstrating in front of the court. They carry banners with messages demanding that the court support migrants and support Mirian. There is a crowd of people. LUCINDA asks them to listen

LUCINDA: Ladies and gentlemen, thank you for coming to support our compañera Mirian, who suffered a serious injury several months ago. Her employer does not want to pay her medical expenses, and Mirian has not been able to get the surgery she needs to heal. Today, with the help of Casa Santa Rita and our friend the lawyer, we expect the results of the trial to decide the case.

People shouting, supporting, applauding

LUCINDA: Now, let me introduce you to the person who has suffered so much for being an undocumented immigrant in this country. Mirian, please.

People applaud. MIRIAN approaches

MIRIAN: Thanks to all those who have supported me today. I'd like to sing something, if I may. This song is about a friend named Manuela. We met at the hospital, both injured in work accidents. I remained here to demand my rights, while Doña Manuela returned to Mexico to be with her family. Yesterday, I received news that Manuela died in Mexico from medical complications related to her accident. This song, called *Las Accidentadas* [Injured Women] is dedicated to her memory.

MIRIAN sings and a track plays

I will tell you the story
Of a special lady
Whose name was Manuela
We met at the hospital
We were both injured
And wanted to get well

Manuela didn't give the hospital
Her real name
Nor her home address
Her boss had forbidden it
She lost all her rights
For agreeing to lie

Her boss also told her
Accept this money

I'll buy your ticket
 To go back home
 I'll buy your ticket
 To go back home

It wasn't too long ago
 And now Manuela is dead
 Farewell dear Manuela
 Today we tell you goodbye
 Farewell dear Manuela
 Today we tell you goodbye

And her boss has no idea
 Of what's happened to her
 May God take this injustice
 Into account
 May God take this injustice
 Into account

We see LUCINDA talking on her cell phone. People applaud. Once Mirian finishes, LUCINDA approaches once again, excited

LUCINDA: Mirian, I just talked to your lawyer. You won! You won your case!!!

MIRIAN: My God, is it possible?

LUCINDA: Under the law, any worker, female or male, is entitled to healthcare in case of an accident in the course of their work. No matter if you are a citizen or immigrant.

JULIA: Then, the employer must pay the expenses?

LUCINDA: Yes, Julia. The employer must pay all medical expenses, including debts from the first hospital visit. In other words, you can have your surgery.

Much applause

MIRIAN: Wonderful!!

LUCINDA: In addition, the employer must pay the full amount of lost wages while you are disabled.

MIRIAN: I have to call my daughters! Jenny does not have to come to the United States, she can go back to college! Thank you very much, Doña Lucinda. None of this would have happened without the help of Casa Santa Rita.

LUCINDA: But justice should be so, Mirian. It doesn't always work. Many suffer for their accidents, and then are victimized a second time by the police, the immigration office and the court. They do not help, but rather harm them for being undocumented. Everyone here is always at risk. However, the law says that everyone who works in this country, regardless of immigration status, has certain rights in common:

- the right to be paid minimum wage and overtime
- the right to a safe and healthy workplace
- the right to safety equipment and training
- the right to medical care and compensation in case of an injury or death on the job
- the right to report violations of their rights to OSHA, without fear of employer retaliation

MIRIAN: It is important that we have the courage to demand these rights. They will not give them to us if we don't fight.

EVERYONE: Undocumented, Unafraid! Undocumented, Unafraid!

All embrace, while the lights go out

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