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THE RACIAL CODING OF LATINX SUBJECTIVITY IN THE DEBATE SURROUNDING ARIZONA'S SB 1070

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Arizona Senate Bill (SB) 1070, “The Support Our Law Enforcement and Safe Neighborhoods Act,” is a controversial immigration law proposed and passed in 2010 that evinces a profound racial coding to obscure animus for Mexican and Mexican-American persons (Archibold 2010). Through a rhetorical analysis of the law and Governor Jan Brewer’s speech about the law, I use rhetorical criticism to explain the ways in which policymakers can be racist while not mentioning race. Such investigations into anti-Latinx (and specifically anti-Mexican and anti-Mexican-American) communications are important because immigration will remain at the forefront of political, philosophical, and economic discussions for the foreseeable future (Chávez 2009).

Arizona Governor Jan Brewer used racial coding to promote negative racial attitudes toward Latinx persons generally, and Mexicans and Mexican-Americans specifically, which also allowed many Arizonans to support this legislation while obfuscating their racial animus. Racial coding is a process by which individuals express negative sentiments about a racial group while using seemingly racially neutral language. Racial coding can be as obvious as references to “those people” or as complex as using language about “high crime areas” or “urban areas” when what really means is Black neighborhoods. This immigration debate occurred on the backdrop of mass incarceration (Alexander 2010). There has been a natural nexus between increased policing of migrant populations and the prison profitters that benefit from more people entering the penal system. The prison system needs criminals after all, and migrants provide a convenient scapegoat for the country’s faults. Ultimately, what is at stake is the subjectivity of Latinx immigrants, regardless of immigration status, as these lines are often blurred as in the construction of the criminal body (Muhammad 2011). If Latinx persons are understood to be nothing more than criminals or potential criminals, then their experiences in the world and knowledge of themselves will always be criminalized, wrong, and dangerous. That can take an exacting toll on a person.

Racial coding also depoliticizes the border, rendering the border not as a site of racial animus, political debate, or violence but as an apolitical space that has little bearing on subject formation (Andreas 1998/1999). By delegitimizing the border, anti-immigrant forces resist its appropriation as a site of contestation. While some antiimmigrant groups speak of “closing the border” or “protecting the border,” others speak of “making the country safe,” “protecting the country,” and “making sure people in the country follow the country’s laws.” The last three ideas erase the border as a site of contestation.

My texts for this analysis are both Arizona SB 1070 and Arizona Governor Jan Brewer's speech after signing the law. While fidelity to the many circulating texts surrounding the SB 1070 debate is important, to understand the state's position, I focus on two texts as opposed to the related commentary. This is to argue that analyzing both the law and Governor Brewer's speech after signing the law provides the best method for constituting the official state rhetoric about immigration reform and policing.

Racial coding is a powerful rhetorical strategy (Sciullo 2019) to garner support. This racially coded speech allows lawmakers and the public to support seemingly neutral ideas like order and safety, while implicitly endorsing policies designed to police bodies of color. Fear of colored bodies has, of course, been theorized by a range of scholars (Fanon 2008; hooks 1990, 1999; Rose 1991) who have argued that coloration and difference undergird the politics of race and fear. Coding this speech makes it easier to promote racist policies comfortably.

Racial coding is an entrenched rhetorical strategy used to mask racialized politics in a way that makes the expression of racist viewpoints acceptable. It has been commonly associated with the United States' political Right as a political strategy to express racial animosity in socially acceptable ways (Omi and Winant 1994). Furthermore, racial coding appears in discussions as diverse as school shootings (Giroux 2000) and financial markets (cummings 2011). Racial coding has tremendous utility for those wishing to express racist ideas covertly.

Identifying racial coding is, naturally, difficult. There are no easy answers nor are there methodologies that will always uncover all uses of racially coded rhetoric. I understand Arizona SB 1070 as more likely than not to contain racially coded rhetoric because its focus is immigration. Immigration has long been a site of racism and the rhetoric of race (Flores 2003; King 2000; Levasseur et al. 2011). Garrett Epps (2012) has argued that SB 1070 is specifically about race, and that we should understand this immigration policy with respect to its effect on "brown-skinned people, citizens or not." Thus, SB 1070 becomes about race because it must be. That is, the border is racialized as are the politics of immigration, so when immigrants enter the country and encounter law enforcement, this space is always already a racialized space.

Racial coding is common in political rhetoric, particularly surrounding immigration (Foley 2010). Being cognizant of this coding helps to unveil these messages for what they are: policies directed at specific racial groups under the guise of some laudable policy prerogative—crime prevention, national security, freedom, safety, etc. Sometimes racial coding takes an even more nuanced guise, obscuring Black or Latinx persons as "minorities" (cummings 2011). These forms of racial coding are particularly pernicious because they garner some attention as being discriminatory, but not enough attention as they remain policy-based. In part, therefore, cummings (2011) has called racial coding a "dirty little myth." Indeed, such policies fall into the trope of color-blind racism, hailed by some on the Right as the real way to address race in society: by denying it (Omi and Winant 1994). Color-blind racism and racial coding rest on underlying racist assumptions (Carr 1997) that race does not matter or that racism has already been addressed sufficiently. Color-blindness in the SB 1070 saga is evident and has had a disparate impact on Latinx communities (Johnson 2012).

ARIZONA SENATE BILL 1070'S POLITICAL LANDSCAPE

Arizona provides a rich context from which to analyze the racialized politics of immigration. Politically, Arizona is conservative. Racially, it has a large white majority that controls much power and a growing Latinx population, mostly Mexican and Mexican-American.

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Arizona is also home to infamous sheriff Joe Arpaio, known for his aggressive tactics and inhumanity toward incarcerated individuals (Arrocha 2010/2011; Jiménez 2012; Romero 2011). Stephen A. Nuño (2010) described the complex context into which SB 1070 was born:

Latinos in Arizona are quite young, averaging twenty-five years old, while the Non-Hispanic white population is in their electoral prime, forty-four years old. Combined with Latino's higher birthrates, Latinos are simply pushing Non-Hispanic whites out the back door and the institution is fighting back, as hopeless as it is. (n.p.)

It makes sense, then, that SB 1070, a bill designed to strictly enforce immigration policies, would be so contentious. In a 2010 poll, however, seventy-one percent of Arizonans supported the legislation (Thornborough 2010). The perceived consequences of an increasing Latinx population are erosion of white Arizonans' political and cultural power, which is obviously perceived as threatening to many whites. Although the basis for these fears is problematic, one can understand how a threat to one's power may be worrisome, but the corresponding fear of immigrants qua criminals is hardly a path forward.

The major proponent of Arizona SB 1070 was the American Legislative Exchange Council (ALEC), a nonprofit advocacy group whose membership includes large corporations and lawmakers, including, at the time, a major prison company, Corrections Corporation of America (CCA). ALEC drafted model legislation that it hoped states would copy when drafting new prison legislation. Arizona did just that in the form of SB 1070. Of the bill's thirty-six cosponsors, the majority received sizable contributions from the prison industry (Hartney and Glesmann 2012). Financial incentives often play large roles in elections and lawmaking, as many of the country's lawmakers remain beholden to wealthy elites. It is impossible to divorce politics from money in contemporary society. The law coincided with a dramatic rise in the prison business. Private prisons accounted for eight percent of all prisons and over fifty percent of all federal immigrant detention facilities around the time of the bill's passage, and Arizona's involvement with private prison companies is extensive (Hartney and Glesmann 2012).

As a result, SB 1070 has been subject to intense criticisms and protests (Kilgore 2011; Waisanen 2012). Hartney and Glesmann (2012) argue that the bill garnered aggressive responses from immigrant groups, Latinx and Asian voters, and some businesses. Simply put, the bill had much more far-reaching consequences than supporters likely intended, namely threatening the lucrative business convention industry prominent in Phoenix. The law threatened a substantial economic impact for Arizona. If all undocumented immigrants were removed from Arizona, then "the state would lose \$26.4 billion in economic activity, \$11.7 billion in gross state product, and 140,324 jobs" (Hartney and Glesmann 2012:10).

SOCIAL INSECURITY AND RACIAL CODING IN THE RISE OF THE PRISON-INDUSTRIAL COMPLEX

Immigration debates are highly rhetorical, concerning power relations, informed by a latticework of competing ideas, and often infused with partisan vitriol (Aguila 2011). "Tough on crime" advocates will argue that laws like Arizona's are necessary and criticize those who oppose them. These criticisms fail under close examination. First, the economics of

immigration detention simply do not add up (National Immigration Forum 2010, 2012; Rubenstein 2012). Second, the politics of immigration and mass incarceration are in fact bound together (Kilgore 2011). Third, the prison industry is a complex capitalistic enterprise (Hartney and Glesmann 2012). Regardless of what one thinks about the utility of prisons, immigration laws like Arizona's are expensive and benefit certain industries at the expense of many others. Because of the close link between immigration policy and prisons, immigration provides a focal point for the study of racism, and SB 1070 provides an important point to engage ideology and immigration policy's material effects (Stevens and Stovall 2010/2011). SB 1070 was modeled in other states, suggesting the legislation's far-reaching impact. Social insecurity maps onto the immigration debate. As described by Nuño, the fear of a rising Latinx population is a fear of social insecurity. That fear, however, was unspeakable. It is difficult to be openly racist in society despite what Twitter and Facebook feeds might suggest. There are increasingly fewer places where it is socially acceptable to use racial epithets, decry the evils of a certain racial group, or make fun of the struggles of various groups, for example.

Racial coding has a long history; it is not a modern invention (cummings 2012), and several scholars have studied it closely. Racial coding in the SB 1070 debate often involves discussions of the benefits of or need for more stringent immigration laws including "enforcing the law" and "secure our borders" rhetoric (Johnson 2012). Gendzel (2013) has analyzed former California Governor Pete Wilson's antiimmigrant rhetoric, but not for racial coding, indeed his use of "illegal immigrants" may be a form of il/legal coding, but does not address the ways in which such coding could be racialized. Rhetorical studies scholars have spent much time explaining the ways in which mass media influences the construction of immigrants (Brooks and Sowards 2013; Demo 2005, 2007; Flores 2003; Shah 1999; Sohoni 2006; Streitmatter 1999), and the ways media often portrays immigration as in conversation with crime, reproducing stereotypes (Kim et al. 2011). Furthermore, Stevens and Stovall (2010/2011) argue that appeals to "safety," "freedom," and "law and order" may help solidify action of those representing the majority, but, in the context of racially marginalized people, the call for "freedom" or "safety" rings hollow. For example, the Donald Trump presidential campaign and presidency were predicated, in part, on the criminality of Latinx peoples (Anguiano 2019; Gabbatt 2015). Thus, immigrants and criminals are linked, and Latinx immigrants always lose in this lattice work of criminality discourse.

A RHETORICAL ANALYSIS OF ARIZONA SB 1070

SB 1070 is a twenty-one-page document, seventeen of which are the law itself, containing thirteen sections. Section one describes the law's intent. By beginning here, one may understand the law's racial coding for there can be no better statement of a law's purpose than the codified intent of the legislation. The second sentence in this section describes the legislature's intent "to make attrition through enforcement the public policy of all state and local government agencies in Arizona" (SB 1070 §1). The phrase "attrition through enforcement," in the context of immigration, means aggressive immigration law enforcement. This phrase is itself an example of coding because it erases the individuals affected by this phrase rendering law enforcement color-blind. Furthermore, there is no emphasis on the newness of the law. "Enforcement" implies something to enforce, yet this law created a new enforcement regime that was radically different from Arizona's previous immigration policies (Eagley 2011). "Attrition through enforcement" is shorthand for "new, strict anti-immigration law."

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This sentence also includes the phrase “public policy” instead of “immigration policy.” “Public policy” is coded language for immigration policy, thus erasing any anti-immigrant animus. By including “public” in the policy objective, the legislature conveys its public devotion while also signaling a specific anti-immigrant public. One might think of this invocation of the word “public” as racialized euphemism, which has long been used to obscure meaning and intent (Burke 1984). Indeed, euphemism is often used in racial contexts to politically marginalize racial minorities (Loewe 2007).

The next sentence of the law’s intent further demonstrates the **coding at work**: “The provisions of this act are intended to work together to discourage and deter unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States” (SB 1070 §1). “Policing” is not mentioned, nor are “immigrants.” “Discourage” and “deter” appear instead of the clearer “arrest” or “detain.” Furthermore, the intent’s vagueness allows for a range of possible government actions to “discourage” and “deter.” Perhaps the clearest signal that racial coding is at work is the phrase “persons unlawfully present in the United States.” In Arizona, this phrase could only mean Latinx people, and constitutes these persons as lawbreakers. Indeed, it is the defining characteristic of these persons. This suggests that rather than Mexicans, Arizonians are dealing with criminals because of their “unlawful presen[ce].” This wording shields mention of Mexican-ness, by declaring opposition to criminality and not Mexicans.

Jan Brewer (2010) delivered a speech upon her signing of SB 1070 that extensively uses racially coded rhetoric as well. She begins the speech by thanking those present and indicating that what is being done is “protecting the state of Arizona.” “Protection” is coded language. We know not from what or whom the people of Arizona are being protected. Nor do we know how they are to be protected. One cannot, however, disagree with the importance of protection. She continues by describing the present situation as a “crisis” and one that the “federal government has refused to fix.” This crisis is “caused by illegal immigration and Arizona’s porous border.” The joining together of illegal immigration and Arizona’s border indicates that Brewer is discussing Mexican immigrants. To be sure, there is a fair amount of conflation going on in Jan Brewer’s statements. For Brewer, it does not seem to matter much what distinctions exist between Mexicans and Latinx populations writ large, nor between Mexicans and Mexican-Americans. Such inaccurate use of the various terms used to represent Mexicans and Mexican-Americans has been common for at least 15 years (Rodriguez 2006). This, then, leaves room for conversations about the specific coordinates of Brewer’s racial coding. In some ways, it is virtually impossible to know exactly what Brewer means or which segment of a diverse Latinx population the Governor may be most concerned about. While Arizona’s Latinx population is predominantly Mexican and Mexican-American, one cannot be sure if the Governor harbors animosity toward all Latinx immigrants or if her animosity has a singular focus.

Instead of arguing that the law is new and severe in its consequences, Brewer argues that the law “strengthens the laws of our state.” This suggests that the law does nothing new but instead makes existing laws stronger. The use of “our” is further coded language for “not their.” The “their” established previously in the speech is Mexican immigrants. She argues that the law “protects all of us, every Arizona citizen and everyone here in our state lawfully.” While one might argue that illegal immigration is a problem, “illegal immigration” appears only four times in the speech, suggesting that while certainly an important legal issue, more is being done with this legislation than attempting to curb illegal immigration. Again, Brewer resorts to a dichotomy of “us,” “citizen[s],” and “everyone here in our state lawfully” versus the unspoken “them.”

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There are several omissions from Governor Brewer's remarks that also suggest racial coding. There are no references to "Mexico" or "Mexicans." While Governor Brewer stated, "I will NOT tolerate racial discrimination or racial profiling in Arizona," the American Civil Liberties Union of Arizona (2008) has concluded that racial profiling of "Brown" persons, Latinx people, is alive and well in Arizona. Tellingly, Brewer makes her argument using racially coded words such as various forms of "protect" and "safe," as well as invoking "rights." Who could argue with the principles of protection, safety, and rights? The most common word other than articles and conjunctions is "law." Again, the appeal to law is racially coded because it fails to address who is allegedly breaking the law and what affects this new law will have on any group of persons. Toward the end of her remarks, Brewer claims, "I believe Arizona, like America, is governed by laws." Here she invokes America, which often means the United States and not the other countries in America. The implication is that Mexico is not governed by laws and that the Mexican people are lawless or law-breakers. Arizona is positioned as exemplary of the lawful and law-abiding United States and its people. The immigrant other is the unspoken violator of law.

Governor Brewer (2010) focuses on the color-blind strategy of preventing "violence" and "crime." There is no racial component to violence and crime. Despite Johnson's (2012) claims of disparate impact, the Governor stated that she is only concerned with preventing crime and violence. This color-blind strategy is used to mute criticism and make the legislation more palatable. This coding is strategically deployed to advance the racial agenda of the Arizona legislature and Arizona's governor, which is to disempower Mexican and Mexican-American people in Arizona, while rallying white people to oppose these populations as dangerous and unassimilable.

CONCLUSION

Omi and Winant (1994) argue, "by noticing race we can develop the political insight and mobilization necessary to make the U.S. a more racially just and egalitarian society" (p. 159). This laudable goal ought to guide our rhetorical analysis of immigration policy. A rhetorical analysis of anti-Latinx racial coding better allows us to understand pernicious, contemporary forms of veiled racism. Arizona SB 1070 and Governor Jan Brewer's remarks upon signing the bill into law are exemplary texts that reveal racial coding in immigration debates. Racial coding is an important strategy used to pursue racially discriminatory ends, and we ought to continue paying attention to immigration debates in the United States where policing and racism combine with worries about foreign-born people into a storm of racist fears that shape the United States.

SUGGESTIONS FOR FURTHER READING

Haney Lopez, Ian. 2015. *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism & Wrecked the Middle Class*. New York, NY: Oxford University Press.

Lopez, Gerardo. 2016. "The Sneaking Language Today's Politicians Use to Get Away with Racism and Sexism." *Vox*, February 1. (<https://www.vox.com/2016/2/1/10889138/coded-language-thug-bossy>).

National Education Association. 2021. *Racial Justice in Education*. Washington, DC: National Education Association.

MULTIMEDIA RESOURCES

- Vincent Hutchings on Racial Coding in American Politics, <https://www.youtube.com/watch?v=xabaQqAjg4o>
- Jaime Kingston, “Bismuth” and Steven Universe’s Racial Coding Problem, <https://womenwriteaboutcomics.com/2016/08/steven-universe-100-bismuth-undermined-by-racial-coding/>
- NBC Sports, Steph Curry’s Subtle Racism, <https://www.nbcsports.com/bayarea/warriors/steph-currys-subtle-racism-remark-magnifies-flagrant-racial-coding>

DISCUSSION QUESTIONS

1. What other coded language is used to refer to identity groups? Coded language is not used only when referencing racial and ethnic groups but also other groups.
2. Racial coding is not only the practice of lawmakers but also of others in charge. Can you identify racial coding on campus or in your workplace?
3. What exactly is the fear behind a rising Latinx population? Is it as simple as white people losing political power, or is there something more to this fear?

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